

TOWN OF STERLING

PERSONNEL BY-LAW



Inclusive of ATM May 16, 2011
Articles 16,17,18 and 19
uploaded to the website Sept 27, 2011

**TOWN OF STERLING
PERSONNEL BY-LAW**

**History: Amended ATM May 16, 2011 Articles 16,17,18,19; Amended ATM May 17, 2010
Article17; Amended ATM May 11, 2009 Articles 8,9,10;**

**PREAMBLE
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The policy of the town of Sterling is to provide equal employment opportunity to all candidates for employment or appointment and administer working conditions, benefits, privileges of employment, training, advancement, upgrading, promotion, transfers and terminations of employment for all employees without regard to race, color, veteran status, religion, national origin, sex or age, physical and/or mental handicap or sexual preference.

SECTION 1. AUTHORIZATION/AMENDMENT

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, the town of Sterling establishes plans which may be amended from time to time by vote of the town at a Town Meeting:

- a. authorizing a Classification Plan classifying positions in the service of the Town other than those filled by popular election, those under the jurisdiction of the School Committees, those covered by collective bargaining agreements with the Town, those within the Municipal Light Department, and those in which the incumbent tenders contractual services which are not provided during regularly established working hours, into groups and classes doing substantially similar work or having substantially equal responsibilities;
 - a. authorizing a Compensation Plan for positions in the Classification Plan;
 - b. providing for the administration of said Classification and Compensation Plans; and
 - c. establishing certain working conditions and fringe benefits for employees occupying positions in the Classification Plan.

The Classification Plan and/or Compensation Plan or any other provisions of this By-Law may be amended by vote of the Town at either an Annual or Special Town Meeting. No amendment shall be considered or voted on by Town Meeting unless the proposed amendment has first been considered by the Personnel Board and the Finance Committee. The Personnel Board, of its own motion, may propose an amendment to the plans or other provisions of this By-Law based on its findings resulting from its investigations. The Personnel Board shall report its recommendations on any proposed amendment to the Finance Committee and the Board of Selectmen. The Personnel Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

SECTION 2. PERSONNEL BOARD

A. MEMBERSHIP

There shall be a Personnel Board consisting of five (5) members appointed by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Personnel Board shall be responsible for the administration of this by-law including any classification and compensation plans. The membership of the Board shall be made up of residents of the Town who are neither employees of the Town, nor appointed or elected officials of the Town. Members should have a working knowledge of personnel practices and procedures in a municipal or corporate work setting. All members of said Board shall be residents of the town and shall serve without compensation.

TOWN OF STERLING PERSONNEL BY-LAW

Except when an appointment is made to serve the balance of an unexpired term, each member of the Personnel Board shall serve for a term of three years. Appointments shall be made in such a fashion that they will expire on June 30th of a given year. Each member shall continue to hold office until their successor has been appointed and qualified. Members of the Personnel Board serving upon the effective date of this By-Law shall serve until the expiration of their respective terms. Upon the expiration of such terms members shall be appointed for successive three-year terms by vote of the Board of Selectmen, the Moderator and the Finance Committee as specified above.

If a member resigns or a member's office becomes vacant by removal from the Town, or any other cause, their successor shall appointed for the balance of the unexpired term of such member by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Town Clerk shall have sole authority to determine if a person has moved out of town or a position is otherwise vacant. A member may be removed from the Personnel Board at any time, with or without cause, by vote of the Board of Selectmen, the Moderator and the Finance Committee in the same manner as appointments are made.

B. ORGANIZATION

The Personnel Board shall organize annually, as soon as possible after July 1st of each year, at the call of the then Chairman, or lacking a Chairman any member of the Board, and shall elect a Chairman and appoint a Secretary from among its members. The Chairman shall hold office until a successor has been elected. In the event a vacancy occurs in the office of the Chairman, the Personnel Board shall elect a successor Chairman from among its members, such successor to serve until the next organizational meeting of the Personnel Board and until a successor has been elected. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this By-Law. In the event that a bare quorum of the Board only is present, there must be a unanimous vote.

C. ADMINISTRATION

The Board shall administer the Personnel By-Law, Classification Plan, and the Compensation Plan and shall establish such procedures as it deems necessary for the proper administration thereof.

The Human Resources Administrator, as agent of the Personnel Board, shall maintain records of all employees in the service of the Town, other than those under the jurisdiction of the School Committees, or those within the Municipal Light Department, including therein such information as required by law or as deemed desirable by the Personnel Board. Said records shall be under the control and direction of the Human Resources Administrator. Department Heads shall furnish such information as shall be requested by Human Resources Administrator on behalf of the Personnel Board.

The Human Resources Administrator, as agent of the Personnel Board, shall provide a copy of the Personnel By-Law or a summarization thereof, to each new employee and Department Head. The Human Resources Administrator shall provide a copy of the Personnel By-Law or a summarization thereof, to each department. Each department head will have a copy of the Personnel By-Law available for reference at all times.

D. AUTHORITY

The Human Resources Administrator, from time to time, will review the work of all positions subject to the provisions of this By-Law and shall recommend any changes or adjustments to the Classification Plan or the Compensation Plan for action by the Personnel Board. Such reviews shall be made at such intervals as the Board deems necessary and, to the extent which the Board considers practicable, shall include all occupational groups in the Classification Plan.

The Board, with the recommendations of the Human Resources Administrator based on an evaluation of the latest Benchmark Study data and after meeting with the appropriate department head or

**TOWN OF STERLING
PERSONNEL BY-LAW**

supervisor, shall have the authority to adjust individual employee classifications within the context of the By-Law whenever duties change and inequities exist.

On or before December 10th of each year, the Personnel Board shall vote to retain or change the Classification Plan or the Compensation Plan for the forthcoming year, subject to the subsequent ratification of its action by formal amendment of that section of this By-Law at the next Annual Town Meeting.

In addition, the Personnel Board shall make an annual report in writing to the Board of Selectmen and the Finance Committee on or before the first Monday in February of each year, including recommendations on any matters related to the Classification or Compensation Plans which the Personnel Board deems appropriate to be considered by the town.

The Board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefore.

SECTION 3. APPLICATION OF PERSONNEL BY-LAW

This By-Law shall apply to all Town Departments and to all positions of all employees in the service of the town, whether full or part-time, temporary, seasonal, special, casual or any other type of employment, other than those positions which are filled by popular election, those under the jurisdiction of the School Committees, those within the Municipal Light Department, and those positions which are covered by separate agreements between any employee or Association of Employees and the town developed through Collective Bargaining. If any agreement between an employee or Association of Employees and the town does not address any item addressed in Section 10. B, C, and D, then the provisions of Section 10. B, C, and D shall apply to those employees.

SECTION 4. DEFINITIONS

As used in the By-Law, the following terms shall have the meaning indicated:

- a. Absence - Any time an employee is not at work during a scheduled work period.
- b. Administrative Authority - The elected or appointed official or Board, Committee, Commission, or other Agency having jurisdiction over a function or activity.
- c. Appointing Authority - Any person(s), Board, Committee, Commission, or other Agency who has the right to hire or discharge employees.
- d. Casual Part Time Employee - Any employee hired for less than 20 hours each week or for irregular or occasional employment at an hourly rate or a fee. Also an employee who renders personal service in a position calling for part-time employment and which service, although constituting continuous employment, is not rendered during a prescribed schedule of working hour, daily, weekly or annually, but is rendered according to the demands for such service.
- e. Class - A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees.
- f. Classification Plan - Class specifications and titles approved by the Personnel Board and appearing as attached to these By-laws.
- g. Compensation Grade - A range of salary or wage rates appearing in the Compensation Plan.
- h. Compensation Plan - Specified rates of pay for each job classification included in the Classification Plan, appearing as attached to these By-laws.
- i. Continuous Service - Length of employment with the town of Sterling, uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, disability,

**TOWN OF STERLING
PERSONNEL BY-LAW**

maternal/paternal leave, or any other authorized leave of absence, if applicable and covered in the terms of this By-law.

- j.** Department - Any Board, Committee, Commission, other agency of a functional unit (or sub-unit) of the town.
- k.** Employee - Any person who is paid by the town for services rendered to the town, excluding elected officials, independent contractors, Municipal Light Department employees, Police Department matrons and persons under the direction of the School Committees.
- l.** Functional Units of Municipal Government - A grouping of occupational groups or classes by type of municipal services rendered (i.e.), General Government - Executive and Administrative duties; Public Safety - Protection of life and property; Public Utilities - Development, operation and maintenance of public property and facilities; Education - Instruction and related support and administrative functions; Human Services - Health, Youths, Elders, Veterans, etc. functions; Culture and Recreation - Library, Parks and Recreational facilities and functions.
- m.** Group or Occupational Group - A group of classes designated by occupation within one of the major functional units of municipal government.
- n.** Job Classification - A particular job title within the Classification Plan.
- o.** Maximum Rate - The highest rate in a compensation grade which an employee normally is entitled to attain.
- p.** Minimum Rate - The lowest rate in a compensation grade; normally the hiring rate of a new employee.
- q.** Position - An office or post of employment in the Town service with duties and responsibilities calling for full time, part time, temporary or seasonal employment of one person in the performance and exercise thereof.
- r.** Probationary Period - The first full six months of employment for a full time, part time, or casual part time employment shall be considered a probationary period. An employee during this probationary period shall be considered an employee at will. During the probationary period, an employee will be required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which they were appointed. At any time during a probationary period, the Town may terminate an employee without the requirement of a hearing, although notice of the reason(s) will be provided upon request.
- s.** Range - The dollar difference between minimum and maximum rates for a particular compensation grade.
- t.** Rate - A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.
- u.** Regular Full Time Employee - Any employee who is employed no less than forty (40) hours per week, 52 weeks per year for the department or position in which that person is employed.
- v.** Regular Part Time Employee - Any employee who works at least 20 hours or more each week for 52 weeks per year, but less than a normal work week for the department or position in which that person is employed.
- w.** Single Rate - A rate for a special, temporary or seasonal position for which there is no range.
- x.** Step Rate - A rate in a range of a compensation grade.
- y.** Temporary or Seasonal Employee - Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or specified limited amount of time not exceeding six calendar months; either on a full time or part time basis.
- z.** Town - The Town of Sterling, Commonwealth of Massachusetts.

**TOWN OF STERLING
PERSONNEL BY-LAW**

SECTION 5. CLASSIFICATION PLAN

A. MANDATORY CLASSIFICATION

No person shall be appointed, employed or paid as a Town employee in any position under the Classification Plan and Compensation Plan under any title, grade, or salary other than that of the class, title, grade, or salary listed in the Classification Plan and Compensation Plan for that position.

B. EMPLOYEE CATEGORIES

All positions subject to the provisions of the Personnel By-law of the Town shall fall into one of the following categories:

- a. Regular Full Time
- b. Regular Part Time
- c. Casual Part Time
- d. Temporary or Seasonal

Regular Full Time and Regular Part Time employees are the only employees eligible for employee benefits.

C. ALLOCATION AND NEW POSITIONS

The Personnel Board may allocate each position subject to the provisions of the Classification and Compensation Plan to its appropriate class and pay grade. Whenever a new position is established, or the duties or allocation of an existing position are changed, the Personnel Board, with the recommendation of the Human Resources Administrator and Department Head, shall allocate such position to an appropriate class and pay grade.

A new position or change in classification can only be effective if the Town Meeting approves the new position or change and provides funding.

The Personnel Board shall afford reasonable opportunity to be heard to any employee or any Department Head affected by the establishment of a new position or any change in classification.

D. HIRING AND RE-CLASSIFICATION

The following procedure shall be used when hiring employees for or filling regular full time and regular part time positions covered by this By-law. This procedure may be used when hiring employees to fill casual part time, seasonal or temporary positions.

1. A job description must be on file with the Human Resources Department and approved by the Personnel Board prior to the announcement of any job opening.
2. The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans.
3. All announcements concerning job openings, vacancies, or promotions of positions, shall be posted internally on the Town Bulletin Board, any appropriate worksite bulletin board and the Town website for ten (10) days prior to advertisement of the position. The posting shall include wording that the posting is an internal job posting and that an Internal Posting of a position does not in any way restrict the Town from hiring any qualified candidate, whether internal or external.
4. After internally posting the job for 10 days, if the job is not to be filled by an internal candidate, then the job opening must be published in a local publication of record and any other publication designated by the Personnel Board and must be posted on the Town website, any other website designated by the Personnel Board, and the Town Hall bulletin board at least ten (10) days prior to the job being filled.

All announcements concerning job openings, vacancies, or promotions of positions, shall be posted on the Town Bulletin Board. Such postings shall include but not limited to the following:

- a. Job title
- b. Pay rate in accordance with the Compensation Plan approved by the Town Meeting and on file in the Human Resources Department

**TOWN OF STERLING
PERSONNEL BY-LAW**

- c. Summary statement of duties
- d. Direction on where and how applications may be filed
- e. Deadline for filing application
- f. Contact Person
- g. EEO/AA

Job applicants will not be discriminated against on the basis of race, color, veteran status, gender, age, sexual preference, religion, national origin, physical or mental handicap.

Records of all job applicants must be retained by the Human Resources Department for a period of one (1) year after the job was filled, in the event that a case charging hiring discrimination is brought against the Town. The application of the person hired will be filed in the employee's personnel file.

A Payroll Change Authorization with the required approvals will be submitted to the Town Accountant and the Town Treasurer prior to issuance of a voucher for a new employee or a voucher including pay rate change for an incumbent employee.

Funding for a new position must be approved by Town Meeting vote prior to advertising said position.

No employee may be reclassified to a position in another group, either higher or lower, until the Personnel Board determines that, in consultation with the Human Resources Administrator, such a reclassification will be consistent with the provisions of the Compensation Plan.

E. JOB DESCRIPTIONS AND INTERPRETATIONS

The Human Resources Administrator shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written or amended in consultation with the appropriate Department Head or supervisor and the Human Resources Administrator and shall be approved by the Personnel Board prior to becoming effective. The descriptions should include definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board may amend such job descriptions from time to time at its discretion after consultation with the appropriate department supervisor or Board and the Human Resources Administrator. The heads of departments shall be required to retain copies of current approved job descriptions for said departments.

The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any administrative authority as otherwise existing, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

F. CLASS TITLE

The title of each class, as established by the Classification Plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

No administrative authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan.

G. WORK WEEK

The normal week for a regular full time employee shall be forty (40) hours. The Department Head, with the approval of the Board, Committee, Agency, or Commission responsible for the Department and of the Personnel Board, will establish and post permanently on the Department bulletin board the regular working hours for all employees of that department. The normal lunch period will not be a paid period.

**TOWN OF STERLING
PERSONNEL BY-LAW**

SECTION 6: COMPENSATION PLAN

The compensation provided for in this section shall be subject to the availability of appropriated funds.

A. PAY AND SALARY SCHEDULE

The Compensation Schedule annually approved by the Town Meeting and appended to this By-law shall consist of hourly rates, where appropriate, and annual salaries, on a grade and step schedule except for those wages that are presented as either a single rate or range. The weekly pay period begins at 12:01AM on Monday and ends at 12:00 Midnight on the following Sunday. The Town may adopt a bi-weekly pay period as provided by applicable Massachusetts law.

B. PAY RATE FOR NEW AND CONTINUING PERSONNEL

The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a higher rate up to step **3** without prior approval of the Personnel Board where the employee's prior work experience, training, or education warrants such action. The Board may approve any request for a higher salary step after investigating such requests for assignment to a higher salary step, and conferring with the Human Resources Administrator, and the immediate supervisor or the department head relative to any assignment to a higher rate. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step **3**.

The head of each department of which an employee occupying a position in the Classification Plan is assigned shall include in his/her estimates, required by provisions of Section 59 of Chapter 41 of MGL, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year, and shall furnish a copy thereof to the Personnel Board.

C. TRANSFERS AND PROMOTIONS OF EMPLOYEES

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$.10 per hour for a position class assigned to the Compensation Plan, the adjustment shall be to the next step.

No employee shall receive an increase to the next increment of his compensation grade for successfully completing his/her probationary period.

Any employee who has successfully completed his/her probationary period or has received a promotion and adjustment in rate pursuant to the provisions of this sub-section shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of his/her probationary period.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.

Before a step rate increase or promotion change is initiated by the Department, there must be adequate funds available in the Department's budget to cover the requested increase.

Any classification in the Compensation Plan for which only one rate is indicated shall not be eligible for step rate increases.

During a probationary period, an appointing authority may terminate any employee whose performance is not satisfactory.

D. "PERSONAL RATE" ABOVE MAXIMUM

Any salary rate which is above the maximum rate for a job as established by this plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another job or a new maximum higher than the personal rate is

**TOWN OF STERLING
PERSONNEL BY-LAW**

established, the personal rate shall disappear. No other employee assigned to, or hired for, such a job shall advance beyond the maximum of the job.

All offers of employment and individual employment agreements shall be in accordance with the provisions of the Personnel Bylaw unless any provision is waived by a vote of the Personnel Board and all such offers and agreements shall not be effective until reviewed by the Human Resources Administrator and approved by the Personnel Board, to insure compliance with the personal bylaw of the Town of Sterling.

E. TEMPORARY ASSIGNMENTS, INTERIM APPOINTMENTS

Positions may be temporarily filled as a result of promotions, resignations, terminations, demotions or transfers, if it is required by law or is in the best interest of the Town. In the event of a temporary filling of a position, the employee so appointed shall receive the rate in the compensation grade of the vacant position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$0.10 per hour, the adjustment shall be to the next step in the grade. If and when the employee reverts to their previous position, the employee shall revert to their previous step and grade. In the event that there has been an across the board step increase, the employee then will revert to the appropriate step that reflects the across the board increase. The Personnel Board may consider special circumstances in assigning pay rates for these actions.

F. PHYSICAL EXAMINATION

An appointing authority in consultation with a Department Head, Supervisor, Human Resources Administrator and, if necessary, the Personnel Board may decide if a specific classification in the Classification Plan should require a physical examination satisfactory to the Town. Such exam may be part of a “conditional offer of employment” or it may be a “fitness for duty” examination. In such cases, the examining physician shall be appointed by the Town and the examination shall be at the expense of the Town. The examining physician shall advise the Town as to whether, in their opinion, the applicant is physically qualified to perform the duties of the position for which application has been made.

G. STRAIGHT TIME HOURLY PAY

The compensation paid an employee per the Compensation Plan for each hour worked during the work week shall be their regular straight time hourly pay. In those instances in which the hourly earnings are not specified in the Compensation Plan, the straight time hourly pay is calculated by dividing the weekly rate by the work week hours. For salaried position, straight time hourly pay is calculated by dividing the weekly compensation by the work week hours of that area in which the employee works.

H. OVERTIME

Any hours, or portions thereof, authorized by the department head and worked by a non-exempt or hourly employee in the service of the Town over and above forty (40) hours for the work week, shall be considered overtime. For purposed of calculating overtime, holiday pay and vacation pay shall be considered as hours worked.

Regular full-time non-exempt or hourly employees must be paid at the overtime rate for all hours worked beyond 40 hours in a work week. Except in the case of an emergency, overtime must be pre-approved by the Appointing Authority and their budget must have funds available. Overtime shall be compensated to all non-salaried or non-exempt employees, at one and one half times straight hourly earnings. No employee will receive compensatory time. Salaried or exempt personnel shall not be paid overtime.

In accordance with the FLSA, the Town has adopted a 7-k exemption by establishing a 28 day work period for police and fire personnel. For all other employees covered by this by-law, the town has established 7-day work period commencing on Monday at 12:01 AM.

**TOWN OF STERLING
PERSONNEL BY-LAW**

I. CALL BACK PAY

When full-time employees, except salaried or exempt employees, are requested to return to work after completing their normal day's work, and work less than four hours upon their return, they shall be compensated for no less than two hours.

SECTION 7: DISCIPLINARY ACTION

The Town recognized that all of its employees have high standards. However, there are times when it may be necessary to discipline individual employees. The Town believes that discipline should be used only when warranted and with the utmost concern for the individuals involved.

Therefore, the following so-called "progressive disciplinary procedure" shall be followed for non-serious violations:

- Step 1. The supervisor will give the employee an oral warning.
- Step 2. The supervisor may issue a written warning to the employee with a copy being placed in the personnel file depending upon the severity of the offense committed.
- Step 3. Additional infractions will result in more severe disciplinary actions being taken, up to and including suspension.
- Step 4. Further infractions will result in the recommendation to the Personnel Board that the employee be terminated.

At any step in the disciplinary procedure, an employee may, at their discretion, appeal to the Personnel Board.

The progressive disciplinary procedure will be by-passed for, but not limited to, the following:

- insubordination,
- theft of Town or another employee's property,
- falsification of time records,
- imbibing alcohol on the job,
- use of an illegal substance on the job,
- fighting while on the job, and
- disclosure of confidential matters.

After one year following disciplinary action, if there has been no further disciplinary action, the Department Head and the Human Resources Administrator will make a joint determination to, either remove the record from the personnel file, or retain it for a specified longer period. If the record is retained, the employee may appeal this action to the Personnel Board.

SECTION 8: GRIEVANCES AND APPEALS

- Step 1. Any employee who believes that they have received inequitable treatment because of some condition of their employment may appeal for relief from that condition. An employee must discuss the grievance initially with their direct supervisor. Then, if the matter is not settled, the employee should submit said grievance in writing to the department head. The department head shall respond in writing, within fourteen calendar days. If the employee's department head is also the immediate supervisor, he/she should proceed to Step 2.
- Step 2. If the employee feels that his/her grievance is still unresolved, he/she may appeal to the Personnel Board within fourteen calendar days after receiving the decision of the Department Head. The Personnel Board may require a written statement from the aggrieved employee in such form and containing such information as they may require. The Personnel Board shall schedule a hearing to resolve the grievance and give notice to all parties including Department Heads of said hearing within fourteen calendar days of the employee's appeal. After the close of the hearing, the Personnel Board shall render a decision within 28 calendar days of the hearing.

**TOWN OF STERLING
PERSONNEL BY-LAW**

SECTION 9: REDUCTION IN FORCE (RIF)

In the event that, for reasons of economy, it becomes necessary to reduce the number of employees under the Personnel By-law, the town of Sterling, in determining which of its employees are to be terminated, will take into consideration the qualifications of such employees, the quality of their past performance and their seniority as employees of the Town. Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are substantially equal, employees will be terminated in the order of reverse seniority as employees of the department.

An employee whose employment date with the Town is the same as another employee shall be terminated upon the Department Head's evaluation of each employee's overall work performance.

Employees whose employment is to be so terminated will be notified in writing of such termination no later than May thirty-first of the work year (fiscal year) at the end of which their employment is to be terminated.

Employees, whose employment is so terminated, will be considered for reemployment by the Town in the inverse order of their termination during a period of one (1) year from the effective date of their termination, if they inform the appointing authority in writing of their desire to be considered.

An employee, who is re-employed by the Town within said one (1) year period after termination under the provision of this Section, shall have the unused sick leave accumulated at the time of termination restored.

SECTION 10: EMPLOYEE BENEFITS

Employee benefits provided by the Town are an item of cost to the Town and a form of indirect pay for the employee. Therefore, the policies and procedures for the establishment and maintenance of these benefits are included in this Personnel By-law.

A. APPLICATION

Regular Full Time Employees - All of the below listed employee benefits apply to regular full time employees.

Regular Part Time Employees - All of the below listed employee benefits apply to regular part time employees. These employees are eligible for all employee benefits, in proportion to the ratio that their average weekly hours of work in the preceding twelve (12) months bears to the work week for their job.

Casual, Special, Temporary or Seasonal Employees are not eligible for any employee benefits, listed in this section.

COMPENSATED ABSENCES

B. HOLIDAYS

Each regular full time and regular part time employee will be entitled to one day's pay at regular straight time rates for eleven (11) paid holidays per year. If the holiday falls on a Saturday, it will be observed on Friday and if it falls on Sunday, it will be observed on Monday.

Regular part-time employees scheduled to work on a holiday shall receive pay based on their regular scheduled hours for that day. If an employee is not scheduled to work on a particular holiday, the employee shall not be eligible for pay for that holiday.

**TOWN OF STERLING
PERSONNEL BY-LAW**

The designated holidays are:

**NEW YEAR'S DAY
MARTIN LUTHER KING DAY
PRESIDENT'S DAY
PATRIOTS' DAY
MEMORIAL DAY
INDEPENDENCE DAY**

**LABOR DAY
COLUMBUS DAY
VETERANS' DAY
THANKSGIVING DAY
CHRISTMAS DAY**

An employee who is eligible for holiday pay and performs work on one of the holidays designated in this section shall be paid the rate of time and one-half for such day or fraction thereof.

When any of the eleven holidays listed above fall within a sick leave period, it shall be granted as a holiday and no charge made to the employee's sick leave credits.

When any of the eleven holidays listed above fall within a vacation period, it shall be granted as a holiday not as vacation leave.

Any regular full-time or regular part-time employee on a normal work schedule whose services are required and who works on any unscheduled holiday, so designated by an Act of the Legislature as a state wide holiday, shall receive additional compensation at the rate of time and one-half of their regular straight time hourly rate for each hour of portion thereof worked on the unscheduled holiday.

Any act of the General Court establishing any day or days designated as a state holiday shall be granted to all regular full-time and regular part-time employees covered by this By-law.

C. VACATION PAY

Employees will accumulate vacation pay on a monthly basis, on the last day of each full month worked in accordance with the provisions of this section listed below. Regular full time employees are eligible for vacation as follows:

- After completing six (6) months of continuous service, the employee is eligible for six and 2/3 hours of paid vacation at a normal day's pay for each full month of continuous service to the Town from the date of hire.
- After one (1) year and up to a maximum of five (5) years service, the employee is eligible for six and 2/3 (6 2/3) hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of eighty (80) hours.
- After five (5) and up to a maximum of fifteen (15) years service, the employee is eligible for 10 hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of 120 hours.
- After fifteen (15) years and up to twenty (20) years service, the employee is eligible for 160 hours of paid vacation earned and paid as above.
- After twenty (20) years service, the employee is eligible for 200 hours of paid vacation earned and paid as above.

Employees who are eligible for 160 or 200 hours of paid vacation may elect to work no more than one (1) vacation week and receive vacation pay plus their regular straight time pay for that week, but only after prior approval has been received from the employee's Department Head or Board, Committee, Agency or Commission responsible for the employee's Department.

The hourly vacation pay of a regular part-time employee shall be prorated in accordance with the schedule listed for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period.

Vacation time shall not be cumulative from year to year except for 80 hours which may be held over to be used within three (3) months of the end of the Fiscal Year in which they were otherwise to be taken.

The choice of vacations shall be on the basis of seniority in the department and approved by the department head. Department heads shall post the vacation schedule annually.

**TOWN OF STERLING
PERSONNEL BY-LAW**

In case of retirement or termination of employment, the employee shall be paid for all accrued vacation time earned up to the termination date.

D. SICK LEAVE

Each regular full time employee shall earn sick leave credit with pay at the rate of 10 hours for each month of continuous employment with the Town, to a maximum of 120 hours per fiscal year.

The sick leave credit of a regular part-time employee shall be prorated in accordance with the provisions of this section for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period.

This time shall be saved for use when an employee cannot report for work due to sickness, injury or exposure to contagious disease.

Use of such accumulated sick leave credit is allowed only after the employee has completed his/her probationary period.

The maximum number of such days of sick leave credit that may be accumulated is one hundred ninety (190).

Employees will accumulate sick leave on a monthly basis, on the last day of each full month worked and in accordance with the other provisions of this section.

Use of more than three consecutive days of sick leave must be authorized by the employee's Department Head and reported to the Human Resources Administrator.

Department Heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees within the Department and reporting same to the Human Resources Administrator and the Town Treasurer.

Employees returning from a sick leave or disability leave may be required to have a physical examination to determine their capability to perform satisfactorily their regular work without endangering themselves or their fellow employees. The Town may require a medical examination of any employee who reports an inability to report for duty because of illness. This examination shall be at the expense of the Town by a physician appointed by the Town.

Payments made under the provisions of this section shall be limited in the case of an employee who is receiving Workers Compensation payments to the difference between the total amount paid to the employee in Workers Compensation and the employee's regular pay. In the event of such payments, the Town may debit the employee's accumulated sick leave by such amounts as it determines to be equitable in relation to such payments.

Only employees who retire shall be paid ten (10) percent of the value of their unused sick leave, at the time of retirement. It is to be understood that the payment of any amount under this rule will not change the employee's pension benefit.

E. BEREAVEMENT LEAVE

Regular full time and regular part time employees shall be given up to three (3) consecutive working days leave with a normal day's pay for the purpose of making arrangements and attending the funeral of a member of his/her immediate family which is defined as: mother, father, spouse, mother-in-law, father-in-law, sister, brother, child, or step-child of the employee or any live-in family member. Regular full time and regular part time employees shall be given one (1) day leave with pay for the purposes of attending the funeral of the employee's aunt, uncle, niece, nephew or grandparent.

F. JURY DUTY LEAVE

A regular full time and regular part time employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court excluding any allowance for travel and lodging, upon presentation of an affidavit of jury pay granted.

**TOWN OF STERLING
PERSONNEL BY-LAW**

G. MILITARY LEAVE

Regular full-time employees who are in the Armed Services Reserves or National Guard and are called to temporary military duty not exceeding two (2) weeks in any twelve (12) month period, shall receive the difference in pay between their regular Town pay and their Military pay. Vacation days accrued will not be affected by military duty. This provision does not include payments to members of the National Guard who may be mobilized during an emergency in the Commonwealth. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

Regular full-time employees, who are in the Armed Services Reserves, National Guard, or Air National Guard and are called to active federal military duty, shall receive, pursuant to MGL Chapter 137, the difference in pay between their regular Town pay and their Military pay. This shall not include shift differential pay, hazardous duty pay, overtime pay, or any additional compensation. Vacation days accrued, sick leave, absence for personal reasons, or other leave with pay benefits will not be reduced or affected by military duty. Said employee shall not lose any seniority status while on duty. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

H. OTHER LEAVE

Absence for personal reasons up to twenty-four hours per year may be granted to full-time employees. Absences for personal reasons for regular part-time employee shall be prorated based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the period requested for personal leave. Personal leave will not be taken in less than one (1) hour blocks. These personal days may be taken at any time of the year upon the employee's request with the approval of the Department Head. Any time not used will be credited to sick-leave. When possible, the employee must request from the employee's immediate supervisor the personal day leave at least forty eight (48) hours in advance. A supervisor may not question the reason for personal leave nor may he/she deny such a request except for scheduling problems. Only employees who have completed their probationary period may be compensated for absence for personal reasons under provisions of this sub-section.

NON COMPENSATED ABSENCE

I. DISABILITY AND PARENTAL LEAVE

A leave of absence without pay may be granted an employee with at least six (6) months of continuous service whose illness or disability continues beyond sick leave that has been accumulated. Such leave shall be for sickness or injury resulting in temporary disability of the employee or a member of his or her immediate family, or for the birth of a child to the employee or the employee's spouse or for the adoption of a child by the employee or the employee's spouse. Duration of the leave shall be for the period a physician says the employee is unable to perform the regular duties of their position or, in the event the leave is for reasons other than the employee's personal health, it shall be in accordance with the Family Medical Leave Act (FMLA).

J. LEAVE OF ABSENCE

A leave of absence may be granted by the Department Head with the approval of the appointing authority but shall be without compensation and earned benefits. A leave of absence, of over three (3) months duration, except military leave, shall be considered a break in employment and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months has been authorized by the Personnel Board in advance.

K. UNAUTHORIZED LEAVE OF ABSENCE

Any employee absent without authorization for three (3) consecutive working days shall be terminated from the payroll as abandonment of his/her position.

**TOWN OF STERLING
PERSONNEL BY-LAW**

L. GROUP INSURANCE

Each regular full time and regular part time employee covered by the By-law shall be entitled to the Group Insurance Plan (Health and Life Insurance) which has been accepted by the Town in accordance with Massachusetts General Laws, Chapter 32B.

M. RETIREMENT BENEFITS

The Town shall contribute funds as required for each employee in accordance with the procedures formula established by the Worcester County Retirement Board and the By-laws of the town of Sterling.

SECTION 11: CIVIL SERVICE LAW

Nothing in this By-law or in the Classification or Compensation Plans shall be construed to conflict with Chapter 31 of the Massachusetts General Laws.

SECTION 12: SEPARABILITY PROVISION

In the event that any provision of this By-law, or application thereof, shall be held to be invalid by any court of proper jurisdiction, this shall not be construed to affect the validity of any other provision, or application thereof, of this By-law.

SECTION 13: ACTION TAKEN UNDER PRIOR BY-LAWS PRESERVED

The repeal of this by-law or portion thereof heretofore adopted shall not be construed to revoke, invalidate or otherwise alter acts done, ratified or confirmed in compliance therewith under authority thereof, or any rights accrued or established or any action, suit or proceeding commenced or had in any case, nor shall any such repeal affect any punishment, penalty or forfeiture incurred under any such prior by-law.

**TOWN OF STERLING
PERSONNEL BY-LAW**

FY12 CLASSIFICATION PLAN – as amended May 16, 2011
Attachment A
Proposed to be effective 7/01/2011

Grade	Position	Department
2	Library Technician I	Library
	Program Assistant	Recreation
3	Van Driver	Council on Aging
	Clerk Typist	Police
4	Library Technician II	Library
	Animal Control Officer	Police
	Town Custodian	Bd. Of Selectmen
	Library Associate I	Library
5	Administrative Secretary	Building Dept.
	Asst. Town Clerk	Town Clerk
	Asst. Collector	Town Treasurer/Collector
	Asst. Treasurer	Town Treasurer/Collector
	Administrative Assistant	Board of Appeals; DPW; Water; Planning Board
	Assistant to Assessors	Assessors
	Library Associate II	Library
	Dispatcher	Police
6A	Firefighter/EMS	Fire
	Firefighter/Mechanic	Fire
	Company Officer	Fire
	Facilities Maintenance Technician	Board of Selectmen
6B	Assoc. Health Agent	Health Dept.
	Asst. Director/Head of Children Services	Library
7A	Firefighter/Paramedic	Fire
	Company Officer/Fire Inspector	Fire
	Head Dispatcher	Police
7B	Director	Recreation; Council on Aging
	Conservation Agent	Conservation
8	Town Clerk	Town Clerk
	Library Director	Library
	Human Resources Administrator	Board of Selectmen
	Health Agent	Health Dept.
	Building/Zoning Officer	Building
	Town Treasurer/Collector	Treasurer/Collector
	Town Accountant	Accounting
9	Deputy Fire Chief	Fire
10	Superintendent	DPW
	Town Administrator	Board of Selectmen
11	Police Chief	Police
	Fire Chief	Fire

**TOWN OF STERLING
PERSONNEL BY-LAW**

FY 12 COMPENSATION SCHEDULE - as amended May 16, 2011

Attachment B

Proposed to be effective 7/1/2011

GRADE	STEPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
1	8.99	9.25	9.53	9.81	10.11	10.41	10.72	11.04	11.38	11.72	12.07	12.43	12.80
2	10.33	10.64	10.95	11.28	11.63	11.97	12.33	12.70	13.08	13.47	13.88	14.29	14.72
3	11.88	12.24	12.61	12.98	13.37	13.77	14.18	14.61	15.05	15.50	15.96	16.44	16.94
4	13.67	14.08	14.49	14.93	15.38	15.84	16.32	16.80	17.31	17.83	18.36	18.91	19.48
5	15.72	16.19	16.68	17.18	17.69	18.22	18.77	19.33	19.91	20.51	21.12	21.76	22.41
6A	18.06	18.60	19.16	19.74	20.33	20.93	21.56	22.20	22.87	23.56	24.26	24.99	25.74
7A	20.78	21.40	22.04	22.71	23.38	24.08	24.80	25.55	26.31	27.10	27.92	28.75	29.62
6B	37,702	38,833	39,998	41,198	42,434	43,707	45,018	46,369	47,760	49,193	50,669	52,189	53,754
7B	43,351	44,651	45,991	47,370	48,792	50,255	51,763	53,316	54,915	56,563	58,260	60,007	61,808
8	49,774	51,268	52,806	54,390	56,022	57,702	59,433	61,216	63,053	64,944	66,893	68,900	70,967
9	55,747	57,420	59,142	60,917	62,744	64,626	66,565	68,562	70,619	72,738	74,920	77,167	79,482
10	62,437	64,310	66,240	68,227	70,274	72,382	74,553	76,790	79,094	81,467	83,911	86,428	89,021
11	69,930	72,028	74,189	76,415	78,707	81,068	83,500	86,005	88,586	91,243	93,980	96,800	99,704

All employees, who are not on probationary or suspended status, or subject to pending discipline, and have been employed by the Town for at least one (1) year, shall move up one (1) step within their respective Grade as of July 1, 2011.

Schedule C Call Fire Personnel		Step 1	Step 2	Step 3
F-3	Assistant FF & EMT Recruit	12.17		
F-4	Firefighter	14.21	14.83	15.75
F-4	EMT	14.21	14.83	15.75
F-4	EMT – Paramedic	16.27	16.89	17.81
F-5	Firefighter/EMT	15.41	16.04	16.93
F-5	Firefighter/EMT-P	17.47	18.10	18.99
F-6	Company Officer (EMT)	17.33	17.98	18.62
F-7	Deputy Chief (EMT)	19.27	19.92	20.55

Schedule D Seasonal /Part-time Employees (hourly)	
Police Special	8.25 to 9.61
Constable	9.25
Matron	12.73
Election Worker	8.25
Registrar of Voters	8.50
Assist. Registrar of Voters	8.25
Recycling Attendant	9.25 to 10.25
Seasonal Laborer	9.25 to 10.25
Seasonal Truck Driver	17.00 to 20.00
Lifeguard	10.00 to 14.00
Seasonal Recreation	8.50 to 14.00
Van Driver/COA – Spare	9.46
Food Inspector	30.00

**TOWN OF STERLING
PERSONNEL BY-LAW**

Schedule E Stipend Employees

ADA Coordinator	\$1500.00
Animal Inspector	\$1000.00
Emergency Management Director	\$10,000.00
Parking Clerk	\$25.00/Hour
Assistant Building Inspector	\$25.00/Inspection
Gas Inspector	\$5,500.00
Plumbing Inspector	\$10,000.00
Asst. Plumbing Inspector	\$25.00/Inspection
Sealer	\$1200.00
Veteran Agent	\$3900.00
Wire Inspector	\$35.00/Inspection
Asst. Wire Inspector	\$35.00/Inspection