

**CHAPTER 20. PERSONNEL BY-LAW** *(Added 1988, amended 1992, 1996, and 2010)*

**Section 1. Definitions**

“Appointing Authority”: The authority granted to appoint employees for a particular board or department by the town by-laws, state statute, or town meeting vote

“Board”: The Personnel Board as described in Section 3 of this by-law

“Department”: Any department, board, committee, commission or other employing authority of the town subject to this by-law

“Department Head”: The officer, department, board, committee, commission or other body having immediate supervision and control of a department. In the case of a department serving under the supervision and control of The Board of Selectmen, the officer, board, committee, commission or other body immediately responsible to The Board of Selectmen for the administration of the department

“Employee”: An employee of the town occupying a position of employment subject to this by-law

“Plan”: The Personnel Administration Plan

“Town”: The Town of Sherborn

**Section 2. Application**

- a) This by-law shall apply to all Town Departments, and to all positions of all Employees in the service of the Town, whether full-time or part-time, seasonal, special or any other type of employment other than the following:
- Those positions filled by popular election; provided, however, that the Board shall, if so requested by the Advisory Committee, make recommendations prior to the annual Town meeting relative to salaries for elective positions;
  - Those positions which are covered by collective bargaining agreements;
  - Those positions under the direction of the School Committee
  - The Town Administrator and any other town employees who have an individual contract of employment with the Town pursuant to General Laws chapter 41 sections 108N and 108O.
- b) This by-law may be amended by a majority vote at any Town Meeting. The Board may, on its own initiative, propose amendments to this by-law which may affect the Personnel Administration Plan. Where amendments to this by-law are proposed by persons or authorities other than the Board, the Board shall be given a copy of any proposed amendment at least thirty (30) days before the Town meeting at which it is to be considered. The copy shall contain the names and addresses of the proponent(s).

### **Section 3. The Personnel Board**

- a) There shall be an unpaid Personnel Board consisting of three or more members appointed by the Board of Selectmen. Members of the Board, serving upon the effective date of this by-Law, shall serve as members of the Board until the expiration date of their respective terms or upon their written resignation to the Board of Selectmen. If a member of the Board resigns their position before the expiration of their term, the Board of Selectmen is responsible to replace that member, with a new member, to serve for the balance of the unexpired term.
- b) For the purposes of fulfilling its duties, with a minimum of three members constituting the Board, two members shall constitute a quorum for the transaction of the business of the Board, and an affirmative vote of two members of the Board shall be necessary for any official act of the Board.
- c) With more than three members, increase the quorum as follows: four or five members, a quorum of three; six or seven members, a quorum of four.
- d) The Chairperson of the Advisory Committee, or his or her designee, will serve as ex-officio, but will not vote on any matter coming before the Board.
- e) The Board members must meet all of the following criteria:
  - A Board member must be a registered voter in the Town;
  - A Board member cannot be an Employee of the Town including being in an elected office;
  - A Board member cannot be a member of any other permanent Town committee, board or commission, if the committee, board or commission is responsible for supervision of any Employee, whether full-time or part-time.

### **Section 4. Duties of the Personnel Board**

- a) The Board shall maintain a relevant Personnel Administration Plan that is compliant with state law including operating within the meaning of Section 108A and 108C of Chapter 41 of the General Laws, as amended.
- b) The Board may choose to revise the Personnel Administration Plan, as necessary. Any revisions require Town approval, at the next scheduled Town meeting, and must be compliant with state law as mentioned in Section 4.a of this by-law.
- c) The Board shall provide advice to the Town, as requested, regarding any matters relating to the application of the Personnel Administration Plan.
- d) The Board, as part of the application of the Personnel Administration Plan, shall make a cost-of-living (COLA) recommendation to the Advisory Board for each fiscal year no later than November 1 prior to such fiscal year.

- e) The Board shall establish its own rules of procedure and shall keep a record of its official actions, which shall be kept open for public inspection to the extent provided by law, and subject to appropriation, therefore, may make such expenditures, as may be necessary, for the performance of its duties.
- f) For the purposes of interpreting the Personnel Administration Plan; complying with state law; and seeking a professional opinion; the Board may seek advice from Town Counsel, as necessary.

**Section 5. Severance Clause**

The provisions of this by-law are hereby declared to be severable, and if any provision and the application of any such provisions to any person or under any circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to effect the validity, legality, or constitutionality of any of the remaining provisions or of that provision with respect to persons or circumstances other than those as to which the offending provision is held to be invalid, illegal or unconstitutional.