
MILFORD PERSONNEL BY-LAWS MILFORD, MASSACHUSETTS

INTRODUCTION

On March 16, 1959, the Town, pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, voted to amend the By-Laws of the Town by adding the following:

“That any and all positions other than those filled by popular election and those under the control and direction of the School Committee* be classified into groups and classes doing substantially similar work or having equal responsibilities, and that a compensation plan establishing minimum and maximum salaries be provided for the purpose of paying the employees in the positions so classified.”

“That a Personnel Board consisting of five (5) members be established for the purpose of administering the classification and compensation plan. One member for five (5) years, one member for four (4) years, one member for three (3) years, one member for two (2) years, and one member for one (1) year. No person serving as a Town employee, Town official, a member of any commission or board, whether serving in an elective or appointive capacity, having jurisdiction or responsibility for one or more full time employees of the town, shall be eligible for membership on this Board. Any member of this Board who may hereafter accept any of the duties designated above shall be required to terminate his service on the Personnel Board forthwith. The remaining members of the Board shall be required to notify the appointing authority within fourteen (14) days after any such vacancy thereon first occurs. The Board of Selectmen shall make all appointments and fill all vacancies as they may from time to time occur. All appointments to fill expired terms shall be made for a term of five (5) years and all appointments made to fill unexpired terms shall be only for the remainder of the unexpired term.”

*Since 1959, additional classifications of employees have been excluded from the provisions of this By-Law. Please refer to Section 1.03 for additional information.

At the 1961 Annual Town Meeting, under Article 2, the Town for the first time voted upon the first Classification and Compensation Plan presented by the Personnel Board. Such a vote has been taken annually under Article 2 of the Annual Town Meetings since that date.

At the June 15, 1987, Annual Town Meeting, Under Article 28, provision was made for an alternate member through the following vote:

“The Board of Selectmen shall appoint one alternate member to the Personnel Board, which appointment shall be for a term of three (3) years. Such duly appointed alternate shall attend all meetings and shall be permitted to participate in all discussions of the Board, but shall not vote unless a member of the Personnel Board is absent or there is a vacancy on the Board.”

The Personnel Wage and Salary Administration Plan may be amended in accordance with the procedures set forth in Section 1.05.

The most recent amendment to the Personnel By-Law, as voted by Town Meeting on October 30, 2017, is incorporated herein.

Any and all questions relative to the interpretation of this By-Law shall be referred to the Personnel Board for resolution.

PERSONNEL WAGE AND SALARY ADMINISTRATION PLAN

GENERAL:

- I.1 This By-Law shall be known as “The Personnel Wage and Salary Administration Plan” (hereinafter referred to as the Plan), and is hereby adopted pursuant to the foregoing authority.
- I.2 Nothing in this By-Law or in the Personnel Wage and Salary Administration Plan, to which it refers to hereinafter, shall be construed to conflict with Chapter 31 (Civil Service Law) or any other section or chapter of the General Laws, in which case any such provision of this By-Law shall be considered merely as information for the guidance of the voters of Milford.
- I.3 All Town Departments and all positions in the Town service, other than the School Committee and the positions under its jurisdiction, positions subject to collective bargaining law or legally authorized employment contracts, shall be subject to the provisions of this By-Law and to those of the Classification and Compensation Plan.
- I.4 This By-Law may be amended in accordance with existing Laws, Town regulations and the provisions set forth in the By-Law.
- I.5 No amendment shall be made to this By-Law or to the Classification and Compensation Plan until it has been presented by signed petition to the Personnel Board and has been acted upon by this Board. Upon receipt of such a petition, the Board, after giving petitioners, the heads of departments, and employees affected at least three (3) days written notice, shall hold a hearing of the parties interested to consider the proposed amendment. The Personnel Board shall hold said hearing within forty-five (45) days of receipt of such petition, and shall advise the petitioner(s) of its decision within thirty (30) days following said hearing. If the proposed amendment is approved, the Personnel Board shall propose said amendment to the Town Meeting on behalf of the petitioner(s). If the proposed amendment is not approved, the petitioner(s) may then propose the amendment to the Town Meeting if they so desire. The Board may, of its own motion, after similar hearings of the parties interested, propose such amendments as it deems desirable for efficient administration.

DEFINITIONS:

- I.6 As used in this By-law, the following words and phrases shall have the following meanings, unless a different construction is clearly required by the context or by the laws of the Commonwealth.

Department Head: The officer, board or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectmen, the officer, board or other body immediately responsible to the Board of Selectmen for the administration of the department.

Continuous Employment: Employment, uninterrupted except for required military leave, vacation leave, sick leave, personal leave, bereavement leave, court leave, or other authorized leave of absence.

Permanent Employee: An employee retained in any position in the Town service which has required or which is likely to require the services of the incumbent, without interruption, for a period of more than six (6) calendar months, either on a full-time or part-time basis.

Temporary Employee: An employee retained in any position in the Town service which requires or is likely to require the services of the incumbent for a period not exceeding six (6) months.

Seasonal Employee: An employee retained in any position in the Town service that is required on a seasonal basis only.

Full-Time Employee: An employee retained in any position in the Town service for not less than seven (7) hours per day for five (5) days per week for fifty-two (52) weeks per year, minus legal holidays, required military leave, vacation leave, sick leave, bereavement leave, court leave or other authorized leave of absence.

Part-Time Employee: An employee, other than a temporary employee, retained in any position in the Town service for less than full-time employment as defined above.

Vacancies: Any existing position in the Town service unfilled due to the death, retirement, resignation, layoff, discharge, transfer, promotion, or long-term leave of absence of the previous incumbent, or due to the creation of new positions or classifications.

Salary or Wage: Unless otherwise specified in any Section of this By-Law, the term “salary or wage” shall be deemed to be the base rate only.

Personnel By-Law: The entire By-Law, Appendices A & B, and the Classification and Compensation Plan.

Personnel Wage and Salary Administration Plan: Sections I.01 through 3.18 of the Personnel By-Law, which may be amended only by the Town Meeting, and after following the procedures set forth in Section I.05.

Classification and Compensation Plan: The positions and wages as voted at each Annual Town Meeting and amended by Town Meeting action.

Appendix “A”: The Administrative Policies and Procedures, which can be modified by the Personnel Board.

Appendix “B”: The Job Descriptions, which are established, maintained and amended by the Personnel Board.

Other definitions of words or phrases may be established under “Administrative Policies and Procedures” when deemed necessary by the Personnel Board.

PERSONNEL BOARD POWERS AND DUTIES

- 2.1 The Personnel Board shall meet within fifteen (15) days after the date on which the yearly appointment to the Board is effective for the purpose of organizing and of electing from its membership a Chairperson and a Vice- Chairperson for the ensuing year. At that meeting, the Board shall also appoint a Clerk for the ensuing year. No member of the Board shall be eligible for appointment to the position of Clerk, and no former member of the Board shall be so eligible until the expiration of thirty (30) days from the termination of his/her service as a member of the Board.
- 2.2 It shall schedule meetings as may be required to properly conduct the business of the Board. Special meetings shall be called by the Chairperson of the Board or by a majority of the members of the Board.
- 2.3 The Board shall keep records of its meetings and other proceedings sufficient for providing a record of continuity of the Board’s operations from year to year. The records shall be kept by the Clerk of the Board and shall be kept in the Personnel Board’s file.
- 2.4 The Board shall review annually the wage and salary schedule. It shall keep informed as to the pay rates and policies outside the service of the town, and shall recommend to the Town any action which it deems necessary to maintain fair and equitable wage and salary rates.
- 2.5 The Board shall, from time to time, review all positions that are subject to the provisions of the Plan. Such reviews shall be scheduled as to cover all positions at intervals of not more than three (3) years.
- 2.6 Appointments to fill expired terms of Personnel Board members shall be made as of May 31st of the year in which the appointment terminates. In the event that an appointment is not made on or before May 31st, the incumbent shall continue to serve in the position occupied by him/her until such an appointment is made.
- 2.7 The Board of Selectmen may, upon recommendation of the Personnel Board, terminate the appointment of any regular or alternate member whose absence from Board meetings exceeds three (3) within any twelve (12) month period.

ADMINISTRATION AND RECORDS

- 3.1 The Personnel Board shall administer the Classification and Compensation Plan in accordance with the rules and regulations set forth herewith, and shall establish such policies and procedures as it deems necessary for proper administration.
- 3.2 The Board shall set up and maintain such records as are prescribed in this By-Law and as it deems necessary or desirable for proper functioning of the Plan.
- 3.3 Department Heads shall, in compliance with Appendix “A” to this Plan, entitled “Administrative Policies and Procedures”, furnish such information as may be required for the maintenance of records.
- 3.4 Policies and procedures prescribed in Appendix “A” may be amended or rescinded as deemed necessary by the Personnel Board. The Board shall, upon request by one or more Department Heads, hold a hearing of the parties interested for the purpose of reviewing any policy or procedure.
- 3.5 Service Records shall be established and maintained for all permanent employees who are subject in any way to the provisions of this Plan. The record shall show the Name, Address, Date of Birth, Date of Employment, Veteran’s Status, if any, and a chronological record of wage or salary progression, Civil Service and other ratings, if any, and such other information as may be deemed necessary or desirable for proper administration of the Plan. In order to maintain the said Service Record, the Personnel Board shall review for accuracy all changes in salaries or wages of employees, other than general annual cost of living adjustments, whose positions are included in the Plan prior to entering said changes on the Town’s payroll.
- 3.6 The Board, subject to the approval of the Town at a regular or Special Town Meeting, shall establish and amend from time to time as it deems necessary a Classification and Compensation Plan in which all Town positions, subject to the provisions of the Plan, shall be classified, and in which the maximum wage or salary for each position, and the wage or salary for each grade of the position shall be prescribed.
- 3.7 Except as hereinafter provided, or as otherwise authorized by law, no person shall be appointed or employed in any position under any title other than that appearing in the Classification and Compensation Plan, or under any wage or salary other than that established in the Wage and Salary Schedule.
- 3.8 An appointing authority, with the approval of the Personnel Board, and the Civil Service Direction when required by law, may anticipate formal action by the Town Meeting by establishing new positions or new classes of positions and compensation therefore, subject to subsequent ratification by the Town at Town Meeting.

- 3.9 No wage or salary shall be reduced as a result of the installation of this Plan. Wages and salaries above the maximum established in the Schedule shall become “Personal Rates” and shall apply only to the present incumbents. Such wages and salaries shall not be subject to increases until the maximum rate for the position becomes higher than the Personal Rate.
- 3.10 The starting rate shall be the minimum of the rate range for the position as classified. In special cases, and upon the recommendation of the appointing authority and the approval of the Personnel Board, such a person may start at a higher rate than the minimum, but not in excess of the maximum.
Refer to Administrative Requirements in Appendix A for additional information.
- 3.11 The position titles appearing in the Classification and Compensation Plan shall be the official titles for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates, and official reports, and in every other connection involving personnel and fiscal processes.
- 3.12 Department Heads, Boards or Commissions having Town employees, not otherwise exempted from this Plan, under its jurisdiction shall be responsible for seeing that the wages or salaries, benefits and privileges received by those employees are in accordance with and only in accordance with the Classification and Compensation Plan
- 3.13 All employees who are rendering satisfactory service, in the opinion of their Department Head, and who are under the maximum wage or salary rate for the positions in which they are employed shall be advanced to the next grade annually (one year from the date of employment or date of advancement to present grade).
- 3.14 An employee transferred to a higher rated position shall enter at the minimum of the rate range or the next rate above his/her present salary, whichever is higher, with notice to the Personnel Board. If an employee shall be transferred to a lower rated position, he/she may be transferred at his/her present rate with the approval of the Personnel Board. Otherwise, he/she shall be transferred at his/her present rate or the maximum rate for the position, whichever is the lower.
- 3.15 The Personnel Board shall establish, maintain and amend as it deems necessary written definitions or job descriptions for all positions appearing in the Classification and Compensation Plan. Such definitions or descriptions shall, at minimum, describe the essential functions and physical requirements of the positions to which they refer.
- 3.16 Any vacancy, as defined in Section 1.06, that an appointing authority intends to fill shall be publicized in a newspaper of local circulation or some other media outlet. Seasonal positions that an appointing authority intends to fill shall be re-advertised at the beginning of each season.

- 3.I6 (continued) The appropriate Department Head, Supervisor, or Board Chairperson shall notify the Personnel Board of the filling of any vacancy, as defined in Section 1.06, and shall provide a copy of the public announcement for said vacancy. The Personnel Board shall review for accuracy the position title and salary or wage prior to placement on the Town's payroll.
- 3.I7 Any and all questions relative to the interpretation of this By-Law shall be settled by the Personnel Board.
- 3.I8 The Town Accountant shall not approve any payroll which would result in employment of or payment to any position or person in violation of any provision of this By-Law.

OTHER COMPENSATION AND BENEFITS

- 5.I Except as may be otherwise provided by law or By-Law, those permanently employed in positions classified as full-time, including those whose regular working schedule is less than a full number of work days per week or less than a full number of work weeks per year, shall be paid in accordance with the wage and salary schedule and shall be eligible for such benefits as may be applicable to the positions held, all of which shall be on a prorated basis.
- 5.I(A) Under special circumstances, positions currently classified as full-time, may need to be filled on a part-time schedule basis. In such instances, the salaried position may be pro-rated to allow compensation for the part-time employee to be paid on an hourly basis.
- 5.2 Except as may be otherwise provided by law or this By-Law, all leaves of absence shall be without compensation and shall be subject to the approval of the Department Head, and, in the instance of any such leave exceeding two (2) weeks, to the approval of the Board of Selectmen or other elected supervisory body. Employees may substitute vacation time for such leaves as may be granted without compensation.

HOLIDAYS

- 5.3 Except as may be otherwise provided by law, those permanently employed in positions classified as full-time shall be granted the following days off, without loss of pay:
NEW YEAR'S DAY, MARTIN LUTHER KING DAY, PRESIDENTS' DAY,
PATRIOTS' DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY,
COLUMBUS DAY, VETERANS' DAY, THANKSGIVING DAY, and
CHRISTMAS DAY.

Civilian employees serving as dispatchers for public safety departments, if their regularly scheduled work day falls on a holiday, as above, may be required to work on that day, provided, however, such dispatcher(s) shall receive an additional day's pay, measured as the number of hours worked on such holiday compensated at the rate of straight time for each such hour.

JURY DUTY

- 5.4 A Jury Duty leave of absence shall be granted to any Town officer or employee who is called upon to serve on a jury. If the jury pay, exclusive of travel allowance, is less than the regular rate of compensation received by the employee from the Town, the difference between said pay and regular rate of compensation shall be paid by the Town, provided, however, that to qualify for any payment by the Town hereunder, the officer or employee aforesaid must furnish the Town Accountant with complete and satisfactory evidence of the jury pay.

BEREAVEMENT PROVISIONS

- 5.5 Bereavement leave without loss of pay, not to exceed four (4) days as the Department Head may determine, shall be granted by said Department Head on account of death in an employee's immediate family. For the purpose of this section, immediate family shall mean: mother, father, brothers, sisters, mother-in-law, father-in-law, sons, daughters, wife, husband, sons-in-law, daughters-in-law, and grandchildren.

Leave with pay for two (2) days shall be granted in the event of death of an employee's grandparents.

Leave with pay for one (1) day shall be granted in the event of death of an employee's brother-in-law, sister-in-law, aunts, uncles, nieces and nephews.

SICK LEAVE

- 5.6 Each employee shall be credited with sick leave with pay at the rate of one and one-quarter (1 ¼) days for each month of service. Sick leave shall be accumulated to a maximum of one hundred and thirty-five (135) days. The foregoing sentence shall not affect any employee's accumulation as of the effective date of this By-Law if such accumulation is in excess of 135 days.

A physician's Certificate of proof of illness or injury shall be submitted by the employee, after three (3) consecutive days of absence, to the department head before payment is granted under the provisions of this section. Within the meaning of this article, sick leave shall be: Absence from duty for illness or injury not sustained in the line of duty for which the employee is entitled to Workers' Compensation as an employee of the Town of Milford under the provisions of the General Laws of Massachusetts.

If a sick leave day is taken on the day immediately preceding or the day immediately following an employee's vacation, a holiday, or a weekend, such employee's department head may require the submission of a physician's Certificate of proof of illness as a pre-condition to approving payment for such sick leave. Employees may utilize up to five (5) days of accumulated sick leave each year for illness of a member of an employee's immediate family, which may include those relationships defined in paragraphs (1) and (2) of Section 5.05, but shall not include those relationships defined in paragraph (3) of Section 5.05.

MATERNITY LEAVE

- 5.7 Maternity leave without pay may be granted for up to one (1) year by an employee's appointing authority. It is the Town of Milford's policy to adhere to the Family Medical Leave Act (FMLA) and the Massachusetts Parental Leave Act (MPLA), allowing employees up to 12-weeks of unpaid leave for the birth of a child, or placement of a child for adoption or foster care. Employees are required to provide appropriate certification to the Human Resources Director when taking a Maternity, FMLA, or MPLA leave. The full FMLA and MPLA provisions can be found on the Town of Milford website. If an employee has been approved for Maternity Leave which extends beyond the FMLA-provided 12-week period, the employee is required to use accrued paid leave during this time. Once the time is exhausted, remaining time off will be unpaid. *Revised at October 2019 STM.*

VACATION LEAVE

5.8(A) To be eligible for vacation leave, an employee shall have been employed on a permanent, full-time basis, for a period of not less than three (3) continuous months.

The vacation year shall be the period January 1 – December 31. An employee who has resigned, retired, or otherwise separated from service within a given vacation year shall be paid for any unused vacation leave accrued at the time of separation.

YEAR 1: As reflected in the chart below, all new hires will receive ten (10) days', pro-rated vacation leave at the time of hire. The actual number of vacation days allocated will be based upon the date of hire up to a maximum of ten (10) days during the initial vacation year. Employees in their first year of employment may begin using vacation days no sooner than three (3) months of their hire date, and only when they have been continuously employed for said period. Newly hired employees may carry up to ten (10) vacation days into the following calendar year following their first date of employment. At least five (5) of these days must be taken no later than June 30th of the new calendar year.

YEAR ONE

First month of employment	Year one vacation day allocation	First month vacation days available for use
January	10	April
February	10	May
March	10	June
April	9	July
May	8	August
June	7	September
July	6	October
August	5	November
September	4	December
October	3	January
November	2	February
December	1	March

YEARS 2-4: Beginning January 1st of the following calendar year, all employees shall accrue ten (10) days' vacation. These days may be used after initial completion of three (3) months continuous employment.

5.8(B) Vacation leave for subsequent years of continuous employment shall be accrued in accordance with the following schedule, as of January 1st:

- Upon completion of Five (5) Years 15 days
- Upon completion of Eleven (11) years 20 days
- Upon completion of Seventeen (17) years 25 days

Vacation entitlement shall not be cumulative from year to year. Said leave shall be taken within the year it is accrued, unless otherwise authorized under Section 5.08c.

An employee shall be eligible for increased vacation leave, as determined above, upon the actual date of his/her 5th, 11th, and/or 17th anniversary of continuous employment, notwithstanding when said date falls within the January – December vacation leave.

Any revisions to the allotted vacation leave for individual employees, up to four (4) weeks of vacation, will be determined by the department head, HR Director, and the appointing authority (where applicable) on a case-by-case basis.

5.8(C) Any employee may request, in writing, a carry-over of up to ten (10) unused vacation days into the following calendar year. However, five (5) of the carry over vacation days must be taken no later than June 30th of the new calendar year. Such request must be submitted in writing thirty (30) days prior to the end of the calendar year and must be approved by the Department Head. The revised vacation leave policy applies to those hired since January 1, 2019. *Revised October 2017 STM & October 2019 STM*

OVERTIME

5.9 Except as may be required by the FAIR LABOR STANDARDS ACT, employees classified as Salaried Positions, Grades I through 8, shall not be entitled to overtime compensation. All other employees shall be entitled to overtime compensation for all hours worked in excess of their normal hours of work at the rate of one and one-half (1 ½) times their hourly rate of pay for all such overtime; provided, however, that no such overtime compensation shall be allowed in any event unless the employee's total hours worked exceed thirty-five (35) hours in the case of clerical employees and forty (40) hours in the case of other employees for the week in which such overtime is sought. Department heads may require overtime compensation to be taken through compensatory time off. Such compensatory time off shall be calculated on the basis of one and one half (1 ½) hours off for each hour worked overtime.

PERSONAL LEAVE

5.10 Permanent full-time employees may be allowed two (2) days per calendar year of personal emergency leave with pay. Such leave shall only be for compelling personal business which the employee is unable to complete outside of regular non-working hours.

At least forty-eight (48) hours in advance of the day sought for leave, application for such leave shall be made to the employee's department head, detailing the reason for the leave and the reason why the event for which the leave is sought could not have been scheduled on non-working time. If less than forty-eight (48) hours' notice is given, an explanation must be given for not meeting the time requirement.

The department head may deny such leave if the event for which the leave is sought could have been scheduled on non-working time.

SICK LEAVE BUY-BACK

- 5.II** All superior officers of the Milford Police and Fire Departments, including Chiefs, shall, upon death or retirement, be reimbursed for unused accumulated sick leave up to a maximum of one hundred and twenty (120) days. Each day of sick leave will be equivalent to one-fifth ($1/5$) of the employee's basic weekly wage at the time of retirement or death, except for those first hired by the Town on or after July 1, 1982, for whom each day shall be equivalent to one-tenth ($1/10$) of such wage, and further, that the Town Accountant provide to the Personnel Board, on an annual basis, a detailed report of sick leave accrual and usage by all personnel affected by this Section.
- This Section shall apply only to those individuals employed in any of the above-referenced positions on May 18, 1998.

EARNED LEAVE:

- 5.I2** Permanent, full time personnel in salaried and hourly rated positions who use three (3) days or less of sick leave within any given year shall be granted one (1) day's earned leave, to be used within the next year. Earned leave shall not be cumulative, and shall be used in the year following the year in which it was earned. This change shall take effect retroactive to July 1, 2015.
- For the purpose of this section, one day's leave shall constitute an employee's regular full-time work day.
- Revised October 2015 STM*

LONGEVITY PAY:

- 5.I3** Longevity Pay shall be granted to permanent, full-time personnel in Salaried and Hourly Rated positions, based upon cumulative years of experience in the Town of Milford.
- \$350 per year (years 10–14)
\$450 per year (years 15-19)
\$650 per year (year 20 and thereafter).

Individuals employed as permanent part-time in Salaried and Hourly Rated positions prior to January 1, 2014, shall be granted Longevity Pay on a prorated basis, so long as continuously employed.

PERSONNEL WAGES AND SALARY
ADMINISTRATION PLAN APPENDIX A

ADMINISTRATIVE POLICIES AND PROCEDURES

DISTRIBUTION OF PLAN:

The Personnel Wage and Salary Administration Plan is made up of an Administration Plan, a Classification and Compensation Plan, Appendix A (Administrative Policies and Procedures) and Appendix B (Job Descriptions).

The sections of the Plan shall be distributed as follows:

One copy of the complete Plan shall be furnished to each Department. The departmental copy shall be kept on file and shall be made available at all times to any interested party. Appendix B (Job Descriptions) shall be kept on file with the Personnel Board and shall be made available upon request.

Amendments to the Plan, in the form of supplemental or replacement pages, will be furnished by the Personnel Board. The recipient of each copy shall be responsible for maintaining his/her copy in good order and up to date.

ADMINISTRATIVE REQUIREMENTS;

In accordance with Section 3.10 of this By-Law, whenever a prospective employee is to be offered a salary or wage other than at minimum step, the appointing authority's formal offer of employment must stipulate, in writing, that the proposed salary or wage is subject to the prior approval of the Personnel Board.

If required, said appointing authority shall promptly notify the Personnel Board clerk, so that a special meeting of the Personnel Board may be called to discuss the matter and bring it to a vote.

The appointing authority, or its designee, shall attend the meeting