

# TOWN OF AVON PERSONNEL BYLAWS

Voted at Annual Town Meeting May 1, 2012

Town of Avon

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## **Section 1 – Applicability**

- A. All Town departments and positions shall be subject to the provisions of the personnel system established pursuant to this Bylaw except officials elected by popular vote, employees under individual employment contracts, employees subject to a collective bargaining agreement with the Town and employees under the direction and control of the School Committee.
- B. All employees covered shall receive the rate of pay and be subject to the provisions set forth in the personnel system established pursuant to this Bylaw as determined to be applicable to them by the Personnel Board hereinafter established. Nothing in the Bylaw shall be construed to be in conflict with Chapter 31 of the General Laws relating to Civil Service, or with Chapter 150E of the General Law relating to Public Employee Collective Bargaining, which shall prevail if there is any conflict.

## **Section 2 – Equal Employment Opportunity**

- A. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, transfer, compensation, benefits, or any other personnel action because of political affiliation, race, creed, color, national origin, age, gender, sexual orientation, handicap, or other non-merit factor is prohibited.
- B. This policy, issued in accordance with the Equal Employment Opportunity Act and Massachusetts Fair Practice Law, affects all employment practices.

## **Section 3 – Definitions**

**Casual Employee** – A person occupying a paid position appointed by and reporting to the Board of Selectmen or a Department Head in the service of the Town. The fixed annual salary of such positions are established and funded by vote at an Annual Town Meeting.

**Class** – A position or group of positions in the Town service sufficiently similar in respect to duties and responsibilities and authority so that the same descriptive title may be used to designate each position allocated to the class, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity.

**Classification Plan** – see Section 5

**Compensation** – The base salary or base wages earned by any employee by reason of services performed.

**Demotion** – The movement of an employee from a position in one class to a position in another class at a lower level.

**Department Head** – The officer, board, or other body having immediate supervision of the employee and/or the work unit.

**Designated Holidays** – Holidays listed in Section 11A of the Personnel Bylaws.

**Dismissal** – The permanent involuntary termination of a person from Town service.

**Employee** – A person occupying a paid position appointed by the Board of Selectmen in the service of the Town.

**Employment Date** – The date on which an employee commences performance of duties and is placed on the payroll.

**Employment Year** – A 365 day period beginning on the date on which an employee commences performance of duties and is placed on the payroll.

**Continuous Employment** – Uninterrupted employment except for required military service authorized holidays and authorized leave status.

**Full-time Employment** – A work schedule consisting of a minimum of seven (7) hours per day, five days per week totaling thirty-five (35) hours or more per week, for fifty-two (52) weeks less authorized holidays and authorized leave status, which is funded for an entire year.

**Part-time Employment** – A work schedule regularly more than (10) hours and less than twenty (20) hours per week less authorized leave time.

**Exempt Employee** – A salaried employee under the Fair Labor Standards Act.

**Entrance Rate** – The rate of pay at which an employee is hired.

**Examination** – All tests of fitness taken together that are applied to determine the fitness of applicants for positions of any class.

**Job Skills Assessment System** – A mechanism to determine the proper placement of a position on the Classification and Compensation Plan.

**Minimum Rate** – The step 1 level of compensation of any classification range in the Compensation Plan payable to an employee.

**Maximum Rate** – The step 5 level of any classification range in the Compensation Plan payable to an employee.

**Occupational Injury** – An injury which occurs while an employee is performing his/her duties and responsibilities during hours actually worked.

**Overtime** – Hours, authorized by a Department Head, worked by an employee in excess of forty (40) hours in a work week.

**Pay Adjustment** – A change in compensation.

**Performance Evaluation** – An assessment of an employee's performance by the Department Head.

**Personnel Administrator** – The designated employee responsible for maintaining and administering the Town's personnel policies.

**Position** – A post of employment in the Town's service as listed in Section 7 of the Personnel Bylaws requiring a job description outlining duties and responsibilities of an employee.

**New Position** – A post of employment in the Town's service that is created by the Personnel Board.

**Probationary Period** – A working test period, following an appointment during which an employee is required to demonstrate by conduct and actual performance of the duties, fitness for the position to which appointed.

**Promotion** – A change from a position of lower class and compensation level to a position with greater responsibilities in a higher class and compensation level.

**Range** – The dollar differential between the minimum and maximum rates in each classification in the Compensation Plan payable to an employee.

**Seasonal Employee** – An appointed employee with a climate related work assignment that is no more than sixteen (16) consecutive weeks.

**Step Increase** – The incremental increase received on a fixed date that may or may not be tied to performance.

**Step Rate** – The percent between the incremental increases contained in the classification range.

**Town** – Town of Avon, Massachusetts

## **Section 4 – Personnel Board Authority**

### **A. Membership**

- A-1 Pursuant to MGL Chapter 41, section 108 A & C, there shall be a Personnel Board consisting of three (3) unpaid members responsible for the administration and maintenance of the Classification and Compensation Plan. They shall not be employees, appointed members of any other board, or elected officials of the Town. Personnel Board members may serve on other committees of the Town that do not have any paid employees.
- A-2 The members of the Board shall be appointed by the Moderator. Each Personnel Board member shall serve for a term of up to three (3) years to commence on the first day of the Town's fiscal year (July1).
- A-3 The Moderator shall appoint members of the Board on a staggered basis, so that each full term shall expire in three consecutive years.
- A-4 If any member of the Personnel Board shall resign or otherwise vacate his/her office before the expiration of his/her term, his/her successor shall be appointed by the Moderator to serve the balance of the unexpired term.
- A-5 Board members shall be sworn in to office by the Town Clerk.

### **B. Duties and Responsibilities**

- B-1 the Board shall administer the Classification and Compensation Plan and ensure that there is uniform interpretation and application of it.
- B-2 The Board shall establish such policies, procedures and regulations, as it deems necessary for the administration of the Plan, in consultation with the Personnel Administrator, and may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds.
- B-3 The Board shall, annually at the first meeting following the Annual Town Meeting and/or immediately following the appointment of a new member or members, meet and organize by electing a Chairman. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all members of the Board shall be necessary on any matter upon which it is authorized or required to act.
- B-4 The Board shall maintain written descriptions of jobs or positions in the Plan, describing the essential functions, requirements, and general duties. The descriptions shall not be interpreted as complete or limiting definitions, and employees shall perform any additional duties assigned by their supervisor.

- B-5 The Board shall make an annual report, in writing, to the Board of Selectmen for publication in the Annual Town Report.
- B-6 The Board by its own authority may reclassify an existing position, and no position may be reclassified until the board shall determine that such reclassification is consistent with the purpose and provisions of the Plan.
- B-7 The Board by its own authority may create new classifications or change existing classifications that shall be consistent with the purpose and provisions of the Plan.
- B-8 The Board from time to time shall review the work of all positions covered by the Plan, such reviews to be scheduled so that all positions shall be reviewed at intervals of not more than five (5) years.
- B-9 The Board shall annually review the compensation schedules. It shall keep informed as to the pay rates and policies in effect in other towns of similar size and budget and in towns in the surrounding geographic area. It shall make recommendations to the Town so as to maintain fair and equitable compensation levels.
- B-10 After the recommendation of the Personnel Administrator, supported by written documentation of special reasons and / or exceptional circumstances, the Personnel Board may authorize an entrance rate higher than the minimum rate. The Board may authorize any other variance to the Plan it may deem necessary for the proper functioning of the Town. No variance shall become effective until the necessary funds have been appropriated.
- B-11 The Board shall establish the Town's personnel policies in consultation with the Personnel Administrator, and shall amend those policies, as it deems necessary. No policy shall be changed without a majority vote of the Personnel Board. The Personnel Administrator shall be responsible for maintaining and administering all personnel policies.
- B-12 The Board, as it deems necessary, may propose amendments to the Personnel Bylaws for consideration by the Town at the Annual Town Meeting.

## **Section 5 – Classification Plan**

### **A. Administration of Classification Plan**

The Personnel Board is responsible for the classification of all positions in the Town, except those positions filled by popular election, employees under individual employment contracts with the Town, employees covered by collective bargaining agreements and employees of the School Committee.

A-1 The Classification Plan shall consist of Schedule A of Section 7 of these Bylaws.

### **B. Determining Classifications**

In allocation classes of positions to appropriate classification levels, the Personnel Board shall utilize an objective job skills assessment system to address the complexity and level of responsibility of each class of positions. The Personnel Board shall consult with the Personnel Administrator to determine a final classification.

### **C. Classification Review**

The Personnel Board shall review all positions in each classification at a minimum of every five years. At any given time the Personnel Administrator may request, in writing, that a specific position or class be reviewed for applicability to current job conditions and situations? To the extent possible the Personnel Board shall act on those requests within one month from the date of the written request.

### **D. Creating a new position / changing the classification of an existing position.**

- D-1 To create a new position or to change the classification of an existing position, the Personnel Administrator must submit documentation to the Personnel Board and receive approval from the Board, prior to hiring or substantially changing the duties of any employee.
- D-2 Upon determination by the Personnel Board, in consultation with the Personnel Administrator the new or changed position may be added to the Classification Plan at any time, and ratified by a vote of the Town at the next Annual Town Meeting.
- D-3 No position shall be classified and no class shall be assigned a different compensation grade, until the Personnel Board has determined such reclassification or such reassignment to be consistent with the Classification and Compensation Plans.

### **E. Titles of Positions**

The titles of all positions on the Classification Plan shall be the official title of each incumbent position and shall be used to the exclusion of all other titles on payrolls, budget estimates, job descriptions, and other official records, and reports of the Town



## Section 6 – Compensation Plan

### A. The Compensation Plan shall consist of :

- Schedule A - Classification of Nonunion Positions by Official Title and Grade within The Classification Plan.
- Schedule C - Annual Salary for (regularly scheduled 35 hours) Managerial, Administrative, Professional Positions.
- Schedule D - Annual Salary for Exempt (regularly scheduled 40 hours) Managerial and Superintendency Positions.
- Schedule E - A fixed salary voted at the Annual Town Meeting (positions to be determined)
- Schedule F - Hourly Rates for 10 to less than 20 hours Part-Time Positions.
- Schedule G - Hourly Rates for less than 10 hours per week. Occasional, Seasonal, or On-call Positions.

- B. The salary /hourly wage range of a class shall be the salary/hourly range for every position in that class.
- C. Except for the special authorization given the Personnel Board under Section GF-3. The hiring rate of a new employee shall be the Step 1 salary/hourly wage rate for the position being filled.
- D. No Department Head shall fix the salary of any employee in a classification position except in accordance with the Compensation Plan.
- E. No person shall be appointed, employed or paid as an employee of the Town in any position subject to the provisions of the Classification Plan under any title other than those appearing in Section 7, Schedule A, or those positions created by the Personnel Board in accordance with the Section 4-B7 Duties and Responsibilities of the Personnel Bylaws.
- F. An employee in continuous full-time part-time (10 – less than 20 hours) employment shall receive the increment between his /her present rate and the next higher step rate as follows:

- F-1 The eligibility date for a step increase shall be established on the first pay period following twelve (12) months after the date of hire and annually on the first pay period after the anniversary date of hire in each subsequent year until the maximum step in the pay range is reached.
- F-2 Step increases to the next higher step are dependent upon a satisfactory performance evaluation by the Department Head and the approval of the Personnel Administrator. An employee denied a step increase may appeal the decision to the Personnel Board.
- F-3 Step increases beyond the next sequential step in the compensation schedule require the approval of the Personnel Board in consultation with the Personnel Administrator.

G. Schedule G employees in continuous employment shall qualify for step increases if the following conditions are met:

- G-1 If an employee has fulfilled the lesser of; the terms of his/her seasonal agreement, fifty-two (52) weeks in an active pay status, or has continuously been available for on-call work for at least forty-eight (48) weeks annually.
- G-2 Step increases are dependent upon a satisfactory performance evaluation as stated in Subsection GF-2.

H. An employee receiving a promotion to a vacant position or to a new position (as defined in Section 3 Definitions) shall upon assignment resulting from such promotion receive the minimum rate of that position. If the employee's existing rate is higher than the minimum rate of the new or vacant position he/she shall advance to the next step above his/her present rate. An employee may for good cause shown, receive an increase of one or more steps at the time of promotion or reclassification upon the recommendation (including supporting documentation) from the Personnel Administrator, subject to the approval of the Personnel Board.

I. If an employee is transferred to a lower-rated position for any reason, he/she shall enter it at a step rate in the new classification determined by the Personnel Board in consultation with the Personnel Administrator.

J. Department heads shall include in their estimates for their annual budget proposals, as required by MGL Chapter 41, Section 2, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing year and will furnish a copy of it to the Personnel Board.

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

## **Section 7 – Classification, Salary, Wage, Longevity Pay Schedules**

The following schedules constitute the Classification and Compensation Plan of the Town Avon as defined in Section 3 of the Personnel Bylaws.

Schedule A – Classification of non-union positions by official title and grade within the Classification Plan.

Schedule B – Unassigned

Schedule C – Annual Salaried positions – (regularly scheduled 35 hours full-time)

Schedule D – Annual Salary positions – (regularly scheduled 40 hours full-time) exempt

Schedule E – Casual positions – hours necessary to complete work assignments

Schedule F – Hourly Wage positions – 10 – less than 20 hours.

Schedule G – Hourly Wage positions – less than 10 hours, occasional on-call, seasonal – up to 35 hours per week for 16 weeks.

Schedule H – Longevity Pay

### **Schedule A – Classification of non-union positions by official title and grade within the Classification Plan**

#### **Position Title**

#### **Compensation Grade**

Librarian	C13 exempt
Superintendent – Highway Department	D8 exempt
Superintendent – Water Department	D8 exempt
Town Accountant	D8 exempt
Executive Secretary	--- exempt
Administrative Assistant	C8 non exempt

#### **Clerical, Secretary Group**

Senior Circulation Assistant	F7
Circulation Assistant	F6
Library Shelver	F5
Advanced Secretary (boards, committees, commissions)	F7
Basic Secretary (boards, committees, commissions)	F6
Clerk /Typist (boards, committees, commissions)	F5
Data Base Technician Analyst – Water Department	F9

**Labor, Custodial Group**

Senior Custodian	F8
Custodian	F7
Groundskeeper	F8
Bus Driver – COA	F5
Cook – COA	F7
Assistant Cook - COA	F6

**Public Safety Group**

Police Dispatcher – Part-time, non union	F9
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**Occasional, Seasonal, On-Call Group**

Director – Summer Park/Recreation Program	G10
Asst. Director – Summer Park/Recreation Program	G8
Counselor – Summer Park/Recreation Program	G7
On-Call Clerk – COA	G9
Compost Site Attendant	G7
Seasonal Park/Recreation Groundskeeper	G11

**Casual Group**

To be determined

**Schedule C - Annual Salary****Regularly Scheduled 35 Hours - Administrative, Managerial, Professional**

Raise Factors----&gt;

1.09

<b>Class</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>
<b>C3</b>	21,404.85	21,894.79	22,409.11	22,922.14	23,436.45	23,950.76	24,465.06
<b>C4</b>	23,117.09	23,810.96	24,525.35	25,261.11	26,018.27	26,775.41	27,532.56
<b>C5</b>	24,965.27	25,714.30	26,485.72	27,280.32	28,098.72	28,917.12	29,735.52
<b>C6</b>	26,962.24	27,771.54	28,603.93	29,462.05	30,345.91	31,229.78	32,113.64
<b>C7</b>	29,118.24	29,991.67	30,891.43	31,818.06	32,772.60	33,727.14	34,681.68
<b>C8</b>	31,447.39	32,391.37	33,362.28	34,363.96	35,393.87	36,423.77	37,453.66
<b>C9</b>	33,962.52	34,980.88	36,031.31	37,111.23	38,224.57	39,337.90	40,451.24
<b>C10</b>	36,679.01	37,779.45	38,913.25	40,080.65	41,282.16	42,483.67	43,685.17
<b>C11</b>	39,613.53	40,802.48	42,026.55	43,286.82	44,584.78	45,882.74	47,180.70
<b>C12</b>	42,980.29	44,698.93	46,040.50	47,421.72	48,844.37	50,267.01	51,689.64
<b>C13</b>	46,205.96	47,592.42	49,020.19	50,491.03	52,005.76	53,520.48	55,035.20
<b>C14</b>	49,902.33	51,399.09	52,942.03	54,530.29	56,165.13	57,799.98	59,434.82
<b>C15</b>	53,894.98	55,512.30	57,177.67	58,891.88	60,658.64	62,425.40	64,192.16
<b>C16</b>	58,206.99	59,952.57	61,752.02	63,604.57	65,512.72	67,420.86	69,329.00

**Schedule D - Annual Salary****Regularly Scheduled 40 Hours Exempt - Managerial, Superintendency**

<b>Class</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>
<b>D2</b>	37,374.16	38,495.39	39,650.24	40,839.76	42,064.95	43,290.15	44,515.34
<b>D3</b>	40,365.12	41,576.07	42,823.35	44,108.05	45,431.29	46,754.53	48,077.75
<b>D4</b>	43,593.36	44,901.16	46,248.19	47,635.64	49,064.71	50,493.78	51,922.85
<b>D5</b>	47,080.67	48,493.09	49,947.88	51,446.32	52,989.71	54,533.08	56,076.46
<b>D6</b>	50,847.59	52,373.01	53,944.20	55,562.53	57,229.41	58,896.28	60,563.14
<b>D7</b>	54,914.62	56,562.06	58,258.92	60,006.70	61,806.89	63,607.08	65,407.26
<b>D8</b>	59,308.72	61,087.98	62,920.62	64,808.24	66,752.48	68,696.72	70,640.95
<b>D9</b>	64,051.67	65,973.22	67,952.42	69,990.99	72,090.72	74,190.45	76,290.17
<b>D10</b>	69,176.83	71,252.13	73,389.69	75,591.39	77,859.14	80,126.88	82,394.63
<b>D11</b>	74,711.13	76,952.47	79,261.04	81,638.86	84,088.03	86,537.19	88,986.35
<b>D12</b>	80,687.92	83,108.55	85,601.81	88,169.86	90,814.96	93,460.06	96,105.15
<b>D13</b>	87,143.10	89,757.40	92,450.12	95,223.62	98,080.33	100,937.04	103,793.75

**Schedule F - Hourly Rate****10 - less 20 Hours per week**

<b>Class</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>
<b>F2</b>	9.44	9.56	9.71	9.84	9.97	10.10	10.22
<b>F3</b>	10.11	10.24	10.40	10.55	10.68	10.81	10.93
<b>F4</b>	10.93	11.08	11.24	11.41	11.56	11.70	11.83
<b>F5</b>	11.84	12.02	12.22	12.39	12.59	12.79	12.98
<b>F6</b>	12.51	12.74	12.94	13.16	13.36	13.56	13.76
<b>F7</b>	13.87	14.18	14.51	14.83	15.13	15.42	15.71
<b>F8</b>	14.82	15.15	15.52	15.88	16.25	16.62	16.99
<b>F9</b>	15.49	15.95	16.41	16.87	17.35	17.81	18.27
<b>F10</b>	16.98	17.51	18.03	18.55	19.09	19.62	20.14
<b>F11</b>	18.49	19.01	19.55	20.09	20.61	21.12	21.64

## Schedule G - Hourly Rate

Less than 10 hours per week, occasional, on-call or seasonal

Class	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
G7	8.98	9.43	9.69	9.81	9.94	10.06	10.18
G8	10.26	10.71	10.97	11.09	11.22	11.34	11.45
G9	11.54	11.99	12.25	12.38	12.50	12.62	12.74
G10	12.83	13.27	13.54	13.66	13.78	13.91	14.03
G11	14.11	14.56	14.82	14.94	15.07	15.18	15.29
G12	15.39	15.84	16.10	16.23	16.35	16.47	16.59

## Schedule H – Longevity Pay

Full-time employees shall receive longevity pay according to the following schedule:

Years of Full-Time  
Service Completed

\$ Amount per Year

Five years of service	\$300.00
Ten years of service	\$500.00
Fifteen years of service	\$700.00
Twenty years of service	\$900.00
Twenty-five years of service	\$1,000.00

- H-1 Any break in employment for any reason, other than for military service, of less than one year shall not cause loss of longevity earned to date, however, any time not actually worked in Town service shall not be credited toward longevity totals.
- H-2 Longevity pay to which an employee is entitled shall be paid in a lump-sum by means of a check separate from his/her regular compensation in the first pay period next following the date he/she completes the number of years of service and shall continue to be paid each year thereafter on the anniversary of such pay period.

## **Section 8 – Probationary Period**

- A. All employees must complete a ninety (90) day probationary period successfully, as determined by the Department Head and approved by the Personnel Administrator, to be considered suitable for retention.

## **Section 9 – Work Week**

- A. The work week for each position shall be as follows:
  - Schedule C – Exempt full time employees – regularly scheduled 35 hours
  - Schedule D – Exempt full time employees – regularly 40 hours exempt
  - Schedule E - Casual Employees – hours necessary to complete work assignments
  - Schedule F - Part – time employees – 10 to less than 20 hours per week
  - Schedule G - Less than 10 hours per week regularly scheduled employees
  - Seasonal employees – up to 35 hours per week for a maximum of sixteen consecutive weeks.
- Occasional – as determined by the supervisor
- On call – as determined by the supervisor
- B. Hours worked do not include lunch periods.
- C. Non-exempt employees working more than a six hour shift must be allowed to take a 30 minute unpaid meal break (The Massachusetts Meal Break Law)
- D. An employee may work through his/her meal period with the approval of the Department Head, and only in those circumstances where the Department Head deems it to be in the best interest of the Town.
- E. An employee shall not be required to work through his/her meal period.
- F. If an employee works through a meal break, the employee may choose to have compensatory time off or be paid for the time worked. If the employee chooses compensatory time, the time off must be approved in advance by the Department Head at the convenience of the Town.



## Section 10 – Overtime Compensation

- A. Overtime shall be required only when necessary operations cannot be performed by on duty employees during their regular work week. The overtime work must be pre-approved by the immediate supervisor.
- B. Full-time non-exempt employees shall be paid overtime at a rate of one and one-half (1 ½) times their regular compensation rate for any hours worked in excess of forty (40) hours in a work week.
  - B-1 Employees working a thirty-five (35) hour work week shall be paid straight time for the first five (5) hours exceeding thirty-five (35) hours in a work week.
  - B-2 Overtime shall be paid only for actual hours worked. Actual hours worked excludes sick time, holiday pay, vacation pay or administrative pay.
- C. All employees shall be required to work overtime as deemed necessary by the Department Head.
- D. Salaried employees in Schedules C and D of Section 7, designated as exempt under the Fair Labor Standards Act. Are exempt from the overtime provision of this section.

## Section 11 – Holiday Pay

- A. All full time employees shall be entitled to the following twelve (12) paid holidays when the holiday falls within the regular work week:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
- A-1 If a holiday should fall on a Saturday, it shall be celebrated on the preceding Friday, should a holiday fall on a Sunday, it shall be celebrated on the following Monday.
- A-2 To be eligible for holiday pay, an employee:
  - A-2a must have worked his/her scheduled work day immediately prior to and his/her scheduled work day immediately after the holiday, or.
  - A-2b must have been in full pay status preceding and following the holiday in accordance with other provisions of this Bylaw.

Payment under provisions of this section shall be made to an employee as follows:

- B-1 If paid on an hourly basis, an employee shall receive one day's pay at his/her regular rate based on the number of hours regularly worked on the day on which the designated holiday occurs.
- B-2 If an exempt employee paid on an annual basis, the employee shall be granted each designated holiday without loss pay.
- B. A non-exempt full time employee, who shall be required by his/her Department Head to work on any said holiday shall receive, in addition to his/her regular holiday pay for which he/she is entitled under Subsection 11-A, an additional one and a half times his/her regular hourly rate for each hour worked not to exceed the number of hours in his regular daily work schedule or at the request of the employee. He/she may be granted compensatory time off within seven (7) days at the convenience of the department in lieu of overtime pay.
- C-1 An exempt employee required to work on any said holiday shall be entitled to compensatory time off within seven (7) days, at the convenience of the department.
- C. A part time employee who shall be required to perform work on any holiday under Subsection 11-A shall be entitled to one and a half times his/her regular hourly rate of pay.
- D. If a designated holiday occurs while an employee is on vacation leave, no charge for the holiday shall be made against the vacation leave.

## **Section 12 – Vacation Leave**

- A. Vacation leave shall be granted from July 1 to June 30.
- B. Full-time employees shall be granted vacation leave as follows:
  - Less than 1 year – 1 day for every five weeks worked
  - 1 year or more, less than 5 years – 10 days
  - 5 years or more, less than 10 years – 15 days
  - 10 years or more, less than 20 years – 25 days
  - 15 years or more – 30 days
- C. Absence due to sickness may be charged to vacation leave at the employee's request with the approval of the Department Head.
- D. If a designated holiday under Section 11-A occurs while an employee is on vacation leave and the employee is eligible for holiday pay, no charge for the holiday shall be made against the vacation leave.
- E. No paid vacation shall be taken during an employee's ninety (90) day probationary period.

- F. Vacation leave shall be granted to an employee provided the request shall not cause a work disruption to the Town. All vacation leave shall be subject to the approval of the Department Head.
- G. Vacation days shall not be granted in less than one day increments unless approved by the Department Head.
- H. Vacation leave must be used in the fiscal year which it is granted.
  - H-1 Subject to the approval of the Department Head in consultation with the Personnel Administrator an employee may carry over up to 10 vacation days to the following year.
  - H-2 Any vacation days in excess of 10 days at the end of the fiscal year shall be forfeited without compensation.
- I. Whenever the employment of a full-time non-union employee is terminated during the year by dismissal, by resignation, by retirement or death the employee or his/her estate shall be paid at the regular rate of compensation payable at the termination of employment, an amount in lieu of earned but unused vacation.

### **Section 13 – Sick Leave**

- A. A full-time employee in continuous employment who has completed twenty-six (26) weeks of service from the date of his/her hire shall be granted sick leave in accordance with the provisions of this section when the employee:
  - A-1 is incapacitated for the performance of his/her duties by non-occupational sickness or injury.
  - A-2 is required to give care and attendance to his/her spouse, child, parent or other person in his/her immediate household.
- B. A full-time employee shall accrue sick leave at the rate of one and one quarter (1 ¼) days for each full month the employee is on the payroll in good standing up to a total of fifteen days per employment year.
  - B-1 Leave may be accumulated from one employment year to the next.
- C. For absenteeism greater than five (5) working days a certificate from a health care provider (as defined by FMLA 1993). Town Bylaws Section 17 must be furnished to the Personnel Administrator

- D. The Department Head shall be authorized to approve or disapprove requests for sick leave. An employee who is absent from duty on account of sickness or injury shall notify the Department Head before or at the beginning of his/her scheduled work day.

D-1 Approved sick leave must be reported by the Department Head to the Personnel Administrator on forms provided by the Town.

- E. In those cases where an employee's sick leave is not approved by the Department Head. His/her absence shall be considered to be unauthorized.
- F. Any employee who is unable to work because of an occupational injury, which is incurred in the course of his employment by the Town and which is compensable under the provisions of the Massachusetts Worker's Compensation Act, Chapter 152 of the General Laws, shall, upon his written request to the Personnel Administrator, receive as a charge against his accrued sick leave the difference between his current salary and the amount he receives as worker's compensation.
- G. Not with standing any provision of this by-law, the Family and Medical Leave Act of 1993 shall be followed in accordance with its provisions.
- H. Whenever the employment of a full-time non-union employee is terminated during the year by retirement or death the employee or his/her estate shall receive 35% amount of pay at the rate of compensation which he/she is receiving at the time of his/her retirement or death for unused sick leave up to two hundred and forty (240) days accumulation.

#### **Section 14 – Bereavement Leave**

- A. A full-time employee may be granted, with the approval of the Department Head, up to four (4) days leave immediately following the death of a person in his or her immediate family without loss of pay. Immediate family is defined as the employee's spouse, parent, child, sibling, grandparent, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, grandparent of spouse, and/or a person in the employee's household.

## **Section 15- Court Leave**

- A. Jury Duty – Any full-time employee summoned to jury duty shall be excused from his or her work for the period necessary to perform jury duty.
  - A-1 If the jury fee, exclusive of travel allowances received by the employee for jury duty shall be less than the regular pay received by him/her from the Town, the difference between the jury fees and the employee's regular pay shall be paid to the employee by the Town. However, as a condition for receiving such payment, the employee agrees that if discharged from jury duty for a reasonable portion of his/her regular work hours, the employee shall report to his/her supervisor for such work as may be assigned
  - A-2 An employee who desires the benefit of this section shall be required to present weekly to the Department Head or to the Personnel Administrator, a certificate by the court verifying the time spent by the employee in jury duty during the week.
  - A-3 Any part-time employee summoned to jury duty shall be subject to Sub-sections A-1,2,3 above as long as the employment hours of a juror reasonably may be determined by a schedule established during the three month period preceding the term of service of the juror, to be the same hours as jury duty. If the hours of employment and or jury duty do not coincide Subsections A-1, 2, 3 above do not apply.
- B. Court Time – Any employee who shall be required to attend proceedings in court as a litigant, or as a witness, other than as part of his/her regular employment with the town, shall do so in an unpaid status.

## **Section 16 – Military Leave**

- A. It shall be the employee's responsibility to notify his/her Department Head of the dates he/she is leaving for military service and to provide written proof from military or selective service officials to the Department Head indicating the date of departure and length of service required. A copy of such proof shall be filed with the Town's Personnel Administrator.
- B. An hourly employee in the Military Reserve or National Guard shall be paid the difference between total compensation received while on Reserve or Guard duty and the regular compensation rate paid the employee by the Town, not exceed seventeen (17) work days in any given twelve (12) month period.
- C. Salaried employees shall receive their regular pay up to seventeen (17) days per fiscal year, during Military Reserve or National Guard service. Employees who enter the Armed Forces of the United States or who are activated in the Military Reserve or the National Guard shall be granted a leave of absence during service in the Armed Forces, not to exceed ninety (90) days beyond discharge from military service.

## Section 17 – Other Leave

- A. Family and Medical Leave Act (FMLA)** – The Federal Government requires that the Town provide leave to eligible employees under the Family and Medical Leave Act of 1993.

- A-1 Employees who are eligible for the Family and Medical Leave shall have worked for the Town for a total of 12 months and shall have worked at least 1,250 hours over the previous 12 months.
- A-2 An eligible employee may take up to twelve (12) work weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:
- Parental leave: the birth of a son or daughter and the care of the newborn child of an employee;
  - Adoptive Leave: the placement with the employee of a son or daughter for adoption or foster care;
  - To care for an immediate family member (spouse, child, or parent) with a serious health condition, or
  - To take medical leave when the employee is unable to work because of serious health condition

Timing of Twelve (12) Month Leave Period – The twelve (12) month period used for determining an employee's 24 hours of leave entitlement shall be a "rolling " twelve (12) month period measured backward from the date the employee begins the use of the leave.

- A-3 In accordance with the FMLA the employer may designate any qualifying leave as FMLA leave.
- An eligible employee may elect or an employer may require that an employee substitute any of the employee's accrued paid vacation, floating holiday or sick leave for any of the leave provided under this Act. However, an employer is not required to provide paid sick leave in any situation in which the employer would not normally provide such leave.
- A-4 All requirements of the Family and Medical Leave Act of 1993 shall be considered included in this by-law.

- B. The Small Necessities Leave Act of 1998 (SNLA).** MGL c.149, section 520. This leave is in addition to any leave an employee may be entitled to under the FMLA. This act provides up to twenty-four (24) hours of unpaid leave during any twelve (12) month period to an eligible employee for the purpose of:

- Participating in school activities directly related to the educational advancement of the employee's child, such as parent-teacher conferences or interviewing for a new school;
- Accompanying the employee's child to routine medical or dental appointments, such as check-up or vaccinations, and
- Accompanying an elderly relative of the employee to routine medical or dental appointments and appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

B-1 Employees shall be eligible for leave under this section under the following conditions:

- Those who have been employed for at least twelve (12) months.
- Those who have provided at least 1250 hours of service including paid vacation and sick leave in the twelve (12) months prior to the leave request.

Timing of Twelve (12) Month Leave Period – The twelve (12) month period used for determining an employee's 24 hours of leave entitlement shall be a "rolling " twelve (12) month period measured backward from the date the employee begins the use of the leave.

B-2 The following limits shall apply to the leave granted under this section:

- An employee is required to provide his/her employer with at least seven (7) days notice when the need for leave is foreseeable. If the need for leave is not foreseeable the employee is required to provide the employer with such notice as is practicable under the circumstances.
- An eligible employee may elect or an employer may require that an employee substitute any of the employee's accrued paid vacation, floating holiday or sick leave for any of the leave provided under this Act. However, an employer is not required to provide paid sick leave in any situation in which the employer would not normally provide such leave.
- An employee may take leave under this Act on an intermittent or reduced leave basis.

B-3 All requirements of the Small Necessities Leave Act shall be considered to be included in this Bylaw.

### **C. Paid Personal Leave**

C-1 A full-time employee shall be granted three (3) paid personal days on the first pay period of the fiscal year.

C-2 Personal Leave must be used in the fiscal year in which it is granted. No personal leave may be carried over from one fiscal year to the next.

C-3 An employee must request personal leave in advance and must be approved by the Department Head in conjunction with the Personnel Administrator at the convenience of the Town.

C-4 In the event of an employee's termination during the year by dismissal, by resignation by retirement or death any unused personal leave shall be forfeited.

#### **D. Leave of Absence**

- D-1 An employee may request a leave of absence for personal reasons that may be charged to his/her vacation leave upon written request to the Department Head and with the approval of the Personnel Administrator, Such absences, however, may not be charged to vacation beyond that which the employee has earned at the time of application.
- D-2 Except as otherwise provided for in this By-law, all leaves of absence shall be without compensation.
- D-3 An employee's request for a leave of absence must be approved by the Personnel Administrator.

#### **Section 18 – Physical Examination**

- A. Those employees in the positions listed in Subsection 18 A-1 shall be given a conditional offer of employment pending the results of a pre-employment physical. No employee in Subsection 18 A-1 shall be appointed until the pre-employment physical examination is conducted. The Personnel Administrator will receive notice from the designated physician regarding the candidate's ability to perform the essential functions of the position. If a potential employee is deemed not qualified as a result of the pre-employment physical he/she will be notified in writing.
  - A-1 The following employees filling the positions listed below must have a pre-employment physical: COA cook, COA assistant cook, COA bus driver, Water Superintendent, Highway Superintendent, Senior Custodian, Custodian, Groundskeeper, Seasonal Groundskeeper, Compost Site Attendant, Park & Recreation Director, Assistant Director and Counselors.
- B. Any physical examination required by the Town shall be paid by the Town.



## **Section 19 – Amendments to the Personnel Bylaws**

- A. The Classification Plan, the Compensation Plan and / or other provisions of the Personnel Bylaws shall be amended by vote of the Town only at the Annual Town Meeting.
- B. Such proposed amendments, other than those originating with the Board, shall not be voted on at Annual Town Meeting until they have been presented by signed petition to and acted upon by the Personnel Board.

B-1 Such proposed amendments must be submitted to the Personnel Board at least seventy-five (75) calendar days prior to the closing of the Annual Town Meeting Warrant.

B-2 Upon receipt of such petition, the Board shall hold a hearing at a regularly or specially scheduled Personnel Board Meeting within thirty (30) days for the interested parties to consider the proposed amendment. The Board shall notify the petitioner at least ten (10) days prior to the meeting.

B-3 If the Personnel Board shall fail to act on an amendment so presented within thirty (30) days after the hearing, thereon, the Board shall be deemed to have disapproved the amendment. The petitioner may then submit the petition to the Selectmen for inclusion in the Annual Town Meeting Warrant.

- C. The Board shall report its recommendations on any proposed amendment to the Board of Selectmen and the Finance Committee, and make its recommendations with regard to any amendment at the Annual Town Meeting at which the said Amendment is to be considered.
- D. Pursuant to MGL Chapter 41 Section 108A amendments to the Compensation Plan require a public hearing held not less than two weeks nor more than two months after public notice as defined in Section 108A prior to the Annual Town Meeting. The publication of any proposed amendment in the Town Warrant for the Annual Town Meeting shall be deemed to satisfy the requirement of a public hearing as stated in this paragraph.

## **Section 20 – Partial Invalidity**

- A. The invalidity of any section of this Bylaw shall not invalidate any other section or provision thereof.

## History of Amendments to the Town of Avon Personnel Bylaws Voted at Annual Town Meetings

Dates Bylaws have been amended

### Section 1 – Applicability

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### Section 2 – Equal Employment

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### Section 3 – Definitions

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### Section 4 – Personnel Board Authority

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### Section 5 – Classification Plan

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### Section 6 – Compensation Plan

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### Section 7 – Classification, Salary, Wage, & Longevity Pay Schedules

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### Section 8 – Probationary Period

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### Section 9 – Work Week

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### Section 10 – Overtime Compensation

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Section 11 – Holiday Pay

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Section 12 – Vacation Leave

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Section 13 – Sick Leave

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Section 14 – Bereavement Leave

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Section 15 – Court Leave

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Section 16 – Military Leave

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Section 17 – Other Leave

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Section 18 – Physical Examination

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Section 19 – Tuition Reimbursement

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Section 20 - Amendments to the  
Personnel Bylaws

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Section 21 – Partial Invalidity

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**Note:** After May 7, 2002, whenever a bylaw is amended at an Annual Town Meeting note the date of the amendment next to the section that has been amended. Distribute copies of the amended section/s to the Town Clerk, Executive Secretary, Department Heads, Personnel Administrator, Board Committee and Commission Chairmen and all employees affected by the Personnel Bylaws.

## PERSONNEL BOARD

### Proposed changes to compensation schedule

1. 2% pay increase for all classifications
2. Vacation: 10 years.....25 days 15 years.....30 days
3. Carry-over: 10 days
4. Sick Leave: 15 days
5. Sick time buy-back: 35% (eliminate 240 day maximum)
6. Bereavement: 4 days (no change)
7. Personal Leave: 3 days (no change)
8. Tuition Reimbursement: \$200.00
9. Step Increase: Yearly
10. Add 1 holiday: Christmas Eve

