

TOWN OF PEMBROKE

CLASSIFICATION

AND

COMPENSATION

BY-LAWS

As adopted by the Annual Town Meeting – March 1965

Updated to April 2010

WAGE AND PERSONNEL BOARD
PEMBROKE, MASSACHUSETTS

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AUTHORITY:

Chapter 41 - Section 108A

A city, by ordinance, and a town, by by-law, may establish, and from time to time, amend a plan classifying any or all positions other than those filled by popular election and those under the direction and control of the School Committee into groups and classes doing substantially similar work or having substantially equal responsibilities. Such city or town may, in like manner, or in a city, by vote of the City Council, subject to the provisions of its charter, and in a town, by vote of the town at a town meeting, establish, and from time to time, amend a plan establishing minimum and maximum salaries to be paid to employees in positions so classified; and such salary plan may provide for the attainment of such maximum salaries by periodical step-rate increases based on length of service. Nothing in this section shall be construed to conflict with the provisions of chapter thirty-one. Any by-law adopted under the provisions of this section shall not be subject to section thirty-two of chapter forty.

ADVANTAGES OF A CLASSIFICATION AND COMPENSATION PLAN

FOR THE TOWN:

1. There will be a definite pay structure, and town officials can more readily determine how the general pay level compares with similar positions outside the services of the town.
2. There will be a definite basis for granting pay increases and assurance that all personnel are being treated alike and paid alike to equal demand of work.
3. Hiring procedures and results will be improved. People like to know what they can expect and count on.
4. There will be more facts and more dependable facts on which to base action on pay problems.

FOR THE DEPARTMENT HEADS AND TOWN OFFICIALS:

1. Better preparation and planning of budgets will be possible.
2. They will be freed from unreasonable pressure for increases because the Plan established the program.

3. Personnel procedures will be helped as a result of the continuing job studies, the establishment of town-wide policies, etc.

4. They will have the advantage of being able to confer with a Wage and Personnel Board on matters related to pay, jobs, etc., similar to the benefits experienced in a company with a personnel department.

FOR THE TOWN EMPLOYEES:

1. Financially, they will know just what to expect and can have as much assurance as possible that they are being paid in proper relation to other town personnel and comparable jobs outside the service of the town.

2. They will be assured that there is uniform and consistent treatment for all town personnel throughout all the several departments.

3. Under the proposed Plan, if any ever feel that they are being treated unfairly in pay matters or have related questions, they will have the opportunity to take the matters up with the Wage and Personnel Board.

4. No person will have his rate of pay cut due to the introduction of the Plan.

5. An employee or group of employees, after taking a case to the Wage and Personnel Board, and who are not satisfied, can submit the case to the next town meeting.

PERSONNEL CLASSIFICATION AND COMPENSATION BY-LAW

Section 1. Definition

The official Classification and Compensation Plans for positions in the service of the Town of Pembroke, except positions held by elected officials and positions under the jurisdiction of the School Committee, shall consist of classes listed by titles and assigned to compensation grades as set forth in the schedules following:

- A. THE CLASSIFICATION PLAN. The official Classification Plan for positions in the service of the town shall consist of the classes listed by titles in the following schedules that are hereby made a part hereof.
- B. THE COMPENSATION PLAN. The official Compensation Plan, when established by vote of the town, shall consist of minimum and maximum salaries or single rated salaries to be paid to all employees in any position included in the Classification Plan, as such salaries shall, from time to time, be established by vote of the town, except that the payment of any such salary shall be subject to Town Meeting appropriation.
- C. ONE TO THREE YEAR RANGE.
- D. AMENDMENT OF THE PLANS. The Classification Plan, and the Compensation Plan, and the provisions for the administration thereof may be amended by vote of the town at the Town Meeting. (Art. #25 of 10/3/95 STM)

Section 2. The Wage and Personnel Board

- A. It is important to provide a Wage and Personnel Board to administer the plans and to be sure that there is uniform interpretation and application throughout the entire town.
- B. There shall be a Wage and Personnel Board, consisting of three unpaid members who shall not be employees or elected officials of the town, responsible for the administration and maintenance of the Classification and Compensation Plans. The membership of the Wage and Personnel Board shall be appointed by a committee composed of the Moderator, a member of the Finance Committee and a member of the Board of Selectmen. The three members of the Board shall be appointed for terms of one, two and three years respectively, and upon the normal expiration of these terms, their successors shall be appointed by the same appointing authority for terms of three years.

Original appointments to the Wage and Personnel Board under this By-Law shall be made not later than thirty days following the effective date of the By-Law; and subsequent appointments shall be made within thirty days following the expiration of the term or the Board member who is to be replaced.

Section 3. Duties of Wage and Personnel Board

A. The Board shall establish such policies, procedures, and regulations as it deems necessary for the administration of the Classification and Compensation Plans and may employ assistance and incur expenses as it deems necessary, subject to appropriations of funds therefor.

B. The Board shall, immediately following the annual appointment of the 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 or a majority of all the members of the Board shall be necessary on any matter upon which it is authorized or required to act.

C. The Board shall maintain written descriptions or the jobs or positions in the Plan describing the essential characteristics, requirements and general duties. The descriptions shall not be interpreted as complete or limiting definitions and employees shall continue to perform any duties assigned by their superiors.

D. The Board, by its own authority, may reclassify an existing position to a more or less valuable class or rate, or classify a new position if it shall have determined that such reclassification is consistent with the provisions of the Classification and Compensation plans. Such reclassification of a position, however, shall be subject to the appropriations of the necessary funds to adjust to the compensation of the incumbent employee.

E. The Wage and Personnel Board, from time to time shall review the work of all positions covered by the Plan; such reviews to be scheduled so as to cover all such positions at intervals of not more than two years.

F. The Wage and Personnel Board shall, from time to time, review the salary schedules. It shall keep informed as to pay rates and policies outside the service of the town and shall recommend to the town any action deemed desirable to maintain a fair and equitable pay level.

G. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for a position and such other variance in the Plan as it may deem necessary for the proper functioning of the services of the town. No variance shall become effective unless or until the necessary funds have been appropriated therefor.

H. The Board shall make an annual report, in writing, to the Board of Selectmen and Finance Committee on or before December 1st of each year.

Section 4. Deleted

Section 5. Civil Service Laws

Nothing in this By-Law shall be construed to conflict with Chapter 31 of the General Laws of the Commonwealth of Massachusetts.

Section 6. Effective Date

A. All amendments to the Plan shall become effective as of July 1, following the Annual Town Meeting adopting such amendments, unless a different date is specified in the vote of adoption.

B. Deleted (Article #2 of the 4/23/96 STM)

Section 7. Classification of Full Time Hours

Classification of full time permanent positions with all departments based on the number of hours each department works: Town Hall Clerical Employees, 37 1/2 hour week; Highway Department, 40 hour week; all other departments, 40 hour week. (W&P Art. #47 of 4/27/99 ATM)

Section 8. Salary or Wage Rates above Maximum

Any salary or wage rate which was in effect on or before December 31, 1964, and which is above the maximum rate for the class to which the position has been allocated, shall be deemed a personal rate and shall apply only to the incumbent.

Section 9. Increases

Every employee in a position for which step rate increases in compensation are provided may be considered for an increase in compensation to the next higher step rate within his compensation grade following one year at the minimum and one year at each intermediate step rate reaching the maximum rate not earlier than the third year. The above is to be enforced by all Department Heads, that employees are in their proper year of service between the minimum and the maximum pay scale, as that is and will be the rate of pay they will receive.

Upon the recommendation of a Department Head, supported by evidence in writing of special reasons satisfactory to the Board, the Board may authorize the retention of an employee at a step rate of compensation which is lower than his time of service warrants.

Section 10. New Personnel

The hiring rate shall be the minimum of the rate range for the job unless otherwise authorized by the Wage and Personnel Board. If such authorization is given, it shall be supported by written statement of the reasons.

Section 11. Transfers and Promotions

A. When an employee is promoted to a higher rated position temporary or permanent, he shall enter it at the minimum rate of the range for the appropriate compensation grade, or, if his existing rate is the same or higher than the minimum rate of the new class, at the next step above his present rate. He or she will continue at the old job classification rate for a period of three months minimum not to exceed six months, until he or she is deemed acceptable by his or her immediate superior. The foregoing probationary period may be waived by the Wage and Personnel Board upon the written recommendation of the Department Head.

B. If an employee is transferred to a lower rated position, he shall enter it at his rate in the position from which he is transferred. The salary of such employee, however, shall be adjusted to the appropriate rate in the range for his new position within one year by such periodic adjustments as the Wage and Personnel Board shall determine.

Section 12. Pay for Overtime Work

A. Any full time employee, except Superintendents and Heads of Department, who are required by their supervisor to work more than forty (40) hours in a week, shall be paid at the rate of time and a half for all hours over forty (40), or the employee may choose to take compensatory time off subsequent to that week. This compensatory time off will be equal to the actual overtime hours worked and this scheduling must be approved by the Department Head.

Any employee of the library who voluntarily agrees to work on a Sunday will receive time and a half pay for the Sunday hours regardless of the total number of hours worked during a given week. (W&P Art.#14 STM 4/00)

B. If overtime payment is to be made, it shall not accumulate over any period of time but shall be included in the employee's payroll check of the week in which the overtime pay was earned. All departments shall keep a proper record of all overtime.

C. No full time employee shall be required to work for less than the salary/wage specified in this by-law.

Section 13. Holidays

- A. The following will be observed as paid non-working days:
January - New Years Day and Martin Luther King Day;
February - Washington's Birthday; April - Patriot's Day;
May - Memorial Day; July - Independence Day;
September - Labor Day; October - Columbus Day;
November - Veterans' Day and Thanksgiving Day;
December - Christmas Day.

When one of the above holidays occurs on a Saturday, the employees shall be entitled to have the previous Friday off as a paid non-working day unless the Board of Selectmen determines that the town offices should remain open on that Friday, in which case Department Heads shall designate skeleton staffs who shall be entitled to have either the following Monday or following Friday off as a paid non-working day in the discretion of the Department Head.

B. If a full time employee is required to work on the above mentioned days through an emergency only, when such holidays fall on a normal working day, such employee shall be paid at the rate of straight time in addition to the holiday pay.

C. If a full time employee having to work on emergency only basis on Christmas Day, New Year's Days, or Thanksgiving Day, such employee will be paid at the rate of time and one half in addition to the holiday pay.

Section 14. Vacation Leave

A. Every employee occupying a full time position in which he/she has been in continuous service for the town for twelve (12) months shall be granted ten (10) days vacation with pay; fifteen (15) days vacation leave with pay after five (5) years of continuous service; twenty (20) days vacation leave with pay after ten (10) years of continuous service; twenty-one (21) days vacation leave with pay after (16) years of continuous service; twenty-two (22) days vacation leave with pay after seventeen (17) years of continuous service; twenty-three (23) days vacation leave with pay after eighteen (18) years of continuous service; twenty-four (24) days vacation leave with pay after nineteen (19) years of continuous service; and twenty-five (25) days vacation leave with pay after twenty (20) years of continuous service and thereafter. Such vacation shall be granted by the head of the respective department of the town at such time as, in his opinion, will cause the least interference with the performance of the regular work of the town. (W&P Art.#52 of 4/24/97 ATM)

B. An employee entitled to three or more weeks vacation may carry over one of those weeks into the next fiscal year. (W&P Art.#47 of 4/27/99 ATM)

C. Vacations with pay shall not be granted to temporary employees. An additional day of vacation shall be allowed to any employee if one of the holidays described in Section 13 occurs during his/her vacation period. A vacation week consists of five (5) working days.

D. Upon the death or resignation of any employee eligible for vacation leave, payment shall be made to the estate of the deceased, or to the resigned employee, for that portion of unused vacation accrued in the calendar year prior to death or resignation.

E. Vacation "sell back" option: Employees may sell back to the Town their excess vacation time as follows:

10 days earned per year - sell back 0 days

15 days earned per year - sell back 5 days

20 days earned per year - sell back 10 days

Vacation days sold back to the Town will be at the employees straight time rate: Subject to the approval of the Department Head with payment being made within thirty (30) days of the approval.

Section 14A. Life Insurance

Every permanent full time employee shall be entitled to be covered by a group life insurance policy now in force for which he will pay one half the cost and the town will pay one half the cost.

Section 14B. Plymouth County Retirement

Every permanent full time employee shall be entitled to be enrolled in the Plymouth County Retirement Plan, the cost of which is borne jointly by the town and the employees.

Section 15. Jury Duty

An employee called for jury duty shall receive from the town an amount equal to the difference between his normal compensation and the amount (excluding any travel allowance) received from the court upon presentation of certification of the amount paid by the court.

Section 16. Physical Examination

Town of Pembroke By-Laws: Article 13, Section 2; physical fitness according to the Town By-Laws must be enforced.

Section 17. Sick Leave

- A. Full time department employees are entitled to fifteen scheduled working days sick leave per year. All sick days will be credited to the employees sick leave account on July 1, and earned at the rate of 1 1/4 days per month during the following 12 months.
- B. An employee must submit a doctor's certificate to his Department Head after three consecutive days of sickness or injury leave and the Department Head will forward said certificate to the Wage and Personnel Board for their records.
- C. Injury, or illness, or disability, self-imposed or resulting from the use of alcohol or drugs, shall not be considered a proper claim for sick leave.
- D. Payments made under the provisions of this section shall be limited to an employee who is receiving Workmen's Compensation for injury to the difference between the amount paid by Workmen's Compensation and the employee's regular rate of pay. In the event of payments made to an employee under the preceding sub-section, the Wage and Personnel Board may debit the employee's sick leave accrued by such amounts as it determines to be equitable in relation to such payments. Annual sick leave benefits may be accumulated up to two hundred (200) days.
- E. Upon retirement, death or layoff, 50% of accumulated sick leave will be paid to retiree, estate or person laid off within sixty (60) days of retirement, death, or layoff. This provision is not intended to apply to employees who resign of their own accord or who are discharged for reasons related to unacceptable job performance.

An employee who has received payment for unused sick leave after layoff and is subsequently rehired, shall have the option of repurchasing some or all of such sick leave by notifying the Wage and Personnel Board of his/her intention to do so within thirty (30) days of rehire and by tendering to the town a lump sum payment in full for the amount of sick leave so repurchased within six (6) months following his/her return to duty. Upon the towns receipt of such payment, the employee will be credited with the amount of sick leave purchased. In no event will sick leave accrued before layoff and after rehire total more than two hundred (200) days.

Section 18. Leave of Absence

Leave of absence may be granted by the appropriate Department Head, but shall be without compensation. Leave of absence of over three (3) months duration (including maternity 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 (3) months (including maternity leave) has been authorized by the Wage and Personnel Board.

Section 19. Department Budgets

A. Each Department Head shall include in the regular annual departmental budget, a Pay Adjustment Section, setting forth by employee, and in detail, the amounts which will be required for anticipated pay adjustments in accordance with the Compensation Plan during the ensuing year and shall furnish a copy thereof to Advisory Board. (W&P Art. #47 of 4/27/99 ATM)

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

Section 20. Effect of Partial Invalidity

If any provision of this By-Law shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Section 21. Repeal of Other By-Laws

Any by-law or regulation of the town or section of the General Laws of Massachusetts heretofore accepted by the town, which may be in conflict with provisions of this by-law is hereby repealed and rescinded.

Section 22. Titles of Positions

The title of each classification shall be the official title for all purposes having to do with the position as such, and shall be used to designate the position in all payrolls, budget estimates and official records and reports, and in every connection involving personnel and fiscal processes; but any abbreviation or code symbol approved by the Wage and Personnel Board may be used in lieu of the title to designate the classification in any such connection. Position titles shall be interpreted as descriptive only and not restrictive. They shall be construed solely as a means of distinguishing one position from another and not as prescribing that the duties or responsibilities of any position shall be, or as modifying, or in any way affecting the

power of any administrative authority as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

Section 23. Records

The Town Clerk shall keep such employment records of all employees of the town including the name, age, date of employment, classification, department in which employed and other information as the Wage and Personnel Board shall deem necessary. Department Heads shall furnish such information as shall be requested for this purpose.

Sections 24 & 25. Deleted.

Section 26. Apportioned Salary for Wiring, Gas and Plumbing Inspectors

The appointing authority for Wiring, Gas and Plumbing Inspectors shall apportion the salaries designated in Salary Schedule B for said inspectors between said inspectors and their associated inspectors.

Section 27. Definitions

Employee: An employee of the town occupying a position in the Classification Plan.

Full Time Employment: Employment for not less than thirty-seven and a half (37 1/2) hours per week for fifty-two (52) weeks per year, minus legal holidays and authorized vacation leave, sick leave, bereavement leave and other leave of absence.

Part Time Employment:

Employment for less than full time employment as defined above.

Permanent Employee:

A. Any employee retained on a continuing basis in a permanent position as defined above.

B. Any employee holding permanent appointment under Civil Service Law to a position deemed permanent within the meaning of said law.

Temporary Position: (or Seasonal Position) Any position in the town service which requires or is likely to require the services of one incumbent for a period not exceeding six calendar months; a seasonal position requiring less than the work week of its occupation group shall be considered as part time.

Temporary Employee:

- A. An employee retained in a temporary or seasonal position as defined above.
- B. Any employee holding a temporary appointment under Civil Service Law who does not also have permanent status thereunder.

Section 28. Vouchers for Wages

No voucher for salaries or wages shall be paid unless said voucher is itemized showing person's name, number of hours worked and hourly rate.

Section 29. Date of Appointment

Salaries for appointed jobs shall be honored from date of appointment only.

Section 30. Deleted

Section 31. Bereavement Leave

Any full time employee who suffers the loss through death of his father, mother, father-in-law, mother-in-law, sister, brother, spouse, child, or step-parents, and step-brothers and sisters, shall be granted a leave of absence, not to exceed five (5 days) on any one occasion, to attend the funeral or any other business related thereto for which the employee shall be paid for said time not in excess of eight (8) hours per day at his regular rate.

Two (2) days shall be granted for death of grandparents, brother-in-law and sister-in-law, to be paid as specified above. (amended W&P Art. #51 ATM 4/00)

After six (6) bereavement days in a year, each day will be deducted from accumulated sick leave.

Section 32. Substitute Employees

A substitute shall be paid according to Step 1 of the schedule for position being substituted for; however, a Department Head may request from the Wage and Personnel Board approval to pay up to the step rate of the employee being substituted for if necessary funds have been appropriated.

Section 33. Substitute Employee Becoming Permanent

Should a substitute employee become a permanent employee he would be paid according to Step 1 for that position unless a request is approved in adherence to Section 32.

Section 34. Part Time Step Increase

Part time personnel may be eligible for a step increase every two years.

Section 35. Uniform Allowance

All regular full time employees, not covered by a collective bargaining agreement, in the Highway, Tree, Water, Town Hall Custodial and Cemetery Departments shall be granted a clothing allowance of \$225.00 per year to be paid to the employee on or before August 1 of the year due. Clothing is to be standardized uniform (color determined by Department Head) with a Town of Pembroke patch.

The Chief of Police and Fire Chief will be granted the same uniform/cleaning allowance as that granted to the personnel under their supervision.

Section 36. Grievance Procedure

Grievances arising out of matters, disputes, and consultations on any question arising out of the employer/employee relationship and the terms of the Classification and Compensation By-Laws will be processed in the following manner:

- A. An employee having a grievance or complaint must take up the matter with their Department Head, in writing, within five (5) scheduled working days after the occurrence of the alleged event or after the aggrieved becomes aware of the event. The Department head shall give their decision, in writing, within five (5) scheduled working days.

- B. If the employee is not satisfied with the decision of the Department Head, they may appeal to the Wage and Personnel Board, in writing, within five (5) scheduled working days. The Board shall render its decision, in writing, within ten (10) scheduled working days.
- C. If the grievance or complaint involves employee discipline or is not settled at the previous step, in those cases where the department involved is under the jurisdiction of a Board or Commission, the Wage and Personnel Board shall refer the matter to the appropriate Board or Commission within ten (10) scheduled working days.
- D. The Board or Commission shall then schedule a hearing with the appropriate individuals within ten (10) scheduled working days.
- E. The hearing shall be heard in executive session unless the aggrieved employee requests that the hearing be held in public session.
- F. The Board or Commission shall render its decision, in writing, within fourteen (14) scheduled working days of the conclusion of the hearing.

DISCIPLINARY ACTION

- A. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of town government.
- B. Department Head responsibilities. Department Heads are responsible for the proper and efficient operation of their departments and for enforcing all policies and regulations.
- C. Reasons for disciplinary action. Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the town from effectively and efficiently discharging its responsibilities to the public. The following shall constitute cause for disciplinary action:
 - (1) Neglect in the performance of the duties of the position to which the employee is assigned.
 - (2) Disregard for or frequent violations of town and departmental policies and regulations.
 - (3) Willful misuse, misappropriations, negligence or destruction of town property or conversion of town property to personal use or gain.
 - (4) Frequent nonexcused tardiness or absence from duty without approval.
 - (5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or similar acts of insubordination.
 - (6) Intoxication or use of alcoholic beverages, narcotics, drugs, or other controlled substances while on duty.

- (7) Criminal, dishonest or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of town services.
- (8) Disregard for or frequent violations of town bylaws or state laws.

I. PROCEDURE

- A. Immediate Action. Any supervisor has the authority to send an employee home, with pay, at any time, if, in the supervisor's opinion, sufficient cause for such action exists. In that event, the supervisor shall provide the department head with a written recommendation regarding the appropriate disciplinary action to be taken.
- B. Oral Reprimand. Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show the date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his or her personnel folder. The documentation of the reprimand and comments in the employee's file will be purged at the end of twelve months.
- C. Written Reprimand. A written reprimand may be given by a department head for just cause within ten (10) days of the date of the behavior giving rise to the reprimand.
 - (1) A written reprimand shall be addressed to the employee and will include: the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action; any circumstances affecting the severity of the discipline; and advise on rights of appeal. A copy of the reprimand shall be signed by the employee and be included in the employee's personnel file. The employee will have five (5) working days from the date of signing the reprimand to submit written comments for his or her personnel file.
 - (2) Both documents shall be purged from the file at the end of twelve months, if no other disciplinary action of any type has occurred in that time.
- D. Suspensions and Removals. An employee may be suspended or removed from his or her position by the appointing authority.

II. APPEALS

- A. Any employee aggrieved by any disciplinary action may appeal said action within five (5) working days of receiving notification of the action to the appropriate Department Head. The Department Head shall investigate the appeal and render a written decision within five (5) working days of his or her final determination.
- B. If the employee is not satisfied with the decision at that level, he or she may appeal, in writing to the appropriate appointing authority.
- C. The appointing authority shall schedule a hearing with the appropriate individuals and in accordance with M.G.L. Chapter 39, Section 23B, within ten (10) working days.
- D. The appointing authority shall render its decision, in writing, within fourteen (14) working days of the conclusion of the hearing. (*Amended ATM 4/27/04, Art. #48*)

Section 37. Professional Improvement

Upon approval by the Department Head and payment authorization by the Wage and Personnel Board, an employee may receive one hundred dollars (\$100.00) in a given calendar year for each ten (10) class hours successfully completed in a field related to his or her employment. This benefit is limited to one hundred fifty dollars (\$150.00) in any calendar year, and may not accumulate or carry over year to year. Payments will be made by July 1, or December 31, whichever date more closely follows the submission of evidence of successful completion of the course(s). (*Amended W&P Art. #50 ATM 4/00*) (*Amended W&P Art. #41 ATM 4/01*)

Section 37A. Police and Fire Chief Educational Benefits

The Chief of Police and Fire Chief will be granted the same educational benefits as those granted to the personnel under their supervision.

Section 37B. Lieutenant/Assistant to Police Chief – Benefits

Clothing and equipment allowance, education benefits, improvement and performance benefits, incentives, differentials and stipends, longevity pay, and time off and leave benefits, for the Lieutenant/Assistant to the Police Chief, will be calculated in the same manner as for other members of the Police Department. (*Amended by Art.#7 STM Apr. 2009*)

Section 38. Longevity

Longevity increments shall be unconditionally granted annually to each regular full time employee. A regular part time employee with a work week greater than or equal to 20 hours shall be eligible for longevity on a pro-rated basis according to the following schedule:

<u>Years of Service Completed</u>	<u>Longevity Payment</u>
5	\$ 275.00
10	\$375.00
15	\$425.00
20	\$475.00
25	\$525.00
30	\$575.00
35	\$625.00
40	\$675.00

Payments will be made within twenty-one (21) days following the employee's anniversary date.

Section 39. Personal Days

Personal days up to three (3) days per year with full pay may be authorized by the Department Head, one of which may be for personal convenience. The other must be an approved personal emergency, such emergencies are: (Amended Art.#49 W&P 4/00 ATM)

- (a) Legal proceedings not resulting from negligence on the employee's part.
- (b) Household - Passing of Papers - Disaster from fire -Permanent move of family.
- (c) Any other emergencies as determined by the Department Head.

Section 40. Military Reserve Leave

Any person employed on a full time basis by the Town of Pembroke shall be entitled, during the time of his service in the armed forces of the Commonwealth or during his annual tour of duty as a member or a reserve component of the armed forces of the United States, not exceeding seventeen days, to receive the difference between his pay as an employee or official of the Town of Pembroke and the amount received as a result of military tour of duty if his pay from the Town of Pembroke is the greater sum. Said employee or official shall also be entitled to the same leaves of absence or vacation with pay given to other town employees or officials.

Section 41. Deleted

Section 42. School Crossing Attendants

Deleted by W&P Art. #47 of 4/27/99 ATM

Section 43. Minimum Wage

Any wage that becomes less than the Federal or State Minimum Wage will be increased to the Federal or State Minimum Wage Rate, whichever is higher, as of the effective date of any new Federal or State Minimum Wage. (W&P Art. #47 of 4/27/99 ATM)

Section 44. Licensing Fees

The Town will provide payment for any licensing fee required for a full time, permanent town employee to perform his/her normal duties, except licenses to operate motor vehicles.

Section 45. Eyeglasses

The Town will provide payment for externally worn eyeglasses damaged or broken during the performance of a required job while in the employ of the Town. Replacements shall be equivalent to those broken/damaged. No payment will be made for eyeglasses damaged due to negligence or horseplay.

Section 46. Compensation of Town Employees Serving as Call Firemen during Regular Working Hours

A town employee authorized by the Fire Chief and his/her Department Head to leave his regular duties to help fight a fire shall be paid at the rate of a call fireman while fighting the fire and shall also receive his/her regular pay while fighting such a fire during his/her normal working hours

RULES AND INTERPRETATIONS RELATING TO THE FOREGOING BY-LAWS

Since Wage and Personnel Schedules were initially instituted, it has been disclosed that by oversight, assumption, or other reasons, By-Laws have not always been followed and frequently misinterpreted. For these reasons, this summary of decisions or clarification is printed.

The General Laws place responsibility for accuracy with the Department Head; also, that the Town Accountant and the Treasurer are responsible for making sure of accuracy and legality of expenditures.

NEW PERSONS MAY BE PUT ON THE PAYROLL AT ABOVE THE STARTING RATE OF THE OCCUPATION ONLY WITH THE ADVANCE APPROVAL OF THE WAGE AND PERSONNEL BOARD, THEY HAVE THE AUTHORITY. (Atty. Paro, Town Counsel 12/2/71).

PART TIME EMPLOYEES

1. Advanced to a higher rating in his or her classification only by clearance through the Wage and Personnel Board.
2. Not entitled to vacation time or sick leave. (Deleted W&P Art.#52 ATM 4/00)
3. A person substituting for another (clerical) may not be paid in excess of the wage paid the permanent or part time employee. Rate should be approved by the Wage and Personnel Board at time of substitution. (Atty. Paro, Town Counsel 3/6/69).
4. Copies of all wage decisions and rulings made by the Wage and Personnel Board must be given the Town Accountant and Treasurer to enable payment.
5. A part time employee is to be paid overtime only if his work hours exceed number of hours normally worked by a full time person in the same position in a day or a week. (W & P 5/23/69).
6. An employee who normally is employed at a classification and wage higher than that applicable to a person for whom he is substituting, and not during his normal work hours, shall be paid at the wage of the person for whom he is working.

7. A former, regular employee at a higher wage substituting for an employee at a lower wage must be paid at the lower rate.

8. Matron – Deleted W&P Art. #47 of 4/28/99 ATM

9. An employee in one department working with another department in cases of emergency and qualified to perform the work of his assignment, after performing the required number of hours in a day or week at his normal work, shall be paid at overtime rates for the emergency work at the maximum rate for the type of work he is performing.

10. Part-time employees may have their service credited on a pro-rated basis to their total credited years of service. Pro-ration of part time service would be at half the rate of full time service (i.e., for every two years of part time service, one year of service would be credited). This credited time can be applied to all benefits that full time employees covered under the Classification and Compensation By-laws receive, such as vacation and sick time. (Amended W&P Art. #52 ATM 4/00)

11. In order to qualify for receiving credit for part-time service, an employee would have to work at least 20 hours per week per year.(W&P Art.#47 4/27/99ATM)

VACATION PAY

1. An employee, who transfers from one department to another, entitled to a vacation, but not taken, is entitled to a vacation from his new position at the wage prevailing on the new work. (Atty. McGaffigan, Town Counsel 7/15/68).

2. An employee may take no vacation in the first year of employment starting from his starting date. Second and subsequent years, normal vacation. Vacation time is based on his or her starting date of employment (Atty. Paro, Town Counsel 8/10/70).

Vacations may be granted earlier than one (1) year employment if mutually convenient for the Department Head and employee.

RESIGNATION

1. Vacation time is earned based upon each employee's personal time record and has nothing to do with a calendar year. An employee resigning, or upon death, is entitled to pay for unused vacation time due. (Town Counsel, Henry Paro, 8/1/70), also Chapter 41, Section 111E of the General Laws accepted by the Town 11/4/51.

SICK LEAVE

1. Sick leave computation is based on time worked from date of employment - not a calendar year. (W & P 3/17/71).
2. A person out over three (3) days consecutively must provide a doctor's certificate to their Department Head. (W & P 6/22/71 and W&P Art. #47 of 4/28/99 ATM).

MISCELLANEOUS

1. Deleted
2. A temporary employee (after approval by the W & P Board), may receive pay up to the wage of the person for whom he or she is substituting. Upon becoming permanent, however, the starting wage Step 1 prevails. (W & P 9/30/69).
3. The Board of Selectmen ruled the Assistant Inspector of Wiring will be given work equivalent to 25% of the total and so paid (4/8/68).
4. Deleted W&P Art. #47 of 4/27/99 ATM
5. Reimbursement for attendance to meetings, etc., will be restricted to full time municipal employees, elected or appointed, of the department involved, except where the subject matter of said meeting directly affects the department in which the guest is employed. (Selectmen 5/1/69).

RETIREMENT DEDUCTIONS

1. If a person regularly employed by one department is temporarily employed by another department at regular pay and not as overtime, retirement deductions may be made in lieu of deductions normally made on his regular position. This assures proper credit.

ANNIVERSARY DATES FOR FEDERALLY FUNDED EMPLOYEES

NOW IN TOWN OF PEMBROKE EMPLOYMENT STATUS

The Wage and Personnel Board has ruled that employees, formerly employed under these programs and now continued in Town of Pembroke employment, will be considered as Pembroke employees from their initial date of Federally Funded employment for purposes of computing step increases vacation, sick leave, longevity, etc. (W & P 6/28/76).

MISCELLANEOUS (CONT.)

No approval needed from Wage and Personnel Board on pay level if employee is simply promoted within a department; i.e. Town Clerk's Office - Senior Clerk to Assistant Town Clerk (All contracts & By-Laws). (W & P April, 1982).

A person already in Town's employ in one position should get the same pay step if that person takes on a second lower-rated position; i.e. Selectmen's Secretary and Assistant to Police Chief as Senior Clerks to miscellaneous Town boards (All contracts and By-Laws). (W & P November, 1982 and 12/17/84).

If employee hired at average of 19 hours per week or more as clerk in Town Hall and position is planned to exist for one year or more, that position is automatically covered by Town Hall Labor Contract and union dues must be collected. (Article I, Recognition, Town Hall Contract). (W & P June, 1983)

Previous experience outside of Town employment is not sufficient reason itself to approve starting wage rate above Step 1. Steps are provided as incentive for new employees to learn and grow on the job. This decision applied to Assistant to the Town Treasurer and to Senior Clerk Typist in the Health Department. Also applied in at least two cases with clerk to Planning Board. (Town Hall Contract & Classification and Compensation By-Laws). (W & P 11/28/83 & 7/15/85).

Employees may be given step increases early by Wage and Personnel Board decision if:

- a. Formal documentation for justification is provided.
- b. Documentation shows extraordinary performance on the job, particularly in solving major Town ongoing problems.
- c. Public and Town leadership support.
- d. Also, previous planning and discussion is helpful.
- e. Money is available.

i.e. decision granted in favor of the Assistant Assessor. (Classification and Compensation By-Laws). (W & P 10/31/83).

If a Town employee resigns from a position in which they accumulated sick leave, and immediately continues employ of the Town in another position, they do not lose their accumulated sick leave even if the new position does not have this benefit. (Classification and Compensation By-Laws). Person who quits or is terminated employ of the Town altogether does lose the accumulated sick leave benefits. (W & P 10/31/83).

If a non-union employee is promoted to a higher-rated position, that person's pay is frozen for a three month probationary period, then it is raised to the proper step. If a non-union employee is transferred to a lower-rated position, that person's pay rate

shall remain the same and the Wage and Personnel Board will schedule downward adjustments to bring it down over an appropriate period of time. (Classification and Compensation By-Laws, Sections 11A and 11B). (W & P 12/3/83).

If an employee accepts a promotion and subsequently due to an anniversary date would have been eligible for a step increase that would have paid a higher rate than the promotional rate, that employee's rate should be increased to the next step in the higher rated position on the anniversary date. (Town Hall Contract and Classification and Compensation By-Laws) (W & P 7/15/85).

Any employee who is required by a Town department to take a course applying to their assignment, should be reimbursed at the approval of that department only, not the Wage and Personnel Board. Professional improvement clauses in contracts and by-laws apply only to courses chosen by employee, not required by the town. (W&P April, 1985).

Manning and hiring are responsibilities of department heads. Wage and Personnel Board may be used for consultation only in these cases. (W & P April, 1985).

All employees hired for the Pembroke Library after January 1, 1986 will be subject to all the provisions of the Classification and Compensation By-Law benefits. The existing four Assistant Librarians and the Head Librarian which currently receive benefits but are not full time employees, as described in Section 27 of the By-Law, will not be subject to the above decision. (Board of Selectmen 12/23/85).

The Recreation Department may establish a user fee based training program with an individual in which the program instructor shall receive 60% of the revenue generated from the user fees and the Recreation Department receiving 40% of the user fees. The program instructor will fall under SC 23 of Schedule C of the Classification and Compensation By-laws.

COMPENSATION SCHEDULES
SCHEDULE A
CLASSIFICATION OF APPOINTED POSITIONS
ALL DEPARTMENTS

<u>Title</u>	<u>Compensation Schedule</u>
Town Administrator (removed by Art. 31 ATM 4/24/07)	
Police Chief	SA-2
Fire Chief & Forest Warden	SA-3
Lieutenant (Fire) Captain (Fire)	SA-5
Call Firefighters	SA-6
DPW Director	SA-7
Treasurer/Collector	SA-8
Youth Services Librarian	SA-11
Assistant Librarian	SA-12
Associate Librarian II (Circulation)	SA-13
Associate Librarian I (Circulation)	SA-14
Coordinator/Director of Recreation	SA-15
Building Inspector/Zoning Agent	SA-16
Deputy Fire Chief	SA-17
Animal Control Officer	SA-18
Executive Assistant	SA-19
Lieutenant/Assistant to Police Chief	SA-20
Chief Assessor/Appraiser	SA-21
Director of Planning & Community Development	SA-22
Planning Board Assistant	SA-23
Assistant DPW Superintendent	SA-24
Library Director	SA-27
Health Agent	SA-28
Director of the Council on Aging	SA-29

**ANNUAL SALARY SCHEDULE A
EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2010**

	MINIMUM	2 ND YEAR	MAXIMUM
SA			
2	86,329	91,463	96,901
3	86,329	91,463	96,901
5			467
6	<i>If 80% Drills Attended</i>		355
7	86,572	88,957	93,405
8	70,926	74,473	78,243
11	41,074	45,050	49,075
12	12,952	13,280	15,352
13	35,627	37,403	39,168
14	31,659	33,332	34,588
15	45,216	47,771	50,158
16	58,756	60,225	61,730
17	71,789	76,050	80,941
18	32,673	36,441	40,104
19	45,321	47,209	49,774
20	72,146	76,388	81,339
21	70,926	74,473	78,243
22	54,446	58,584	62,636
23	42,031	44,124	46,248
24	58,508	62,588	65,988
27	57,258	64,153	67,640
28	50,349	51,902	54,639
29	46,690	49,025	51,476
30			64,609

SCHEDULE C
FULL TIME/PART TIME HOURLY WAGE SCHEDULE
EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2010

<u>Title</u>	<u>Compensation Schedule</u>
Matron	SC-1
Patrolman - Permanent Intermittent	SC-1
Patrolman - Special	SC-2
Summer Playground Counselor (Recreation Dept.)	SC-3
After School Counselor (Recreation Dept.)	SC-3
Basic Recycling Attendant	SC-3
Senior Aide – Council on Aging	SC-3
Part-time Laborer	SC-4
Call Firefighter	SC-5
Diver	SC-6
Building Committee Assistant (Part-time)	SC-8
Custodian	SC-9
Election Workers, Census Workers and Board of Registrars	SC-10
Senior Clerk	SC-11
Junior Clerk	SC-12
Typist - part-time	SC-13
Council on Aging Drivers	SC-13
Maintenance Person (Part-time)	SC-13
Library Aide	SC-14

Lifeguard	SC-15
Water Safety/Lifeguard Training Instructor	SC-16
Director/Water Safety Instructor	SC-17
Head Life Guard/Water Safety Instructor	SC-18
Extra Help – Assessors Measurer	SC-19
Summer Head Counselor (Recreation Dept.)	SC-19
After School Head Counselor (Recreation Dept.)	SC-19
Extra Help – Assessors Lister	SC-20
Water Safety Instructor Aide	SC-21
Alternate Building Inspector	SC-22
Program Instructor	SC-23*
Library Page	SC-24
Recycling Attendant	SC-25
Zoning Board Assistant	SC-27
Recycling Supervisor	SC-28
Principal Clerk	SC-29
Senior Aide – Council on Aging	SC-29
Assistant to the Conservation Commission	SC-30

*SC 23 is a flexible rate based on approval by the Wage & Personnel Board (Art #37 ATM 4/01)

**SCHEDULE C
FULL TIME/PART TIME HOURLY WAGE SCHEDULE
EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2010**

SC	Minimum	2 nd Year	Maximum
SC			
1	21.37	23.60	26.71
2	21.37	23.60	26.71
3	8.83	9.27	9.72
4	16.25	17.31	18.40
5	18.37	18.37	18.37
6	<i>While Diving Only</i>		24.87
8			18.94
9	16.22	18.04	19.55
10			11.95
11	15.45	16.46	17.48
12	12.30	13.37	14.40
13	11.82	12.36	12.91
14	12.30	13.29	14.41
15			11.26
16			12.62

17			13.96
18			13.16
19			10.56
20			14.06
21			11.06
22			22.63
23			16.46
24	9.44	9.91	10.42
25	9.95	10.43	10.96
27	19.17	20.18	21.13
28	12.81	13.44	14.10
29	15.56	16.47	17.42
30	18.81	19.79	20.71

