

# Town of Franklin

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Franklin, Massachusetts 02038-1352

June 5, 2019

To: Town Council  
From: Jamie Hellen, Town Administrator

## **Re: Amendment to the Chapter 25 Human Resource Management**

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I am asking the Council to amend the Town's Human Resources Management bylaw by modernizing the language to allow us to keep these documents more up to date and communicate better with employees.

I would like to amend language to make the employee policies manual online on the Town website. It will also be part of a new central Google Team Drive portal for all staff to have Human Resources materials and Town policies in one central repository. As you know, the Human Resources Director just rewrote and updated the entire Employee Policies manual. Eliminating the 30-day notification requirement to the Council will allow us to update policies based on employee feedback, changing conditions in the market or adapt state or federal laws that are enacted and ensure our employees have the most up to date information. The latest copy of the employment policies will of course still be required to be in the Town Clerk's Office.

Second, I am requesting to update the bylaws to remove the requirement that the Compensation plan requires an annual vote of the Council. This will enable me to properly merge the "Classification Plan" with the "Compensation Plan", which actually has overlapping information and is very confusing in its current form. A few additional points:

- The entire Classification Plan and Compensation Plan is already in the Town Budget. Thus, by amending this bylaw, we are reducing redundant votes, streamlining the plans into one document to make it more understandable and transparent to employees. Many employees have recently given Karen and I a lot of feedback on changes they would like to job titles and job descriptions to reflect the work they are actually doing or what they will be doing in the future.
- This document is only for nonunion employees as unionized staff are within their CBA agreements.
- I am also requesting the bylaw be amended to require a copy of this document be available in the Town Clerk's Office, like the employee policies. Currently, this document is not required by our bylaws to be in the Clerk's Office.

Third, while we are amending this bylaw, I have proposed updated the anti-discrimination clauses in our bylaw, which have not been updated in twenty years to reflect state and federal laws. All of this proposed language is actually duplicative of what is already in our policies.



## TOWN OF FRANKLIN

### BY-LAW AMENDMENT 19-843

#### Chapter 25 - Human Resource Management

A By-law to Amend the Code of Franklin at Chapter 25 – Human Resource Management.

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT** the Code of the Town of Franklin is amended at Chapter 25 – Human Resource Management.

#### Chapter 25 – Human Resources Management

GENERAL REFERENCES Administration of government

##### § 25-1. Purpose and intent.

~~A.~~—The purpose of the Personnel Bylaw is to establish a framework for public human resources management for the Town of Franklin based on merit to support the operational needs of Town government. Systems and procedures developed as a result of this bylaw provide means to recruit, retain, and develop employees to provide cost effective and outstanding customer service to the community. All human resources actions in the Town shall be made without regard to race, color, religious creed, national origin, ancestry, sex (including pregnancy, childbirth and related medical conditions), gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, sexual orientation, active military personnel, and genetics. Actions will be based on merit and fitness without regard to sex, race, religion, color, age, handicap, political affiliations, personal relationships, or other non-job-related factors. ~~They shall be based on merit and fitness.~~

~~B.~~—

This bylaw and policies adopted pursuant to this bylaw are not intended to be all-inclusive. Final discretion as to interpretation and as to the appropriate course of action concerning a personnel matter shall be that of the Town Administrator.

##### § 25-2 Authority of Town Administrator.

The Town Administrator is the appointing authority for all positions and employees except elected officers and employees of the School Department in pursuance of the provisions of MGL c. 41, §§ 108A and 108C, and the Town Charter, § 4.2.5. All human resource management actions are under the authority of the Town Administrator.

##### § 25-3 Definitions.

CHARTER — Franklin Town Home Rule Charter.

#### POLICIES

This term includes policies, procedures, rules and regulations.

## **THE BYLAW**

Human Resource Management Bylaw.

## **TOWN CODE**

Code of the Town of Franklin.

### **§ 25-4 Applicability; conflicts.**

- A. All Town departments and positions shall be subject to the provision of this bylaw and policies adopted pursuant to this bylaw, except elected officers and employees of the School Department in pursuance of the provisions of MGL c. 41, §§ 108A and 108C.
- B. To the extent that there is a direct conflict between the language of a collective bargaining agreement and this bylaw or policies adopted pursuant to it, the provisions of the collective bargaining agreement shall prevail.
- C. Nothing in this bylaw shall be construed to conflict with any provision of the Town Charter; to the extent that any apparent conflict exists, it shall be determined in favor of the Charter.

### **§ 25-5 Construal of provisions.**

- A. State Civil Service Law and Regulations. Nothing contained in this bylaw shall be construed to conflict with MGL c. 31 and regulations adopted in conformance with MGL c.31.
- B. Other statutes. Nothing contained in this bylaw or in policies adopted pursuant to it shall be construed to conflict with any statute of general application, special law enacted for the Town of Franklin or any permissive statute accepted by the Town of Franklin. To the extent that any apparent conflict exists, statutory language shall control.

### **§ 25-6 Responsibility for administration.**

- A. The Town Administrator is the appointing authority for all municipal positions, excluding elected officials and employees working under the direct direction of the School Committee. This applies to all hiring, promotion, and termination actions.
- B. The Town Administrator, in accord with § 4-2-3(g) of the Home Rule Charter, is responsible for the daily administration of the human resource management system. The Town Administrator or his/her designee shall be responsible for the development of the human resources system which meets the current and projected needs of the Town. The Town Administrator or his/her designee shall conduct research to keep the human resources systems and policies current with industry best practices. Policies may address topics including, but not limited to, recruitment and selection, compensation for employees, benefit programs, time off, methods of selection of personnel, employee conduct, performance management, safety and workplace violence, employee relations, training and employee development.

### **§ 25-7 Delegation of authority.**

- A. The Town Administrator may appoint a Human Resources Director for the Town of Franklin who will impartially and equitably oversee all personnel activities of Town

government in administering this bylaw, but the Town Administrator shall retain responsibility for all such delegated acts and approval of personnel matters.

~~B.~~ From time to time the Human Resources Director will review and amend the classification and compensation plan, which establishes position titles, grades and salary ranges for all non-union employees. minimum and maximum salaries for pay ranges. ~~This compensation plan shall be submitted to the Town Council for approval prior to implementation.~~ Adjustments to the classification and compensation plan will be based on current job responsibilities and market conditions. A copy of the most recent plan shall be filed with the Town Clerk.

**§ 25-8 Management policies.**

- A. The Town Administrator shall adopt policies to implement this bylaw and will ensure that policies reflect professional practices, are kept current with federal and state laws and regulations, and are in accord with the Home Rule Charter and other provisions of the Town Code.
- B. The Town Administrator will ensure that department heads, supervisory personnel and employees have access to current policies to promote efficiency and economy of government.
- C. The Town of Franklin is an equal opportunity employer. ~~and does not make any personnel decisions on the basis of an applicant's race, gender, national origin, religion, age, color, or disability status.~~ Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of race, color, religious creed, national origin, ancestry, sex (including pregnancy, childbirth and related medical conditions), gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, sexual orientation, active military personnel, genetics, rae, creed, color, national origin, age, sex, handicap, political affiliation, or other nonmerit factor is prohibited except where such factor is a bona fide occupational requirement.

**§ 25-9 Employee rights and responsibilities.**

- A. Employees who choose to work for the Town of Franklin can expect a workplace free from discrimination, harassment, or political pressure.
- B. Employees are expected to conduct business with integrity and to report any instances of irregularity or fraud. They must not use their position for personal gain, nor engage in any conduct which may reflect unfavorably upon the Town.

**§ 25-10 Adoption of policies.**

The Town Administrator is empowered and authorized by this bylaw to adopt human resource management policies defining the rights, benefits, and obligations of employees subject to this bylaw. ~~Such policies shall become effective in accordance with the following procedure:~~

- A. The Town Administrator may develop, amend or revise rules, regulations, policies, and procedures to meet the current needs of the Town of Franklin.

B. The new or amended policies and their proposed effective date shall be communicated to employees and posted on the town website.

C. Copies of the new or amended policies shall be filed with the Town Clerk.

D.

~~B. distributed to the Town Council at a regularly scheduled meeting. The Town Council shall have 30 days to accept, reject or amend the policy. If the Town Council takes no action within 30 days, the proposed policy shall take effect.~~

~~C. The new or amended policies shall be communicated to employees.~~

~~Copies of the new or amended policies shall be filed with the Town Clerk.~~

**§ 25-11 Severability.**

The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provision of the bylaw or policy shall not be affected thereby.

This by-law Amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**Teresa M. Burr**  
**Town Clerk**

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**RECUSED** \_\_\_\_\_

\_\_\_\_\_  
**Glenn Jones, Clerk**