

TOWN OF CONCORD PERSONNEL BOARD

AGENDA

December 14, 2022

4:45 p.m.

Select Board's Room, Town House & Zoom Video Conference

<https://us02web.zoom.us/j/84704285981?pwd=MU5WQ3RJRTUrSkQzNmU1L2k3N2t1UT09>

Dial: 833 548 0282 US Toll-free

Meeting ID: 847 0428 5981

Passcode: 838614

1. Call to Order

2. Minutes

To be considered if available for review:

- 11/30/2022
- 12/7/2022

3. Preparation of Warrant Articles for 2023

- Review of possible Personnel Bylaw amendments
- Consider approach to Classification & Compensation Plan
- Employee/Public Comment
- Next Steps

4. Personnel Board Charge

- Identify next steps for developing recommendations to Select Board
- Public Comment

5. Adjournment

Meeting materials will be available at: <https://concordma.gov/452/Personnel-Board>

Anticipated for distribution before or at the meeting:

- Minutes (as available): 11/30/2022; 12/7/2022
- Consideration of Personnel Bylaw Amendment Proposals v.2
- 1985 Personnel Board Administrative Code (aka "Charge")
- Comparison of 1985 Personnel Board Administrative Code to Personnel Bylaw
- 12/9/2022 Memo from Kellie Hebert re Classification & Compensation Study Update

Other documents that may be referenced:

- [Personnel Bylaw](#)

Upcoming Meeting & Events

- Personnel Board Meetings: 12/21/22, 1/4/23, 1/18/23
- Warrant article submission deadline: 1/4/23

**Consideration of Personnel Bylaw Amendment Proposals v.2
For 2023 Town Meeting Warrant**

1st Presented 12/7/2022; Revised for 12/14/2022 Personnel Board Meeting

Intent:

Identify changes that, without making substantial change that hasn't been fully vetted:

- pave path for success in implementing new Class & Comp Plan,
- allow for enhancement of non-wage administration, clarity and efficiency

Purpose of 12/14/2022 Conversation:

- Further discuss purpose and value of each change
- Hear feedback from employees and public present
- Determine which, if any, proposed amendments are worth further consideration for inclusion in the 2023 Town Meeting Warrant
- Determine next steps for refining any proposals still under consideration

Attachments:

Attached excerpts from the Personnel Bylaw Illustrate areas where language amendments may be helpful this year (Red text = change from existing language)

ENTIRE DOCUMENT

Consistent with a ensuring a respectful work environment and with DEI initiatives, staff recommends making gender-neutral language substitutions (e.g., pronouns; Select Board) throughout the Personnel Bylaw

DEFINITIONS

- NOTE: For all of the below, seek better wording and hear from employees re whether these definitions provide clarity.

"Classification" - a group of positions whose duties and responsibilities are sufficiently similar that the same descriptive title, qualifications and compensation can be applied with equity to all positions in the classification.

"Classification Plan" - a listing of all approved position classification titles **that have been evaluated using a classification system and a summary job description for each classification.**

"Compensation Plan" - a listing of the minimum, **and** maximum ~~and intermediate~~ **base** wage or salary rates for each title in the Classification Plan.

"Classification System" – **a job evaluation tool that groups positions using a standardized scale that considers factors such as level and impact of work, required qualifications, and working conditions.**

- NOTE: This definition needs further consideration

"Position" - a defined set of duties and responsibilities to which one employee is appointed to perform.

"Promotion" - the movement of an employee from one position into another position **that is in the same field of work, has greater responsibilities, and is in a classification with a higher salary range maximum** ~~which is in a classification with a higher maximum salary.~~

"Reclassification" - the movement of a position from one classification to another classification, **or from one salary grade to another salary grade within the same classification and compensation system.**

"Salary Range or Grade" - an established range of salary or wage rates included in the Compensation Plan.

"Salary Structure Movement" - Any increase or decrease in a salary range which is approved by Town Meeting.

Section 5. CLASSIFICATION PLAN

5.1 Definition and Authority

A classification plan shall be maintained for all regular-status Town positions. The Classification Plan shall consist of a listing of all approved position classification titles ~~and a summary job description for each classification, both of which are hereby incorporated by reference into this bylaw.~~ The Classification Plan shall provide a uniform system for grouping positions based on the nature and complexity of the duties assigned and the minimum qualifications required to perform those duties.

All changes to the list of job titles included in the Classification Plan must be approved by Town Meeting. No person shall be appointed or promoted to any regular-status position under a title not included in the Classification Plan.

- NOTE: PSTF recommended allowing Town Manager and Personnel Board to approve title changes. This action is integrated into other factors related to approval of classifications; will require further review over the next year to develop comprehensive proposal.

5.3 Allocation of Positions to Classifications

~~Whenever the Town Manager establishes a new position or authorizes a change in the scope of an existing position, the Town Manager or the Town Manager's designee shall perform a job evaluation using the classification system and recommend a classification, which determines salary grade assignment, to the Personnel Board. The Personnel Board shall allocate the position to an appropriate classification.~~

~~Whenever a new position is established, the Personnel Board shall review the duties and qualifications of the position and allocate it to the appropriate classification.~~

~~Whenever an existing position is assigned new duties so that a new level of work exists and in effect a new position is created, the Personnel Board shall review the duties and qualifications of the position and determine if it should be reallocated (i.e., "reclassified") to another classification. (See Section 10.4 of this Bylaw for information on how such a reclassification would impact an employee's pay.)~~

In the event the Personnel Board determines that a new or changed position requires the establishment of a position classification not included in the Classification Plan, it may temporarily authorize the addition of a new title to the Classification Plan, subject to ratification at the next Town Meeting.

5.4 Periodic Review of the Classification Plan

It shall be a responsibility of the Town Manager to ensure that position classifications and job descriptions are reviewed at reasonable intervals, as the Town Manager deems necessary and as resources are available. (Rev. 4/16)

Section 6. COMPENSATION PLAN

6.1 Definition and Authority

A compensation plan shall be maintained for all regular-status Town positions. The Compensation Plan shall consist of minimum ~~and~~ maximum ~~and intermediate base~~ wage or salary rates for each title in the Classification Plan, and is hereby incorporated by reference into this bylaw.

Each department head shall be responsible for having the wages and salaries for regular-status Town employees under the department head's jurisdiction fixed in accordance with, and only in accordance with, the rates set forth in the Compensation Plan **except as provided for in Section 10 of this bylaw.**

6.2 Amendments to the Compensation Plan

All amendments to the Compensation Plan must be approved by Town Meeting. The Personnel Board shall be responsible for preparing and presenting recommended amendments to the Compensation Plan at Town Meeting.

In the event the Personnel Board determines that the establishment of a new position or the reclassification of an existing position requires a change in the compensation plan (e.g., adding or changing a salary range or reallocating an existing classification to a different salary range), it may temporarily authorize the necessary change subject to ratification at the next Town Meeting.

Any increase in wages or salaries under this section shall be effective only if funds are available for the purpose.

6.3 Periodic Review of the Compensation Plan

It shall be a responsibility of the Personnel Board to review rates of pay at least every three (3) years. Whenever the Personnel Board reviews the Compensation Plan, it shall take into account and give such weight as it may deem appropriate to the following:

- a. Rates of pay for like positions in other Massachusetts towns considered by the Personnel Board to be comparable to Concord.
 - b. Rates of pay for like jobs (if any) in commercial and business establishments in the area of Concord and vicinity.
 - c. The current level of the Consumer Price Index for Urban Wage Earners and Clerical Workers, Boston, Massachusetts.
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10.4 Reclassifications

1. Positions Reclassified to a Higher Salary Grade

~~—An employee whose position is reclassified to a higher salary grade shall receive a rate of pay in the new salary range. The Town Manager may increase the employee's base rate of pay up to a percentage equivalent to the percent increment between the minimum pay of the former range and the minimum pay of the new range. When the position is in a step pay plan the employee will normally be paid a step in the new range which is closest to this percent. With prior approval of the Personnel Board the Town Manager may approve a salary outside of this guideline when circumstances relating to the position warrant a higher pay. In no case shall the employee receive a salary greater than the top of the salary range of the higher classification. (Rev. 4/95)~~

An employee whose position is reclassified to a higher salary grade shall receive a base rate of pay within the approved range for the position's classification. The Town Manager or designee shall determine the starting rate based on their consideration of the individual's qualifications, available funds, market influences, internal equity and any other relevant factors.

2. Positions Reclassified to a Lower Salary Grade

If an employee's position is reclassified to a lower salary grade, the employee's current salary shall not change. If the employee's current salary is below the new range's maximum, the employee will receive salary increases in accordance with policy until the maximum is reached. If the employee's current salary is above the new range's maximum, the employee's current salary will become a personal rate and the employee shall receive no further increases in pay (including salary structure movement) until such time as the personal rate is exceeded by the new salary range.

10.5 Acting Pay

An employee may be assigned to assume temporarily some or all of the duties of another position from which an incumbent is absent. Additional compensation shall be given for such assignments when all of the following conditions have been met:

- a. The employee is assigned to perform a majority of the significant duties of a budgeted, higher paid position from which an incumbent is absent.
- b. The duties of the higher paid position are assigned to and performed by the designated employee for (15) or more consecutive work days.
 - NOTE: Consider reducing to 10 days, and identify methods that allow for additional pay when working out of grade for shorter periods (e.g., can be accomplished through temporary additional duties or other special pay provisions)
- c. The assignment is approved by the Town Manager.

Employees who perform the duties of a higher paid position under the above provisions, shall receive "acting" pay beginning on or retroactive to the first day of the assignment.

Acting pay shall be a rate in the salary range of the position being filled; **the Town Manager shall determine the rate based on the Town Manager's consideration of the individual's qualifications, available funds, market influences, internal equity and any other relevant factors.** ~~The Town Manager may appoint an employee at an acting rate of pay up to an amount which provides the employee with a percent increase equivalent to the percent increment between the minimum pay of the employee's current range and the minimum pay of the new range. Employees who are assigned acting duties of a position in a step pay plan may be paid the step in the new range which is closest to this percent. With prior approval of the Personnel Board and when circumstances relating to the position warrant, an employee may be appointed at a rate of pay beyond this guideline. In no case shall the employee receive a salary greater than the top of the salary range of the higher classification. (Rev. 4/95)~~

Acting pay shall apply to any overtime worked in the higher classification (when eligible), but shall not apply to any paid leave taken or accrued during the acting assignment, unless authorized by the Town Manager.

Section 11. SICK LEAVE

11.1 Accrual

Each regular employee shall accrue up to twelve (12) days of sick leave per year; sick leave for regular part-time employees shall be pro-rated. There is no maximum on the amount of sick leave that may be accumulated. The Town Manager shall adopt policies to provide further definition of the accrual of sick leave.

~~Upon hire, each regular, full-time employee shall be credited with three (3) days of sick leave accrual. Additional sick leave will not be accrued until the employee completes three (3) months of service, at which time he/she shall begin to accrue sick leave at the rate of one day for each month of active employment. Each part-time regular employee shall accumulate sick leave on a prorated basis in proportion to the percentage of full-time hours worked. There is no maximum on the amount of sick leave that may be accumulated. (Rev. 5/01)~~

Section 16. MILITARY LEAVE

The Town will grant paid and unpaid military leave in accordance with M.G.L. Chapter 33, Section 59 as adopted by Town Meeting, March 1948, and with all other applicable laws. The Select Board may provide additional paid military leave during times of war or emergency.

~~Employees who serve as members of a reserve component of the US armed forces shall receive their regular pay, in addition to any military pay, for up to seventeen (17) days of their annual tour of duty (per M.G.L. Chapter 33, Section 59 as adopted by Town Meeting, March, 1948). Annual tour of duty does not include orientation courses and weekend or other inactive duty drills.~~

~~A reservist employee shall receive unpaid leave to attend orientation courses and weekend or other inactive duty drills unless the employee elects to voluntarily take vacation, holiday, or personal leave time.~~

Section 18. UNPAID LEAVES OF ABSENCE

The Town will grant unpaid leave in accordance with all applicable laws. Unpaid leave that is not subject to a legal entitlement may be granted at the discretion of the Town Manager. The Town Manager may adopt policies as needed to implement these provisions; such policies shall address any impact of unpaid leave on paid leave accrual, service credit, and wages increases, and other benefits.

18.1 — Family and Medical Leave

~~The Town Manager and Personnel Board shall adopt and implement personnel policies and procedures which comply with the Family and Medical Leave Act of 1993. (Rev. 4/94)~~

18.2 — Other Leaves of Absence

~~Unpaid leaves of absence not covered by the Family and Medical Leave Act of 1993 may be granted at the discretion of the Town Manager. (Rev. 4/94)~~

18.3 — Accruals During Leaves

~~Employees may be required to use other accrued leave balances prior to being granted any unpaid leave of absence, as determined by Town Personnel Policies and Procedures. No paid leave time or seniority shall accrue to an employee beyond the thirtieth (30th) calendar day of an unpaid leave of absence.~~

ADMINISTRATIVE CODE
PERSONNEL BOARD

A. Membership

Five members appointed by the Board of Selectmen with staggered three-year terms. The Board elects a chairman and clerk.

B. Duties and Responsibilities

The Personnel Board shall have responsibility for the administration of the Personnel Bylaw (Wage and Salary Classification Plan) of the Town, including the following:

- a) Establish job classifications, minimum and maximum wage brackets, and salary schedules for all regular Town positions for approval by Town Meeting, with the exception of:
 1. jobs under the direction and control of the School Committee, provided that school employees may be included in the Plan as requested by the School Committee; and
 2. positions filled by popular election, provided that the Board shall make recommendations regarding salaries for elective positions prior to the annual Town Meeting as requested by the Selectmen.
- b) Recommend non-wage provisions governing the positions under the Plan for approval by the Town Meeting, including such items as vacations, hours, days, and weeks of work, insurance benefits, leaves of absence, sick leave, military leave, jury duty, worker's compensation, overtime, etc.
- c) Periodically review job descriptions for all positions included in the Plan to ensure they are properly classified.
- d) Review at reasonable intervals job classification rates of pay under the Wage and Salary Classification Plan, taking into account such factors as pay rates for like jobs in Massachusetts towns comparable to Concord, pay rates for like jobs in private industry in the Concord area, and current cost-of-living indexes; and make recommendations as appropriate to the Town Meeting.
- e) Approve new job titles and re-classifications of existing jobs, and establish minimum and maximum wage or salary brackets therefor, to be effective until the time of the next vote of the Town Meeting thereon.
- f) Receive from the Personnel Director a monthly report of all appointments to positions under the Wage and Salary Classification Plan, and establish policies governing the appointment or reassignment of new employees at a starting rate higher than the minimum rate under the Plan.
- g) Establish policies and procedures from time to time as necessary for administration of the Plan.

- h) Receive the appeal of any employee aggrieved by the operation of any provision of the Wage and Salary Classification Plan or aggrieved by any action of the appointing authority, investigate and consider the disputed questions involved, hold private or public hearings as appropriate, render a decision, and take action relative to the dispute as may be authorized under the Plan.
- i) Resolve all questions and disputes relative to interpretation of the provisions of the Plan as may be referred to the Board by employees and officials of the Town.
- j) Provide policy advice to the Town Manager on collective bargaining matters on request.

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

Foundational Sources
<p><u>M.G.L., C.41, Section 108A</u> Classification of positions; compensation plans; rules and regulations</p> <p>Section 108A. 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... town may in like manner ... 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. ...</p>
<p><u>MGL, Chapter 40, Section 21A</u> Powers of cities and towns; regulation of working conditions of employees</p> <p>A town by by-law ... may establish the hours, days and weeks of work and the hours, days and weeks of leave without loss of pay, including, without limiting the generality of the foregoing, holiday leave, vacation leave and sick leave, for any or all employees of such town ... other than those appointed by the school committee; provided, that the number of working hours, days or weeks so established shall not exceed, and the number of hours, days or weeks of leave without loss of pay shall not be less than, the number prescribed by any general or special law applicable to such town ... on the first day of January, nineteen hundred and fifty-two.</p>
<p><u>M.G.L, C. 41, Section 108c</u> By-laws pertaining to administration of personnel; consolidation (Establishment and Purpose of a Personnel Board)</p> <p>A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, ..., the plans established pursuant to section one hundred and eight A of this chapter, and any by-laws adopted pursuant to section twenty-one A of chapter forty, and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said [compensation] plans or other provisions of its by-laws pertaining to personnel, determining any questions arising thereunder, and advising the town in any matters pertaining thereto...</p>
<p><u>Town Charter, Section 2, Paragraph B</u></p> <p>The select board shall appoint ... a personnel board, ... The select board may, by majority vote, undertake an investigation of the affairs of any ... board ...appointed by them or by the town manager, and they shall have access to all records and other documents which they may deem necessary or desirable for this purpose. The select board may remove, after such hearing as the select board may deem advisable, any of the ... boards ... appointed by them under the provisions of this paragraph B, or any member thereof...</p>
<p><u>Personnel Bylaw:</u> Per Sec 1, purpose is to establish an equitable and efficient system of personnel administration for Town employees.</p>
<p><u>1985 Personnel Board Administrative Code</u></p> <p>Approved by Select Board when the Town’s Personnel Department was established. It was part of a document that outlined duties of the Board & Personnel Director (Director duties are assigned by Town Manager and have changed, as documented in job descriptions). Most of the Board’s listed duties tie directly to the Personnel Bylaw (per MGL, the Board is established via bylaw). Town Meeting has modified the language in the Bylaw; the Administrative Code was not updated to match. Over the years, some people felt the Administrative Code was no longer needed or valid because the Personnel Bylaw now serves as the Charge, which has been amended several times by Town Meeting. Others said the Code is the Charge and it remains in effect because the Select Board hasn’t changed or rescinded it.</p>

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

#	1985 Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
1	<p>A. Membership Five members appointed by the Board of Selectmen with staggered three-year terms. The Board elects a chairman and clerk.</p>	<p>Sec 2. Personnel Board This Personnel Bylaw shall be administered by a Personnel Board consisting of five (5) members. Members of the Personnel Board shall be appointed by the Board of Selectmen for three (3) year terms.</p> <p>No member of the Personnel Board may be an employee of the Town nor hold Town office, whether appointed or elected, but any such member may serve on behalf of the Town on any committee negotiating with Town employees.</p> <p>Members of the Personnel Board shall serve without compensation.</p> <p>The Personnel Board shall meet regularly as necessary to consider such business as may be presented by Town officials, Town employees, and others.</p> <p>At any meeting of the Personnel Board, action by a majority of those Board members present shall be binding. At least three (3) members of the Board shall be present in order to constitute a quorum.</p>	<ul style="list-style-type: none"> • Bylaw doesn't specify "staggered terms" • Board of Selectmen → Select Board • chairman → chair • Town Charter, Section 2, Par. B (noted on page 1) • Definition of "meet regularly..."

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
2	<p>B. Duties and Responsibilities The Personnel Board shall have responsibility for the administration of the Personnel Bylaw (Wage and Salary Classification Plan) of the Town, including the following:</p>	<p>Sec 2. Personnel Board This Personnel Bylaw shall be administered by a Personnel Board consisting of five (5) members.</p>	<ul style="list-style-type: none"> • Town Charter, Section 9, Par. C: <i>With respect to the wage or salary and classification of employees appointed by the town manager, the town manager shall be governed by the provisions of the "Wage and Salary Classification Plan – Town of Concord, Massachusetts", as the same may be amended from time to time and for so long as the same may remain in force.</i> • Role of Town Manager & Human Resources in administration of the Bylaw/Wage & Salary Classification Plan

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
3	a) Establish job classifications, minimum and maximum wage brackets, and salary schedules for all regular Town positions for approval by Town Meeting,	<p><u>Sec 6. Compensation Plan</u></p> <p>(6.1) A compensation plan shall be maintained for all regular-status Town positions. The Compensation Plan shall consist of minimum, maximum and intermediate wage or salary rates for each title in the Classification Plan, and is hereby incorporated by reference into this bylaw.</p> <p>(6.2) The Personnel Board shall be responsible for preparing and presenting recommended amendments to the Compensation Plan at Town Meeting.</p>	
4	<p>with the exception of:</p> <ul style="list-style-type: none"> • jobs under the direction and control of the School Committee, provided that school employees may be included in the Plan as requested by the School Committee; and • positions filled by popular election, provided that the Board shall make recommendations regarding salaries for elective positions prior to the annual Town Meeting as requested by the Selectmen. 	<p><u>Sec 1. Purpose & Application of Bylaw</u></p> <p>All Town departments and positions shall be subject to the provisions of this bylaw except</p> <ul style="list-style-type: none"> • elected officers, • employees with personal contracts, • employees covered by a collective bargaining agreement, and <p>employees of the school department.</p>	<ul style="list-style-type: none"> • The 1985 Admin Code is not consistent with MGL, C.41, Sec 108A, in that the law does not include the “provided that...” language • In 1992, Town Meeting amended entire Bylaw; language in the 1985 Admin Code was removed from the Bylaw, consistent with MGL, and exemption of employees with personal contracts was added • In 1997, Town Meeting further amended Sec. 1 to clarify that the Bylaw is not applicable to employees covered by a collective bargaining agreement • Selectmen → Select Board

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
5	<p>b) Recommend non-wage provisions governing the positions under the Plan for approval by the Town Meeting, including such items as vacations, hours, days, and weeks of work, insurance benefits, leaves of absence, sick leave, military leave, jury duty, worker's compensation, overtime, etc.</p>	<p>Sec 2. Personnel Board This Personnel Bylaw shall be administered by a Personnel Board ...</p>	<ul style="list-style-type: none"> • MGL, Chapter 40, Section 21A specifies “working conditions” that may be included in a bylaw • In Bylaw, there is no specific reference to who recommends non-wage provisions or amendments • What provisions must be addressed in Bylaw – what can be granted/adopted by other means? • Why are certain federal/state laws (FMLA, military leave) in Bylaw? Many leave provision are impacted by fed and state laws, including quite a few new/amended laws since 1985 (e.g., vacation, FMLA, SNLA). At times, this can make link to Town Meeting/Bylaw challenging
6		<p>Insurance Considerations</p> <ul style="list-style-type: none"> • Insurance benefits aren’t addressed in Bylaw and don’t go to Town Meeting for approval • As the chief executive officer of the Town, and therefore the health insurance authority, the Town Manager establishes the health insurance policies • Insurance benefits for all Town and School employees, including union, are the same • Health insurance is a mandatory subject of collective bargaining • The Town has a representative Insurance Advisory Committee (per MGL, 32B), which consists of union and non-union Town, Concord Public Schools, and Concord Carlisle Regional School employees, and retirees • In 1990, Concord joined Minuteman Nashoba Health Group, a self-insured joint purchase consortium; the Town’s Chief Financial Officer is voting member 	

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
7	<p>c) Periodically review job descriptions for all positions included in the Plan to ensure they are properly classified.</p>	<p>Definitions "Classification Plan" - a listing of all approved position classification titles and a summary job description for each classification.</p> <p>Sec 5.1. Definition and Authority A classification plan shall be maintained for all regular-status Town positions. The Classification Plan shall consist of a listing of all approved position classification titles and a summary job description for each classification, both of which are hereby incorporated by reference into this bylaw.</p> <p>Sec 5.2. Job Descriptions The Town Manager or his/her designee(s) shall prepare and maintain summary job descriptions for all position classifications in the Classification Plan. Such descriptions shall consist of a statement describing the essential nature and level of the work performed by employees in that classification; illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the classification. (Rev. 4/16) These classification descriptions shall be interpreted as descriptive only and not restrictive. They shall be construed solely as a means of identifying and grouping positions and not as prescribing what the duties or responsibilities of any job shall be.</p> <p>Sec 5.4. Periodic Review of the Classification Plan It shall be a responsibility of the Town Manager to ensure that position classifications and job descriptions are reviewed at reasonable intervals, as he/she deems necessary and as resources are available. (Rev. 4/16)</p>	<ul style="list-style-type: none"> • In 2016, Town Meeting voted to move periodic job description and classification review responsibility to the Town Manager (Sec. 5.2 and 5.4) • 1985 Admin Code is consistent with previous versions of the Bylaw that gave Personnel Board responsibility to maintain a file of job descriptions, and to review position classifications and job descriptions • Job description content supports classification assignment, but the description, in and of itself, does not determine whether position is properly classified; classification of positions requires training and experience in the use of the classification system • Connection of job description to Bylaw makes it difficult to update descriptions as positions evolve within same scope/classification

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
8	<p>d) Review at reasonable intervals job classification rates of pay under the Wage and Salary Classification Plan, taking into account such factors as</p> <ul style="list-style-type: none"> • pay rates for like jobs in Massachusetts towns comparable to Concord, • pay rates for like jobs in private industry in the Concord area, and • current cost-of-living indexes; <p>and make recommendations as appropriate to the Town Meeting.</p>	<p>Sec 6.3 Periodic Review of the Compensation Plan It shall be a responsibility of the Personnel Board to review rates of pay at least every three (3) years. Whenever the Personnel Board reviews the Compensation Plan, it shall take into account and give such weight as it may deem appropriate to the following:</p> <ol style="list-style-type: none"> a. Rates of pay for like positions in other Massachusetts towns considered by the Personnel Board to be comparable to Concord. b. Rates of pay for like jobs (if any) in commercial and business establishments in the area of Concord and vicinity. c. The current level of the Consumer Price Index for Urban Wage Earners and Clerical Workers, Boston, Massachusetts. 	<ul style="list-style-type: none"> • Town Meeting, after 1985 Admin Code was written, has amended language in Bylaw regarding the frequency and factors for pay rate review • Rates of pay (salary ranges) have been considered and adjusted annually by Town Meeting • As of 2018, Mass. Equal Pay Act must be considered; labor market and other market forces are no longer valid reasons for variations in pay for comparable work • Meaning and methodology for “review” • Board role vs. Staff role • Use of consultants

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
9	<p>e) Approve new job titles and re-classifications of existing jobs, and establish minimum and maximum wage or salary brackets therefore, to be effective until the time of the next vote of the Town Meeting thereon.</p>	<p><u>Sec 5. Classification Plan</u> (5.1) All changes to the list of job titles included in the Classification Plan must be approved by Town Meeting.</p> <p>(5.3) In the event the Personnel Board determines that a new or changed position requires the establishment of a position classification not included in the Classification Plan, it may temporarily authorize the addition of a new title to the Classification Plan, subject to ratification at the next Town Meeting.</p> <p><u>Sec 6. Compensation Plan</u> (6.2) In the event the Personnel Board determines that the establishment of a new position or the reclassification of an existing position requires a change in the compensation plan (e.g., adding or changing a salary range or reallocating an existing classification to a different salary range), it may temporarily authorize the necessary change subject to ratification at the next Town Meeting.</p>	<ul style="list-style-type: none"> • The fact that a title and salary range assignment is temporary until approved by Town Meeting leaves some employees feeling vulnerable

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
10	f) Receive from the Personnel Director a monthly report of all appointments to positions under the Wage and Salary Classification Plan, and establish policies governing the appointment or reassignment of new employees at a starting rate higher than the minimum rate under the Plan.	Sec 10.1 Appointment Rates New employees and employees who receive a promotion will be appointed at a base rate of pay within the approved range for the position’s classification; the Town Manager shall determine the starting rate based on his/her consideration of the individual’s qualifications, available funds, market influences, internal equity and any other relevant factors. (Rev. 4/16)	<ul style="list-style-type: none"> • Earlier versions of the Bylaw defined starting pay rates, required Personnel Board approval to exceed the typical appointment rates, and required appointments be reported to the Personnel Board. The 1985 Admin Code delegated that responsibility to the Personnel Director. In 2016, Town Meeting approved a Personnel Bylaw amendment that removed Personnel Board involvement in appointment rates and removed the requirement that the Personnel Board routinely receive reports regarding appointments • Personnel → Human Resources
11	g) Establish policies and procedures from time to time as necessary for administration of the Plan.	Sec 3. Personnel Policies & Procedures The Personnel Board and Town Manager shall adopt and maintain personnel policies and procedures as needed to implement and interpret the provisions of the Personnel Bylaw. (Rev. 4/16)	<ul style="list-style-type: none"> • Until 1992, consistent with the 1985 Admin Code, the Bylaw gave the Personnel Board authority to issue regulations necessary to administer the Bylaw. In 1992, Town Meeting, via a Bylaw amendment, gave the Town Manager joint authority (with Board) for adopting policies and procedures to implement and interpret the Bylaw.

**Comparison
Personnel Board 1985 Administrative Code to Personnel Bylaw**

	Administrative Code	Personnel Bylaw – Relevant Excerpts	Considerations
12	h) Receive the appeal of any employee aggrieved by the operation of any provision of the Wage and Salary Classification Plan or aggrieved by any action of the appointing authority, investigate and consider the disputed questions involved, hold private or public hearings as appropriate,		<ul style="list-style-type: none"> • In 1992, the "Grievance Procedure" was removed from the Bylaw and an Employee Appeal Procedure (PPP#25) was adopted. The policy specifies that the Board makes an advisory opinion, and the Town Manager makes the final and binding decision on appeals.
13	i) Resolve all questions and disputes relative to interpretation of the provisions of the Plan as may be referred to the Board by employees and officials of the Town.	<p>Sec 1. <u>Purpose & Application of Bylaw</u> All questions of doubt or dispute relative to interpretation of this bylaw shall be settled by the Personnel Board.</p>	<ul style="list-style-type: none"> • The Appeal Procedure (PPP#25) specifies that Personnel Board issues an advisory opinion only; this should be reviewed.
14	j) Provide policy advice to the Town Manager on collective bargaining matters on request.	N/A – not related to Wage & Salary Classification Plan (aka Personnel Bylaw)	<ul style="list-style-type: none"> • Earlier versions of the Bylaw contained some details applicable to collective bargaining unit positions, but noted contract provisions prevail over provisions of the Bylaw • In 1997, Town Meeting amended the Bylaw to specifically exclude collective bargaining unit positions from its provisions • Item j of the Admin Code should be listed separately rather than within the list of responsibilities relative to administration of the Bylaw



**Town of Concord
Human Resources Department**

MEMORANDUM

December 9, 2022

TO: Regular-Status, Non-Union Employees
CC: Amy Foley, Human Resources Director
Kerry A. Lafleur, Town Manager
FROM: Kellie A. Hebert, HR Project Manager & Interim Assistant Town Manager
RE: **PROJECT UPDATE: CLASSIFICATION & COMPENSATION STUDY**

I hope this correspondence finds you well and that you are enjoying the holiday season. I'm writing to share a short project update regarding the Town's Classification and Compensation Study.

Currently, Human Resources is working with Joellen Cademartori and our GovHR consulting team to support the project as they analyze our employee data, compile market survey responses, and prepare to recommend a new Classification and Compensation Plan for the Town of Concord.

We are now at an intensive and critical point in the project. Over the past two weeks, there have been multiple meetings and many hours dedicated to reviewing our positions with the GovHR job analysis tool and a new factor-based scoring methodology. This new job analysis and point rating system has been applied to approximately 200 non-union positions. To help ensure the accuracy of the initial scoring data, we will be reaching out to Department heads next week to ask clarifying questions and to collect any missing information. GovHR will continue to compile market survey responses and analyze the compensation data collected from our 28 peer communities. Once position classifications are completed, the compensation plan can be developed using the market data collected for approximately 80 benchmark titles.

Another project update will be provided to you once GovHR's recommendations become available.

Kindly note that employees are always welcome, and encouraged, to participate in the meetings of the Personnel Board. Meetings are in hybrid format so you may attend in person or simply listen and participate remotely via Zoom. If you are interested, the next Personnel Board meeting will be held this **Wednesday, December 14, 2022**. The Board will welcome a new fifth member and will continue its work to identify a limited list of possible Personnel Bylaw amendments for placement on the Town Meeting Warrant. To receive notices when meetings are posted, please subscribe here: [Notify Me](#)

As always, if you have any questions about the Class & Comp Project, please don't hesitate to contact me via email at khebert@concordma.gov or on my office phone at 978-318-3013. Thank you.