

ARTICLE XIII. PERSONNEL BOARD

Sec. 1. Organization.

There shall be a personnel board consisting of five members who shall be appointed by the town administrator with the approval of the town council for terms of two and three years. The members first appointed shall serve for terms of one, two, and three years respectively and thereafter their successors shall be appointed for three year terms as their respective terms expire. The fourth and fifth members shall be initially appointed for terms of one and two years respectively and thereafter their successors shall be appointed for two year terms as their respective terms expire. Each member appointed to said board shall be a person of good repute in his respective business, profession or trade, who is known to be in sympathy with the merit principle as applied to public employment. No member shall hold or be a candidate for any other public office or position and shall not be a member of any national, state or local committee of a political party, or an officer in any partisan political club or organization, or worker in any political campaign. They shall be qualified electors of the town.
(Amend. of 11-4-75)

Sec. 2. Compensation.

Salaries of members of the personnel board shall be determined by the town council.

Sec. 3. Powers and duties.

It shall be the duty of the personnel board:

- (1) To formulate and recommend to the town council for adoption by ordinance:
 - (a) A position classification plan for all town employees, excepting those noted hereinafter. Such plan shall define generally the duties, responsibilities, and types of work for each class of position; the skills and knowledge necessary for each position; and the minimum qualifications necessary to qualify for appointment to each position and the positions or classes of positions to which competitive examinations should apply and those to which noncompetitive or qualifying examinations shall apply;
 - (b) A pay plan for all town employees in the classification plan. Such pay plan shall state the salary or wage for each position established by the classification plan; and define the method for granting step advancements in pay in those instances where a minimum and maximum pay range is established for a position;
 - (c) Personnel policies regarding vacation, sick leave, overtime pay and the discipline of classified employees.
- (2) Upon the adoption of the position classification plan and the pay plan by the town

council, the personnel board shall assign to the appropriate position classification all persons employed by the town, subject to such plans.

- (3) Formulate and administer such tests and other forms of evidence so as to determine by the study of each person's qualifications the capability of candidates for positions in the classified service.
- (4) Certify to appointing officers that persons who are candidates or applicants for such positions in the classified service, possess the qualifications required by the classification plan, such certification to apply to present and prospective employees. Such certification lists shall show the names of the three persons standing highest thereon who are available for appointment to employment or to promotion, if there be as many as three such names thereon, or all the names on the list if there are less than three. The appointing authority shall appoint one of the persons so certified to the position in accordance with the provisions of the personnel rules.
- (5) Examine all payrolls covering classified employees for the purpose of determining that all persons to whom payments are to be made are properly employed and have been approved and certified to the appointing officers by the personnel board as to eligibility, and no authority shall exist to certify the payroll or to make any payment to persons not properly employed as herein provided in any other agency than said personnel board.

Sec. 4. Positions excepted from classified service.

There shall be excepted from the classified service of the town:

- (1) Officers elected by the people.
- (2) Heads of departments and agencies appointed by the town administrator or town council.
- (3) Employees of the school department for whom state certification is required.
- (4) Persons engaged by contract to perform special services for the town where such contracts are certified by the personnel board to be for employment which should not be performed by persons in the classified service.
- (5) Persons temporarily appointed or designated to make or conduct a special inquiry, investigation or examination, or to perform a special service where such appointment or designation is certified by the personnel board to be for employment which because of its expert nature or character could not or should not be performed by persons in the classified service.
- (6) Such temporary unskilled workers paid on an hourly basis as the personnel board may determine.
- (7) Persons who in times of public emergency may be appointed special employees.

Sec. 5. Present employees continued in office.

All persons, who at the time this charter takes effect, are holding positions hereby placed in the classified service of the town, including policemen, shall hold such positions as though appointed in accordance with the provisions hereof, but any vacancies thereafter occurring shall be filled in the manner herein provided for classified service.

Sec. 6. Temporary appointment when no list is available.

Whenever it is not possible to certify the required number of eligible persons for appointment to a vacancy in the classified service because no appropriate list exists, the appointing authority may nominate a person to the personnel board and, if such nominee is found by the personnel board to have had experience and education which appears to qualify him for the position and meets such other requirements as are established by the personnel rules, he may be temporarily appointed to fill such vacancy.

Sec. 7. Probationary period.

All original appointments and promotional appointments to the classified service shall be for a probationary period of not less than six months, during which time the appointing authority shall report to the personnel board every 60 days concerning the work of the employee. Any employee may be dismissed by the appointing authority during the probationary period for reasons relating to the employee's qualifications or for the good of the service stated by the appointing authority in writing and filed with the personnel board.

Sec. 8. Emergency appointment.

In case of emergency, an appointing authority may make an emergency appointment of any person to any position without regard to provisions of this charter to carry on work that must be continued in the public interest, but no such emergency appointment shall continue beyond the time of the emergency as declared by the town council. Emergency appointments shall be reported immediately to the personnel board.

Sec. 9. Services of other agencies.

The personnel board may enter into arrangements with any governmental agency, quasi-governmental agency, or educational agency, or educational institution for determining qualifications of employees and applicants for employment in the classified service, and for aid in the preparation of the personnel regulations.

Sec. 10. Removal of officers on indefinite tenure.

Officers of the town appointed for an indefinite term may be removed by the office or agency

which appointed them. If any such officer appointed for an indefinite term refuses to resign when asked for his resignation by the proper authority, the town administrator if his office made the original appointment or nomination, or any member of the town council if the town council made the original appointment, may prefer charges against said officer before the town council, requesting his removal. The council after giving written notice of said request and of the time and place of hearing delivered to said officer or mailed by certified mail to said officer at his last known address, together with a copy of said charges at least ten days prior to the date of hearing, may after hearing on said charges remove said officer by an affirmative vote of a majority of the entire town council. Said hearing shall be public if said officer so requests by a written demand filed with the town council two days prior to the date of the hearing.

Sec. 11. Personnel review.

The jurisdiction of the town council shall extend to all cases of appeals from dismissals, suspensions, demotions or transfers or layoffs of appointive officers and employees of the town, whether in the classified service or not, except those in the school department working in an administrative, supervisory or teaching capacity, and except those provided for otherwise in this charter in Article XIII, section 10. The town council in its work of receiving, considering and disposing of appeals shall follow procedure that is informal and of a nature calculated to effect justice in a manner as simple as possible, and provided that the following requirements are observed. In the event that any person is dismissed, suspended, demoted or transferred as provided herein, he may appeal in writing to the town council within ten days from such dismissal, suspension, demotion, transfer or layoff. Unless such appeal has been withdrawn, the council within ten days from the filing of such appeal, shall give the dismissed, suspended, demoted, or transferred person, or person laid off and the department head, board or other agency involved, the opportunity to be heard at a hearing before said council. After such hearing, which shall be public at the option of the person making the appeal, the action of the council shall be final and binding, and shall not be subject to appeal or further revision except as may be otherwise specifically provided by law. The review afforded herein shall be deemed to be alternative to and/or in addition to that granted by general and special state laws to certain classes of town employees. Upon reinstatement for any reason the dismissed, suspended, demoted or transferred officer or employee shall be paid in full for the wages lost during the period of such dismissal, suspension, demotion or transfer.

At any such hearings it shall be the right of any such person making the appeal to be represented by counsel who may conduct his case and act for him.

Sec. 12. Removal from office.

The following reasons shall constitute cause for removal from office:

- (1) Willful violation of any provisions of this charter or town ordinance.
- (2) Incompetency to perform the duties of the particular office held.
- (3) Conviction of a crime involving moral turpitude.

- (4) Willful neglect of duty.
- (5) Corrupt or willful malfeasance in office, and
- (6) Willful misconduct to the injury of the public service.

Sec. 13. Appointment and discharge of subordinates.

Unless otherwise provided in this charter, each elected officer, department head, board or other agency may appoint, dismiss, suspend, demote, transfer or lay off his or their deputies, clerks, assistants and subordinates serving under his or their supervision or control, subject to appeal to the town council acting as the board of personnel review as herein designated.

Sec. 14. Retirement of municipal employees.

The town council may provide by ordinance a system of retirement allowance to augment federal social security or other pension plan payments, if any, for the town's regular full-time paid employees, and for the contribution by employees and the town to a fund from which such allowance shall be paid. The town may enter into a contract with any insurance company authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan.

Sec. 15. Non-Union Employees employed "at will"

Department Heads and Non-Unionized Town employees are employees "at will". A new or re-elected Town Administrator will have the ability to retain or remove any Department Head or non-unionized Town employee (other than School Department employees) within 3 months of taking office. All Department Heads and Non-Union employees will be in "acting" status until notified that they will be retained, reassigned, terminated or laid off within this three month period. After 3 months, if the Town Council adopts a budget that requires the elimination of a position, a consolidation of Departments, or sections of a Department, or a reduction in the workforce for any reason whatsoever, Department Heads and Non-unionized employees can be laid off, reassigned, or terminated in order to meet adopted budgetary limitations imposed by the Town Council. This section will take priority over other Charter provisions to the contrary or that conflict.
(Amend. of 11-4-2014)