

Personnel Administration Plan

**LEGAL NOTICE
BOXBOROUGH BOARD OF SELECTMEN
AND PERSONNEL BOARD
PUBLIC HEARING
PROPOSED REVISIONS TO
THE PERSONNEL ADMINISTRATION PLAN**

The Board of Selectmen and Personnel Board will hold a public hearing on Monday, November 28, 2016 at 8:00 PM in the Grange Meeting Room, Boxborough Town Hall, 29 Middle Road, to consider proposed revisions to the Personnel Administration Plan, Article VII, Hours of Work and Overtime, sections 4 and 5. The proposed revisions will be available for review on the Town's website at www.boxborough-ma.gov and on the bulletin board outside the Town Clerk's Office.

All are welcome to attend.

Per Order
Board of Selectmen

**Summary of Proposed Amendment to Article VII, Sections 4 and 5
of the Town's Personnel Administration Plan**

The amendment to Article VII, section 4 and 5 of the Town's Personnel Plan is a housekeeping item, which is intended to clarify an ambiguity that was created in 2009 when language concerning Per Diem Firefighters/EMTs was added. Because Per Diem Firefighters/EMTs work shifts of varying hours (generally 10/14 hours) and not eight hours in a day, it had been recommended to and was approved by Town Meeting in 2009 to amend the second item in section 4. The modifying clause, "when required in an emergency or safety threatening situation" was meant to apply to all non-exempt employees. However, the manner in which the voted amendment was transcribed into the Personnel Plan provided for an ambiguous interpretation. Separating Section 4 into parts a. and b. as proposed above will provide for clarity. Parts c. and d. are being proposed to define the term "emergency" as well as to state whose responsibility it is to so declare.

The proposed revision to section 5 will provide for consistency between the payment of overtime compensation described in section 4 with paid time off in lieu of such payment further described in section 5.

ARTICLE VII. HOURS OF WORK AND OVERTIME

Section 1. The regular workweek of all regular full-time employees shall consist of forty (40) hours in any one week.
Amended:
ATM 2006

Section 2. The regular work period for Per Diem Firefighter/EMTs shall consist of a maximum of 50 hours.
Amended:
ATM 1995
Renumbered:
ATM 2006

Section 3. The regular work period for Special Police Officers shall consist of a maximum of 40 hours.
Amended:
ATM 1995
Renumbered:
ATM 2006

Section 4. a. A non-exempt employee, EXCLUDING a Per Diem FF/EMT, shall be paid at one and one-half (1.5) times his/her regular rate for work:

Amended:
ATM 2002
ATM 2006
ATM 2009

1. in excess of forty (40) hours worked in one (1) week, and/or
2. in excess of eight (8) hours in one (1) day, when required in an emergency or safety threatening situation, and/or
3. all work performed on Saturday and Sunday when NOT part of the regularly scheduled workweek.

b. A Per Diem Firefighter/EMT shall be paid at one and one-half (1.5) times his/her regular rate for work:

1. in excess of fifty (50) hours worked in one (1) week, and/or
2. in excess of his/her shift hours, when required in an emergency or safety threatening situation, and/or
3. all work performed on Saturday and Sunday when NOT part of the regularly scheduled workweek.

c. An emergency shall be defined as "a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action."

d. An emergency is deemed to occur when so declared by the Employee's Department Head or governing board, or a designee of the aforementioned individual/board.

Incidental overtime, such as incurred helping a citizen who asked for service late in the day, should be compensated with an equal amount of time arriving late or leaving early another day during the same week.

Amended:
ATM 2009

All overtime must be pre-approved by the Department Head or designee.

Overtime shall be equitably distributed among personnel in each department who ordinarily perform such related work in the normal course of their work week. Employees who are offered overtime work and refuse will be credited with having had their turn.

Section 5.

All sub-sections
Amended:
STM 10/5/87

In lieu of the overtime compensation provided in Section 4, a regular full-time employee may receive paid time off at the rate of 1.5 times each overtime hour ~~worked in excess of forty hours during any pay week~~, provided that:

- a. The employee secured the approval thereof of the employee's Department Head.
- b. In the event that an employee gives the Department Head notice, at least four weeks in advance, of the time that the employee wishes to take, the Department Head shall approve such request, unless at the Department Head's sole discretion, an emergency exists. In the event said notice shall be given less than four weeks in advance, the Department Head may deny such request so long as the Department Head's decision is not unreasonable.

No employee may take more than five days off in lieu of compensation during any fiscal year.

Section 6.

Amended:
ATM 1995

Exempt Employees are those Administrative, Professional, and Executive employees, as defined by the Federal Fair Labor Standards Act, and they are exempt from the provisions concerning the length of the work-week. Their annual salary is considered adequate compensation for the completion of those tasks required by their job.

Section 7.

Amended:
ATM 2000

All non-exempt employees, including per diem, are paid overtime for working on holidays.

Section 8.

Amended:
ATM 2015

DPW Snow and Ice Removal.

This section shall apply only to DPW employees involved in the removal of snow and ice. A DPW employee who works in excess of eight (8) hours in any single work day will be paid at the rate of time and a half the employee's regular rate of pay, for the time worked in excess of eight (8) hours in that work day. If the employee is being paid at the rate of time and a half and continues to work into the employee's next shift, the employee will continue to be paid at time and a half until the continuous work period ends and the employee is relieved of duty. A rest period of not more than four (4) hours shall not cause the continuous work period to end and pay at time and a half shall resume when the employee returns to work from such rest period.