

ARTICLE 24

TOWN EMPLOYEES AND PERSONNEL BOARD

Section 1 Personnel Board

- 1.1 In accordance with Section 4-2 (4) of the Charter, there shall be an unpaid Personnel Board appointed by the Town Administrator consisting of five (5) members who shall serve a term of three (3) years beginning June 1, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- 1.2 Any member on the Personnel Board shall not at the same time be a Town employee nor hold any other appointive or elective position except that of Town Meeting member. However, a member of the Personnel Board is allowed to serve on (1) any other Town committee for which the Personnel Board is designated as responsible for nominating or appointing one or more members or (2) any other Town committee established as an advisory committee dealing with personnel-related matters.
- 1.3 If any member shall resign or vacate his/her office, whether by ceasing to be a resident of the Town or other reason of qualification, his/her successor shall be appointed forthwith to fill the unexpired term.

Section 2 Policy and Administration

- 2.1 The Personnel Board shall serve as the policy making authority of the Town in personnel matters and shall perform the following functions:
 - a. Approve and recommend Classification and Pay Plan to Finance Committee and Town Meeting;
 - b. Review and recommend employee benefit programs and conditions of employment;
 - c. Advise and review personnel procedures and administrative practices as carried out under Article 4-2, Sections 4 and 14 of the Natick Town Charter.
- 2.2 The Town Administrator or his or her designee shall serve as Personnel Director of the Town, and in this role make recommendations to the Personnel Board on policy matters and administer the day to day personnel practices, procedures and systems of the Town, including, but not limited to:
 - a. Employee recruitment/testing/selection appraisal/evaluation;
 - b. Employee training and development;
 - c. Employee benefits and service programs;
 - d. Employee safety and health programs;
 - e. Employee discipline and grievance procedures.

Section 3 Classification

- 3.1 The official classification for the positions covered by this By-law shall consist of those presented to the Town Meeting.
- 3.2 The Pay Plan shall fix the compensation for each employee covered under the Personnel By-law. Provided however that the Town Administrator, pursuant to the Employee Evaluation procedure described in Section 9 and subject to available funds, may award a single instance payment to those employees whose work exceeds expectations; said payments shall not be added to base pay. All such payments shall be reported publicly to the Personnel Board at their next regularly scheduled meeting. Any such payments for personnel appointed by the Board of Selectman shall be subject to their approval.
- 3.3 All employees entering the employ of the Town and subject to classification of the Pay Plan shall be compensated at the rate of pay recommended by the Personnel Director and approved by the Town Administrator. Notification to the Personnel Board on all such decisions shall be made in a timely fashion.
- 3.4 The Personnel Board may establish during the year the salary schedule which shall be paid in a new position title necessary to the conduct of the business of the Town.
- 3.5 The Personnel By-law shall govern Town Employees excepting those employees appointed by the School Committee and excepting elected officials and excepting those employees in recognized exclusive bargaining units. This By-law shall not abridge the powers of the Trustees of the Morse Institute Library conferred by the will of Mary Ann Morse.
- 3.6 The Personnel Director shall maintain current job descriptions for all positions in the Classification and Pay Plan which shall include statements describing the kind of work, the distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. Such documents shall be kept in the Office of the Town Administrator.
- 3.7 A continuing review of the work of all positions subject to the provisions of this By-law shall be made by the Personnel Director and recommendations forwarded to the Personnel Board for presentation to Town Meeting, including such amendments to the Classifications and Pay Plans and to the provisions for administering such plans as may be necessary from time to time.
- 3.8 All requisitions for persons to fill positions or perform duties subject to the Classification Plan shall be submitted to the Personnel Director, authorized by the Town Administrator, and notification sent to the Personnel Board.
- 3.9 All changes of classification, transfers, changes in salary or other changes in the status of employees subject to the Classification Plan shall be reported to the Personnel Director and

approved by the Town Administrator where required, prior to effective date of any such change.

- 3.10 The Classification and Pay Plan most recently adopted by the Natick Town Meeting is incorporated into this paragraph by reference.

Section 4 Vacancies and Recruitment

- 4.1 In recruitment of positions in the Classification Plan, the Personnel Director shall assist the Department Head in searching out and finding well-qualified candidates and will review the methods for recruitment and selection to be used. In any case, unless otherwise specified by law, the Town Administrator shall make the final appointment in accordance with the provisions of Section 4-2, Item 3 of the Natick Home Rule Charter.
- 4.2 Every newly-hired permanent employee of the Town (excepting elected officials) shall be certified by a practicing physician or nurse practitioner designated by the Town Administrator, as to his/her fitness to perform the duties of the position with or without reasonable accommodation(s) to be certified by a practicing physician or nurse practitioner designated by the Town Administrator to which such person is assigned, prior to commencing work.

If the Personnel Board or Town Administrator deems such action necessary to the protection of the town, it may require any temporary employee who is to be employed for thirty (30) days or more, or any temporary appointive employee who has been employed by the Town for thirty (30) days and has not been so certified by a physician or nurse practitioner, designated by the Town Administrator, as to his or her physical fitness to do the work required by the Town with or without reasonable accommodation(s) to be certified by a practicing physician or nurse practitioner designated by the Town Administrator. The certification required hereunder shall be in such form as the said Board shall determine. The cost of any physical examination required by this section shall be paid by the Town.

These employees are exempt from the provisions of the Fair Labor Standards Act.

- 4.3 Except where otherwise directed, all new employees (or employees transferring to new positions) shall be considered on probation for a period up to a year, the length of time to be determined by the Town Administrator after recommendation of the Department Head.
- 4.4 The date on which an employee is appointed (even through the probationary period) shall govern in determining vacation, sick leave and other such benefits unless otherwise expressly provided in the appointment.

Section 5 Employee Status

- 5.1 Employees in positions designated "Administrative/Supervisory/Technical" shall be required to work the normal work week and any other additional hours needed to fulfill the

responsibilities of the position. The annual salary established for such employees shall be their total compensation for hours worked.

- 5.2 All other full-time employees shall be paid time and one-half for hours worked in excess of forty hours in a work week.

The same full-time employees shall be compensated at a rate of two times their normal hourly rate for all work on holidays listed in Section 7.

- 5.3 A full-time employee is one who is scheduled to work not less than 37 1/2 hours per week for 52 weeks minus legal holidays and authorized leave.
- 5.4 A regular part-time employee is defined as one who is scheduled to work for a period of 1,040 hours in the aggregate during the 12 months preceding the first day of July each year.
- 5.5 A part-time employee is one who is employed less than full-time or regular part-time as described in 5.3 and 5.4.

- 5.6 For the purposes of determining benefits for employees, the following shall apply:

5.6.1 Full Time

All full-time employees shall be entitled to full-time benefits contained herein.

5.6.2 Regular Part-Time

All "Regular Part-Time" employees shall receive regular benefits on a pro-rated basis.

5.6.3 Part Time

All Part-Time employees, as described in 5.5 shall receive no employee benefits related to leaves, holidays, vacations, etc.

Section 6 Grievance Procedures

- 6.1 It is the intent of the Town to provide each employee with suitable working conditions, environments, practices and procedures so as to provide the maximum effectiveness, efficiency and motivation to perform the duties assigned. In the event there is a problem or grievance regarding interpretation or application of this By-law, the following remedies are provided:
- a. A review of the situation with the employee's immediate supervisor shall take place.
 - b. If results are unsatisfactory, a written statement shall be submitted within ten (10) days to the Department Head, who shall respond within fifteen (15) days as to what action is to be taken.

c. If not settled by procedures set forth in Steps 1 or 2, it shall, within ten (10) days be submitted to the Town Administrator, who shall respond within fifteen (15) days. Before making a final determination, the Town Administrator shall receive a recommendation from the Personnel Director.

6.2 The Town of Natick retains all rights which it has or hereafter may acquire, including, but not limited to, the right to direct employees, to determine the method, means and personnel by which such operations are to be conducted, to promulgate rules and regulations, and to take whatever action necessary to carry out the mission in the applicable Department.

Section 7 Employee Benefits

7.1 Holidays

All "Full-Time" and "Regular Part-Time" employees shall be paid for the following holidays, if such employee has been in a regular pay status during the pay period preceding said holiday:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

If the holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday.

If a holiday listed above falls on a Full-Time or Regular Part-Time employee's approved vacation day, the employee shall receive holiday pay in lieu of being charged vacation time.

7.2 Vacations

7.2.1 Vacations shall be calculated based upon the fiscal year of the Town. Vacations shall be based upon the length of service as of the anniversary date of employment of each employee.

7.2.2 Vacations shall be granted on an accrual basis, with the pro-rated vacation awarded on the first day of each month, based on the following schedule:

Length of Service	Vacation
0-5 years	3 weeks
6-10 years	4 weeks
11+ years	5 weeks

Provided, however, that the Town Administrator shall have the discretion at the time of hire of new staff to grant vacation up to a maximum of five weeks (5), based on the new hire's vacation earnings at his/her most recent position and market conditions affecting the Town's ability to attract qualified personnel.

- 7.2.3 Vacation for a new employee shall be pro-rated based on the number of full months worked in his/her first fiscal year of employment, provided however that vacation shall not be taken until after the probation period.
- 7.2.4 Preference as to vacation dates is to be determined by seniority of service within Departments and in all cases must be approved by the Department Head (or Town Administrator in the case of Department Head's vacations) who shall authorize such vacations at such time in his/her opinion will cause the least interference with the performance of the regular work of the Town.
- 7.2.5 Unless otherwise authorized by the Town Administrator through the Personnel Director, vacation cannot be carried over from one fiscal year to the next.
- 7.2.6 Any full-time employee, not subject to the provisions of Section III and Section III E of Chapter 41 of the General Laws, whose employment is terminated during a year by dismissal through no fault or delinquency on his/her part or by resignation, retirement, or death, without having been granted the vacation to which he/she is entitled, or in the case of death, the estate, shall be paid at the regular rate of compensation payable to the employee at the termination of employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made therefor. The Head of the Department in which the person was last employed shall enter on the departmental payroll all amounts due and payable under the above paragraph.

7.3 **Leave of Absence**

7.3.1 **Work-Related Injury Leave**

An employee injured while performing his/her official duties in behalf of the Town shall file for occupational sick leave benefits under the provisions of Workmen's Compensation laws of the Commonwealth of Massachusetts. Benefit administration and requirements for the employee shall be available in the Office of the Town Administrator. Sick leave may be used, when available, during any periods of time a work-related injury claim may be pending, provided that the employee agrees in writing to reimburse the Town for the proportion of time used during this "pending period".

7.3.2 **Non-Work-Related Sick Leave**

Except as provided in Section 7.3.3B below, regular full-time employees will accrue sick leave at the rate of one (1) day per month of employment (not to exceed twelve (12) days in any year), and employees' maximum accumulated sick leave shall not exceed one hundred (100) days. Such sick

leave may not be used during the "Probationary Period" (up to one (1) year as established by the Town Administrator).

The granting of non-work -related sick leave and payment of compensation shall be subject to the following provisions:

- a. An employing Department Head, without prior approval, may grant sick leave with pay to any employee of his/her Department for a maximum of six (6) days in any one time.
- b. For any period in excess of three (3) consecutive days or in excess of six (6) days in any calendar year, the employing Department Head or designated representative, after investigation shall submit a report to the Personnel Director, which shall be considered along with written medical evidence submitted by the employee and a determination shall be made by the Personnel Director of the employees rights set forth in paragraph 7.3.2 of this section.
- c. No sick leave benefits shall be granted to seasonal part-time or temporary employees. Regular part-time employees shall be entitled to the amount of sick leave in the same ratio as their part-time employment bears to full-time employment.

7.3.3 Sick Leave Buy Back

7.3.3A Effective July 1, 2013, the previously existing Sick Leave Buy Back Program shall be eliminated. Instead, the Town shall fully fund a long-term disability program for benefit eligible employees.

7.3.3B For employees who, as of July 1, 2013 (1) have accumulated sufficient sick leave to qualify for sick leave buyback, as outlined below and (2) have submitted a statement of intent to retire from the Town of Natick prior to July 1, 2018, the following provisions shall apply:

- (a) Said employees hired prior to July 1, 1996 shall accrue sick leave at the rate of one and one quarter (1 1/4) days per month, not to exceed fifteen (15) days per year; the maximum accrual shall be 224 days. At the time of retirement, said employees shall be compensated one (1) day's pay for each three (3) days of accumulated sick leave in excess of one hundred (100) days.
- (b) Said employees hired July 1, 1996 or after shall accrue sick leave at the rate of one (1) day per month, not to exceed twelve (12) days per year; the maximum accrual shall be 120 days. At the time of retirement, said employees shall be compensated one (1) day's pay for each two (2) days of accumulated sick leave in excess of fifty (50) days.
- (c) Said employees shall not be eligible for the Town-funded long-term disability program but may participate in said program at his/her sole expense.

7.3.3C Employees who, as of July 1, 2013 have accumulated sufficient sick leave to qualify for sick leave buyback, as outlined below, but who have NOT submitted a statement of intent to retire from

the Town of Natick prior to July 1, 2018, shall be paid for their sick leave accumulated as of July 1, 2013 in accordance with the following paragraphs; said payment shall be made as soon as practicable after July 1, 2013.

- (a) Employees hired prior to July 1, 1996 shall be compensated in an amount equal to seventy-five (75) percent of one (1) day's pay for each three (3) days of accumulated sick leave in excess of one hundred (100) days. Said employee's sick leave balance shall reflect an accumulation of one hundred (100) days after this payment.
- (b) Employees hired July 1, 1996 or after shall be compensated in an amount equal to seventy-five (75) percent of one (1) day's pay for each two (2) days of accumulated sick leave in excess of fifty (50) days. Said employees' sick leave balance shall reflect an accumulation of fifty (50) days after this payment, however said employees may opt to be compensated for fewer days than eligible, thus leaving an accumulation greater than fifty (50) days, but not to exceed one hundred (100) days.
- (c) Sick leave accruals and accumulations for said employees shall be in accordance with Paragraph 7.3.2 above.
- (d) Said employees shall be eligible for the Town-funded long-term disability program.

7.4 Military Leave

A leave of absence for military service shall be granted to any full-time employee who is a member of reserved component of any of the Armed Forces of the United States and who is required to engage in field training. This leave of absence shall be in addition to his vacation.

7.4.1 If the amount of compensation the employee received from the Federal or State Government for temporary training duty (a period not to exceed fifteen (15) consecutive days) is less than the base compensation which he would have received for the same period, he shall be paid the difference by the Town upon proper evidence of military service and of compensation received.

7.4.2 When an employee, not on probation, enters military service of the United States, indefinite leave of absence without pay or benefits shall be granted for the duration of such military service. Each employee may be reinstated without loss of privileges or seniority accrued to the last day worked, provided he reports for duty with the Town within sixty (60) days following his honorable discharge for military service, and provided he has not voluntarily extended the length of his military service.

7.5 Bereavement Leave

In the event of death of a member of an employee's family (as defined below), the employee will be permitted to be absent without loss of pay based at the employee's straight time hourly rate of pay, as follows:

- a. For the employee's parents, siblings, children, spouse or co-habiting significant other – five (5) days.
- b. For the employee's grandparents, grandchildren, aunts, uncles, parents-in-law and siblings-in-laws three (3) days.

7.6 Leave of Absence without Pay

Leave of absence without pay may be granted by the Personnel Director with authorization from the Town Administrator upon the advice of a Department Head under the following conditions:

- a. Employee shall submit in writing reason(s) for request in advance;
- b. The Department Head shall submit to Personnel Director a report of the impact of such leave on the operation of the Department;
- c. Leave shall be initially granted for a period not to exceed thirty (30) calendar days;
- d. Extension of leave beyond thirty (30) days may be granted by the Town Administrator after submission of additional documentation by the employee and Department Head.

7.7 Personal Days

Full-time employees shall earn three (3) personal days effective July 1st of each year. Said days must be used by June 30th of each year.

7.8 Maternity Leave

Any regular full-time female employee who has not completed twelve consecutive months of service, but who has completed more than three (3) consecutive months of service, shall be given a leave without pay for the purpose of giving birth, pursuant to Chapter 149, Section 105D of the Massachusetts General Laws and other applicable State and Federal Laws, provided that she requests such leave from her Department Head, in writing, with sufficient advance notice to allow for proper planning.

7.9 Jury Leave

Employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid for a normal working period and the amount paid by the Court, excluding the allowance for travel.

Section 8 Administrative Leave

Administrative leave may be granted by the Town Administrator without loss of pay for the following:

- a. Paternity Leave - up to two (2) days (to be deducted from Sick Leave earned under Section 7) and to be charged against the employee's entitlement to leave under the Family Medical Leave Act of 1993, if the employee is eligible for such FMLA leave;
- b. Critical illness of immediate family - up to five (5) days (to be deducted from Sick Leave earned under Section 7) and to be charged against the employee's entitlement to leave under the Family Medical Leave Act of 1993, if the employee is eligible for such FMLA leave;
- c. Religious Holidays - up to two (2) days (Rosh Hoshana, Yom Kippur, and Orthodox Holy Days).

Section 8A Family Medical Leave of Absence

Employees who have been employed by the Town for at least twelve (12) consecutive months, and who have worked at least 1,250 hours during the previous twelve (12) consecutive months are eligible for Medical Leave or Family Leave pursuant to the Family Medical Leave Act of 1993 (FMLA), of up to twelve (12) weeks in a given year. Spouses who are both employed by the Town may not take more than twelve (12) aggregate workweeks of leave per twelve (12) month period unless the leave is due to the employee's own serious health condition or to care for a spouse's serious health condition.

a. Medical Leave

Medical Leave is defined as leave required to care for a spouse, son or daughter, or parent due to a serious health condition of that family member, or as leave required due to an employee's own serious health condition that prevents him or her from performing the essential functions of his or her job.

An eligible employee may take up to twelve (12) workweeks of unpaid medical leave continuously, intermittently, or on a reduced leave schedule upon presentation of a certificate of a serious health condition by a health care provider and approval by the Town Administrator's Office. Where possible, the employee is requested to notify the Town Administrator's Office in writing at least thirty (30) days in advance of a request for a medical leave under FMLA. In all cases, employees must notify the Town Administrator's Office that they are requesting a leave under the FMLA.

b. Family Leave

Family Leave is defined as leave required due to the birth or adoption of, and/or foster placement of, and in order to care for, a son or daughter if taken within twelve (12) months

of the birth of a child or foster placement with an employee. In the case of an adoption and/or foster placement, the child must be at the age where the parent/foster parent is still responsible for the care of the child.

An eligible employee may take up to twelve (12) workweeks of unpaid family leave upon approval by the Town Administrator's Office. Where possible, the employee is requested to notify the Town Administrator's Office in writing at least thirty (30) days in advance of the requested leave. In all cases, employees must notify the Town Administrator's Office that they are requesting a leave under the FMLA.

An employee who is requesting a leave under FMLA should reference the Town's FMLA policy which provides detail as to the rights and obligations of such an employee.

Section 9 Employee Evaluation

- 9.1 An annual evaluation or appraisal will be made of every employee in the Classification and Pay Plan in order to measure progress and encourage self-improvement.
- 9.2 Each Department Head shall conduct such evaluation (and in the case of Department Heads, the Town Administrator) and it shall be signed by both the employee and the Department Head (Town Administrator where applicable) and submitted to the Personnel Director to be made a part of the Personnel File of the employee.

Section 10 Equal Opportunity and Affirmative Action

- 10.1 The Town shall not discriminate against any applicant for a position under the jurisdiction of the Town because of sex, age, religion, handicap, race, color, national or ethnic origin.
- 10.2 It is the policy of the Town to encourage, promote and exercise affirmative action in a planned, aggressive, coherent management program to provide for equal opportunity in recruitment, selection, appointment, promotion, training and discipline; and to adopt an Affirmative Action Plan which is specifically tailored to the Town's work force, available skills, specific goals and actions, timetables, responsibilities and resources.

Section 11 Part-Time Employees

- 11.1 Part-time employees shall be paid upon a wage schedule which applies to the position titles to which they are assigned in accordance with their total length of service in those position titles by reason of former employment by the Town.
- 11.2 The Personnel Board shall have the right to establish at any time and to withdraw at any time, temporary pay schedules in addition to rates as set forth in the Classification and Pay Plan.
- 11.3 **Special Sick Leave for School Traffic Supervisors**

School Traffic Supervisors shall accrue sick leave up to a total maximum of sixty (60) days at the rate of one day for each month actively engaged as a School Traffic Supervisor.

Section 12 Procedures

The Town retains the exclusive right to determine what departments, division and job classifications are to exist, whether to lay off employees, to determine the existence or non-existence of a vacancy, and whether and by whom any vacancy will be filled. The Town shall have the exclusive discretion to determine whether there is to be and how to implement a reduction in force or elimination of any job classification.

If the Town decides to implement a reduction in force plan which involves elimination of any of the positions covered by this Classification and Pay Plan, the individual member of this unit so affected will be provided the opportunity to avail himself of the retirement procedures, if, according to the Retirement Board, he/she so qualifies.

Section 13 Special Provisions of the By-Laws

13.1 Civil Service Law

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

13.2 Repeal and Validity

All By-Laws or parts of By-Laws in conflict with this By-Law are hereby repealed.

If any section, sub-section, sentence, clause, phrase, or figure of this By-Law is for any reason held to be unconstitutional, or invalid, such decision and invalidity or voidance shall not affect the validity of the remaining portion of the By-Law. The Town Meeting hereby declares that it would have passed this By-Law and each section, sub-section, sentence, clause, phrase, or figure thereof even if it had known that any one or more sections, sub-sections, sentences, clauses, phrases, or figures, shall be declared unconstitutional or void.

This By-Law shall take effect and be in force from and after the earliest period allowed by law.

Section 14 Procedure for Appointment of Police Chief

14.1 Applicability

This by law shall apply to the selection of a candidate to fill the position of Police Chief when such position is not subject to the provisions of Chapter 31 of the Massachusetts General Laws. Pursuant to Article 24, Section 3.6 of the Town of Natick Bylaws, a current job description shall be maintained for this position. A Police Chief appointed by the Board of Selectmen pursuant to this Bylaw will meet the minimum entrance requirements set forth in said job description.

14.2 Procedure for Appointment of Police Chief

- a. Within one year of the time when it is known that the position of Police Chief shall become vacant, the Board of Selectmen, may initiate the selection process. Within six months of the time the position of Police Chief is to become vacated, the Board of Selectmen shall initiate the selection process if it has not already done so. In the event that less than six months notice is provided to the Selectmen that the position of Police Chief shall become vacant, the selection process shall begin forthwith after receipt by the Board of Selectmen of such notice.
- b. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applications for the position of Police Chief and shall send a copy of such notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint to the screening committee all such persons designated pursuant to the provisions of section 14.2 c. and 14.2 d. herein, provided that their names have been received in writing the day before the screening committee is to be appointed. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice is sent.
- c. For the position of Police Chief, a screening committee shall consist of nine voting members and one non-voting member. The School Committee, Finance Committee and Personnel Board shall each designate one person to serve on the screening committee. Persons chosen by said agencies may, but need not, be members of the agency by which they are chosen. The Town Administrator and Fire Chief shall serve as members of the screening committee. The Board of Selectmen shall designate one resident of Natick to the screening committee. This designee may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The most senior member of the Police Department in the second-highest non-chief rank who is able to serve and is not a candidate for the position of Police Chief shall serve on the screening committee. In the event that no member of that rank is able to serve, the most senior member of the next lowest rank who is able to serve and is not a candidate for the position of Police Chief shall serve on the screening committee. This individual may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The Town Moderator shall designate one member of Town Meeting. This designee may not be a member the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The Town Administrator shall designate to the screening committee one police chief from another community. The Personnel Director shall serve as the non-voting member of the committee. Designees of the Board of Selectmen, School Committee, Finance Committee, Personnel Board and Town Moderator shall be residents of Natick. No member of the screening committee – other than the Town Administrator, Fire Chief, Personnel Director and the specified member of the Police Department – may be a paid employee of the Town.

- d. Not more than thirty days following the appointment of the screening committee by the Board of Selectmen, the persons chosen shall meet to organize and plan a process for solicitation by advertisement, including, without limitation, in appropriate professional journals, and by other means, to receive applications for the position of Police Chief. The screening committee shall conduct its work in an expeditious manner; employees of the Town shall provide all reasonable assistance to the committee in the conduct of its work.
- e. The screening committee shall review all applications received and shall provide for interviews to be conducted with such number of candidates for the position as it may decide. Such interview(s) may be conducted before and/or after the assessment center described in paragraph f. below, as the committee may determine best suits its needs.
- f. The screening committee shall also use as an evaluative tool an assessment center specifically designed to examine candidates' knowledge, skills and abilities, including without limitation, their technical, tactical, professional, managerial and strategic skills. The assessment center shall be designed and conducted by a consultant specifically hired for this purpose by the Town. Said consultant shall be selected by the Town through competitive procurement in accordance with applicable law and procedures and shall have significant experience conducting assessment centers in the relevant public safety department.
- g. The results of the assessment center conducted pursuant to paragraph (f) shall be made available to the screening committee.
- h. Not more than one hundred eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than three but not more than five candidates whom it believes to be best suited to perform the duties of Police Chief.
- i. If the screening committee determines that there are not at least three candidates qualified to perform the duties of the Police Chief, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.
- j. Within sixty days following the date that a list of nominees is submitted to it, the Board of Selectmen shall:
 - 1. interview candidates referred to it by the screening committee, and
 - 2. determine if it will select one of the candidates to serve as Police Chief, and
 - 3. choose a nominee to be appointed as Police Chief; or
 - 4. if the Board of Selectmen decides not to appoint any of the nominees as Police Chief, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.

- k. Upon the appointment of the Police Chief, the screening committee established pursuant to this Article shall be considered discharged.

14.3 Appointment, Review, Other Activities

- a. **Appointment, Term** – The Board of Selectmen shall appoint the Police Chief to serve for a term of up to three years provided, however, that the first six months of any individual’s first appointment to the office shall be considered a probationary period. The Police Chief shall be appointed solely on the basis of his or her technical, tactical, professional, managerial and executive qualifications and shall be especially fitted by previous experience, training and education to perform the duties of the position.
- b. **Review of Performance** – The Town Administrator shall annually provide to the Board of Selectmen a review of the job performance of the Police Chief which shall, at least in summary form, be a public record.
- c. **Restriction on Other Activities** – The Police Chief shall devote his or her full time to the duties of the position of Police Chief and shall not hold any other public office, elective or appointive, nor shall he or she engage in other business, occupation or profession during his or her term, unless such action or appointment is approved, in advance, in writing, by the Board of Selectmen.

Section 15 Procedure for Appointment of Fire Chief

15.1 Applicability

This by law shall apply to the selection of a candidate to fill the position of Fire Chief when such position is not subject to the provisions of Chapter 31 of the Massachusetts General Laws. Pursuant to Article 24, Section 3.6 of the Town of Natick Bylaws, a current job description shall be maintained for this position. A Fire Chief appointed by the Board of Selectmen pursuant to this Bylaw will meet the minimum entrance requirements set forth in said job description.

15.2 Procedure for Appointment of Fire Chief

- a. Within one year of the time when it is known that the position of Fire Chief shall become vacant, the Board of Selectmen, may initiate the selection process. Within six months of the time the position of Fire Chief is to become vacated, the Board of Selectmen shall initiate the selection process if it has not already done so. In the event that less than six months notice is provided to the Selectmen that the position of Fire Chief shall become vacant, the selection process shall begin forthwith after receipt by the Board of Selectmen of such notice.

- b. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applications for the position of Fire Chief and shall send a copy of such notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint to the screening committee all such persons designated pursuant to the provisions of section 15.2 c. herein, provided that their names have been received in writing the day before the screening committee is to be appointed. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice is sent.
- c. For the position of Fire Chief, a screening committee shall consist of nine voting members and one non-voting member. The School Committee, Finance Committee and Personnel Board shall each designate one person to serve on the screening committee. Persons chosen by said agencies may, but need not, be members of the agency by which they are chosen. The Town Administrator and Police Chief shall serve as members of the screening committee. The Board of Selectmen shall designate one resident of Natick to the screening committee. This designee may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The most senior member of the Fire Department in the second-highest non-chief rank who is able to serve and is not a candidate for the position of Fire Chief shall serve on the screening committee. In the event that no member of that rank is able to serve, the most senior member of the next lowest rank who is able to serve and is not a candidate for the position of Fire Chief shall serve on the screening committee. This individual may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The Town Moderator shall designate one member of Town Meeting. This designee may not be a member the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The Town Administrator shall designate to the screening committee one fire chief from another community. The Personnel Director shall serve as the non-voting member of the committee. Designees of the Board of Selectmen, School Committee, Finance Committee, Personnel Board and Town Moderator shall be residents of Natick. No member of the screening committee – other than the Town Administrator, Police Chief, Personnel Director and the specified member of the Fire Department – may be a paid employee of the Town.
- d. Not more than thirty days following the appointment of the screening committee by the Board of Selectmen, the persons chosen shall meet to organize and plan a process for solicitation by advertisement, including, without limitation, in appropriate professional journals, and by other means, to receive applications for the position of Fire Chief. The screening committee shall conduct its work in an expeditious manner; employees of the Town shall provide all reasonable assistance to the committee in the conduct of its work.
- e. The screening committee shall review all applications received and shall provide for interviews to be conducted with such number of candidates for the position as it may decide. Such interview(s) may be conducted before and/or after the assessment center described in paragraph f. below, as the committee may determine best suits its needs.

- f. The screening committee shall also use as an evaluative tool an assessment center specifically designed to examine candidates' knowledge, skills and abilities, including without limitation, their technical, tactical, professional, managerial and strategic skills. The assessment center shall be designed and conducted by a consultant specifically hired for this purpose by the Town. Said consultant shall be selected by the Town through competitive procurement in accordance with applicable law and procedures and shall have significant experience conducting assessment centers in the relevant public safety department.
- g. The results of the assessment center conducted pursuant to paragraph (f) shall be made available to the screening committee.
- h. Not more than one hundred eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than three but not more than five candidates whom it believes to be best suited to perform the duties of Fire Chief.
- i. If the screening committee determines that there are not at least three candidates qualified to perform the duties of the Fire Chief, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.
- j. Within sixty days following the date that a list of nominees is submitted to it, the Board of Selectmen shall:
 1. interview candidates referred to it by the screening committee, and
 2. determine if it will select one of the candidates to serve as Fire Chief, and
 3. choose a nominee to be appointed as Fire Chief; or
 4. if the Board of Selectmen decides not to appoint any of the nominees as Fire Chief, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.
- k. Upon the appointment of the Fire Chief, the screening committee established pursuant to this Article shall be considered discharged.

15.3 **Appointment, Review, Other Activities**

- a. Appointment, Term – The Board of Selectmen shall appoint the Fire Chief to serve for a term of up to three years provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Fire Chief shall be appointed solely on the basis of his or her technical, tactical, professional, managerial and executive qualifications and shall be especially fitted by previous experience, training and education to perform the duties of the position.

- b. Review of Performance – The Town Administrator shall annually provide to the Board of Selectmen a review of the job performance of the Fire Chief which shall, at least in summary form, be a public record.

- c. Restriction on Other Activities – The Fire Chief shall devote his or her full time to the duties of the position of Fire Chief and shall not hold any other public office, elective or appointive, nor shall he or she engage in other business, occupation or profession during his or her term, unless such action or appointment is approved, in advance, in writing, by the Board of Selectmen.