

PERSONNEL BY-LAWS



**TOWN OF WESTPORT
MASSACHUSETTS**

REVISED JULY 24, 2015

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PERSONNEL CLASSIFICATION AND COMPENSATION PLANS

SECTION 1. GENERAL PROVISIONS

A. AUTHORIZATION

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, there shall be established plans which may be amended from time to time by vote of the Town at a Town Meeting:

1. Classifying positions in the service of the Town, other than those filled by popular election, those under the direction and control of the School Committee, and certain positions for which the compensation is on a fee basis or the incumbents of which render professional, intermittent or casual service and which do not appear in the Schedules appended, and those positions covered by contracts between recognized Unions and the Town, and into groups and classes doing substantially similar work or having substantially similar responsibilities.
2. Authorizing a system of compensating positions in the classification Plan.
3. Providing for the administration of said Classification Plan; and establishing employee selection standards, work policies, and benefits for employees occupying positions under the classification plan.

B. DEFINITIONS

As used in this By-Law, the following words and phrases shall have the following meanings, unless a different construction clearly required by the context or by-laws of the Commonwealth of Massachusetts:

Administrative Authority - The elected or appointed official or board having jurisdiction over a function or activity;

Annual Rate Employee - A part-time employee who is paid a specific annual sum by the Town for work performed without reference to the number of hours worked; or a full-time employee who is not exempt from MGL Chapter 151, Section 1A;

Board - The Personnel Board;

Class - A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to

the class, that the same or substantially the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply equity;

Classification - Class title appearing in the Schedules of these By-Laws, plus Class specifications which are to be on file with the Board of Selectmen, and which are incorporated by reference herein;

Continuous Employment - Uninterrupted employment (either full or part-time) except for required military service and for authorized vacation or other leave of absence;

Department - Any department, board, committee, commission or other agency of the Town subject to these By-Laws;

Domestic Partner - Domestic Partner shall mean two persons who meet all of the following requirements:

1. They reside together and intend to do so indefinitely.
2. They share basic living expenses.*
3. They are at least eighteen (18) years of age.
4. They are each other's sole domestic partner; and
5. They are not married to anyone or related to each other by blood closer than would bar marriage in the Commonwealth of Massachusetts.

* Basic Living Expenses shall mean the cost of food, shelter, utilities and essential household goods. The individuals need not contribute equally to the cost of these expenses. Labor or services in kind shall be recognized as contributions to basic living expenses.

Employee - An employee of the Town occupying a position in the Classification;

Entrance Rate - The rate applicable to the first twelve months of a new employee's employment;

Full-time Employee - An employee retained in full-time employment;

Full-time Employment - Employment for not less than seven hours per day for five days per week fifty-two weeks per annum, minus legal holidays, authorized vacation leave, sick leave and other leave of absence;

Group or Occupation Group - A group of classes designated by occupation as appearing in Schedules appended;

Hourly Employee - Employee paid by the number of hours actually worked in a week including overtime at 1 \square times the applicable rate for hours worked in excess of the normal work week as defined;

Maximum Rate - The rate given to a position;

Minimum Rate - The entry rate as authorized by the Board;

Part-time Employee - An employee retained in part-time employment;

Part-time Employment - Employment for less than full-time weekly employment but for fifty-two weeks per year;

Permanent Position - A full-time or part-time position in the Town service which has required or is likely to require the services of an incumbent in continuous employment for a period of fifty-two calendar weeks per annum;

Position - An office or post of employment in the Town service with duties and responsibilities calling for the full-time, part-time or seasonal employment of one person in the performance and exercise thereof;

Probationary Status - Status held by an employee in the first six months of employment;

Promotion - A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade;

Rate - A sum of money designated in the Schedules appended as compensation for personal services on an annual, monthly, weekly, hourly, daily or other basis;

Regular Employee - An employee retained in a permanent position which required the services of an incumbent in continuous employment for a period of fifty-two calendar weeks for a minimum of twenty (20) hours per week;

Salary Employee - Full time regular employees exempt from the state's 40-hour work week by statute, paid annual sum authorized by Town Meeting without regard to the number of hours worked;

Seasonal Employee - An employee retained for anticipated and scheduled seasonal employment;

Seasonal Employment - Employment, which is anticipated and scheduled for a period of less than fifty-two weeks per year;

Sick Leave - Leave granted with no loss of pay for the illness of or injury to regular employee;

Temporary Employee - An employee retained in a temporary, other than seasonal, position or in a permanent position in probationary or acting status;

Temporary Position - A position in the Town service, which requires or is likely to require, the services of an incumbent for a period of less than fifty-two calendar weeks;

Town - The Town of Westport, Massachusetts;

C. PERSONNEL POLICY

It is the declared personnel policy of the Town of Westport that:

1. Employment in the town government shall be based on merit and fitness, free of personal and political considerations, and free of discrimination against the physically handicapped;
2. Just and equitable incentive and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of town government;
3. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis;
4. Appointments, promotions, and other actions requiring the application of merit shall be based on qualifications, performance and evaluation;
5. High standards of morale shall be maintained by the fair and equitable administration of this policy and by every consideration of the rights and interests of all employees consistent with the best interests of the public and of the Town;
6. Continuity of employment with the Town shall be subject to good behavior, the satisfactory performance of work, the necessity for the performance of work and the availability of appropriated funds;

D. PERSONNEL BOARD

1. There shall be a Personnel Board consisting of five unpaid members who shall be residents of the Town and who shall be responsible for the administration of the classification and compensation plans. The Board, except as otherwise provided, shall be appointed by the Board of Selectmen and shall not include an employee or elected official of the Town. One member of the Board shall be a member of the Finance Committee who shall be designated by the Finance Committee.
2. All future appointments to the Board, except the member appointed by the Finance Committee, will be for three years. The member from the Finance Committee shall be appointed annually.
3. If a member, other than the member appointed by the Finance Committee resigns or his office becomes vacant by his removal from the Town, or other cause, the Board of Selectmen shall appoint his successor for the balance of the unexpired term of such member.

4. The Board may employ assistance and incur expenses as it deems necessary subject to the appropriation of funds therefore.
5. Forthwith after its appointment and annually, the Board shall meet and organize by electing a chairman and appointing a secretary. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this by-law. In the event that a bare quorum of the Board only is present, there must be a unanimous vote.

SECTION 2. ADMINISTRATION AND AMENDMENT

A. ADMINISTRATION

1. The Personnel Board, referred to herein as the Board, shall be responsible for the administration of the classification and compensation plans in these by-laws. The Board shall establish such procedures as it deems necessary for the proper administration of said plans and by-laws. The Board may employ assistance and incur expenses as deemed necessary subject to the appropriation of funds therefore.
2. Complete and comprehensive personnel records of all employees occupying positions subject to the classification and compensation plans shall be maintained by the and held in the custody of the Board.
3. The Board, from time to time of its own motion, shall investigate the work features and rates of salaries or wages of any and/or all positions subject to the provisions of these by-laws. Such reviews shall be made at such intervals as determined to be necessary and to the extent to which the Board considers practicable.
4. The Board shall maintain written job descriptions of positions in the classification plan, each consisting of a statement describing the essential nature of the work and the characteristics thereof solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying or in any other way affecting the power of any administrative body as otherwise existing to appoint, to assign duties to, to direct and control the work of any employees under the jurisdiction of such authority.
5. Upon the recommendation of a department head, supported by evidence in writing of special reasons and/or exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for such a position, except where controlled by a collective bargaining agreement.

B. AMENDMENT OF THE PLANS

1. The classification Plan and/or other provisions of this by-law may be amended by vote of the Town at an Annual Town Meeting in the same manner as other by-laws of the Town may be amended. However, no amendment shall be considered or voted on by the Town Meeting unless the proposed amendment has first been considered by the Board and the Finance Committee.
2. The Board shall report its recommendations on any proposed amendments to the Finance Committee and shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.
3. The Board by its own motion may propose an amendment to the plans or other provisions of this by-law based on its findings resulting from its investigations.

SECTION 3. CLASSIFICATION PLAN

- A. All positions in the Town service, except those excluded in Section 1, Paragraph A, are hereby classified by titles appearing in Schedule A.
- B. Whenever the duties of an existing position are so changed that, in effect, a new position is created, and upon presentation of substantiating data satisfactory to the Board, the Board shall allocate such changed position to its appropriate class.
- C. No position may be reclassified until the Board shall have determined that such reclassification is consistent with the classification plan.
- D. All department heads shall prior to hiring any new employees ascertain that there are existing classified position openings. If there are no classified position openings the department heads shall notify the Board and the procedures to establish new position(s) shall be followed.
- E. No new permanent position shall be created until the Board, upon presentation of substantiating data satisfactory to the Board, shall have classified such position and assigned such new position of its title, employee status, entrance rate of pay and assignment of benefits if applicable, etc. No such new position shall be filled until funded by a Town Meeting.
- F. The Board may authorize the establishment of temporary, interim positions which will be valid only until the next Town Meeting qualified to act on the necessary by-law amendments and/or funding. The establishment of all such interim positions shall be contingent upon the Town Accountant or the Finance Committee's has certified that the required funds are available. All such temporary or interim positions should be created on the basis of unforeseen or emergency conditions.

SECTION 4. PERSONNEL BOARD PROCEDURES

A. RULES, REGULATIONS AND PROCEDURES

1. The Personnel Board shall prescribe rules and regulations and establish procedures for the standardization of employee conditions of employment and benefits. In addition, the Personnel Board shall set, no later than January 31 of each year, a schedule of pay rates for all employees covered by this by-law, said rates to be compiled from the annual appropriations by Town Meeting, the records of the Finance Committee, and consultation with all departments heads, requesting rate changes from the prior fiscal year. The Personnel Board shall adopt rules and regulations pertaining to employees' condition of employment and benefits in the following manner:

The proposed rule, regulation, procedure, benefits or changes in any of the foregoing or any other similar matter to be considered shall be posted on the Town Hall Bulletin Board for not less than three working days prior to its formal consideration by the Personnel Board.

If the Personnel Board deems it advisable, a copy of the foregoing shall be given to any interested Department Head, Employee or Board.

The Personnel Board shall, at the meeting that such matter is considered, allow any person the opportunity of commenting, questioning or voicing an opinion upon such matter under consideration.

The decision of the Personnel Board shall be by majority vote of such Personnel Board.

Any matter, rule, regulation or procedure that is adopted by the Personnel Board shall be posted on the Town Hall Bulletin Board for one week and shall be given in writing to any employee deemed affected thereby. All rules, regulations and procedures adopted by the Personnel Board and all decisions interpreting such rules, regulations and procedures as well as all minutes of any meetings, shall be construed as public records and maintained in the Selectmen's office in a book kept for such purpose.

B. EMPLOYEE RIGHTS

1. Any employee not covered by a collective bargaining agreement may submit any proposal, rule, regulation of matter involving employee benefits, working conditions or conditions of employment, in writing, to the Personnel Board whereupon the Personnel Board shall take all necessary steps to formally consider the matter within thirty (30) days of such submission. The employee may appeal any decision of the Personnel Board by filling a Notice of Appeal with the said Personnel Board within five (5) working days of the posting of such decision or the receipt of notification of such decision in those cases where the decision is not posted.
2. Whenever the Personnel Board receives a Notice of Appeal, it shall schedule a hearing upon such matter. Notice of Hearing shall be posted upon the Town Hall Bulletin Board a minimum of three (3) working days prior to the hearing and a copy of such notice shall be given to the complainant, the department head(s) and any other person deemed affected

thereby. The Personnel Board shall issue a written decision within fifteen (15) days of the hearing.

3. Any department head may file a Notice of Appeal in accordance with this section.

C. GRIEVANCES

Whenever an employee covered by this By-Law has a grievance, the employee shall take up the grievances or dispute in writing with the employee's immediate department head within three (3) working days of the date of the grievance or his/her knowledge of its occurrence. The department head shall attempt to adjust the matter and shall respond to the employee within three (3) working days.

If the grievance still is not adjusted, it shall be presented to the Personnel Board in writing within five (5) working days after the response of the Department Head is due. The Personnel Board shall then schedule a hearing in accordance with the provisions of Section 4b (2) of this Article.

The employee shall have the right to appeal the decision of the Personnel Board within five (5) days to the Board of Selectmen in writing. The decision of the Board of Selectmen shall be final.

D. POWERS OF INVESTIGATION

The Personnel Board shall have the power to inquire into the working conditions, benefits or conditions of employment of any employee and in furtherance thereof may obtain any Town or public records of information pertaining to any employees employed by the Town.

E. CONFLICTS CLAUSE

No rule, regulation or provision of the Personnel Board or this By-Law, shall be construed to conflict with the provisions of any Labor Contract and if a conflict arises the provisions of the labor contract shall prevail.

SECTION 5. COMPENSATION PLAN

A. GENERAL PROVISIONS

1. The compensation plan shall consist of the schedule as set annually by the Board, which provide salaries or wages for individual positions as shown. No employee shall be paid a greater rate than that shown in the schedules.
2. No administrative authority shall fix the compensation of any employee in a position in the classification plan except in accordance with the compensation plan.

3. No person shall be paid as an employee in any position subject to the provisions of the classification plan under any title other than those appearing in the classification and compensation plans.

B. ABBREVIATIONS AND TERMS

1. Hours

- a. # = hours as specified
- b. N = as needed
- c. R = as required, no overtime

2. Pay Basis

- a. Hourly = entitled to overtime at time and a half for hours worked over the normal work week, employee paid by number of hours worked.
- b. Annual = for part-time or full-time employees, a set rate payable without regard to number of hours worked, but still potentially subject to the state 40 hour workweek unless otherwise indicated.
- c. Salary = for full-time regular employees exempt from the state's 40 hour work by statute, paid annual sum authorized by Town Meeting without regard to the number of hours worked, but with a minimum 40 hour workweek unless otherwise indicated.

3. Type

- a. FT = Full time
- b. PT = Part time
- c. S = Seasonal

C. GROUP ENUMERATION

<u>Title</u>	<u>Work Week</u>
1. Administrative and Supervisory Group	As Required, No Overtime
2. Clerical Group	40 - 35 Hours
3. Custodial Group	40 Hours
4. Labor Group	40 Hours
5. Library Group	35 Hours
6. Public Health Group	35 Hours
7. Public Safety Group	

7a.	Police Department	37.2 Hours
7b.	Fire Department	42 Hours
7c.	Other Public Safety Employees	As Required (not to exceed 40 hours except for salaried employees)
8.	Recreation Group	As Required

D. OVERTIME COMPENSATION

Employees shall be paid 1½ times their hourly rate for hours worked in excess of their normal work week as indicated in Section 5C.

E. SCHEDULE A

<u>Department/Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
BOARD OF APPEALS				
Principal Clerk	2	-20	Hourly	PT
BOARD OF ASSESSORS				
Assistant Assessor/Appraiser	1	R	Salary	FT
BOARD OF HEALTH				
Public Health-Nurse	6	30	Hourly	PT
Recording Clerk	2	-20	Hourly	PT
BOARD OF SELECTMEN				
Town Administrator	1	R	Salary	FT
Secretary	2	40	Hourly	FT
Administrative Assistant/Confidential Clerk	2	40	Hourly	FT
Data Processing Coordinator	1	R	Annual	PT
Grant Program Manager/Writer	2	40	Hourly	FT
Grant Clerk	2	-20	Hourly	PT
Housing Rehab Specialist	2	N	Hourly	PT
BUILDING				
Commissioner/Zoning Enforcement Officer	7c	40	Salary	FT
Gas/Plumbing Inspector	7c	R	Per Inspection	PT
Assistant Gas/Plumbing Inspector	7c	R	Per Inspection	PT
Wire Inspector	7c	R	Per Inspection	PT
Assistant Wire Inspector	7c	N	Per Inspection	PT
CABLE ADVISORY				
Public Access Coordinator	2	35	Hourly	FT
Public Access Coordinator	2	-20	Hourly	PT

Public Access Equipment Operator	2	-20	Hourly	PT
CEMETERY				
Laborer	4	N	Hourly	S
COMMISSION ON DISABILITY				
Recording Clerk	2	-20	Hourly	PT
COMMUNITY PRESERVATION COMMITTEE				
Recording Clerk	2	-20	Hourly	PT
CONSERVATION COMMISSION/SOIL CONSERVATION BOARD				
Assistant Agent	2	-20	Hourly	PT
COUNCIL ON AGING				
Director	1	40	Salary	FT
Outreach Worker	2	-20	Hourly	PT
Social Day Care Director	2	35	Hourly	FT
Assistant Social Day Care Director	2	-20	Hourly	PT
Nutrition Program Meal Site Manager	2	-20	Hourly	PT
Elder Visitor	2	-20	Hourly	PT
Volunteer Coordinator	4	-20	Hourly	PT
Social Day Care Program Aide	2	-20	Hourly	PT
Van Driver	2	-20	Hourly	PT
Transportation Clerk	2	-20	Hourly	PT
FINANCE COMMITTEE				
Recording Clerk	2	-20	Hourly	PT
FIRE DEPARTMENT				
Chief	1	R	Salary	FT
Deputy Chief	1	R	Salary	FT
Administrative Assistant	2	35	Hourly	FT
Dispatcher	7b	N	Hourly	PT
Call Firefighter	7b	N	Hourly	PT
Call Firefighter/EMT	7b	N	Hourly	PT
Call Firefighter/Paramedic	7b	N	Hourly	PT
HARBORMASTER				
Harbormaster	7c	R	Annual	PT
Assistant Harbormaster	7c	N	Hourly	PT
HIGHWAY DEPARTMENT				
Highway Surveyor	1	R	Salary	FT
Temporary Laborer/Truck Driver	4	N	Hourly	S

HOUSING PARTNERSHIP COMMITTEE

Recording Clerk	2	-20	Hourly	PT
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LANDING COMMISSION

Recording Clerk	2	-20	Hourly	PT
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LIBRARY

Director	1	R	Salary	FT
Library Aide	5	-20	Hourly	PT
Library Substitute	5	-20	Hourly	PT
After School Assistant	5	-20	Hourly	PT

PERSONNEL BOARD

Recording Clerk	2	N	Hourly	PT
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PLANNING BOARD

Town Planner	1	R	Salary	FT
Assistant Town Planner	2	40	Salary	FT
Recording Clerk	2	-20	Hourly	PT

POLICE DEPARTMENT

Chief	1	R	Salary	FT
Deputy Chief	1	R	Salary	FT
Administrative Assistant	2	35	Hourly	FT
Reserve Officer	7a	N	Hourly	PT
E-911 Dispatcher	2	-20	Hourly	PT
Animal Control Officer	7c	R	Annual	PT
Assistant Animal Control Officer	7c	N	Hourly	PT

REGISTRAR OF VOTERS

Registrar Clerk	2	N	Hourly	PT-S
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**SEALER OF WEIGHTS
& MEASURES**

7c	R	Salary	PT
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SHELLFISH

Constable/Wharfinger	1	R	Salary	FT
Deputy Constable	7c	N	Hourly	PT

TAX COLLECTOR

Clerk	2	N	Hourly	PT-S
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TOWN ACCOUNTANT

Accountant	1	R	Salary	FT
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TOWN BEACH

Head Lifeguard	8	40	Hourly	S
Lifeguard	8	40	Hourly	S
Lifeguard	8	-20	Hourly	S

VETERANS SERVICES

Agent	1	R	Salary	FT
Graves Registration Officer	1	R	Salary	PT

SECTION 6. FRINGE BENEFITS AND WORKING CONDITIONS

Pursuant to the authority contained in Section 108C of Chapter 41 of the General Laws, certain fringe benefits as set forth in subsequent sections of this by-law are hereby granted to regular employees occupying positions in the Classification Plan. The fringe benefits are considered to be part of the compensation plan and the monetary value thereof shall be extended to eligible employees in addition to rates set forth in the appropriate salary of wage schedule.

A. LEAVE

Full time and/or regular employees shall receive and/or be paid for authorized leave as follows:

1. Agency Fee Employee

Non-union employees working in positions covered by a Union contract shall receive the benefits provided by such contract.

2. Union Contract Employees

Union employees shall receive the benefits as provided in the contract covering their position.

3. Holidays

Full time or regular non-exempt employees covered by this By-Law shall receive the following paid holidays:

- | | |
|-------------------------------|-----------------------------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| President's Day | Veteran's Day |
| Good Friday | Thanksgiving Day |
| Patriot's Day | The Day after Thanksgiving |
| Memorial Day | Christmas Day |
| Independence Day | |

In addition, said employees shall also receive one half-day before Thanksgiving, one half day before Christmas Day, and one half day before New Year's Day. **All employees must have been paid for at least twenty (20) working days of employment prior to being**

eligible for holiday benefits.

If the Deputy Fire Chief and the Deputy Police Chief are called in to work for a material reason on holidays listed under the Personnel By-Law, they shall be compensated an additional day's pay, for each holiday worked, at the discretion of the Fire Chief and Police Chief. Not qualifying as a material reason would be any work done that does not mandate their presence.

4. Vacations

Vacations shall be calculated and available on July 1st, based on the prior years employment.

All salary, full time annual and regular employees shall earn vacation time as follows:

If hired:	July or August	6 days
	September/October	5 days
	November/December	4 days
	January/February	3 days
	March/April	2 days
	May/June	1 day

Employees with 1 year but not more than 2 years shall be granted 12 days annually;

Employees with 2 years but not more than 5 years shall be granted 18 days annually;

Employees with 5 years but not more than 18 years shall be granted 21 days annually;

Employees with more than 18 years shall be granted 27 days annually.

Vacations must be used annually, unless approved by the Department Supervisor to carry over. The Department Supervisor may approve up to two (2) weeks of vacation carry over. Any unused vacation must be accrued or forfeited. Under no circumstances shall vacation time be carried more than one (1) fiscal year.

Whenever the employment of any person covered by this by-law is terminated during a year by dismissal through no fault or delinquency on his or her part or by resignation, retirement or death, without his having been granted the vacation to which he/she was entitled, he/she, or in case of death, his estate shall be paid, at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made therefore. The official head of the department in which the person was last employed shall enter on the departmental payroll all amounts payable under this section.

5. Sick Leave

All salary, annual, full time and regular employees shall accumulate sick leave at the rate of one and one half (1 ½) days per month credited on the first day of each month. Sick leave may be accumulated to a maximum of one hundred and eighty (180) days

The Town agrees to pay the employee or beneficiaries up to fifty (50%) percent of such accumulated sick leave upon death, retirement, or upon resignation or dismissal through no fault or delinquency on the employee's part of an employee who has at least ten (10) years continuous service with the town as follows:

10 years	25%
11 years	30%
12 years	35%
13 years	40%
14 years	45%
15 years	50%

In the case of job-related death, the beneficiaries shall receive one hundred (100%) percent of such accumulated leave.

Sick leave shall be granted for sickness or injury of the employee and for absence because of sickness or injury of the employee's parents, spouse, children, step-children, domestic partner, mother-in-law, father-in-law, which necessitates the employee's absence, regardless of residence.

Any employee suffering any injury while on duty or any injury which the employee considers job-related shall immediately report such injury and shall file a written report of such injury to the immediate supervisor, department head, or Board of Selectmen's office within 48 hours on forms to be supplied.

Any employee upon completion of three (3) years of employment who maintains a minimum of 30 days of sick leave, may have the option to receive a dollar amount equal to 50% of unused sick days up to a maximum of nine (9) days, based upon the table below:

Sick Leave Used	Leave Cashed In	Cash-In Value
0 days	9 days	4½ days
1 day	8½ days	4¼ days
2 days	8 days	4 days
3 days	7½ days	3¾ days
4 days	7 days	3½ days
5 days	6½ days	3¼ days
6 days	6 days	3 days
7 days	5½ days	2¾ days
8 days	5 days	2½ days
9 days	4½ days	2¼ days
10 days	4 days	2 days

11 days	3½ days	1¾ days
12 days	3 days	1½ days
13 days	2½ days	1¼ days
14 days	2 days	1 day
15 days	1½ days	¾ day
16 days	1 day	½ day
17 days	½ day	¼ day
18 days	0 days	0 days

The decision to cash in sick time must be made by the employee by November 1st, for the prior fiscal year and payment shall be made during the last pay period of November. The employee shall also notify the department head of the anticipated cash-in days they will be utilizing from the current year to assist in budgeting.

6. Personal Days

All full time or regular hourly employees, except those in probationary status, shall receive two personal days per year, which days shall not be charged to sick leave or vacation. The employee desiring to use such personal leave shall give a minimum two (2) days notice, except in the case of emergency, and such use shall require the approval of the relevant department head as to the day on which it is taken.

7. Bereavement Leave

In the event of death in the immediate family of an employee, the employee will be granted leave with pay in the amount of five (5) working days but not to extend beyond five (5) calendar days after the date of the funeral, provided the employee actually attends the funeral of the deceased. Such shall not be charged to sick leave or vacation leave. Employee's immediate family shall be father, mother, spouse/domestic partner, child and stepchild.

The employee will be granted leave with pay in the amount of three (3) working days in the event of the death of the employee's brother, sister, mother-in-law, father-in-law, grandmother, grandfather and grandchild. One (1) day leave shall be granted to attend the funeral in the event of the death of the employee's aunt, uncle, sister-in-law, brother-in-law, niece or nephew.

Bereavement leave will be granted only for those days the employee was actually scheduled to work.

8. Jury Leave

A full time or regular employee may request unlimited days of jury duty leave during the year. Seasonal, part-time and temporary employees will only be paid for jury duty to a maximum of three days. Jury duty includes serving as a jury member, or serving as a witness in response to a court subpoena.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

Employees must show the jury duty summons or subpoena to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work when the court schedule permits.

9. Military Reserve Leave

For National Guard duty or for Naval Reserve duty for periods up to two weeks, the Town will make up the difference between the compensation received from "Reserve" (annual) duty and the compensation for this two weeks' period of an employee in continuous employment from the Town, upon presentation of proper proof of such service and pay granted.

10. Other Leave

Absences for personal reasons may be charged to vacation leave upon application by the employee and approved by his department head. Such absences, however, may not be charged to vacation leave beyond that which the employee has earned at the time of such application.

11. Leave Without Pay

The Board of Selectmen may authorize in its discretion a leave of absence without pay for good cause shown up to a maximum of six months, upon condition that such leave be recommended by the head of the department concerned.

12. Longevity Pay

Longevity bonus payments shall be made to all regular and salary employees on a pro-rata basis, each year on the anniversary date of their commencement of consecutive employment, in a lump sum payment, according to the following schedule.

After 10 years	\$600.00
After 15 years	\$700.00
After 20 years	\$850.00
After 25 years	\$950.00
After 30 years	\$1,350.00

B. GENERAL

1. Pro-Rated Benefits

All regular employees entitled to the above benefits, who work a minimum of twenty (20)

hours per week but less than full time, shall receive benefits based upon the ratio of the actual number of hours worked by the employee per week divided by the hours which would be required were the position to be full time.

2. Physical Examination

Before appointment to a position in the Classification Plan requiring continuous employment, a candidate shall have passed a physical examination satisfactory to the Board and to the Town's Risk Manager. The examining physician shall be appointed by the Board and the examination shall be at the expense of the Town. The examining physician shall advise the Board as to whether, in his opinion, the applicant is physically qualified to perform the duties of the position for which application has been made.

3. Civil Service Law

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

4. Invalidity

The invalidity of any section of this by-law shall not invalidate any other section or provision thereof.

5. Chief and Deputy Chief of Police and Fire Departments

The Chief and Deputy Chief of Police and Fire may receive at least the same number of sick days, vacation days, personal days, bereavement days, holiday pay, longevity pay, educational pay (c41, s108L), uniform and cleaning allowance, health and life insurance and other benefits as do any of the regular employees of their department.

6. Non-Union Personnel

All full-time non-union personnel, without exception, may receive at least the same number of sick days, vacation days, personal days, bereavement days, holidays, longevity pay, educational pay, clothing allowance, health and life insurance and other benefits as do any of the full-time employees covered under the Agreement between the Town of Westport and Town Hall Departments, Library, Cemetery and Dispatchers.

C. RELATED PERSONNEL PROVISIONS

1. Eligibility of Appointment

No member of a municipal commission or board shall be eligible for appointment or election by the members of such commission or board to any office or position under the supervision of such commission or board unless such appointment or election has first been approved at an annual town meeting. No former member of any such commission or board

shall be eligible for appointment to any paid office or position by such commission or board, until the expiration of 6 months from the termination of his service as a member of such commission or board.

2. Indemnification

The Town shall indemnify any municipal officer for expenses or damages incurred by him in the defense or settlement of a claim against him in an amount not to exceed one hundred thousand dollars which claim arose out of act performed by such officer while acting within the scope of his official duties or employment, provided that the defense or settlement of such claim shall have been made by the city solicitor or town counsel, or by an attorney legally employed for the purpose by a city or town, or by an attorney furnished by an insurer obligated under the terms of a policy insurance to defend the city or town against such claim, retroactive to January 1, 1973.

***Note:** Refer also to MGL C. 258 S. 13-Tort Claims Act. (See Article 1. STM 3/27/73-Voted as Town By-Law).

3. Firefighter Funeral Expenses

The Town of Westport shall pay the reasonable expenses, not exceeding \$2,000.00, of the funeral and burial of any firefighter, who while in the performance of his duties or as a result of an accident while responding to or returning from an alarm or fire, or while at the scene of the fire is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duties or as a result of a duty-related assault on his person, is killed or sustains injuries which result in his death.

4. Clothing Allowance

The Town of Westport may appropriate money for the purpose of uniforms for members of its police and fire departments, and its shellfish constabulary which may include the purchase of rubber boots, shoes, and other outer clothing necessary for the use of members of the police and fire departments and shellfish constabulary when traveling to or from or during the course of their employment. The Town may pay as a clothing allowance to an officer serving as a detective or required to work without a uniform; provided, that the sum so paid as a clothing allowance to a member, serving as a detective or required to work without a uniform shall not in any event exceed any maximum amount established by the Town during a given year, for uniform clothing, for a uniformed member of said force under the provisions of this section.

5. Additional Clothing Allowance

The Town may appropriate money for the purchase of stormy weather work clothes, including rubber boots and other work-related clothes or uniforms for its employees.

6. Call Firefighter Disability

Whenever a call firefighter is disabled because of injury or incapacity sustained in the performance of his duty, and is thereby unable to perform the usual duties of his regular occupation at the time such injury or incapacity was incurred, he shall receive from the Town for the period of such injury or incapacity a sum equal to a permanent firefighter during his first year of service.

The Town reserves the right to determine eligibility for disability and retains any other rights granted under the provisions of Chapter 41, section 111F of the General Laws. The period for which such compensation is authorized under this section shall not exceed a total of one hundred four (104) weeks; provided, however, that no payments shall be made under this section after said call firefighter has been retired or pensioned in accordance with M.G.L. Chapter 32, Section 85H, or after a physician designated for such purpose by the Fire Chief has determined that such incapacity no longer exists.

All amounts payable under this section shall be paid at the same time and in the same manner as if he were a permanent firefighter and for all purposes shall be deemed to be the regular compensation of such firefighter.

7. Fire Chief Career Incentive Pay Program

The Fire Chief shall receive five career incentive base salary increases for higher education Fire Science college degrees administered in the same manner under the provisions of M.G.L. Chapter 41, Section 108L.

8. Deputy Fire Chief Career Incentive Pay Program

In addition to his/her regular pay, the deputy Fire Chief shall receive incentive pay predicated on the accumulation of credits earned in the following manner:

- a. Credits will be granted and recognized for college credits in Fire Science and Public Administration related subjects only, as approved by the Fire Chief.
- b. Payment will be made at the rate of \$.010 per credit hour up to a maximum one hundred and seventy (170) hours.
- c. Payments will commence only after the Deputy Fire Chief has accumulated fifteen (15) credits and will increase thereafter upon the accumulation of thirty (30) credits, forty-five (45) credits, the award of an Associate Degree seventy-five (75) credits, ninety (90) credits, one hundred and five (105) credits, the award of a Baccalaureate Degree, one hundred and thirty-five (135) credits, one hundred and fifty (150) credits and the award of a Master's Degree.

9. Education Reimbursement

The Town agrees to reimburse to employees fifty percent (50%) of the tuition costs, up to \$350.00 per year, for job related courses. Courses must be through an accredited

institution, must be completed with at least a B grade and must be pre-approved by the Town in writing to be eligible for reimbursement. Such pre-approval shall not be withheld unreasonably, but may be withheld for valid reasons including, without limitation, that the course is not so job-related as to be of benefit to the Town.

Employees with five (5) years of continuous service with the Town shall be paid a career incentive on the 1st pay period in December each year as follows:

Level I – (\$100.00) – Upon completion of a certified course (not seminar) in a specific municipal field, or upon completion of a related “certificate” course (not seminar) at an accredited college with at least 9 credits.

Level II – (\$500.00) – Associates Degree.

Level III – (\$1,000.00) – Bachelors Degree.

Level IV – (\$1,500.00) – Masters Degree.

Any employee can only receive payment from one level. Such levels can be achieved prior to or during employment with the Town. An employee may move from one level to the next but can only receive an incentive at that level and not a combination of levels.

Appendix A

**TOWN OF WESTPORT
PERSONNEL BYLAWS AMENDMENT
TO "SCHEDULE A" FISCAL YEAR 2016**

<u>DEPARTMENT/POSITION</u>	<u>GROUP</u>	<u>HOURS</u>	<u>PAY BASIS</u>	<u>TYPE</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
BOARD OF APPEALS							
Principal Clerk	2	-20	Hourly	PT	\$19.03	\$19.22	\$19.60
BOARD OF ASSESSORS							
Assistant Assessor/Appraiser	1	R	Salary	FT/PT	\$27,049.00	\$27,319.00	\$27,866.00
BOARD OF HEALTH							
Public Health Nurse	6	30	Hourly	PT	\$26.00	\$26.26	\$26.79
Recording Clerk	2	-20	Hourly	PT	\$16.28	\$16.44	\$16.77
BOARD OF SELECTMEN							
Town Administrator	1	R	Salary	FT	\$89,834.00	\$110,000.00	\$120,000.00
Secretary	2	40	Hourly	FT	\$24.98	\$25.23	\$25.73
Administrative Assistant/ Confidential Clerk	2	40	Hourly	FT	\$20.42	\$25.23	\$25.73
Grant Program Manager	2	40	Hourly	FT	\$22.75	\$22.98	\$23.44
Grant Clerk	2	-20	Hourly	PT	\$16.28	\$16.44	\$16.77
Housing Rehab Specialist	2	N	Hourly	PT	\$26.01	\$26.27	\$26.80
BUILDING							
Commissioner/Zoning Enforcement Officer	7c	40	Salary	FT	\$65,943.00	\$66,602.00	\$67,934.00
Gas/Plumbing Inspector	7c	R	Per Inspection	PT	\$25.00	\$25.00	\$25.00
Assistant Gas/Plumbing Inspector	7c	R	Per Inspection	PT	\$25.00	\$25.00	\$25.00
Wire Inspector	7c	R	Per Inspection	PT	\$25.00	\$25.00	\$25.00
Assistant Wire Inspector	7c	N	Per Inspection	PT	\$25.00	\$25.00	\$25.00
CABLE ADVISORY							
Public Access Coordinator	2	35	Hourly	FT	\$18.00	\$18.18	\$18.54
Public Access Coordinator	2	-20	Hourly	PT	\$18.00	\$18.18	\$18.54
Public Access Equipment Operator	2	-20	Hourly	PT	\$9.63	\$9.73	\$9.92
CEMETERY							
Laborer	4	N	Hourly	S	\$11.40	\$11.51	\$11.74
COMMISSION ON DISABILITY							
Recording Clerk	2	-20	Hourly	PT		\$16.44	\$16.77

<u>DEPARTMENT/POSITION</u>	<u>GROUP</u>	<u>HOURS</u>	<u>PAY BASIS</u>	<u>TYPE</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
COMMUNITY PRESERVATION COMMITTEE							
Recording Clerk	2	-20	Hourly	PT	\$16.28	\$16.44	\$16.77
CONSERVATION							
Assistant Agent	2	-20	Hourly	PT	\$22.61	\$22.84	\$23.30
COUNCIL ON AGING							
Director	1	40	Salary	FT	\$55,000.00	\$55,550.00	\$56,661.00
Outreach Worker	2	-20	Hourly	PT	\$15.79	\$15.95	\$16.27
Social Day Care Director	2	35	Hourly	FT	\$17.26	\$17.43	\$17.78
Asst. Social Day Director	2	-20	Hourly	PT	\$13.33	\$13.46	\$13.73
Nutrition Program Meal Site Manager	2	-20	Hourly	PT		\$13.46	\$13.73
Elder Visitor	2	-20	Hourly	PT	\$11.45	\$11.56	\$11.79
Volunteer Coordinator	2*	-20	Hourly	PT	\$13.66	\$13.80	\$14.08
Social Day Care Program Aide	2	-20	Hourly	PT	\$11.45	\$11.56	\$11.79
Van Driver	2	-20	Hourly	PT	\$13.60	\$13.74	\$14.01
Transportation Clerk	2*	-20	Hourly	PT	\$11.45	\$11.56	\$11.79
DATA PROCESSING							
Data Processing Coordinator	1c	R	Annual	PT	\$28,425.00	\$28,709.00	\$29,283.00
FINANCE COMMITTEE							
Recording Clerk	2	N	Hourly	PT	\$16.28	\$16.44	\$16.77
FIRE DEPARTMENT							
Chief	1	R	Salary	FT	\$79,906.00	\$80,705.00	\$82,321.00
Deputy Chief	1	R	Salary	FT	\$67,921.00	\$68,600.00	\$69,972.00
Administrative Assistant	2	35	Hourly	FT	\$24.98	\$25.23	\$25.73
Dispatcher	7b	N	Hourly	PT	\$14.75	\$14.90	\$15.20
Call Firefighter	7b	N	Hourly	PT	\$17.65	\$17.83	\$18.19
Call Firefighter/EMT	7b	N	Hourly	PT	\$18.52	\$18.71	\$19.08
Call Firefighter/Paramedic	7b	N	Hourly	Pt	\$21.51	\$21.73	\$22.16
HARBOR MASTER							
Harbormaster	7c	R	Annual	PT	\$31,770.00	\$32,088.00	\$32,730.00
Assistant Harbormaster	7c	N	Hourly	PT	\$16.77	\$16.94	\$17.28
HOUSING PARTNERSHIP COMMITTEE							
Recording Clerk	2	-20	Hourly	PT	\$16.28	\$16.44	\$16.77
HIGHWAY DEPARTMENT							
Highway Surveyor	1	R	Salary	FT		\$71,270.00	\$71,270.00
Temporary Laborer/Truck Driver	4	N	Hourly	S	\$17.43	\$17.60	\$17.96
LANDING COMMISSION							
Recording Clerk	2	N	Hourly	PT	\$16.28	\$16.44	\$16.77

<u>DEPARTMENT/POSITION</u>	<u>GROUP</u>	<u>HOURS</u>	<u>PAY BASIS</u>	<u>TYPE</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
LIBRARY							
Director	1	R	Salary	FT	\$59,960.00	\$60,560.00	\$61,771.00
Library Aide	5	-20	Hourly	PT	\$13.53	\$13.67	\$13.94
Library Substitute	5*	-20	Hourly	PT	\$10.24	\$10.34	\$10.55
After School Assistant	5	-20	Hourly	PT	\$15.30	\$15.45	\$15.76
PLANNING BOARD							
Town Planner	1	R	Salary	FT	\$66,632.00	\$67,298.00	\$68,648.00
Assistant Town Planner	2	40	Salary	FT	\$41,620.00	\$42,036.00	\$42,877.00
Recording Clerk	2	-20	Hourly	PT		16.44	\$16.77
PERSONNEL BOARD							
Recording Clerk	2	-20	Hourly	PT	\$16.28	\$16.44	\$16.77
POLICE DEPARTMENT							
Chief	1	R	Salary	FT	\$95,814.00	\$99,676.00	\$100,673.00
Deputy Chief	1	R	Salary	FT	\$75,492.00	\$78,535.00	\$84,475.00
Administrative Assistant	2	35	Hourly	FT	\$26.96	\$27.23	\$27.77
Reserve Officers	7a	N	Hourly	PT	\$17.65	\$17.83	\$18.19
E-911 Dispatcher		-20	Hourly	PT	\$14.75	\$14.90	\$15.20
Animal Control Officer	7c	R	Annual	PT	\$27,766.00	28,044.00	\$28,605.00
Assistant Animal Control Officer	7c		On Call or Hourly	PT	On Call \$50/Day Or \$15/Hour	On Call \$50/Day Or \$15/Hour	\$18.19
REGISTRAR OF VOTERS							
Registrar Clerk	2	N	Hourly	PT-S	\$19.03	\$19.22	\$19.60
SEALER OF WEIGHTS AND MEASURES							
	7c	N	Annual	PT	\$1,939.00	\$1,958.00	\$1,998.00
SHELLFISH							
Constable	1	R	Salary	FT	\$49,282.00	\$49,775.00	\$50,771.00
Wharfinger	7c	N	Annual	Included	\$5,041.00	\$5,091.00	\$5,318.00
Deputy Constable	7c	N	Hourly	PT	\$16.77	\$16.94	\$17.28
TAX COLLECTOR							
Clerk	2	N	Hourly	PT-S	\$16.28	\$16.44	\$16.77
TOWN ACCOUNTANT							
	1	R	Salary	FT	\$59,960.00	\$60,560.00	\$61,771.00
TOWN BEACH							
Head Lifeguard	8	40	Hourly	S	\$15.97	\$16.13	\$16.45
Lifeguard	8	40	Hourly	S	\$12.04	\$12.16	\$12.40
Lifeguard	8	-20	Hourly	S	\$12.04	\$12.16	\$12.40
VETERANS SERVICES							
Agent	1	R	Salary	FT	\$35,190.00	\$35,542.00	\$36,253.00
Graves Registration Officer	1	R	Salary	PT	\$961.00	\$970.00	\$989.00

All new personnel employed by the Town shall receive ninety (90) percent of the pay scale listed under each category for their first six (6) months of employment; said personnel shall receive ninety-

five (95) percent retro-active to six (6) months of employment, after a satisfactory performance review is filed with the Selectmen's office. After twelve (12) months of employment, said personnel shall receive one hundred (100) percent of the pay scale. In the case of positions classified as Administrative or Supervisory, the reduction in the pay scale for the first year may be waived by a majority vote of the Board of Selectmen, provided the Board finds that the waiver is needed to secure a highly qualified employee.

NOTE: Recording Clerks are paid at the same rate as the Clerk position under the Town Hall union contract. The FY'2015 rate is \$16.77

TOWN OF WESTPORT PERSONNEL BY-LAWS
HISTORICAL NOTES THROUGH 9/17/14

In Reference To:

See the Following:

Old Reference

2101	Article 69	1968 ATM
2101	Article 9	1969 ATM
2101	Article 46	1975 ATM
2101 - 2111	Article 19	1979 ATM
2101.1	Article 11	1976 ATM
2111	Article 14	3/13/77 STM
2112 - 2123	Article 37	1980 ATM
2118	Article 31	1973 ATM

Revised Reference

Sections 1-6	Article 19	1979 ATM
Section 1.B	Article 63	1984 ATM
Section 4.A.1	Article 5	9/79 STM
Section 5.B.3	Article 10	5/3/14 STM
Section 5, Schedule A	Article 3	11/79 STM
Section 5, Schedule A	Article 22	1980 ATM
Section 5, Schedule A	Article 36	1980 ATM
Section 5, Schedule A	Article 53	1981 ATM
Section 5, Schedule A	Article 7	9/81 STM
Section 5, Schedule A	Article 22	1982 ATM
Section 5, Schedule A	Article 17	8/82 STM
Section 5, Schedule A	Articles 29-31	1983 ATM
Section 5, Schedule A	Articles 15-17	9/83 STM
Section 5, Schedule A	Article 43	1985 ATM
Section 5, Schedule A	Articles 41-44	1986 ATM
Section 5, Schedule A	Article 53	1987 ATM
Section 5, Schedule A	Article 60	1987 ATM
Section 5, Schedule A	Article 62	1987 ATM
Section 5, Schedule A	Articles 44-53	1988 ATM
Section 5, Schedule A	Article 56	1988 ATM
Section 5, Schedule A	Articles 37-42	1989 ATM
Section 5, Schedule A	Article 27	1990 ATM
Section 5, Schedule A	Articles 12,14-19	1993 ATM
Section 5, Schedule A	Articles 31-36	1994 ATM
Section 5, Schedule A	Articles 35-37	1995 ATM
Section 5, Schedule A	Articles 33-34	1996 ATM
Section 5, Schedule A	Articles 47,48,51,52	1997 ATM
Section 5, Schedule A	Articles 46-61	1998 ATM
Section 5, Schedule A	Articles 44-48	1999 ATM
Section 5, Schedule A	Articles 37-40, 42-44	2000 ATM
Section 5, Schedule A	Articles 30-47	2001 ATM

Section 5, Schedule A	Articles 25-26	2002 ATM
Section 5, Schedule A	Articles 31,33	2003 ATM
Section 5, Schedule A	Articles 50-53	2004 ATM
Section 5, Schedule A	Articles 50-53	2005 ATM
Section 5, Schedule A	Articles 52-60	2006 ATM
Section 5, Schedule A	Articles 45-50	2007 ATM
Section 5, Schedule A	Articles 37 & 38	2008 ATM
Section 5, Schedule A	Articles 34-37	2009 ATM
Section 5, Schedule A	Articles 42 & 43	2010 ATM
Section 5, Schedule A	Article 42	2011 ATM
Section 5, Schedule A	Article 46 & 47	2012 ATM
Section 5, Schedule A	Articles 20 & 21	2013 ATM
Section 5, Schedule A	Article 18	5/7/13 STM
Section 5, Schedule A	Articles 8 & 9	11/5/13 STM
Section 5, Schedule A	Article 33	2014 ATM
Section 5, Schedule A	Article 11	5/3/14 STM
Section 5, Schedule A	Articles 45, 46 & 48	2015 ATM
Section 6	Article 37	1980 ATM
Section 6, A.3	Article 35	1996 ATM
Section 6, A.3	Articles 35,36	2003 ATM
Section 6, A.3	Article 45	2012 ATM
Section 6, A.4	Article 33	1981 ATM
Section 6, A.4	Articles 38,39	2003 ATM
Section 6, A.4	Article 54	2004 ATM
Section 6, A.5	Article 35	1996 ATM
Section 6, A.5	Article 40	2003 ATM
Section 6, A.5	Article 54	2005 ATM
Section 6, A.5	Article 51	2007 ATM
Section 6, A.5	Article 52	2007 ATM
Section 6, A.7	Article 35	1996 ATM
Section 6, A.7	Article 56	2005 ATM
Section 6, A.8	Article 35	2003 ATM
Section 6, A.12	Article 28	1980 ATM
Section 6, A.12	Article 35	1996 ATM
Section 6, A.12	Article 55	2005 ATM
Section 6, B.5	Article 55	2004 ATM
Section 6, B.6	Article 48	2012 ATM
Section 6, C.6	Article 42	1985 ATM
Section 6, C.6	Article 37	1994 ATM
Section 6, C.7	Article 32	1997 ATM
Section 6, C.8	Article 37	2003 ATM
Section 6, C.9	Article 53	2007 ATM

Appendix A - Classification and Compensation Plan (Adopted 4/5/01 ATM – Article 47); 5/15/02 ATM - Article 24; 5/14/03 ATM – Article 41; 6/22/04 ATM – Article 56; 5/8/13 STM - Articles 15 & 16.