

**Supplemental  
Packet**

**March 4, 2024**

**7:00PM**

---

## Article E. Enterprise Fund Budgets

Proposed by: Select Board

Estimated Cost: \$6,170,204

To determine whether the Town will vote to raise, appropriate, transfer from available funds or borrow a sum of money in the aggregate amount of \$6,170,204 for the operation and expenses of the Water Enterprise Fund, the Wastewater Enterprise Fund and Transfer Station Enterprise Fund as set forth in Article [E] as printed in the 2024 Annual Town Meeting warrant, including capital expenses for equipment, improvements or other purposes, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town, with such appropriation being raised in the respective departmental receipts as follows:

1) Water Revenue	\$ 4,726,909
2) Wastewater Revenue	\$ 736,602
3) Wastewater Certified Retained Earnings	\$ 200,123
4) Transfer Station Revenue	\$ 431,570
5) General Fund Subsidy	\$ 75,000

**FINANCE COMMITTEE COMMENTS:** Passage of this article funds the Town's three Enterprise Funds – Water Enterprise Fund (Water EF), Wastewater Enterprise Fund (Wastewater EF), and Transfer Station Enterprise Fund (Transfer Station EF) for Fiscal Year 2025 (FY 2025).

The FY 2025 proposed budgets for each enterprise fund are as follows:

<u>TOWN ENTERPRISE FUNDS (EF)</u>	ACTUAL FY 2022	ACTUAL FY 2023	APPROVED FY 2024	PROPOSED FY 2025
<b>TOTAL WATER EF</b>	\$ 3,663,397	\$ 4,069,122	\$ 4,700,812	\$ 4,726,909
<b>TOTAL WASTEWATER EF</b>	\$ 617,271	\$ 954,414	\$ 905,662	\$ 936,725
<b>TOTAL TRANSFER STATION EF</b>	\$ 407,822	\$ 419,419	\$ 498,776	\$ 542,770

Water EF: The proposed FY 2025 budget is \$26,097, or 0.56%, higher than the approved Fiscal Year 2024 (FY 2024) budget. Although the year-over-year (YOY) change is small, there were various budget line items that reflect significant variances. The net increase reflects increases in fringe benefits & indirect costs (\$43,922), salaries (\$39,512), contract services (\$30,000), chemicals (\$17,500), and laboratory testing services (\$10,000) which were offset by decreases in debt service (-\$112,008) and other miscellaneous expenses (-\$2,829). The increase in fringe benefits & indirect costs reflects a significant increase in healthcare costs; the increase in salaries includes an anticipated cost-of-living increase of % offset by a reduction in overtime and clothing allowances; and the increases in contract services, chemicals, and laboratory testing services all reflect actual expenditures incurred thus far in FY 2024 as well as the impact associated with the renegotiation of a third-party vendor contract. The decrease in debt service reflects scheduled reductions in principal and interest, including the impact of an extra seven months of interest expense incurred in FY 2024 attributable to the November 2022 bond financing.

Wastewater EF: The proposed FY 2025 budget is \$31,063, or 3.43%, higher than the approved FY 2024 budget. The net increase reflects increases in small equipment expenditures (\$15,013), sludge removal (\$10,000), salaries (\$6,092) and laboratory testing services (\$6,000) which were offset by decreases in pipeline maintenance (-\$5,000) and other miscellaneous expenses (-\$1,042). The increase in small equipment expenditures reflects the estimate of equipment needed for the upcoming fiscal year based on

the anticipated level of operation; the increase in sludge removal reflects increase from two to three disposals per month at anticipated rates; the increase in salaries includes an anticipated cost-of-living increase of [REDACTED]%; and the increase in laboratory testing services reflects anticipated rates based on FY 2024 actual rates which exceed those used for the FY 2024 budget. It should be noted that retained earnings will be used to pay for the small capital items noted above and a portion of the budgeted debt service for FY 2025.

Transfer Station EF: The proposed FY 2025 budget is \$43,994, or 8.82%, higher than the approved FY 2024 budget. The net increase reflects increases in bank fees (\$18,000), tipping fees (\$16,200) and salaries (\$15,604) which were offset by decreases in other miscellaneous expenses (-\$5,810). The increase in bank fees reflects credit card usage fees that were not budgeted as an expense in FY24 (rather they were shown as an offset to budgeted revenue); the increase in tipping fees reflects the forecasted expenditures for 2024, which includes an anticipated rate increase in March 2024 when the municipal trash contract expires; and the increase in salaries includes an anticipated cost-of-living increase of [REDACTED]%. Of note, the FY 2025 budget continues to rely upon a \$75,000 Town subsidy to cover an anticipated operating shortfall.

The Select Board recommends **approval**. Vote: 0-0-0

**ARGUMENTS IN FAVOR:** The Town's Enterprise Fund budgets set forth in this article reflect the cost of providing Town services in an efficient manner with the objective of maintaining delivery of current levels of service to residents.

**ARGUMENTS OPPOSED:** The level of services provided by the Town should be reduced to lower costs to residents and the Town's subsidy to the Transfer Station EF should be eliminated.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 5-0-0

**QUANTUM OF VOTE:** Majority - See Massachusetts General Laws **Chapter 40, Section 5 and Chapter 44, Section 53F ½**.

*For more information, contact Finance Director Brian Keveny at [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

---

## Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits

Proposed by: Select Board

Estimated Cost: \$ 1,481,500

**Article Description** (final language to be provided by Town Counsel based on description provided):

To determine if the Town will vote to set the following enumerated dollar figures as the total amount to be expended from the respective authorized revolving funds for Fiscal Year 2025, or take any action relative thereto:\*

1. Council on Aging:	\$ 34,000
2. School Department / Professional Development:	\$ 4,500
3. School Department / Curriculum:	\$ 0
4. Recreation:	\$ 1,250,000
5. Recreation Athletic Fields:	\$ 190,000
6. Conservation Community Gardens:	\$ 3,000

**FINANCE COMMITTEE COMMENTS:** Passage of this article will establish the Fiscal Year 2025 spending caps for the Town's Revolving Funds. The 2017 Annual Town Meeting adopted Town Code Chapter 19, Section 10, establishing revolving funds under Mass General Laws, Ch. 44, section 53E ½. Adoption of this code requires the Select Board to recommend to Town Meeting annually and for Town Meeting to set the limits of expenditure for each revolving fund. For FY 2025, the Select Board recommends the following spending caps:

<u>Revolving Fund</u>	<u>Recommended FY25 Spending Cap</u>
Council on Aging	\$ 34,000
School Department/Professional Development	\$ 4,500
School Department/Curriculum	\$ 0
Recreation	\$ 1,250,000
Recreation/Athletic Fields	\$ 190,000
Conservation Community Gardens	\$ 3,000

Council on Aging (COA): This spending cap remains unchanged at \$34,000. Budgeted expenses for FY 2025 included but are not limited to payments for instructors for fitness classes and miscellaneous expenses.

School Department/Professional Development: This spending cap will increase from \$3,000 to \$4,500. This fund allows the School Department to collect registration fees from individuals outside of the district who attend district developmental programming, and then use those fees to offset the costs of the associated programming. Budgeted expenses for FY 2025 include but are not limited to payments for the cost of professional development presenters and associated miscellaneous expenses.

School Department/Curriculum: The School Department is not anticipating any revenues or expenses for this fund.

Recreation: This spending cap is being increased from \$972,000 in FY 2024 to \$1,250,000 for FY 2025 or an increase of \$278,000. Revenues originate from fees for summer camps, pre-K and adult programming, town beach passes, concession sales, as well as other miscellaneous programming. Budgeted expenses include but are not limited to one full time FTE, as well as seasonal staff, including lifeguards, CPR training, pre-K programming, ski programs, adult programming, summer camps, supplies and maintenance at town beach, and other miscellaneous expenses.

Recreation Athletic Fields: This spending cap will decrease from \$400,000 in FY 2024 to \$190,000 in FY 2025. Revenue is derived from users paying for rental of athletic fields by the hour or by the season. Budgeted expenses for FY 2025 are consistent with last year which allow for a smaller spending cap and include but are not limited to the maintenance of turf fields, water, and electrical expenses.

Conservation Community Garden: This spending cap remains unchanged at \$3,000. Revenue is derived from fees for garden plots. Budgeted expenses for FY 2025 include but are not limited to the rental of a dumpster, water, compost and native plantings as well as other miscellaneous expenses.

The Select Board recommends approval. Vote: 5-0-0

**ARGUMENTS IN FAVOR:** Revolving fund expenditure limits reflect the needed business limits of each programmatic fund based on changing economic conditions and demand limits.

**ARGUMENTS OPPOSED:** The Finance Committee is not aware of any.

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

**QUANTUM OF VOTE:**

*For more information, contact Finance Director Brian Keveny at [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

---

## **Article S. Revise Town Code Chapter 43: Personnel**

**Proposed by:** Select Board

**Estimated Cost:** N/A

**Article Description** (final language to be provided by Town Counsel based on description provided):

Revise Town Code Chapter 43 Personnel to remove all conflicts with the Town Manager, as identified by Town Counsel.

**Background Information** (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Pursuant to the Town Manager Act, which was approved at the 2021 Annual Town Meeting and signed into law on March 16, 2022 in Chapter 33 of the Acts of 2022, the Town Manager is “responsible for the daily administration of the town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across town departments.” Upon review and analysis of the Town Manager Act and Town Code Chapter 43 Personnel, Town Counsel has identified numerous conflicts. Because Section 13 of the Town Manager Act states that in the event of a conflict with Town Code that the Town Manager Act prevails, Chapter 43 should be revised.

### **FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

### **ARGUMENTS IN FAVOR:**

### **ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

### **QUANTUM OF VOTE:**

*For more information about this article, contact Town Manager Michael McCall at 508-358-3620 or by email at [mmccall@wayland.ma.us](mailto:mmccall@wayland.ma.us).*

DRAFT 2/20/2024

Town Meeting Article: To See if the Town will vote to amend the Town Code, Chapter 43, Personnel, by deleting text that is shown as ~~struck through~~ and inserting text shown as underlined, the full text of which is on file in the office of the Town Clerk and available on the Town's website at (insert link) OR as follows, or take any other action related thereto:

## **Chapter 43**

### **PERSONNEL**

#### **§ 43-1. Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings, unless a different construction is clearly required by the context or by the laws of the commonwealth:

ACTING — Performing the duties and having the responsibilities of another position on a temporary basis without having been appointed to the position on a temporary basis.

APPOINTING AUTHORITY or EMPLOYING AGENCY — The official, board, committee, commission, council or other authority empowered by statute, special act or bylaw to make appointments.

BOARD — The Personnel Board as defined in § 43-2.

CIVIL SERVICE LAW — Chapter 31 of the Massachusetts General Laws, as amended, and all rules and regulations made thereunder and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under MGL c. 31.

CLASS — A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that:

- A. The same descriptive title may be used to designate each position allocated to the class;
- B. The same qualifications shall be required of the applicants and incumbents;
- C. The same tests of fitness may be used to choose qualified employees; and
- D. The same scale of compensation can be made to apply with equity.

COMPENSATION GRADE — An alphanumeric designation for a salary or wage range.

CONTINUOUS EMPLOYMENT — Employment uninterrupted except for required military service and for authorized vacation leave, sick leave, bereavement leave, court leave or other leave of absence.

DEPARTMENT — Any department, board, committee, commission or other agency of the Town subject to this chapter and the Wage and Salary Classification Plan.

DEPARTMENT HEAD — The officer or employee having immediate supervision and control of a department. **[Amended 5-5-2005 ATM by Art. 32]**

EMPLOYEES IN BENEFIT STATUS — Employees working at least 20 hours per week.

EMPLOYMENT ANNIVERSARY DATE — The official employment start date of an employee's regular service to the Town.

FLAT RATE — A rate of compensation for personal services that does not appear in a range.

FULL-TIME EMPLOYEE — An employee retained in full-time employment.

FULL-TIME EMPLOYMENT — Employment for not less than 7 hours per diem for 5 days a week for 52 weeks per annum, less legal holidays and authorized military leave, vacation leave, sick leave, bereavement leave, court leave and leaves of absence.**[Amended 5-5-2005 ATM by Art. 32]**

HOLIDAY PAY — Extra pay authorized pursuant to § 43-10.

HUMAN RESOURCES ~~DIRECTOR-MANAGER~~ — The head of the Human Resources Department as appointed by the Assistant Town Manager or other comparable position as determined by the Select Board.**[Amended 5-5-2004 ATM by Art. 13]**

INCREMENT — The dollar difference between step rates.

INTERIM — Performing the duties and having the responsibilities of a vacant position on a temporary basis after having been appointed to the vacant position until the position is filled.

INTERMITTENT SERVICE — Personal service rendered by an employee in a position calling for part-time employment, which service, although constituting continuous employment, is not rendered during prescribed working hours, daily, weekly or annually, but is rendered as required, according to the demands for such service as determined by the appropriate supervisory authority.

JOB SHARING — The holding of one position by more than one incumbent who do not perform the duties and responsibilities of the position.**[Amended 5-5-2005 ATM by Art.32]**

LEAVE OF ABSENCE — A form of leave authorized pursuant to § 43-12.

MAXIMUM RATE — The highest rate in a range which an employee normally is entitled to attain.

MIDPOINT RATE — The rate which is midway between the minimum rate and the maximum rate.

MINIMUM RATE — The lowest rate in a range which is paid to an employee.

OVERTIME — Time in excess of the normal number of hours or days of working time in the work week of the department.

PART-TIME EMPLOYMENT — Employment for less than full-time employment, as further defined above.

POSITION — An office or post of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof.

PROBATIONARY EMPLOYEE — Any newly hired employee whose tenure of service in the Town has not exceeded 6 months. Such employees have limited rights during this stage of their employment and may be discharged at any point.**[Amended 5-3-1999 ATM by Art. 9; 5-5-2005 ATM by Art. 32]**

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.

RANGE — The dollar difference between minimum and maximum rate.

RATE — A sum of money designated as compensation for hourly, weekly or annual personal services.

REGULAR EMPLOYEE or REGULAR APPOINTEE — **[Amended 5-1-2000 ATM by Art. 15]:**

- A. Any employee retained on a continuing basis in a regular position, as defined below.
- B. Any employee holding an appointment under the Civil Service Law to a position deemed permanent within the meaning of said law.

REGULAR PART-TIME POSITION — Any regular position in the Town service in which the incumbent works at least 20 hours per week but less than 35 hours per week.**[Amended 5-1-2000 ATM by Art. 15]**

REGULAR POSITION — Any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than 6 calendar months, either on a full-time or part-time employment basis.**[Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]**



STEP RATE — A preestablished, incremental rate in a range between the minimum and maximum rates.

SUPERVISORY AUTHORITY — The official, board, agency, committee, council, commission or other authority empowered by law to supervise, direct and control the activities of employee(s).

TEMPORARY EMPLOYEE —

- A. Any employee retained in a temporary position as defined below.
- B. Any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder.
- C. Any employee retained in a position in a class the title of which contains the adjective "temporary."
- D. Any employee hired on a temporary basis in a regular position. [Amended 5-5-2005 ATM by Art. 32]

TEMPORARY POSITION — Any position in the Town service which is not regular but which requires the services of one incumbent for a period not exceeding 1 of the 4 seasons of the year. [Amended 5-5-2005 ATM by Art. 32]

TOWN — The Town of Wayland.

WAGE AND SALARY CLASSIFICATION PLAN — The schedule of hourly, weekly, annual and flat rates for positions of employment within the Town, appearing in the Town's annual Town meeting warrant or special Town meeting warrant, pursuant to

§ 43-3A.

#### § 43-2. Personnel Board.

- A. There shall be a Personnel Board of 5 members appointed by the ~~Selectmen Board~~. The ~~Selectmen Board~~ shall also have the power to fill Personnel Board vacancies. The term of appointment shall be for 3 ~~5~~ years, except where the appointment is to fill a vacancy, and then it shall be to fill the unexpired term. No member of the Personnel Board shall be an employee of the Town or hold Town office. Members of the Personnel Board shall serve without compensation. [Amended 5-5-2005 ATM by Art. 32]
- B. The Personnel Board shall have the following powers and duties:
  - (1) ~~To provide policy direction to the Town Manager and Human Resources Manager with respect to amendments to develop and administer this chapter and the Wage and Salary Classification Plan (hereinafter called "this chapter" and "the plan") and personnel policies and procedures in cooperation with the Town boards and departments affected.~~
  - (2) ~~To approve all pay or classification changes of Town employees, including all hiring rates and classifications.~~
  - (3) ~~To negotiate collective bargaining agreements for the Town, after having met in advance with the Select Board and the Finance Committee to discuss the forthcoming negotiations.~~
  - (4) ~~To establish such central personnel files for all employees as it deems useful in the administration of this chapter and the plan.~~
  - (5) ~~To review the operation of the plan annually, including minimum and maximum wage and salary brackets, and to recommend to the Town any appropriate changes.~~
- C. In the case of any dispute concerning the interpretation or administration of this chapter and the plan, the decision of the ~~Town Manager or Human Resources Manager may consult with the Personnel Board, who may offer a recommendation or advisory opinion to the Town Manager or Human Resources Manager shall be final, subject to an appeal to the Town at the next Town meeting.~~

D. The Personnel Board shall meet as necessary to consider such business as may be presented by Town Manager or Human Resources Manager officials, Town employees or other interested persons, but not less often than quarterly. Three members of the Board shall constitute a quorum, and all action shall be taken by a majority of the members present at the Board meeting, provided that the Board may delegate to the Chairman power to act at any time on routine matters, subject to appeal to the full Board.

DE. (FOR YOUR CONSIDERATION: Subject to the express terms of a collective bargaining agreement, the Personnel Board may hear and offer recommendations with respect to employee grievances, provided however, this provision shall not apply to any grievances pertaining to discipline, dismissal, and failure to promote.)

**§ 43-3. Wage and Salary Classification Plan.**

A. ~~The positions of all nonelected Town employees are classified under the following job titles with the wage and salary rates set forth. (Refer to § 43-4.)~~

B.A. ~~At the request of the Town Manager the~~The Personnel Board may advise and provide recommendations to the Town Manager and Human Resources Manager with respect to ~~prepare such additional job descriptions, classification of new positions, and reclassification of existing positions~~ supplement the foregoing job titles as it deems necessary. Upon classification of said job description, the employing agency shall submit a funding request to the Finance Committee for subsequent budget action by Town meeting and shall comply with policies and procedures established from time to time by the Personnel Board.

C.B. ~~If it becomes necessary during any year for any Town board, commission, committee, department or official (hereinafter referred to as an "employing agency") to hire a regular employee to do work not covered by an existing classification, the Town Manager, with input from the Personnel Board, may establish a temporary new classification, but the same shall be submitted to the Town as a proposed amendment to the plan in the next warrant for a regular Town meeting.~~

D. ~~Upon request of an employing agency, the Personnel Board is authorized, for cause shown, to convert an hourly rate shown in the foregoing schedule into a salary, or a salary into an hourly rate, provided that no change shall be made which will increase or reduce the average earnings of any employee.~~

E.C. The wages and salaries of Town employees shall be fixed in strict accordance with this plan. No employing agency shall pay or employ any person at a salary or wage not fixed in accordance with this plan and approved by the Town Manager Personnel Board hereunder, nor shall the Personnel Board approve a salary or wage that was not previously proposed by or reviewed with the employing agency. In administering this section, the Personnel Board shall take into consideration any and all employee fringe benefits.

F. ~~Longevity pay.~~

(1) ~~Each full-time regular employee of the Town shall be awarded longevity pay in accordance with the following table:~~

<del>Years of Service</del>	<del>Longevity Pay</del>
<del>After 5</del>	<del>\$100 per year</del>
<del>After 10</del>	<del>An additional \$50 (\$150 total)</del>
<del>After 15</del>	<del>An additional \$50 (\$200 total)</del>
<del>After 20</del>	<del>An additional \$50 (\$250 total)</del>

After 25 ————— An additional \$50 (\$300 total)

After 30 ————— An additional \$50 (\$350 total)

- (2) ~~Payments will be made twice a year, on May 31 and November 30, and each payment will consist of 1/2 of the yearly amount. To qualify for the additional payments under this section, the employees must have completed the required years of service before the payment date. Part-time employees will be given consideration under this section.~~
- (3) ~~The Personnel Board shall periodically offer recommendation to the Town Manager to adjust the longevity payments and will be responsible for determining the equivalency of longevity in each case.~~
- (4) ~~Administrative and professional employees hired after January 1, 1979, shall not be awarded longevity pay.~~

G.D. ~~The Personnel Board~~ Town Manager shall establish a system/method of nonmonetary recognition for exceptional performance or contribution by one or more employees.

**§ 43-4. Wages and classification. [Amended 5-5-2005 ATM by Art. 32]**

Non-union employees whose positions are classified on the G, SG, S, Nurse and Non-union Police wage scales will be transferred to a newly established Non-union N wage scale during Fiscal Year 2006, effective upon each non-union employee's employment or reclassification anniversary date.

**§ 43-5. Hours of work. [Amended 5-1-2000 ATM by Art. 15]**

- A. The regular work week for office and clerical employees shall be 35 hours. For Fire Department personnel, it shall be 42 hours. For Police Department personnel, it shall be 37.5 hours. The regular work week for all other Town employees shall be 40 hours, unless otherwise provided by union contract.
- B. Nonexempt employees, other than members of collective bargaining units, required to work more than 8 hours in any day or 40 hours in any week shall be compensated for such overtime at a rate based on 1 1/2 times their regular hourly rates of pay or may with permission of the supervisor take time off equal to 1 1/2 times the amount of overtime. Employees, other than members of collective bargaining units, whose regular work week is less than 40 hours shall receive straight-time pay up to 40 hours per week and time and 1/2 for all hours worked in excess of 40 hours per week or may with permission of the supervisor take time off equal to 1 1/2 times the amount of overtime. **[Amended 5-5-2005 ATM by Art. 32]**
- C. Nothing in this section shall apply to exempt employees under the Fair Labor Standards Act. **[Amended 5-5-2005 ATM by Art. 32]**

**§ 43-6. Rates of pay for new employees. [Amended 5-5-2004 ATM by Art. 13]**

- A. An individual newly hired, promoted, reclassified or permanently transferred from one job to another shall be paid the minimum salary or wage rate for his classification, except when the Town Manager determines that the employee's level of experience or the Town's needs warrant hiring an employee at a higher rate, provided such rate is within the classification established for the position as hereinafter provided. In those instances where an employee is hired by someone other than the Town Manager, The the employing agency shall report all transfers and, so far as practicable, all proposed hirings to the Town Manager Personnel Board in advance of appointment for approval of the employee's classification and salary or wage rate, provided the foregoing provision shall not apply to the school department or library. ~~When prior consultation is impractical, the appointing agency may~~

~~hire an individual, with the approval of the Human Resources Director, but subject to ratification of the employee's classification and salary or wage rate by the Personnel Board.~~

- B. ~~The starting pay rate for all positions will normally be the minimum step of an assigned classification. Exceptions to this rule may be considered by the Personnel Board and/or the Human Resources Department. All starting pay rates must be and approved by the Town Manager Human Resources Department, and any proposed starting rate above the fourth step of a classification must receive Personnel Board approval.~~

**§ 43-7. Reclassification.**

- A. ~~The duties of any position may be reviewed by an employing agency upon request of the employee, on its own initiative or on the initiative of the Town Manager, in consultation with the affected employee's department head Personnel Board. If it appears to the employing agency that such position belongs in a different job classification because of changes in the nature of duties and/or responsibilities, the employing agency may recommend reclassification and shall submit a revised job description to the Personnel Board, who shall review the request and offer a recommendation to the Town Manager, which who shall then review the facts and approve or deny the proposed reclassification. If approved, the employing agency shall submit a reclassification funding request for approval by the Finance Committee. A reclassified employee shall be paid in accordance with the provisions of § 43-6.~~
- B. ~~Where, in the judgment of the Town Manager, Personnel Board and the employing agency, unfairness would otherwise result, a Town employee temporarily assigned to work in a higher classification for at least 1 week shall be paid the minimum rate for that classification for as long as he/she does such work, provided that he/she is paid at a rate at least one step higher than his present rate. [Amended 5-5-2005 ATM by Art. 32]~~
- C. ~~Any employee who is promoted to a higher job classification will receive at least the equivalent of one periodic step increase under the previously assigned classification at the time of promotion. [Amended 5-5-2005 ATM by Art. 32]~~

**§ 43-8. Increases within established rate ranges.**

- A. ~~Upon satisfactory completion of probationary employee status, as determined by the supervisory authority, an employee may be eligible to receive a 1-step increase within the assigned classification. Increases will be granted only upon the written recommendation of the supervisory authority with the approval of the Town Manager Personnel Board. Employees may continue to be eligible for step increases upon completion of each employment year, as determined by the employment anniversary date and as prescribed by Subsection B of this section. Step increases will not be granted beyond the maximum step of the assigned classification. [Amended 5-5-2005 ATM by Art. 32]~~
- B. ~~The intent of this section is to enable the Town to reward good and faithful service. It is intended that step increases will be granted for merit, and such increases will be withheld in any case where the employee has not performed satisfactorily enough to earn an increase that may be allowable within the assigned wage and classification schedule.~~

**§ 43-9. Annual leave.**

- A. ~~Unless otherwise provided by a collective bargaining agreement, employees are eligible for paid Annual Leave as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the accrual and administration of Annual Leave. Paid annual leave. [Amended 4-30-1998 ATM by Art. 4; 5-5-2005 ATM by Art. 32; 4-7-2016 ATM by Art. 12]~~
- B. ~~Paid annual leave for all full-time nonunion nonprofessional or nonadministrative employees in benefit status hired before April 7, 2016, shall be as follows:~~

- C. ~~0 but less than five years employment: 13 working days.~~
- D. ~~5 but less than 15 years employment: 19 working days.~~
- E. ~~15 years to severance: 25 working days.~~
- F. ~~Paid annual leave for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired after April 7, 2016, shall be as follows:~~
- G. ~~0 but less than five years employment: 10 working days.~~
- H. ~~5 but less than 15 years employment: 15 working days.~~
- I. ~~15 years to severance: 20 working days.~~
- J. ~~Leave days will start accruing at the conclusion of the probationary period and be retroactive to the date of hire.~~
- K. ~~Schedule for earning leave days. [Amended 5-3-1999 ATM by Art. 9; 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32; 4-29-2007 ATM by Art. 15; 4-10-2008 ATM by Art. 20; 4-7-2016 ATM by Art. 12]~~
- L. ~~The schedule for earning leave days for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired before April 7, 2016, is as follows:~~
- M. ~~For 13 leave days per year: 7.5833 hours/month.~~
- N. ~~For 19 leave days per year: 11.0834 hours/month.~~
- O. ~~For 25 leave days per year: 14.5834 hours/month.~~
- P. ~~The schedule for earning leave days for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired after April 7, 2016, is as follows:~~
- Q. ~~For 10 leave days per year: 5.8333 hours/month.~~
- R. ~~For 15 leave days per year: 8.7500 hours/month.~~ S.
- T. ~~For 20 leave days per year: 11.6666 hours/month.~~
- U. ~~This full-time earning schedule is based on 260 working days per year and a 5-day week.~~
- V. ~~Regular part-time employees will earn days at the same rate, i.e., calculated on the number of hours worked divided by the full-time schedule, provided that they work at least 20 hours per week.~~
- W. ~~While out of work on leave for more than 20 days due to, but not limited to, on-the-job injury for which the employee is collecting workers' compensation, long-term disability, sick leave, family medical leave or leave of absence, employees shall not be eligible to earn annual leave.~~
- X. ~~Use of annual leave. [Amended 5-1-2000 ATM by Art. 15; 5-5-2004 ATM by Art. 13; 5-5-2005 ATM by Art. 32]~~
- Y. ~~Annual leave may be taken as follows: Leave may be taken 1/2 day at a time, with permission of the supervisory authority, and may be used for personal business and family emergencies.~~
- Z. ~~For purposes of this section, a leave year is defined as January 1 to December 31. Up to 10 accumulated leave days may be carried forward to the next leave year. Such leave days must be used within the next leave year. Any accumulated leave time over 10 days not taken by December 31 of each leave year will be forfeited. However, the Personnel Board may grant an additional carryover of~~

5 leave days, for a maximum of 15 leave days, to the next leave year by considering a written appeal by an employee who is contemplating an extended leave prior to April 1 of the next following leave year. In all cases, any carryover leave days which exceed 10 and which are not utilized by April 1 of the next following leave year will be forfeited. Appeals must be filed by December 1 of each leave year with the Personnel Board/Human Resources.<sup>1</sup> **[Amended 5-5-2004 ATM by Art. 13]**

~~AA. Any employee whose service is severed with the Town during the leave year shall be compensated for any earned and unused annual leave.~~

~~BB. Full-time employees on the N schedule shall receive 2 personal days each January 1st. Unused days will be forfeited each December 31st. Days may be used in one-half day increments. Part-time employees in the above schedules shall earn personal days on a pro-rated basis. **[Amended 5-5-2005 ATM by Art. 32; 4-10-2008 ATM by Art. 20]**~~

#### **§ 43-10. Holidays with pay. [Amended 5-1-2000 ATM by Art. 15; 4-10-2008 ATM by Art. 20]**

Unless otherwise provided by a collective bargaining agreement, all regular employees in benefit status shall be allowed Holidays with pay as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the observance of Holidays and Holiday Pay in accordance with Town Policy.

the following 12 holidays with pay: New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving and Christmas Day. When one of the foregoing holidays falls on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a regularly scheduled day off, or when a regular Town employee is scheduled to work on a holiday, he/she shall be given an additional day off with pay or shall receive straight time pay for the hours actually worked in addition to his regular pay.

---

1. Editor's Note: Former Subsection C(3), regarding use of leave for regular part-time employees, as amended, which immediately followed this subsection, was repealed 4-29-2007 ATM by Art. 15.

#### **§ 43-11. Sick leave. [Amended 4-30-1998 ATM by Art. 4; 5-3-1999 ATM by Art. 9; 5-1-2002 ATM by Art. 11; 5-5-2005 ATM by Art. 32]**

A. Unless otherwise provided in a collective bargaining agreement, Each all regular employees, regular part-time and temporary employees in benefit status shall accumulate sick leave for personal illness as outlined in the Town's Personnel Policies, and in accordance with M.G.L. c. 149, § 148C. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain policies and procedures for the accrual, use and administration of Sick Leave in accordance with Town policy.

~~A. at the rate of 7.5840 hours per month for a total of 13 days per year, unless otherwise provided in a collective bargaining agreement. Sick leave will not be accumulated by an employee when absent due to illness, injury or leave of absence for more than 20 consecutive working days. Sick leave is for the protection of employees against loss of pay because of illness and shall not be taken into account in figuring termination pay. Probationary employees are allowed to accrue sick leave from the first day of employment but are not permitted to utilize these leave days until the probationary employee status has been completed. Sick leave may be used in hourly increments with a minimum of 2 hours. **[Amended 4-29-2007 ATM by Art. 15; 4-10-2008 ATM by Art. 20]**~~

~~B. If on sick pay, an employee may be compensated at his regular rate of pay for absences of not more than 5 consecutive working days, provided that the supervisory authority is satisfied that the absence~~

~~was caused by the employee's illness. Sick leave with pay will be allowed for more than five consecutive working days only upon submission of a doctor's certificate satisfactory to the supervisory authority. Such certificate will also be filed with the employing agency. Such payment for sick leave may not exceed the employee's accrued sick leave benefit.~~

- ~~C. Up to the limit of the dollar amount accrued, an employee may request that his/her sick leave and accrued annual leave be used to supplement worker's compensation payments in each pay period, as long as said payments do not exceed his/her regular after-tax income.~~
- ~~D. When an employee is on sick leave and his accrued leave expires or he/she is receiving benefits under workers' compensation and his accrued leave expires, he/she will fall under the provisions of § 43-12, Leave of absence; that is, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence.~~
- ~~E. When a regular employee retires, or dies, he/she or his beneficiary shall receive pay equal to the employee's most recent daily straight-time rate multiplied by 60% of his unused accumulated sick leave days in effect as of his retirement or death. Such severance pay shall not exceed an amount as follows: [Amended 4-10-2008 ATM by Art. 20; 4-7-2016 ATM by Art. 12]~~
- ~~F. Less than 20 years of service: not to exceed \$7,500.~~
- ~~G. 20 years or more of service: not to exceed \$10,000.~~
- ~~H. Employees hired after April 7, 2016, shall have accrued sick leave capped at a maximum of 125 days. Employees hired prior to April 7, 2016, shall continue to accrue sick leave and shall not be subject to the cap. [Added 4-7-2016 ATM by Art. 12]~~

#### § 43-12. Leave of absence.

~~Unless otherwise provided in a collective bargaining agreement, Any employee may apply for a leave of absence without pay in accordance with the Town's Personnel Policies. The application must be approved by both the employing agency and the Personnel Board and will be granted only under unusual conditions. If a leave of absence is granted, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence. An employee may remain covered by the Town's group insurance plan if he/she pays 100% of the monthly premium. This section does not apply to short-term military leave.~~

#### § 43-13. Bereavement leave. [Amended 5-5-2005 ATM by Art. 32]

- ~~A. Unless otherwise provided in a collective bargaining agreement, Each regular employee in benefit status may be eligible to receive an absence with pay not to exceed 3 days which may be granted at the discretion of the supervisory authority in case of death of a member of an employee's immediate family in accordance with the Town's Personnel Policies. For purposes of this section, the term "immediate family" shall mean an employee's spouse, child, father, mother, sister, brother, grandparents, father-in-law, mother-in-law, brother-in-law or sister-in-law.~~
- ~~B. Employees may be granted up to 2 additional days absence with pay, at the discretion of the supervisory authority, in the event of the death of a spouse, child or parent.~~

#### § 43-14. Jury duty.

If an employee is called to serve on jury duty, he/she shall be paid the difference between compensation for serving on jury duty and his regular (base) pay. Employees serving on jury duty should make every reasonable attempt to report for work on the days on which they serve. Reasonable documentary proof of actual service of jury duty must be presented to the supervisory authority in order for this compensation to be paid.

#### § 43-15. Military leave. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]

An employee called to Reserve or National Guard duty will be compensated for the difference between his military pay and his/her regular (base) pay for the training period, not to exceed 17 days in any year, upon satisfactory evidence of completion of the training period. Military pay shall be considered to be all pay received for the entire 17-day period, including Saturdays and Sundays. Military leave shall not be charged to vacation time.

**§ 43-16. ~~Maternity~~ Paternal leave.**

- ~~A. All regular full-time female employees, after having successfully completed completed her their probationary period, shall be granted an 8-week maternity paternity leave without pay, for the purpose of giving birth to a child, adopting a child who is under 18 years of age or adopting a person under the age of 23 who is mentally or physically disabled in accordance with Massachusetts General Laws. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain a personnel policy for the administration and oversight of paternal leave.~~
- ~~A. The employee must give at least 2 weeks' notice of her anticipated departure date and intention to return to her job. [Amended 4-30-1998 ATM by Art. 4; 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]~~
- ~~B. Such employee, provided that she has complied with Subsection A above, shall be entitled, at the conclusion of her maternity leave, to return to work at her previous or similar position with the same status she held as of the date her maternity leave commenced, unless other employees with equal length of service and status in the same or similar positions have been laid off due to changes in economic or operating conditions during the period of her maternity leave. [Amended 5-1-2000 ATM by Art. 15]~~
- ~~C. An employee on maternity leave may use her earned sick leave or annual leave. If she has no accrued leave available or her accrued leave expires, she will fall under the provisions of § 43-12, Leave of absence; that is, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence.~~

**§ 43-17. Physical examinations. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]**

All new employees are required to have a physical examination completed after an employment offer has been made and prior to beginning work ~~in accordance with Town Personnel Policies, to ensure that they are capable of performing the essential functions of the job with or without a reasonable accommodation. Physical examinations shall be done by a physician designated by the town, at town expense. The town physician is responsible for making recommendations to the Human Resources Department and for maintaining confidential medical records on the individuals.~~

**§ 43-18. Grievance procedure.**

- ~~A. Any employee who feels aggrieved by the administration of any provision of this plan may take the matter up with his immediate supervisor.~~
- ~~B. If the matter is not cleared up following a discussion with the immediate supervisor, the employee may submit a complaint to the employing agency in writing, which shall then give the employee an informal hearing and attempt to reach a mutually satisfactory adjustment.~~
- ~~C. If the matter is not satisfactorily settled within 2 weeks after a written complaint is made, either party may submit the question to the Personnel Board. The Personnel Board shall take the matter under advisement, may hold a public or private hearing and shall render a final and binding decision within 30 days. [Amended 5-5-2005 ATM by Art. 32]~~

**§ 43-19. Equal employment opportunity. [Amended 11-17-1999 STM, Art. 2; 5-5-2005 ATM by Art. 32]**



The Town of Wayland is an equal opportunity employer. This means that it pledges that all candidates for positions and all officials and employees of the town's agencies will be treated equally in all actions affecting them. It also means that the town has a policy of nondiscrimination which guarantees that all applicants for employment and all employees are not to be discriminated against because of race, color, age, sex, religion, ethnicity, national origin, sexual orientation, veteran status, political affiliation, or disability, or any other protected class in accordance with Federal and State law.

**§ 43-20. Americans with Disabilities Act. [Amended 5-1-2000 ATM by Art. 15]**

As of July 1992, all provisions of this chapter must conform to the requirements of the Americans with Disabilities Act (ADA). In keeping with the recommendation of the Report of the House Committee on Education and Labor (Report No. 101-485), the Town shall take all action necessary to comply with the Act.

**§ 43-21. Family Medical Leave Act.**

The Town Manager, in consultation with the Personnel Board, shall establish and maintain a policy consistent with the Family Medical Leave Act of 1993.

**§ 43-22. Small Necessities Leave Act. [Added 5-1-2000 ATM by Art. 15]**

The Town Manager, in consultation with the Personnel Board, shall establish a policy consistent with the Small Necessities Leave Act of 1998.

## **Article II. Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool**

*Proposed by: Community Preservation Committee*

*Estimated Cost: \$450,000*

---

**Article Description** (final language to be provided by Town Counsel based on description provided):

Appropriate from the Community Preservation Fund Uncommitted Fund for recreation purposes

- (a) not more than \$154,000 to be expended by the Town for improvements to the softball fields at the Cochituate Ball Fields; and
- (b) not more than \$296,000 to be expended by the Wayland Community Pool to rehabilitate the pool and associated infrastructure.

**FINANCE COMMITTEE COMMENTS:** Community Preservation Act (CPA) funds may be used for the acquisition, creation, preservation, restoration, and rehabilitation of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land for recreational facilities such as a park, playground, or athletic fields. CPA recreation funds cannot be used for horse or dog racing; the use of land for a stadium, gymnasium, or similar structure; or artificial turf. Recreation projects are funded through the Community Preservation Fund Uncommitted Fund.

(a) Cochituate Ball Fields: This article seeks appropriation of up to \$154,000 to fund a variety of improvements to the softball fields at the Cochituate Ball Fields at 40 West Plain Street. These improvements include design fees, installation of backstops and ADA-compliant bleachers, and related infrastructure improvements. The Town received a gift from the Eliza J. Norton Foundation to install dugouts for both softball fields at the Cochituate Ball Fields. This project complements the dugouts project.

(b) Wayland Community Pool: The ten-lane Wayland Community Pool (WCP), which sits alongside the Wayland High School (WHS) at 258 Old Connecticut Path, is a centrally-located community resource promoting wellness for all ages. The WCP is organized as a not-for-profit entity. The pool receives no operating support from the Town of Wayland, though the Town pays a use fee for school and camp activities. The Town owns the underlying land, which the WCP leases for \$1 per year.

The WCP is an outdoor pool from May through September but also continues its operations under a temporary bubble in the winter. For Community Preservation Act (CPA) purposes, we consider the time that the pool is outdoors and exclude the costs associated with covering and uncovering the pool.

The WCP provides a significant benefit to our community. The pool is used by families and individuals of all ages for outdoor recreation during the summer months, with usage exceeding 500 people per day. The pool is also used by the WHS swim team, Wayland recreational teams, WCP USA team, WCP Masters team, WHS Water Warriors program, Wayland summer camps, lap swimmers, aquatic exercise classes, swim lessons, scuba classes, and lifeguard training. Without the WCP, the Town would have difficulty supporting these functions. It seems unlikely that the Town has the capacity or inclination to construct and run a Town pool, whether at the High School or elsewhere.

This project will fund replacement or rehabilitation of the plumbing infrastructure, toilets and showers in the women's and men's locker rooms, the roof over those showers, starting blocks, a diving board, and handicapped chair lift. This work qualifies for CPA funds, which includes support for "capital improvements, or extraordinary repairs to make assets functional for intended use including improvements to comply with federal, state or local building or access codes...." The work will bring the

pool into compliance with health code and disability access requirements and remedy degradation of the infrastructure. The WCP is engaging in fundraising to address additional capital improvements and other costs that are not eligible for CPA funding.

CPA funds can be used for not only swimming pools, but also associated facilities like toilets and showers needed to accomplish the facility's intended purpose.

The CPC also voted to provide up to \$30,000 in design funds through the Administrative Fund. CPA funding for non-Town entities is provided on a reimbursement basis following substantiation of costs and payments and verification that the work is completed. Any money that is appropriated but not used will be released back to the Uncommitted Fund.

The Recreation Commission voted to support the project.

The Select Board recommends . Vote:

**ARGUMENTS IN FAVOR:** The recreation projects will be funded through monies already collected through the Community Preservation Act property tax surcharge and revenue from the State Community Preservation Fund. These expenditures do not increase or impact the Town's property tax rate.

(a) The Town received a gift from the Eliza J. Norton Foundation to install dugouts at the Cochituate Ball Fields softball fields. Backstops, ADA-compliant bleachers, and related improvements will further improve the safety, usability, and accessibility of the softball fields.

(b) The Wayland Community Pool serves an important recreation function in the community that the Town cannot meet otherwise. These capital improvements will bring the pool into compliance with relevant codes and improve the safety and functionality of the facilities for families and individuals of all ages.

**ARGUMENTS OPPOSED:** (a) Last year, the Town appropriated \$150,000 to rehabilitate and improve the Cochituate Ball Fields outdoor ball court. The Town should allocate this money to recreation facilities in other areas of Wayland.

(a) This proposal was not initiated by the Recreation Commission or Recreation Department. We should defer to their priorities and these funds might be needed for their future preferred recreation projects.

(b) Some might say that we shouldn't fund a project at a pool that isn't owned by the Town, even though there is no Town-owned pool to for resident use.

(b) Some might oppose the scope of the project, as it extends to work beyond the pool itself, but CPA funds have been used throughout Massachusetts to support related facilities like bathrooms, showers, and changing rooms.

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

**QUANTUM OF VOTE:**

*For more information about this article, contact CPC Chair, Susan Weinstein at [sweinstein@wayland.ma.us](mailto:sweinstein@wayland.ma.us).*

