

## **Public Comment Response to Questions Regarding Personnel Board at August 3, 2022 Select Board Meeting**

August 17, 2022 Select Board Meeting – Response:

1. *“I’m wondering if anyone can enlighten me as to where the Town Personnel Board went”*

The Personnel Board was established under the authority granted to the town by Massachusetts General Law Chapter 41 section 108C. The duties of the Personnel Board were set out in Chapter 33 of the Town Code and became effective in 1995 as a result of a Town Meeting vote. As the citizen stated, the duties of the Personnel Board included: Review the personnel policies of the Town; review the compensation policies of the Town; review and monitor the classification plan; investigate and make recommendations concerning the proper classification of any employee; investigate complaints, problems and the adequacy of personnel policies, practices and procedures; make recommendations as deemed necessary.

In 1996 town government in Nantucket was substantially changed by the passage of the Town Charter by voters at Town Meeting. The Charter, which is state law, is codified as Chapter 289 of the Acts of 1996. The Town Charter created the position of Town Manager\* and transferred the functions previously performed by the Personnel Board to the Town Manager. The Charter sets out the duties of the Manager in Section 4.2. Please see Town Charter for specific language (available on the Town website).

*\*position title changed from Town Administrator to Town Manager in 2007*

During the course of 2011 and 2012 the Town undertook a comprehensive review of the personnel function given to the Town Manager by the Charter. That review led to the preparation and presentation to the Select Board of a comprehensive Personnel Policy. That policy was developed through the cooperation of many different town sources. The final document contains this language:

“The purpose of these personnel policies is to establish a system of human resource administration based on principles that ensure a uniform, fair and efficient application of personnel rules and regulations. The intent of these policies is to provide a method of recruitment, selection, classification and compensation and the development of a work force that is skilled and effective in accomplishing assigned responsibilities. Personnel actions shall be made in accordance with state and federal law and without regard to race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identification, age as defined by law, disability, genetic information, or other non-job related factors and shall be based on merit and ability to perform the job properly.”

The proposed policy was placed on the Select Board public agenda for February 20, 2013 and was the subject of an open and public discussion. No issue was raised at that time regarding the

existence of the Personnel Board and the policies were adopted by the Board. The personnel policies are available to be viewed on the Town website.

The policy was followed in every respect during the fire chief search process.

2. *“In fact, it was updated as recently as 2020 which makes it seem it was still a valid section of the Town By Laws in 2020, so where is it?”*

The entire Town Code was updated in 2020 to change the title of the Select Board, from Board of Selectmen, as authorized by Town Meeting.

3. *“With all the happenings of the past few weeks regarding our Fire Chief search, one would think that this would be the perfect avenue for a Personnel Board to step in and assert their oversight into such a process. “*

Although not a question, there is a response: The Personnel Board as it existed in 1995 would have no direct oversight responsibility regarding the hiring of a fire chief and in 1995 would have no lawful ability to “step in” and affect a process which was conducted according to procedures set out at the beginning of the process. The process followed in 2022 was in conformance with generally accepted management principles and resulted in the presentation of 3 highly qualified external candidates. A Personnel Board, even if it had existed, would have no authority to intervene in the selection process.

4. *“So If this board still exists, when was the last time a vacancy post was published?”*

The Personnel Board no longer exists as its duties were designated to be performed by the Town Manager by the Charter. There are no vacancies.

5. *“If it was dissolved who made that decision and when? Were the responsibilities absorbed into Town departments without the community or public getting to have a say about it? If it is in fact defunct, who has taken on those responsibilities?”*

The decision to place the duty regarding town personnel with the Town Manager was made by the voters at Town Meeting by adopting the Charter. That Charter was later passed by the State Legislature and signed by the Governor. Personnel duties are designated to be performed by the Town Manager by the Charter adopted by the voters.

6. *“Who played that role in the fire chief search and application review? Who made that decision?”*

The Town Manager put in place a fire chief search committee. That committee has acted in accordance with the Charter/state law, town policy, and generally accepted best practices.

7. *“How does a by-law change? And if this by-law was changed, why does it remain active in our Town By-Laws?”*

A bylaw may be changed by Town Meeting. There are several bylaws contained within the Town Code which most likely need to be updated and/or removed, due to the existence of the Charter, which has superseded these bylaws.