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HUMAN RESOURCES ORGANIZATIONAL AND POLICY REVIEW

BROOKFIELD, MASSACHUSETTS

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INTRODUCTION

As a result of a Community Compact Grant from the Commonwealth of Massachusetts, the Town of Brookfield engaged the Collins Center for Public Management (Center) to conduct a human resources organizational and policy review. The scope of work included the following objectives:

- Review the overall human resource organizational structure, responsibilities, and practices.
- Review and analyze human resources operations, including payroll, benefit and insurance administration.
- Conduct compliance assessments including, but not limited to Americans with Disabilities Act, COBRA, Affirmative Action/EEO, FLSA, FMLA, HIPPA, personnel records management, personnel ordinance and policies, recruitment, selection, job descriptions, classification, promotion processes, training programs, and overall employee relations activities.
- Identify staffing levels, procedures and practices, that, if modified, would result in improved operations while ensuring legal compliance.
- Recommend a comprehensive set of human resources policies based upon best practices and federal and state laws.

METHODOLOGY

The methodology utilized was interviews with key personnel, including the department heads and staff involved in human resources functions. In addition to interviews, the Personnel By-Law, and numerous documents were reviewed.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Town of Brookfield has a decentralized human resources structure with various staff responsible for key functions. The Center's primary recommendations are to:

- Create or designate a Human Resources Coordinator.
- Centralize all recruitment activity to the Human Resources Coordinator.
- Consider removing the actual policies from the Personnel By-Law and modify By-Law to reference the authority for the Personnel Board to recommend and the Board of Selectmen to adopt personnel policies.
- Create a system for maintaining policies in an efficient manner, such as on the Town's web page and/or in a binder, allowing for easy updates.
- Address the findings and recommendations regarding various human resource functions and personnel policies contained within this Report.

HUMAN RESOURCES FUNCTIONS

The term human resources is broad and includes a host of functions. Human resource functions can be characterized as transactional or strategic. According to the Society for Human Resources Management (SHRM), human resources has evolved through the years from “personnel” administration to “human resources” management.

Personnel administration is the title formerly assigned to human resources duties. In the 1980s, personnel administration consisted of enrolling employees in benefit plans, processing and distributing paychecks, hiring, suspending and firing employees. The personnel department was merely an administrative function of the business. Concepts such as human capital or human resource management later emerged as HR began to play a bigger role in the strategic direction of the organization. Personnel administration matured into human resources, which evolved in two separate but connected ways -- strategic and transactional or functional HR.

Transactional human resources are the “traditional” functions of benefits administration, policy development and administration, position descriptions, payroll, workers compensation, personnel file maintenance, collective bargaining administrations, vacancy posting and collecting applications and resumes. According to SHRM, these “transactional” functions are a way of “managing the employment relationship from recruitment and processing employees through retirement.”

On the other hand, strategic human resource functions deal with the strategic direction of the organization and include long term goals. According to SHRM “HR needs to be approached from a holistic point of view encompassing every function of human capital management” and that leadership in partnership with the human resources director should work towards “creating an effective human resources infrastructure that supports an employee-centric, service-oriented strategic human resources organization.” The human resources professional should be a strategic partner with the organizational leadership. Strategic functions include long term

planning, employee relations, training, succession planning, customer service and talent retention and development.

HUMAN RESOURCES AUTHORITY AND RESPONSIBILITY

The Town of Brookfield has a three-member Board of Selectmen (Board), , Personnel Board, Treasurer and an Assistant Treasurer who hold the primary responsibilities for the majority of human resources management.

Board of Selectmen

The Board serves as the appointing authority and as the chief executives of the Town. The Board appoints the members of the Personnel Board. The Administrative Assistant to the Board serves as a liaison to the Treasurer's office on human resources issues that arise.

Personnel Board

The Town By-laws designate the Personnel Board to be responsible for records of all employees and that the Town Treasurer keeps the records. The Personnel By-law states:

The Personnel Board shall have the authority to review the work of all positions subject to the provision of this by-law and shall recommend changes in said positions as well as review any recommended adjustments in salaries only to assure that they fall into the appropriate step of said position. In addition, the Personnel Board shall make an annual report to the town including recommendations on any matters related to this by-law.

The Personnel By-Law designates authority of the Personnel Board to items contained in the by-laws, including equal opportunity, classification and compensation of positions, employee categories, hiring procedures, transfers and promotions, budget preparation, insurance, paid leave, military leave, unpaid leave, educational reimbursement and grievance procedures.

Treasurer's Office

As dictated by the Town's Personnel By-laws, the Treasurer's Office performs the primary functions of many human resource functions including personnel file management, orientations, employment eligibility, benefits administration, and payroll. The Assistant Treasurer serves as the benefits coordinator.

Department Heads

Department heads are involved in the management of human resources within their departments, including the functions of positing vacancies, interviewing candidates, checking references, and making recommendations to the Board of Selectmen. Department heads are also responsible for leave administration and the submission of payroll.

DISCUSSION

The Town has a decentralized organizational structure which can lead to a lack of effective communication amongst departments and employees which could have a negative impact on service delivery and potential disparate treatment of employees.

As communities and personnel issues have grown more complex, the responsibilities of town administration have also changed, expanded and placed more federal and state compliance demands on municipalities. As such, many municipalities have encountered difficulties in keeping up with the legal requirements of employment, benefit and labor laws while adhering to by-law or employee handbooks, which can be cumbersome, particularly in the fast-changing human resources landscape. Employment laws, state and federal mandates and the changing workforce have necessitated municipalities to be more flexible and able to make policy changes in an efficient manner.

Employment laws and record keeping requirements have become stringent, particularly with respect to employee rights, record maintenance requirements and privacy laws and with the complex liability issues involving employment, medical and union issues, it is important for the Town's administration to have responsibility for centralized human resources.

The HR review has revealed that historically, the Town's human resources have been focused on the transactional personnel functions. Most of the transactional functions have in fact been sufficient. However, as reported herein the Town has many areas for improvement. The Town has not focused on the strategic human resources functions. The majority of the Town's budget is employee-related costs. It only makes sense to have a position dedicated to the issues surrounding the Town's human assets.

RECOMMENDATION

The Center recommends the creation of a Human Resources Coordinator position that would include the responsibilities of the centralization of recruitment, selection and onboarding of employees, the maintenance of job descriptions and classification, the administration of personnel policies, leave requests, injury leave and administration, training and information, including to improving systems. The creation of a Human Resources Coordinator would be a step in the right direction for having a true human resources function. The position could be a separate part time position, or the functions and hours could be added to an existing position. It is recommended the function be in either the Treasurer's office or the Board of Selectmen's office.

COMPLIANCE ASSESSMENT

The Center conducted an extensive review of Brookfield's policies and procedures for all aspects of human resources, with particular attention being paid to issues surrounding compliance with state and federal laws. Brookfield needs many policies in order to meet the

requirements and standards for compliance with employment laws and human resources practices. The following is a summary of findings and recommendations.

Position Descriptions & Classification

The Town is currently undergoing a classification and compensation review that will produce position descriptions. Position descriptions should be uniform in format and should be centrally maintained.

Recruitment

The Town has a decentralized recruitment process with department heads and board chairs posting positions with different formats, receiving resumes and applications directly with no standard procedure. The Town should create a system of documenting each recruitment by creating a filing system that contains all information and documentation regarding each search such as postings, applications, resumes, interview questions, selection documentation and references. The hiring of all employees should be centralized through the Human Resources Coordinator for consistency, tracking, and equal opportunity reasons. The Town is the employer and as such should have a consistent, centralized and documented recruitment procedure.

Employment Applications

The Town does not have a standard employment application. The one application posted on the Town's webpage is not in compliance with state and federal law. It should be modified immediately. The Town needs to update the standard employment application to comply with state law. The application should be used for all recruitments, even if a resume is submitted. It is important to obtain standard information on each applicant and require a signature of the applicant attesting that the information contained in the application is true and accurate.

Screening Applicants

The Town does not have a consistent practice for screening applicants. The screening of applicants is varied across departments and appointing authorities. Federal and state laws require the documentation of applicants and as such all screenings, should be coordinated through the Human Resources Coordinator.

Conditional Offers of Employment

The Town does not consistently issue a formal letter of a conditional offer. It is recommended that in all cases a formal conditional offer of employment is issued detailing the requirements of being hired, including the details of probationary period, physicals, drug testing, CORI, Employment Verification (I-9).

Pre-Employment Physical

The Town should create a policy that a physical examination should be conducted for certain classes of positions, such as laborers, and if a physical is preformed, documentation of such should be maintained by the Human Resources Coordinator consistent with personnel records requirements of confidentiality. The Personnel By-law requiring medical exams for all new employees or anyone being transferred or promoted should be eliminated.

Central File Retention

Personnel Records are currently in the Treasurer's office and in some departments. The Center recommends all personnel files be maintained in the Treasurer's office. As in many municipalities, a concern is the fact that individual departments keep folders or files on each employee. It is recommended that training or instruction be provided to department heads to ensure that any records kept by the department are also forwarded to the Human Resources Coordinator for placement in the official personnel file. There can be only one "official" file. Department heads and supervisors should be made aware of personnel record requirements, particularly as it pertains to medical information, discipline and/or grievances.

Training of Department Heads, Managers and Supervisors

Providing training on policies is critical for all employees. Training is particularly important for supervisors in the areas of sexual harassment, discrimination, progressive discipline, conflict of interest and policy compliance. The Town should establish a schedule of training on all policies, with particular attention to supervisory training.

Hours of Work and Overtime

The Town has many part time employees. As such, hours of work tend to be flexible. While this is often advantageous to the employee and the Town, it can be problematic from a documentation and management point of view. The Center's review found the Town is extremely inconsistent with respect to flexible hours, working from home, accruing compensatory time and overtime. It is recommended the Town create and enforce a detailed policy regarding hours worked, overtime and flexible time. It will also be important to have a universal documentation system for hours worked and time accrued.

Health Benefits

The Treasurer's office coordinates enrollment of benefits and reconciles bills to verify enrollment.

Family Medical Leave Act (FMLA)

Family Medical Leave Act (FMLA) should be coordinated by the Human Resources Coordinator. Confidentiality of medical information should be centralized to the Human Resources Coordinator position.

Retirement

The Treasurer's office coordinates retirement and is responsible for issuing final payroll, benefit buybacks and other end of employment issues. The Town could improve the termination process by creating a post-employment check list or process.

POLICY REVIEW CHECKLIST

The Center recommends the Town consider removing personnel policies from the Personnel By-Law and amend the by-law to refer to the policies recommended by the Personnel Board and approved by the Board of Selectmen.

In 2016, the Town began a review of personnel policies and attempted to create an employee handbook. The Collins Center recommends the Town create a system of policies, whether it be online in a searchable format or in a binder. Once finalized, employees should be given the policies and sign an acknowledgement of receipt and understanding. The Town should provide training on the policies.

The following Table represents policies that are recommended for municipalities and identifies if the Town has the policy, has a policy that needs to be updated, or does not have the policy.

Policy	Brookfield	Comment
Access & Use of Telecommunications Systems	No	
Alcohol & Drug Use	No	
Anti-Fraud	No	
Attendance Policy Statement	No	
Basic Life Insurance	No	
Bereavement	Yes	
Computer Policy	No	
Conduct (Standards)	No	
Conflict of Interest/Ethics	No	

Policy	Brookfield	Comment
Consolidated Omnibus Budget Reconciliation Act	No	
Criminal Offender Registry Information	No	
Discipline	No	
Discrimination Prevention	No	Town has EEO statement but not a policy
Discrimination Grievance Procedure	No	
Disability Discrimination Prevention	No	
Domestic Violence Act	No	
Drug Free Workplace	No	
Equal Opportunity/Affirmative Action	Yes	Needs updating
Family and Medical Leave Act	No	
Grievance Procedure	Yes	
Health Insurance	Yes	
Health Insurance Portability & Accountability Act	No	
Holidays	Yes	
Overtime	Yes	May wish to amend
Meal & Break Period	No	
Emergency Closing	No	
Jury Duty	Yes	
Leave of Absence- Unpaid	Yes	Needs updating

Policy	Brookfield	Comment
Life Insurance	Yes	
Longevity Pay	No	
Maternity & Paternity Leave	No	
Military Leave	Yes	Needs updating
Personnel Records	No	
Political Activity	No	
Pregnant Workers Fairness Act	No	
Probationary Period	No	
Promotion	Yes	
Recruitment & Selection	Yes	Needs updating
References	No	
Retirement	No	
Separation from Employment	No	
Sexual Harassment Prevention	No	
Small Necessities Leave Act	No	
Sick Leave	Yes	Needs updating
Social Networking	No	
Vacation	Yes	
Vehicle Use and Reimbursement	No	

Policy	Brookfield	Comment
Weapons	No	
Whistleblower Protection	No	
Workplace Injuries Workers Compensation Police & Fire Injuries	No	
Workplace Safety	No	
Workplace Violence Prevention	No	
Acknowledgement of Receipt & Understanding Signature Page	No	

Brookfield does not have many of the state and federal required policies. The Table above indicates which policies the Town does not have. The Center recommends the Town create a policy for each of the ones listed above that do not currently exist. The “Comment” section of the table provides recommendations. However, a few policies need to be mentioned here.

Social Networking, Computer, Personal Use. Social media and networking are an increasing concern for municipalities. The Town should adopt a comprehensive policy relating to these important issues.

References. References are a potential liability for the Town. Without a reference policy and a standardized procedure for obtaining and granting references the Town could be at risk. The policy should clearly articulate who is authorized to obtain or grant references and all should be documented.

Leave of Absence. The Personnel By-law grants the authority of a leave of absence to a department head. The policy should be revised. The appointing authority should be responsible for granting a leave of absence. Additionally, the policy refers to Maternity and Family leave, which should be separated into separate policies.

Sick Leave. The Personnel By-law requires employees using three or more consecutive days of sick time to submit a physician's statement certifying illness. The policy should be revised to modify this provision and to include language indicating leave may be designated as Family Medical Leave Act (FMLA) leave. The Town may want to consider allowing sick days to be used for care of a sick family member.

Military Leave. The Personnel By-law needs to be updated to reflect current law. It is recommended that the policy itself simply refer to the law.

Whistleblower & Fraud. The Town should create policies regarding fraud and whistleblower protection. Posting the federal or state regulations is important, but having a policy is also necessary.

CLOSING

Thank you for inviting the Center for Public Management into your community. Please do not hesitate to contact us for clarification or discussion of this report.