

**THE EDWARD J. COLLINS, JR.
CENTER FOR PUBLIC MANAGEMENT**

**MCCORMACK GRADUATE SCHOOL
OF POLICY AND GLOBAL STUDIES**

University of Massachusetts Boston

100 Morrissey Boulevard

Boston, MA 02125-3393

P: 617.287.4824

www.collinscenter.umb.edu

HUMAN RESOURCES REVIEW SWANSEA, MASSACHUSETTS

JANUARY 2020



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INTRODUCTION

As a result of a Community Compact Grant, the Town of Swansea (the “Town”) engaged the Collins Center for Public Management to conduct a human resources review (Review). The Review was commissioned to document the current state of the human resources systems, staffing, policies and practices. The purpose of the Review was also to identify areas of deficit, policies to be adopted and provide recommendations for improvement.

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 which can be difficult 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.

The majority of the Town’s employees are unionized, and as such, the Union collective bargaining agreements provide most employment policies. Nonetheless, it is strongly recommended that the Town adopt Town-wide policies and procedures that govern employment with the Town. The primary responsibility for human resources is managed day to day by the Town Administrator, in conjunction with the Town Accountant’s office.

SUMMARY OF RECOMMENDATIONS

The Collins Center’s recommendations support moving to a centralized human resources function. The primary recommendations are as follows:

1. Consider changing the function of one of the Administrative Assistants in the Board of Selectmen’s Office to that of Human Resource Coordinator or Administrative Assistant for Human Resources. Doing so will allow one central point of contact for human resource functions;

2. Centralize human resources functions, including the centralization of personnel records, leave administration and human resources systems management;
3. Develop consistent procedures to govern the process for filling vacancies within Town departments, including a standardized job application and standardized offer and rejection letters;
4. Implement a standard probationary period applicable to all employees;
5. Conduct a training needs assessment and develop a schedule for comprehensive employee training, as well as management training for department heads;
6. Develop a strategy for pre-employment testing, including the nature, manner and frequency of testing and codify such strategy in a Town policy;
7. Review and update human resources policies;
8. Develop standardized employee leave request forms; and
9. Address the findings and recommendations regarding various human resource functions and personnel policies contained within this Report.

METHODOLOGY

The methodology utilized for the Review was interviews with key personnel, including the Town Administrator, Town Accountant, Payroll / Benefits Coordinator, and Administrative Assistant to the Town Administrator. In addition to the interviews, numerous documents, collective bargaining agreements and policies were reviewed.

DISCUSSION

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, worker’s compensation, personnel file maintenance, collective bargaining agreement administration, 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 organizational leadership, should work towards “creating an effective human resources infrastructure that supports an employee-centric, service-oriented strategic human resources organization.” Strategic functions include long term planning, employee relations, training,

succession planning, customer service and talent retention and development.

SWANSEA HUMAN RESOURCE STRUCTURE AND AUTHORITY

The Town of Swansea has approximately 49 full-time employees and approximately 14 part-time employees. Within the Town, the Human Resource functions are spread out amongst various positions, as summarized below:

Town Administrator – oversees human resource functions and day-to-day administration of personnel and union collective bargaining agreements. Hiring. Compliance with state and federal laws. Employee relations. Consults with department heads on employee matters.

Administrative Assistant(s) to the Town Administrator – Personnel record maintenance, timesheet tracking, insurance case management.

Town Accountant and Benefits / Payroll Coordinator – Payroll administration, benefits, hiring, orientation.

All Departments - Each department has responsibility for submitting payroll to the Town Accountant's Office. Departments, to varying degrees, maintain employee records.

Treasurer – processes payroll warrant.

HUMAN RESOURCES DEPARTMENT FUNCTIONS

RECRUITMENT

For Union positions, the Town's Clerical and Highway Union collective bargaining agreements require that a vacant position be posted internally for a period of days ranging between five and seven, depending on the collective bargaining agreement. If multiple union members apply for

the position, the Clerical Union collective bargaining agreement requires that the union member with the most seniority is awarded the position for a thirty-day probationary period. There is no requirement that the employee be the most qualified, senior employee, rather it is strictly a seniority based. The Highway Union collective bargaining agreement requires that the position be awarded to the most senior qualified employee and further provides a 90-day “trial and training” period, which allows either the Town or the employee to decide that the employee should return to his/her prior position without prejudice. If there are no internal candidates, positions are posted with online employment agencies, such as indeed.com, on the Town’s website, and in the local paper for a minimum two-week period. Department head positions are posted on the Massachusetts Municipal Association’s job listing website. The Town follows this process for non-union positions.

EMPLOYMENT APPLICATIONS

The only Town department that utilizes an employment application is the Highway Department. As part of this review, the Highway Department’s application was reviewed. As stated below, it is recommended that this application be replaced by a standard job application as there are several impermissible inquiries, including questions about citizenship and physical “defects.”

The Town does not have a standard employment application, rather candidates are instructed to submit a résumé and cover letter for review.

A standard employment application is important as it allows targeted, consistent and controlled information collection and an ability to provide information to the candidate, such as the Town’s equal opportunity hiring statement and an affirmation that the information provided in the application is accurate. The Collins Center will provide a sample job application for the Town, however, some general recommendations for employment applications, are as follows:

1. The Town should adopt a standard employment application and such application should be available to candidates online.

2. The Town should enable the application to be fillable online (while still preserving a candidate's option to print out the application). The Town should consider an electronic signature option so candidates can also submit the application without having to print it out.
3. The application should contain updated contact information, including both email and phone numbers, for a contact person in case the candidate has any questions.
4. Applications should not request a Social Security number due to identity theft and privacy concerns. The Town should not need this information until it is time to run a background check or complete a W-4 and including it on an application carries unnecessary risk.
5. Applications should not request a date of birth as it can reveal an applicant's age and lead to allegations of age discrimination.
6. The application should contain an anti-discrimination statement similar to the following:
"The Town of Swansea is proud to be an equal opportunity employer. Therefore, qualified applicants will be considered regardless of their sex, race, age, religion, color, national origin, ancestry, physical or mental disability, genetic information, marital status, sexual orientation, gender identity, gender expression, military and veteran status, or other status prohibited by law."
7. The application should not contain any questions regarding an applicant's work authorization status. Instead, the application should contain the following statement: "In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification form upon hire."

8. To obtain information on whether an applicant holds a degree or a diploma, the Town can simply ask if the applicant has graduated and what degree was obtained. The application should not ask for an applicant's graduation dates since that information can reveal an applicant's age (and lead to allegations of age discrimination).
9. Similarly, the Town should not ask for an applicant's dates of employment at previous jobs. Instead, the Town can ask how many years the applicant was employed.

SCREENING AND INTERVIEWING

It is recommended all applications for employment come through the Board of Selectmen's office, which will then provide a copy of the application to the department head. The department head can screen the applications and decide which candidates to interview. When conducting interviews for positions the Town appears to use "best practices" in conducting interviews - i.e., having an interview team meet with each candidate, typically consisting of the Town Administrator and department head, or Board of Selectmen designee, rather than just the department head or his/her designee conducting the interview, and asking each candidate the same questions, and taking interview notes.

An important function of any employer is to ensure hiring practices are standardized and compliant with federal and state laws. It is critical for an employer to have consistent employment practices, ensure all interview questions are legal, and job related, and document all selection processes. The Collins Center recommends centralization of the Human Resource function to accomplish this and involving those responsible for human resource functions, in this instance the Town Administrator, in the hiring process for each department.

CRIMINAL OFFENDER RECORDS INFORMATION (CORIS) AND SEX OFFENDER REGISTRY INFORMATION (SORI) CHECKS AND I-9 VERIFICATION

The Board of Selectmen's Office performs CORI checks on all prospective employees (CORIs for police officer and firefighter positions are performed by the Police Department). The Town

reports it does not have a procedure regarding the standards used when considering the applicants CORI history. It is recommended the Town create / adopt an updated CORI policy, if it has not already done so.

It is also recommended that the Town perform Sex Offender Registry Information (SORI) checks for department employees that have responsibility for or care for a “child under the age of 18 or another person,” such as the elderly. Typically, SORI checks are performed on staff that has interaction with a vulnerable population – such as children or the elderly – or staff members that may have cause to enter resident homes unsupervised. The procedure for requesting SORI information is codified in Massachusetts General Laws, Chapter 6 Section 178J.

PRE-EMPLOYMENT PHYSICALS AND DRUG TESTING

The Town currently requires Highway Department employees and department heads to pass a pre-employment physical and drug screen as a condition of employment. The drug screen and physical exam are scheduled by the Town Administrator’s Office, which receives the results and notifies the employee.

The Town does not have a written policy regarding pre-employment physicals. The Highway Union collective bargaining agreement does have a Substance Abuse Policy and for random drug testing is conducted for CDL employees in compliance with DOT regulations. The Collins Center recommends that the Town adopt a policy regarding pre-employment exams, including drug testing and physicals and that the Town ensure that accurate, updated job descriptions are sent to the physicians conducting the physical.

OFFER LETTERS, CONDITIONAL OFFER LETTERS, REJECTION LETTERS

Currently, the Town does not have a standard offer letter, conditional offer letter or rejection letter. Offer letters are important to inform candidates of the probationary period, the need for pre-employment physicals and background checks, as well as puts the employee on notice regarding licenses they are required to have prior to employment and those they are expected

to obtain within a reasonable amount of time after beginning their employment.

The Collins Center recommends that the process of sending out rejection letters and offer letters be standardized and centralized in the Town Administrator's Office, including for police and fire. The Town Administrator should create and send out standardized rejection and offer letters (conditional, where appropriate) when the Town is offering a position. As noted above, the standard letter should include the following information:

- any materials the candidate must provide prior to beginning work,
- any pre-employment testing;
- state any conditions upon the offer of employment (i.e. that the applicant provide proof of a license, that the applicant pass a drug test, that the applicant obtain a certification within 6-months);
- state the applicable probationary period;
- tell the employee where to report and whom to report to on their first day; and
- include any forms that the employee needs to complete.

Finally, the Town Administrator's Office does retain copies of applications and records for all job candidates in accordance with the Municipal Retention Guidelines. In keeping with the move towards centralizing the human resource functions, these applications and records should be kept by the Town Administrator for all departments, including Police and Fire.

ONBOARDING AND ORIENTATION

There is no formalized onboarding or orientation program, however, new employees meet with the Benefits Coordinator to discuss employee benefits. It is recommended that at this meeting, new employees receive a packet of the Town's policies and sign an acknowledgment stating that such has been received. The Collins Center recommends the Town consider uploading Town policies and benefit forms and post them on the Town's webpage if possible) so new employees can review the information prior to their start date and be apprised of what is necessary to begin

work. (e.g., documentation for I-9 verification, benefit and retirement system enrollment, etc.). (the Town can use an employee portal to limit public access

PERSONNEL FILES

According to MGL Chapter 149, Section 52C, the Massachusetts Personnel Records Law, employee personnel files must include all documents kept by an employer which have been used for or may affect that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. This includes, at a minimum, the following information: the employee's name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer by the employee in response to the advertisement; all employee performance evaluations, including but not limited to, employee evaluation documents, written warnings of substandard performance, lists of probationary periods, waivers signed by the employee, copies of dated termination notices, and any other documents relating to disciplinary action regarding the employee.

With the exception of Police and Fire, the Board of Selectmen's office retains the official personnel file for employees. The Collins Center recommends the Town Administrator coordinate with department heads to review employee files kept by departments to ensure the official file maintained at the Board of Selectmen's Office contains copies of all records kept in individual department files.

PAYROLL

The payroll systems in Swansea are sufficient and functional for the workforce. Payroll is processed bi-weekly. Employees submit timesheets to the department head. Employee timesheets are verified by the department head and then submitted to the Benefits and Payroll Coordinator in the Accountant's Office. The Benefits and Payroll Coordinator inputs hours for

each employee. Once verified the payroll is submitted, payroll is processed by Harpers. Direct deposit is available but not required.

TECHNOLOGY AND WEBPAGE

The Town's webpage includes some useful material, including staff contact information, meeting information and local links. However, this site should be updated and enhanced to make it more useful for employees, department heads, and prospective employees. Doing so would reduce the need for the staff to respond repeatedly to common questions. The Collins Center recommends the following:

1. The Town's Equal Opportunity and Affirmative Action Policy should be added to the website.
2. Addition of an Employment or Human Resources section.
3. The Town's employment application and hiring process should be accessible on the website. If possible, the application should be converted to a "fillable online" form and be able to allow online submission.
4. Updated job vacancies with links to job descriptions for the vacant position, employee policies, benefit forms, and FMLA information should be added to the web page.
5. The webpage should include a section for new employees, welcoming them to the Town, and including all the information in the new employee packet and a checklist indicating what forms they need to complete and any documents they need to bring with them their first day.
6. Information about the Town's Employee Assistance Program should also be added to the web page to provide easier, confidential access to information.

7. The Town may consider adding an employee portal which allows access to documents and policies that are relevant to Town employment.

TRAINING

The Town performs employee training on an ad hoc basis; however, comprehensive employee training has not occurred in the past several years. In addition to training on Conflict of Interest, Sexual Harassment and Public Records, the Collins Center recommends that employers conduct additional training for supervisory and managerial employees, which should address their specific responsibilities. It is critical department heads, managers and supervisors receive training regarding all types of discrimination (including the ADA and “reasonable accommodations”), harassment, progressive discipline, performance management, the Family and Medical Leave Act, labor relations and “best practice” interview questions (i.e., what not to ask). As part of this review, the Collins Center recommends management training for supervisors and department heads.

It is recommended the Town, through the Board of Selectmen’s Office, conduct a training needs assessment and develop a short- and long-range plan to address identified needs. Massachusetts requires municipalities to annually distribute its sexual harassment policy to each employee and also encourages employers to regularly conduct education and training programs on sexual harassment for all employees. The Town should ensure employees are provided with its sexual harassment policy annually and that every employee acknowledges receipt. Without the annual distribution of policies and training on discrimination issues in the workplace, the Town and its officials are exposing themselves to potential liability.

POLICY AUDIT

The Town has operated largely on the policies codified in the Union collective bargaining agreements that govern the majority of employees in the Town. However, the Town should have stand-alone policies that to govern the employment of non-union employees and supplement those provided in Union contracts. The table at the end of this section contains a comprehensive

list of policies the Town should consider adopting and/or revising. The Collins Center recommends the policies be distributed to all employees with a signature of receipt required once they are created/updated. The policies should be available both online and in departments, with a master copy located at the Board of Selectmen’s Office. It is a best practice to issue new or modified policies on an as needed basis and publish them accordingly.

| Policy | Swansea | Comment |
|--|----------------|---------------------------------------|
| Access & Use of Telecommunications Systems | No | |
| Alcohol & Drug Use | No | |
| Anti-Fraud | No | |
| Attendance Policy Statement | No | |
| Basic Life Insurance | No | |
| Bereavement | No | Collective Bargaining Agreements only |
| Computer Policy | No | |
| Conduct (Standards) | No | |
| Conflict of Interest/Ethics | Yes | |
| Consolidated Omnibus Budget Reconciliation Act | No | |
| Criminal Offender Registry Information | No | |
| Discipline | No | Collective Bargaining Agreements only |
| Discrimination Prevention | No | Collective Bargaining Agreements only |

| Policy | Swansea | Comment |
|---|----------------|--|
| Discrimination Grievance Procedure | No | |
| Disability Discrimination Prevention | No | |
| Domestic Violence Act | No | |
| Drug Free Workplace | No | Highway Collective Bargaining Agreement only |
| Equal Opportunity/Affirmative Action | No | |
| Family and Medical Leave Act | No | |
| Grievance Procedure | No | Collective Bargaining Agreements only |
| Health Insurance | No | |
| Health Insurance Portability & Accountability Act | No | |
| Holidays | No | Collective Bargaining Agreements only |
| Overtime | No | Collective Bargaining Agreements only |
| Meal & Break Period | No | Collective Bargaining Agreements only |
| Emergency Closing | No | |
| Jury Duty | No | |
| Leave of Absence- Unpaid | No | Collective Bargaining Agreements only |
| Life Insurance | No | |
| Longevity Pay | No | Collective Bargaining Agreements only |
| Maternity & Paternity Leave | No | |

| Policy | Swansea | Comment |
|-------------------------------|----------------|---------------------------------------|
| Military Leave | No | |
| Personnel Records | No | |
| Political Activity | No | |
| Pregnant Workers Fairness Act | No | |
| Probationary Period | No | Collective Bargaining Agreements only |
| Promotion | No | Collective Bargaining Agreements only |
| Recruitment & Selection | No | Collective Bargaining Agreements only |
| References | No | |
| Retirement | No | |
| Separation from Employment | No | Collective Bargaining Agreements only |
| Sexual Harassment Prevention | Yes | |
| Small Necessities Leave Act | No | |
| Sick Leave | No | Collective Bargaining Agreements only |
| Social Networking / Media | No | |
| Vacation | No | Collective Bargaining Agreements only |
| Vehicle Use and Reimbursement | No | |
| Weapons | No | |
| Whistleblower Protection | No | |

| Policy | Swansea | Comment |
|--|---------|---------|
| Workplace Injuries Workers Compensation Police & Fire Injuries | No | |
| Workplace Safety | No | |
| Workplace Violence Prevention | No | |

FINDINGS AND RECOMMENDATIONS

Finding 1: Create the Position of Human Resources Assistant

The opportunity to centralize the human resource functions will result in increased professional level human resource services. There is currently a Benefits and Payroll Coordinator who works in the Accountant’s Office, however, that position does not have responsibility for primary human resource functions, such as hiring, policy maintenance and distribution, records maintenance, and training coordination.

Recommendation 1.1: It is recommended the Town evaluate the possibility of creating the position of “Human Resources Assistant” and adding the responsibilities for clerical hiring duties, employee record maintenance, policy maintenance and distribution and training coordination. This will allow for a central contact for employment issues and will serve as a valuable resource for employees.

Finding 2: Centralize the Human Resource Files and Documents

Some department heads maintain their own employee files, including but not limited to disciplinary documents.

Recommendation 2.1: It is recommended all official personnel records be kept by and in the Human Resource Assistant in the Board of Selectmen’s Office. Without a uniform system of keeping personnel records in accordance with various federal and state laws and regulations, the Town could be exposed to liability. It is recommended the Town Administrator systematically work with departments to migrate the official files to the Board of Selectmen’s Office. Departments are certainly allowed to keep departmental records but must be aware of the requirements of doing so.

Recommendation 2.2: It is recommended that the Town standardize leave request forms. Having a standard leave request form will make tracking employee leaves, including vacation, sick, and FMLA easier.

Finding 3: Adopt Employment Policies and Procedures

With a large majority of employees being unionized, the Town has relied upon Union contracts to govern Town employment.

Recommendation 3.1: It is recommended that the Town adopt Town-wide employment policies to govern volunteers and employees. Sample recommended policies will be provided to the Town as part of this review or the Town may adopt its own. This will standardize Town procedures and provide guidance for supervisors on managing their employees. The Town should be aware of bargaining obligations with Unions prior to implementation of these policies.

Finding 4: Hiring Process

Currently, the process for filling vacancies is not consistent across departments. It is recommended that the Town takes steps to create a uniform and centralized hiring process.

Recommendation 4.1: It is recommended that the Town create a standardized job application for all Town Departments.

Recommendation 4.2: It is recommended the Town develop consistent and uniform procedures for filling vacancies within the Town Departments. Currently, the Union contracts provide for different lengths of time for internal positing (between 5 and 7 days) and the Town has no separate policy for non-Union positions. The Town should adopt a time-frame for internal posting and then procedures for external position advertisement. Also, it is recommended that the if a position is filled internally, the hiring policy provide that the person filling the position must be qualified for the position, not simply the most senior employee.

Recommendation 4.3: It is recommended the Town Administrator be included in all aspects of the hiring process, including the posting of positions, application screening and the interview process.

Recommendation 4.4: It is recommended that the Town standardize offer of employment letters and rejection letters. Offers of employment should contain information about documentation needed to begin employment, as well as any pre-employment testing or conditions that must be fulfilled prior to reporting for work.

Recommendation 4.5: It is recommended that the Town conduct Sex Officender Registry Information checks for employees and volunteers working in departments that have access to minors or vulnerable populations, such as the elderly or disabled.

Recommendation 4.6: It is recommended that the Town enact a probationary period applicable to all employees. Union employees currently have a 6-month probatioary period and it is recommended that the 6-month probationary period be extended to all Town employees, including department heads.

Finding 5: Training Needs Assessment

The Town has not recently conducted any employee training.

Recommendation 5.1: It is recommended that the Town conduct a training needs assessment. This should entail prioritizing trainings such as Public Records, Open Meeting Law and Sexual Harassment / Anti-Discrimination, which can be sources of liability for Town employees.

Finding 6: Town Webpage

The Town's website does not contain an anti-discrimination statement nor does it contain any information regarding employment or Town employment policies.

Recommendation 6.1: It is recommended that the Town update the information on the Town webpage to include contact information for the person responsible for handling employment inquiries.

Recommendation 6.2: It is recommended that the Town update the Town's webpage to include a statement of non-discrimination.

Recommendation 6.3: It is recommended that the Town consider uploading its employment application to the website so that it may be printed or downloaded. If possible, the application could be electronically submitted to streamline the application process.

CLOSING

Thank you for inviting the Collins Center to Swansea. The Collins Center would like to thank Mr. John McAuliffe and Mr. Jordan Remy for their assistance on this project.