

BARNSTABLE COUNTY

In the Year Two Thousand and Ten

Ordinance 10-14

To revise and amend the Barnstable County Home Rule Charter in accordance with Section 9-4 of the Barnstable County Home Rule Charter **by deleting Sections 9 - 7, 9 - 8, Section 9A - 1, and Section 9B - 1 dealing with Personnel issues.**

Barnstable County hereby ordains:

Notwithstanding the provisions of any general or special law to the contrary the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If the revisions and amendments are accepted by the voters of Barnstable County at the State election held in the current year the county of Barnstable shall thereafter be governed by the provisions of this ordinance: to the extent that the provisions of this ordinance modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern. The charter shall become effective upon its passage. In the event that this amendment to the charter is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in chapter 163 of the acts of 1988 and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990, as amended by the voters at the November election in 2000, shall remain in full force and effect.

Delete Sections 9 - 7, 9 - 8, Section 9A - 1, and Section 9B - 1, language shown below.

ARTICLE 9 -- GENERAL PROVISIONS

Section 9 - 7. Notice of Vacancies.

(a) Posting - Whenever a vacancy occurs in any appropriated Cape Cod regional government office or employment, the board of regional commissioners or other appointing authority shall forthwith cause public

notice of the vacancy to be posted on the Cape Cod regional government bulletin board for not less than fourteen days and advertised once in each of two successive weeks in a local newspaper.

(b) Contents - The aforesaid notices shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications therefore.

(c) Exception - This section shall not apply to positions covered by the civil service law and rules or to the extent that it conflicts with the requirements provided under the terms of a collective bargaining agreement.

(d) Publication, List of Cape Cod regional government officers - Every January, the board of regional commissioners shall place an advertisement notice in a local newspaper listing all appointed Cape Cod regional government offices and positions together with the term of office of each.

Section 9 - 8. Procedures for Discipline.

(a) Oral Reprimand - A department manager observing the action of an employee warranting discipline, may reprimand the employee. The warning is given with regard for minimizing embarrassment to the employee and includes suggestions as to how the behavior or

performance can be improved. An oral reprimand is noted in the employee's personnel file.

(b) Written Reprimand – After an oral warning, or as otherwise warranted, the department manager or supervisor can issue a written warning to the employee including reasons for the warning and an offer of assistance in correcting the unsatisfactory situation. A copy of the reprimand is placed in the employee's personnel file and carries a specified period in which the behavior will be improved. The employee may prepare his/her written response to accompany the written reprimand in the employee's personnel file. If the situation is improved, the employee will be notified in writing.

(c) Suspension – A department manager may temporarily suspend an employee without pay for a maximum of five (5) days. All suspensions will be reviewed by the commissioners, or designee, within one business day for affirmation of the department manager's decision. The purpose of a suspension is to serve as a final warning to an employee that continued misbehavior or poor performance may result in discharge. Suspension is generally imposed only when prior warnings or reprimands have not caused the employee to bring his/her performance or behavior up to the expected standard. In some cases involving serious misconduct, suspension may be the first disciplinary action taken.

A department manager will document a suspension in writing and forward to the human resources director for retention in the employee's personnel file.

(d) Dismissal – The board of regional commissions, or their designee, may terminate an employee for good cause after due consultation with the department manager recommending dismissal. The employee must be given a written notice signed by the appointing authority specifying the effective date of termination, the charge, the specific behavior and the dates (where appropriate) that support the charge, and any circumstances affecting the severity of the discipline. The employee is eligible for a hearing before the board of regional commissioners within fourteen days of the date of dismissal. Employees having rights under M.G.L. Ch. 35, s.51 or under Ch. 32, s.16, are not to be dismissed except in accordance with the procedures of the applicable statute.

(e) Discipline – Discipline is generally a progressive procedure; however, suspension or dismissal may be the initial step taken depending upon the severity of the offense.

Section 9A - 1. Grievance and Discrimination Complaint Rights – An employee who feels aggrieved by an action taken under the provisions of these policies; who feels he/she has been discriminated against on the basis of age, race, color, religion, sex, marital status, sexual orientation, national origin, disability, or veteran status, or any other non-merit factor (except where such a factor is a bona fide occupational requirement); or who has experienced job-related harassment or intimidation based on sex, race, or another factor, may personally, or through his/her representative, appeal for relief from that condition. It is understood that issues involving increase or decrease of general wage rates or salaries shall not be considered the subject of a grievance.

Section 9B – 1 – Grievance Procedure

All grievances are handled in accordance with the following procedures:

(a) The employee or representative presents in writing his/her grievance to the department manager within ten calendar days of the action being grieved or the employee's knowledge of the grieved action. The department manager responds in writing to the employee within five calendar days.

(b) If such grievance is not resolved by the department manager to employee's satisfaction,

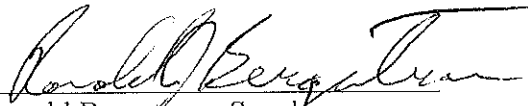
within ten calendar days, the employee or representative presents, in writing, to the administrator, information pertaining to the specific section of the plan which has been misapplied, the date and time, and any other pertinent facts or circumstances. The administrator responds within fourteen days of the presentation of the grievance.

(c) If the grievance remains unsettled, the employee must submit in writing to the board of regional commissions, within ten days from the date of the administrator's decision, his/her request for a hearing. The board of regional commissioners will respond to the grievance within fourteen days of the date of the hearing. This decision is final.

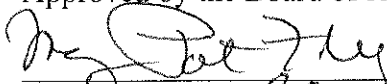
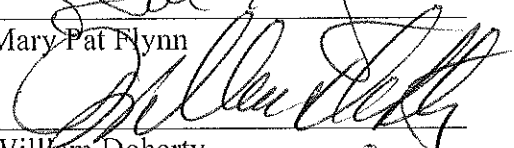
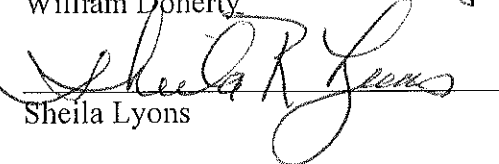
The board of regional commissioners may elect to assign the responsibility for conducting the hearing to a hearing officer. The hearing officer shall be chosen by the board of regional commissioners.

(d) Failure by the employee to respond within the listed time frames is deemed an acceptance of the decision of the previous level.

Adopted by the Assembly of Delegates on June 2, 2010.


Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of Regional Commissioners ^(WA) 6/9/10 at 12:00pm
Date Time


Mary Pat Flynn

William Doherty

Sheila Lyons