

Question 1. Explain how salaries for town employees are set. Include the role of Town Meeting, the Town Manager, and the Board of Selectmen. What impact does the creation of a new position or new band have on this process?

The following is a high-level overview of how salaries for town employees are set. Nuances and special cases are not addressed.

Union employees. For employees who belong to a union, compensation items (wages, cost of living increases, step increases, etc.) are included in the terms of the contracts negotiated between the town and the unions. For non-school union employees, the Town Manager is responsible for contract negotiation, subject to the approval of the Board of Selectmen. For school union employees, responsibility for contract negotiation and approval falls to the Superintendent and the School Committee.

Non-union school employees. For school employees who do not belong to a union, wages and increases are determined by the Superintendent, except for the Superintendent's salary, which is set by the School Committee.

Non-union, non-school employees. Compensation for non-union, non-school employees is determined by the Town Manager, subject to the pay classification plan.

Pay classification plan (bands). Each non-union, non-school position, except that of the Town Manager, is assigned to one of ten bands in the town's pay classification plan. The pay band to which a position is assigned dictates the pay range (minimum and maximum) for the position.

Town Meeting has the authority to create new pay bands and to shift positions from one pay band to another. Town Meeting can change pay band minimums and maximums. Town Meeting also has the authority to create new, non-school, non-union positions and to decide which pay bands to place the positions in.

The Board of Selectmen can change pay band minimums and maximums to allow for cost of living increases. The pay classification plan does not apply to the Town Manager's salary, which is set by the Board of Selectmen. School positions are not subject to the pay classification plan.

Funding. All spending by the town is subject to appropriation by Town Meeting, but Town Meeting does not vote on the compensation of individual employees. Each department, including the School Department, is voted a sum of money from which employees are paid.

Question 2. A subgroup of two selectmen is charged with performing a task for the Board. Are the operations of this subgroup subject to the requirements of Open Meeting Law? Why or why not?

When the Board of Selectmen appoints a subcommittee to perform a task, that subcommittee is subject to the Open Meeting Law.

In *Massachusetts General Laws Chapter 39: Section 23A Definitions*, a “governmental body” is defined as “every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting.” Therefore, the subcommittee described in Question 2 is a governmental body.

Massachusetts General Laws Chapter 39: Section 23B Open meetings of governmental bodies states “All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.”

Since a subcommittee appointed by the Board of Selectmen is a governmental body, and since a governmental body is subject to the Open Meeting Law, the subcommittee is subject to the requirements of the Open Meeting Law.