



TOWN OF PLYMOUTH

26 Court Street
Plymouth, Massachusetts 02360
(508)747-1620

Policy Number	SB-04302024B
Title	SPECIAL MUNICIPAL EMPLOYEE POLICY
Established	April 30, 2024
Revision Approval Dates	

1. PURPOSE

In general, the provisions of Massachusetts General Laws Chapter 268A, Section 17 prohibit a municipal employee from receiving compensation from or acting as agent or attorney for anyone other than the Town in a matter in which the Town has a direct and substantial interest. The State Ethics Commission defines "municipal employee" as any person that provides services to the Town, regardless of how that person was hired, elected or appointed, or whether the person receives compensation for his/her services. The Board understands that the State Ethics Commission would find that virtually any matter which comes before a particular Board or Official which requires official action is a matter in which the Town has a direct and substantial interest. The provisions of Massachusetts General Laws Chapter 268A, Section 17 are intended to prevent divided loyalties and any appearance of unfair or special advantage.

The Selectboard strongly believes that to promote public confidence in the administration of the Town Government, a Municipal Employee's loyalty must lie first with the Town and that Special Municipal Employee status should be granted only in very limited circumstances. The Board is of the opinion that in general, positions, committees and boards that set public policy, have regulatory authority or have appointing authority should not be granted Special Municipal Employee status. The Selectboard also believes that there are occasional circumstances that can arise where a position, board or committee may benefit from a person's expertise or knowledge in a particular field or profession. In those limited circumstances, Special Municipal Employee status may be warranted.

If Special Municipal Employee status is granted, it is the municipal position that is designated as having Special Municipal Employee status, not the person holding the position. Therefore,

all members of a board or committee holding the same office are considered Special Municipal Employees if the designation is granted by the Selectboard.

2. POLICY GUIDELINES

1) Pursuant to provisions of Massachusetts General Laws Chapter 268A §17, the Board of Selectmen (“the Board”) may classify certain Town elected, appointed, employment, or contractual positions, whether those holding the position serve with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, as “Special Municipal Employee” positions. The Board also may rescind any such classification at any time.

2) The Board may consider classifying elected, appointed, employment, or contractual positions as Special Municipal Employee positions on its own initiative or upon a written request from any person holding any such position in an individual capacity (i.e., not as a member of an elected or appointed board or committee), or upon written request of a board or committee. Any such request shall be made in writing. Whether the request is a Board initiative or a written request, the request shall be made part of the agenda of an upcoming regularly scheduled meeting of the Board.

3) If pursuant to a written request, a person holding a position in an individual capacity (i.e., not as a member of an elected or appointed board or committee), or the board, or committee making the request shall present to the Board the rationale for the request in writing and shall appear at a scheduled meeting of the Board at which the request is considered. The presentation shall include a demonstration of the need the position, board or committee has for particular skills or professional knowledge. The presentation also should include how those skills or professional knowledge benefit the position, committee or board, and how granting the requested classification would benefit the Town. Other considerations may include:

a) the extent to which the position, board or committee has the authority to make financial decisions, and

b) the extent to which the position, or members of the board or committee, receives compensation or other form of remuneration from the Town.

If the Special Municipal Employee classification consideration is pursuant to an initiative of the Board, the Board shall consider the factors outlined in this paragraph, outlined above.

4) The Board shall consider the request or proposed classification and a vote shall be taken. Approval of the request or proposed classification shall be by a majority vote of the Board.

5) Requests or proposals for Special Municipal Employee status will be voted on individually for each position, committee, or board for which such status is requested or proposed, expressly naming the position, board or committee being classified.

6) Proposals to rescind the classification of an elected, appointed, employment, or contractual position as a Special Municipal Employee position shall be made part of the agenda of a regularly scheduled meeting of the Board. In addition, written notification to the individual(s) holding the affected elected, appointed, employment, or contractual position shall be made prior to any action by the Board. Rescinding any such classification shall be by a majority vote of the Board.

7) Annually, but no later than July 15, the Board shall review the list of positions, committees and boards approved for Special Municipal Employee classification to ensure compliance with

this policy. A list of Special Municipal Employees shall be forwarded to the Town Clerk and the State Ethics Commission any time Special Municipal Employee classification is approved or revoked by the Board and at least annually.

If Special Municipal Employee status is granted to the position, committee or board, then annually, no later than June 30, any person intending to retain such status for the position, committee or board, shall resubmit a request to the Selectboard for Special Municipal status. The Board shall review and act upon the request in accordance with this policy at its first meeting in July. Any position, committee, or board that has previously been granted Special Municipal Employee status that does not resubmit a request to renew their Special Municipal Employee status by June 30th shall lose that status as of July 1st.

QUESTIONS

Please direct questions to the Town Clerk's Office.

Signed By:


Chairman, Select Board


Town Manager

5/14/24
Date

5/14/24
Date