

SPECIAL MUNICIPAL EMPLOYEES – TOWN OF SOUTHBOROUGH
POLICY

1. Under Massachusetts General Laws, Chapter 268A, 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.
3. Any such written request, or Board initiative, shall be made part of the agenda of a regularly scheduled meeting of the Board.
4. In general, positions, committees and boards that have the authority to set Town policy, have regulatory or quasi-judicial authority, or have appointing authority, should not be granted Special Municipal Employee classification. Examples of such positions include, but are not limited to: Town Counsel; the Conservation Commission; the Planning Board; and, the Zoning Board of Appeals.
5. 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 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.

6. If a classification consideration is pursuant to an initiative of the Board, the Board shall consider the factors outlined in paragraph 5, above.
7. The Board shall consider the request or proposed classification and a vote on it shall be taken. Approving the request or proposed classification shall be by a majority vote of the Board.
8. 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.
9. 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.
10. For any position approved for Special Municipal Employee classification, an open file shall be created and maintained in the office of the Town Clerk, available for public inspection, with the following information relating to Sections 17 and 20 of Massachusetts General Laws, Chapter 268A to be filed within seven (7) days of each relevant matter or instance on a form to be provided by the Town Clerk:
 - a. any matter or instance in which a Special Municipal Employee or, to their knowledge, their employer represented private parties before municipal boards other than his or her own;
 - b. any matter or instance in which a Special Municipal Employee or, to their knowledge, their employer acted as agent for private parties in connection with a matter of interest to the Town;

- c. any matter or instance in which a Special Municipal Employee or, to their knowledge, their employer received pay or other compensation in connection with matters involving the Town;
- d. any matter or instance in which a Special Municipal Employee or, to their knowledge, their employer has a financial interest in a contract with a department which is completely independent of the one where they work; and,
- e. any matter or instance in which a Special Municipal Employee or, to their knowledge, their employer has a financial interest in a contract with his or her own department (or with a department which has overlapping jurisdiction with his or her department) and for which the Board has voted to grant an exemption to Section 20.

Any failure to comply with the above requirements may result in the Board taking immediate action to rescind the classification of an elected, appointed, employment, or contractual position as a Special Municipal Employee pursuant to the procedure described in paragraph 9, above.

11. Annually, 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.