

BOARD OF SELECTMENT'S POLICY RELATING TO
GRANTING OF SPECIAL MUNICIPAL EMPLOYEE STATUS
TO POSITIONS, COMMITTEES AND BOARDS
PURSUANT TO MGL Ch. 268A

RATIONALE:

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 Board is aware of the fact that 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.

As the State Ethics Commission states, cities and towns are entitled to undivided loyalty by their municipal employees. The Board of Selectmen strongly believes that in order 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 Board of Selectmen 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.

Under Massachusetts General Laws Chapter 268A, the Board of Selectmen may grant Special Municipal Employee status to a position, board or committee at any time and the Board may also revoke that status at any time. 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 Board of Selectmen.

POLICY:

1. Any person(s) holding an elected or appointed position or serving as a member of an elected or appointed committee or board may file a written request with the Board of Selectmen seeking designation of such position, committee or board as a Special Municipal Employee(s).
2. Any such request shall be made a part of the agenda of a regularly scheduled meeting of the Board of Selectmen.

3. The person(s) making such a request shall appear at the scheduled meeting of the Board of Selectmen to present such request. The person(s) making the request shall present to the Board of Selectmen the rationale for such request. The presentation shall include a demonstration of the need the position, committee or board has for the skills or professional knowledge that the person making the request possesses. Additionally, the presentation shall include how those skills or professional knowledge will benefit the position, committee or board as well as benefit the overall interests of the Town.

4. The Board of Selectmen shall consider the request and a vote shall be taken on the request. The granting of such status shall be by a majority vote of the Board.

5. Requests for Special Municipal Employee status will be voted upon individually for each position, committee or board requesting such status, expressly naming the position, committee or board being designated.

6. If Special Municipal Employee Status is granted to the position, committee or board, then annually, no later than May 25, any person intending to retain such status for the position, committee or board, shall resubmit a request to the Board of Selectmen for Special Municipal Employee status. The Board shall review and act upon the request in accordance with Paragraph 2 through Paragraph 5 of this policy at its first meeting in June. Additionally, at the first meeting of the Board of Selectmen in June, the Board shall review the list of positions, committees and boards granted Special Municipal Employee status 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 status is granted or revoked by the Board and at least annually.

Adopted: Abington Board of Selectmen
October 15, 2012

**SPECIAL MUNICIPAL EMPLOYEE
ADMINISTRATION PROCESS**

TOWN OF AMHERST

Voted at the November 27, 2006 Select Board Meeting

**PURPOSES FOR SPECIAL MUNICIPAL
EMPLOYEE STATUS**

The first is to allow those with particular skills or expertise to apply those abilities to the work of a Town committee, board, or commission [hereinafter, committee(s)] while allowing those persons to act as agents or attorneys for paying clients before other Town committees.

The second is to allow such a person to serve on committees outside of their expertise without impinging on their need to represent clients before other Town committees.

SPECIAL MUNICIPAL EMPLOYEE PROCESS

1. The Select Board (SB) shall formulate and announce a program and process for Town committee members to increase understanding of Open Meeting and Special Municipal Employee (SME) law, and a process for committees needing those provisions to apply to the Select Board for Special Municipal Employee committee designation.
2. The SB shall organize and present periodic forums on 'Conflict of Interest and Special Municipal Employee law' for all who are concerned and interested: committee members, Town government employees, general public etc. In this the SB will engage staff of the State Ethics Commission, the Hampshire District Attorney's Office, or their designees. This forum will be repeated in the future, as needed and appropriate.
3. The SB shall announce that any Town committee desiring SME status shall submit a letter of application stating reasons and justification for that status, following which, committee representatives will meet with the SB to discuss the granting that status to the committee.
4. On granting SME status, an open file shall be created in the SB/Town Manager's office to store papers for each committee granted SME status, available for public inspection.
5. Annually, on the date of the original designation of SME status to a committee, any committee intending to retain that status shall resubmit and the SB review the designation, renewing SME status if justified.
6. Each member of a Town committee receiving SME status, upon designation shall receive information about Special Municipal Employee status of the respective committee, and acknowledge in writing understanding of SME status or lack thereof.
7. The Select Board will review this Special Municipal Employee process in two years from this date of adoption.

**ATTRIBUTES REQUIRED BY THE SELECT BOARD
FOR A TOWN COMMITTEE, BOARD OR COMMISSION
TO QUALIFY FOR
SPECIAL MUNICIPAL EMPLOYEE STATUS**

1. The Town committee must demonstrate need for skills or professional knowledge not generally available other than through members who employ those skills or knowledge in pursuit of a non-trivial portion (10% or more) of their income in Amherst. Amherst with its current population of over 35,000 inhabitants and institutions of higher learning, has an extraordinary range of expertise to draw upon to fill committee needs, or

2. The Town Committee must demonstrate need for a person to serve on their committee outside of that person's experience without impinging on their need to represent clients before other Town committee.

3. These provisions apply only to members who receive compensation from:

(A) sources other than that city or town or municipal agency in relation to actions in any matter (i) in which he/she has at any time participated as a municipal employee, or (ii) which is, or within one year has been, a subject of his official responsibility, or (iii) which is pending in the municipal agency in which he/she is serving, or

(B) acting as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

These provisions are subject to the conditions detailed in Massachusetts General Law Chapter 268A.

February 2017 - SPECIAL MUNICIPAL EMPLOYEE

4/28/1977	Finance Committee
11/1/1978	All Firefighters
4/24/1984	Labor Counsel
11/15/1984	Assistant Building Inspectors
3/12/1986	Labor Counsel and Associate Labor Counsel
3/20/1989	Alliance for the Arts
7/2/1995	Conservation Commission
2/12/1996	School Buildings Committee
6/13/2005	Zoning Board of Appeals
6/13/2005	Auburn Flag Maintenance Committee
6/13/2005	Independence Day Committee
6/13/2005	Insurance Advisory Committee
6/13/2005	Local Channel Committee
6/13/2005	Solid Waste Committee
9/24/2016	Environmental Consultants
2/13/2017	School Committee
	Planning Board
	Youth Commission
	Council on Aging
	Open Space Committee
	Energy Committee
	Board of Health
	Economic Development Committee

Master Plan Committee

Zoning By Law Review Committee

Parks, Recreation and Cemetery Committee

Sewer Commission

Historic Commission

Cultural Council

Outside Consultants

Part-time Clerks

Part-time Library Associates, Senior Associates, Assistants and Pages

Part-time Inspectors for Health, Building, Gas, Plumbing, Wiring

Part-time or Temporary Assistant Animal Control Officers

Part-time or Temporary Animal Control Officers

Part-time Recreation and Department of Public Works employees

**Seasonal and Temporary Department of Public Works and Pakachoag
Golf Course employees**

Snow plowing operators

From: [Cushman, Ellen](#)
To: [Jim Hegarty](#)
Subject: RE: Finance Committee members as Special Municipal Employees
Date: Thursday, March 16, 2017 5:21:08 PM

Belmont's finance committee, called the Warrant Committee, were designated Special Municipal Employees in 1980 along with many other committees. Only twice have additions been made to the list, most recently in 2014 to add the Bylaw Review Committee members.

Ellen O'Brien Cushman
Town Clerk
455 Concord Avenue
Belmont, MA 02478
phone: 617-993-2604
email: ecushman@belmont-ma.gov

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From: Jim Hegarty [mailto:jhegarty@southboroughma.com]
Sent: Thursday, March 16, 2017 5:16 PM
To: masstownclerks@googlegroups.com
Subject: Finance Committee members as Special Municipal Employees

Hello,

If your Town has designated Finance Committee members as Special Municipal Employees could you let me know and if you know the reasoning behind it, I'd appreciate knowing that too. I've asked our Selectmen to re-visit who they want as SMEs because this has not been done in ages and nobody knew if their board/committee was an SME. Yep, they also didn't read the material we gave them when they were sworn in and yep, they didn't pay attention when they took the ethics training.

Thanks!

Jim

James F. Hegarty
Southborough Town Clerk

jhegarty@southboroughma.com
P: (508) 485-0710 x 3007

F: (508) 480-0161

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1. Special Municipal Employees

Town of Ipswich, Massachusetts

Date Adopted: July 23, 1979

Policy Title/Subject: Special Municipal Employees -- Conflict of Interest Statute

1. All municipal employees who are holding positions which are elected or appointed and unpaid, part-time, or temporary, are classified as "Special Municipal Employees" under the provisions of Massachusetts General Laws Chapter 268A, Section 1(n), except for members of the Board of Selectmen.
2. This classification shall be effective immediately and shall remain in effect until further action by the Board of Selectmen.
3. A certificate of this vote shall be filed with the Town Clerk and shall be provided **annually** to the chairman of each board, commission, or committee whose members are affected.
4. Any employee as defined hereinabove who does not desire to be classified a "Special Municipal Employee" may file a written statement to such effect with the Town Clerk, and upon the filing of such written statement, such individual shall not be considered a "Special Municipal Employees" under the provisions of Massachusetts General Laws Chapter 268A, Section 1(n).

BOARD OF SELECTMEN

John A. Pechilis

Edwin H. Damon, Jr.

Jeffrey M. Dolan

Lawrence J. Pszeny

Arthur S. LeClair

Special Municipal Employees			
AGENCY	YEAR DESIGNATED	PER AUTHORITY OF	Field5
00 CFS UPDATED DATABASE AS OF 2/22/2017			
ABATEMENT ADVISORY COMMITTEE	12/14/1994	SELECTMEN VOTE	
AFFORDABLE HOUSING TRUST TRUSTEE	ATM, Art. 72, 4/7/09	M.G.L. c.44, Section 55C(f)	
AIRPORT COMMISSION	1/6/1988	SELECTMEN VOTE	
BEACH VEHICLE COMMITTEE	11/8/1991	SELECTMEN VOTE	
BICYCLE & PEDESTRIAN ADVISORY COMMITTEE	03/18/2015	SELECTMEN VOTE	
BOARD OF SELECTMEN	N/A	MGL. CH. 268A, S. 1	
CALL FIREFIGHTERS	04/03/2007	SELECTMEN VOTE	
CAPITAL PROGRAM COMMITTEE	5/19/1993	SELECTMEN VOTE	
COMMISSION ON DISABILITY	4/10/2013	SELECTMEN VOTE	
COMMUNITY SCHOOL EXERCISE INSTRUCTOR	06/20/2012	SELECTMEN VOTE	
CONSERVATION COMMISSION	9/30/1987	SELECTMEN VOTE	
COUNCIL ON AGING	10/12/2011	SELECTMEN VOTE	
CULTURAL COUNCIL	N/A	MGL. CH. 10, S. 58	
DESIGN SELECT. COMPOST. COMMITTEE	10/19/1989	SELECTMEN VOTE	
FINANCE COMMITTEE	1/26/1989	SELECTMEN VOTE	
GOVERNMENT REVIEW COMMITTEE	7/21/1988	SELECTMEN VOTE	
HARBOR & SHELLFISH ADVISORY BOARD ("SHAB")	4/16/2015	SELECTMEN VOTE	
HAZARDOUS WASTE ADVISORY COMMITTEE	7/27/1988	SELECTMEN VOTE	
HISTORIC DISTRICT COMMISSION	1/27/1988	SELECTMEN VOTE	
HOUSING AUTHORITY	N/A	MGL. Ch. 121 B	
NANTUCKET WATER COMMISSION	9/17/1997	SELECTMEN VOTE	
PARK & RECREATION COMMITTEE	10/2/1991	SELECTMEN VOTE	
PARKING TICKET HEARINGS OFFICER	9/17/1997	SELECTMEN VOTE	
PERSONNEL BOARD** With conditions - see BOS minutes 10/14/87	10/14/1987	SELECTMEN VOTE	
PLANNING BOARD	8/20/1986	SELECTMEN VOTE	
REAL ESTATE ASSESSMENT COMMITTEE	11/18/2015	SELECTMEN VOTE	
ROADS AND RIGHT OF WAY COMMITTEE	2/22/2017	SELECTMEN VOTE	
SCHOOL COMMITTEE	1/6/1987	SELECTMEN VOTE	
TOWN MODERATOR	4/9/1997	SELECTMEN VOTE	
TRAFFIC SAFETY ADVISORY COMMISSION	9/17/1997	SELECTMEN VOTE	
TRANSPORTATION SYSTEM COMMISSION	1/27/1988	SELECTMEN VOTE	
TREE ADVISORY COMMITTEE	09/05/2012	SELECTMEN VOTE	
VISITORS SERVICES COMMITTEE	12/8/1988	SELECTMEN VOTE	
ZONING BOARD OF APPEALS	7/20/1988	SELECTMEN VOTE	

Newburyport

https://www.newburyportnews.com/news/local_news/selectmen-update-list-of-special-municipal-employees/article_076ee2ba-e7c7-5cd9-8551-42b4742e2642.html

Selectmen update list of Special Municipal Employees

BY JENNIFER SOLIS

CORRESPONDENT Jun 26, 2014



NEWBURY — Selectmen agreed to forward to the State Ethics Commission an updated list of positions in town that have been granted Special Municipal Employee status. The designation applies to all part-time employees regardless of whether they are paid or unpaid, elected or appointed.

At a meeting late in May selectmen held off on a request for the designation made specifically by chairman Frank Remley of the Finance Committee on behalf of his board. Remley told town leaders he was seeking the special designation as a way to minimize the risk of possible conflict of interest or ethics violations, and he encouraged selectmen to consider granting it to other boards and committees as well.

Selectmen told Remley at the time that they needed more information before granting the status. Following that meeting, however, they discovered that a previous Board of Selectmen already granted the designation to all part-time employees through a vote on December 26, 1995. Some 50 part-time positions were granted the status.

With their actions last week, selectmen approved updating the previous designation to include the following positions:

Agricultural Commission; Animal Control Officer, Field Driver, Pound Keeper, Animal Inspector; Assistant Animal Control Officer; Assessors; Assistant Town Clerk; B2B Trail Committee; Board of Appeals; Board of Health; Board of Fire Engineers; Capital Planning Committee; Conservation Commission; Constables; Council on Aging; Cultural Council; Election Workers; Fence Viewers; Fire Department – Call Fire Personnel; Finance

Committee; Fish Commissioners; Forest Warden and Deputies; Gas Piping and Appliance Inspectors; Harbormasters; Historic Commission; Library Trustees; Media Committee, and Merrimack Valley Planning Commission.

According to information provided by Town Counsel Ginny Kremer, the status is not granted to a specific person, but rather is placed on the position that person holds and the classification must be granted to all positions on a board at the same time, not just one.

Once in place by a vote of selectmen, it remains so until the classification is rescinded.

Only the selectmen are automatically considered Special Municipal Employees in the eyes of the state.

The Massachusetts State Ethics Commission advises municipalities to carefully consider when to grant this special status by weighing the benefits to the town of having expertise on its boards, commissions and other part-time positions against the potential impact of having less restrictive conflict of interest regulations for the people serving in those positions.

Specifically there are two sections of the conflict of interest law that are affected by the special designation. The law explicitly prohibits a municipal employee from: going before a town board or committee to represent a private party; acting as an agent for a private party on a matter of "direct and substantial interest to the town"; or accepting pay or other compensation in such a matter.

But Special Municipal Employees are allowed to do so for boards other than the one they serve on, provided they have not officially participated in the matter and the issue at hand is not within their official responsibilities.

The law also prohibits town employees from having a financial interest in a contract with the town, but once the special status is granted, the person may enter into formal agreements with departments other than the one he or she serves on as long as a disclosure is filed with the town clerk.

Having financial interest in a contract is also allowable within his or her own department, but in that case the person must not only file a statement with the town clerk but also with selectmen, who then must vote to grant an exemption.

Selectmen meet next on July 22.



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Special Municipal Employee Designation Policy

POLICY RELATING TO GRANTING OF SPECIAL MUNICIPAL EMPLOYEE STATUS TO POSITIONS, COMMITTEES AND BOARDS PURSUANT TO MGL, CHAPTER 268A

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 Board is aware of the fact that 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 becomes 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.

As the State Ethics Commission states, cities and towns are entitled to undivided loyalty by their municipal employees. The Selectboard strongly believes that in order 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.

Under Massachusetts General Laws Chapter 268A, the Selectboard may grant Special Municipal Employee status to a position, board or committee at any time and the Board may also revoke that status at any time. 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.



Special Municipal Employee Designation Policy

POLICY:

1. Any person(s) holding an elected or appointed position or serving as a member of an elected committee or board may file a written request with the Selectboard seeking designation of such position, committee or board as a Special Municipal Employees.
2. Any such request shall be made a part of the agenda of a regularly scheduled meeting of the Selectboard.
3. The person(s) making such a request shall appear at the scheduled meeting of the Selectboard to present such request. The person(s) making the request shall present to the Selectboard the rationale for such request. The presentation shall include a demonstration of the need the position, committee or board has for the skills or professional knowledge that the person making the request possesses. Additionally, the presentation shall include how those skills or professional knowledge will benefit the position, committee or board as well as benefit the overall interests of the Town.
4. The Selectboard shall consider the request and a vote shall be taken on the request. The granting of such status shall be by a majority vote of the Board.
5. Requests for Special Municipal Employee status will be voted upon individually for each position, committee or board requesting such status, expressly naming the position, committee or board being designated.
6. If Special Municipal Employee status is granted to the position, committee or board, then annually, no later than May 25, 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 Paragraph 2 through 5 of this policy at its first meeting in June. Additionally, at the first meeting of the Selectboard in June, the Board shall review the list of positions, committees and boards granted Special Municipal Employee status 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 status is granted or revoked by the Board and at least annually.

Adopted: Town of Northfield Selectboard on October 6, 2015.

Shutesbury Volunteers are "Special Municipal Employees"

Conflict of Interest Law and Municipal Employees

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee; if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

The conflict of interest law, G.L. c. 268A, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. Chapter 268A governs your conduct as a public official or employee. Many aspects of the law are complicated and there are often exemptions to the general rules. You are encouraged to seek legal FREE advice from the state Ethics Commission or your agency's legal counsel regarding how the law would apply to you in a particular situation.

About Special Municipal Employees

Several specific municipal positions are automatically designated as "special" under the law. It is important to note that the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees." For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

Normally, a position is eligible to be designated as a "special municipal employee" position provided that:

- you are not paid; or
- you hold a part-time position which allows you to work at another job during normal working hours; or
- you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

Additionally, "in towns of 10,000 or less; selectmen are automatically considered "special" employees.

The law also allows that other municipal positions in towns with a population of less than 10,000 (which Shutesbury is) can be designated as "special municipal employee" positions by the selectmen." The designation may be made by a formal vote of the board of selectmen at any time. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town or city clerk's office. (This list should also be filed with the Ethics Commission.)

In Shutesbury, You are a Special Municipal Employee

On Jan. 12, 1998, Shutesbury Select Board voted to make volunteers and committee members "special municipal employees" with the following motion:

"the following motion was made, seconded, and unanimously approved. For the purposes of MGL Ch. 268A, sec. 20, to the extent previous designations may no longer be valid or on the record, the Shutesbury Selectboard hereby votes to designate all elected and appointed town officials who are members of town boards, committees and commissions as special municipal employee."

What Does This Mean For Me?

here are two sections of the conflict law (Sections 17 & 20) that apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees." All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way.

Section 17 - Acting on Behalf of Others

Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. It also prohibits municipal employees from acting as agent (or attorney) for a private party in connection with any matter of direct and substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

However, if you are a "special municipal employee," you may:

- represent private parties before municipal boards other than your own, provided that you have not officially participated in the matter and the matter is not now (and was not within the past year) within your official responsibility;
- act as agent for private parties in connection with a matter of interest to your city or town, provided that you have not participated in the matters as a municipal official, and that the matter is not (and has not been, during the past year) within your official responsibility;
- receive pay or other compensation in connection with matters involving your city or town, provided that you have not officially participated in the matters and they are not (and have not been, within the past year) within your official responsibility.

Section 20 -- Restrictions on Having an Interest in Contracts with your City or Town

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. However, there are many exemptions in this section of the law.

However, if you are a "special municipal employee," you have two additional exemptions:

- As a "special municipal employee," you may have a financial interest in a contract with a department which is completely independent of the one where you work, provided that you file a disclosure of your interest in the contract with the city or town clerk (there is no "public notice" or "competitive bid" requirement for this "special municipal employee" exemption).
- As a "special municipal employee", you may even have a financial interest in a contract with your own department (or with a department which has overlapping jurisdiction with your department), provided that you file a disclosure of your interest in the contract with the city or town clerk and the board of selectmen, board of aldermen, town council or city council vote to grant you an exemption to section 20.

Section 20 -- Restrictions on Holding Multiple Municipal Positions

If you are a "special municipal employee", you may hold any number of other "special municipal employee" positions, provided that the positions are with totally independent departments and you file a disclosure of your financial interest in all the positions with the city or town clerk;



Town of Southampton
210 College Highway
Southampton, MA 01073

Special Municipal Employee Designation

Applies to:	<i>Board, Committee, Commission Members</i>
Select Board Original Adoption:	<u>December 30, 2014</u>
Amended on:	November 1, 2016
Last Reviewed by Select Board:	August 30, 2016

Policy Statement

Under Massachusetts General Laws, "special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen. Several specific municipal positions are automatically designated as "special" under the law. A position is eligible to be designated as a "special municipal employee" position provided that:

- Position is not paid; or
- Person holds a part-time position which allows you to work at another job during normal working hours; or
- Person was not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees."

Boards, Committees, Commissions, Councils

The members of the following Boards, Committees, Commissions, and Councils have are designated by the Select Board as having Special Municipal Employee Status:

- | | |
|-----------------------------------|--------------------------------------|
| Agricultural Commission | Health, Board of |
| Almoners | Health Agent |
| Assessors, Board of | Historical Commission |
| By-law Advisory Committee | Housing Authority |
| Capital Improvement Committee | Library Trustees |
| Cemetery Commission | Park Commission |
| Community Preservation Commission | Personnel Policy and Procedure Board |
| Conservation Commission | Planning Board |
| Council on Aging | School Committee, Local |
| Cultural Council | School Committee, HRSD |
| Finance Committee | Select Board |
| Greenway Committee | Water Commission |
| Greenway Negotiation Committee | Zoning Board of Appeals |

STOW

From: Linda Hathaway
To: Jim Hegarty
Subject: RE: Finance Committee members as Special Municipal Employees
Date: Thursday, March 16, 2017 5:46:14 PM

Jim,

In Stow, the selectmen made ALL the boards and committees special employees a long time ago. Actually, every position that can be special municipal employee is designated as such. When the selectmen create new committees, they give it special municipal employee status.

The reason for this is, like many small towns, we have a limited number of people who participate in town government and many people are on several committees. It is much easier to have everyone that can be designated as special municipal employee designated as such and there are fewer conflicts of interest.

Best,

Linda Hathaway

Stow

From: masstownclerks@googlegroups.com [mailto:masstownclerks@googlegroups.com] **On Behalf Of** Jim Hegarty
Sent: Thursday, March 16, 2017 5:16 PM
To: masstownclerks@googlegroups.com
Subject: Finance Committee members as Special Municipal Employees

Hello,

If your Town has designated Finance Committee members as Special Municipal Employees could you let me know and if you know the reasoning behind it, I'd appreciate knowing that too. I've asked our Selectmen to re-visit who they want as SMEs because this has not been done in ages and nobody knew if their board/committee was an SME. Yep, they also didn't read the material we gave them when they were sworn in and yep, they didn't pay attention when they took the ethics training.

Thanks!

Jim

James F. Hegarty
Southborough Town Clerk

jhegarty@southboroughma.com

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F: (508) 480-0161

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<https://groups.google.com/d/msgid/masstownclerks/FC34175776FE074792FECB34FE01E3225D6CBFF%40TOSMail.southboroughma.com>

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Sudbury

CONFLICT OF INTEREST DESIGNATIONS

Regular Employees

In accordance with Chapter 268A of the General Laws of Massachusetts, all persons, elected or appointed to and performing the duties of the following positions are hereby classified as REGULAR EMPLOYEES of the Town of Sudbury:

Elected Officials

None

Elected Board, Committee and Commission Members

Goodnow Library Trustees
Health, Board of
Park and Recreation Commissioners, Board of
Selectmen, Board of

Appointed Officials

All appointed positions listed in the Classification and Salary Plan contained in the Personnel Plan, unless specifically designated Special Employees.

Affirmative Action Officer
Americans with Disabilities Act (ADA) Coordinators
Auction Permit Agent
Cemeteries, Superintendent of
Chief Procurement Officer
Fence Viewers
Forest Warden
Industrial Accident Board, Town Agent
Insect Pest Control, Local Superintendent
Keeper of the Lockup
Pesticide Applicator and Herbicide Applicator
Street Lighting Agent
Town Counsel
Town Counsel, Assistant
Town Manager
Tree Warden
Wood-Burning Stoves, Inspector of

Employees

All positions listed in the said Classification and Salary Plan unless specifically designated Special Employees.

Special Employees

In accordance with Chapter 268A of the General Laws of Massachusetts, all persons, elected or appointed to and performing the duties of the following positions are hereby classified as SPECIAL EMPLOYEES of the Town of Sudbury:

Elected Officials

Moderator

Elected Board and Commission Members

Assessors, Board of
Lincoln-Sudbury Regional School District Committee
Planning Board
Sudbury Housing Authority
Sudbury School Committee

Appointed Officials

Aging, Council on
Agricultural Commission
Animals, Inspector of
Appeals, Board/Earth Removal Board Associates
Cable Television Committee
Capital Improvement Planning Committee
Civil Defense, Director of
Civil Defense, Assistant Director of
Civil Defense Radio Operator
Community Housing Committee
Community Preservation Committee
Conservation Commission
Constables
Consulting Engineer (for Town Center intersection project) 06.25.2014
Deputy Inspector of Buildings/Deputy Zoning Enforcement Agent
Deputy Plumbing and Gas Inspectors
Deputy Wiring Inspector
Design Review Board
Disability, Commission on
Dog Officer/Animal Control Officer, Assistant
Earth Removal Board/ Board of Appeals Associates
Economic Development Committee
Engineering (for Johnson Farm Comp. Permit review)
Fair Housing Committee
Fair Housing Program Director
Finance Committee
Food Service Director
Gas Fitting, Inspector of
Hazardous Waste Coordinator and Alternate
Historic Districts Commission
Historical Commission
Hop Brook Technical Advisory Committee

Labor Relations Counsel
Legal Counsels, Special
Lincoln-Sudbury Regional School Building Committee
MAPC Designees
MBTA Advisory Board Designee
Memorial Day Committee
MetroWest Growth Management Com.
Minuteman Regional Vocational Technical School District Representative
MMA Legislative Liaison
Municipal Right-to-Know Coordinator and Alternate
Pay Per Throw Advisory Committee
Permanent Building Committee
Permanent Landscape Committee
Personnel Board
Planning Board Associate
Planning Board General Agent
Plumbing Inspector and Deputy Inspector
Ponds and Waterways Committee
Pound Keeper
Preservation and Management of Town Documents, Committee for the
Public Weigher
Rail Trail Conversion Advisory Committee
Registrars of Voters
Rt. 20 Wastewater Tech. Adv. Com.
Sealer of Weights and Measures
Septage Committee, Wayland-Sudbury Septage Disposal Facility
September 11 Memorial Garden Oversight Committee
Sewer Assessment Study Technical Advisory Committee
Sewer Assessment Study Citizens Advisory Committee
Special Constables, Paid and Non-paid
Special Counsel, Rail Trail Title Research
Special Counsel in connection with the development of a solar power generation facility at the Landfill
and associated matters 4.3.12
Special Police Officers
Stormwater Compliance Committee
Sudbury Centre Steering Committee
Sudbury Cultural Council
Sudbury Day Committee
Sudbury Employees Group Insurance Advisory Committee
Sudbury Water District Resource Protection Committee
Surveyor of Lumber and Measurer of Wood
Town Historians
Town Physicians
Town Report Committee
Traffic Specialist (for Johnson Farm Comp. Permit review)
UN Day Chairman and Assistants
Veterans Advisory Committee
Veterans Agent
Veterans Graves Officer
Wetland Specialist (for Johnson Farm Comp. Permit review)
Wetlands Peer Reviewer (for property adjacent to 96 Moore Road for Conservation Commission)
11.5.13
Youth Commission
Wires, Inspector of and Deputy Inspector

Employees

All Election Officers and Workers
Call Firemen
Crossing Guards (now appointed by school dept.)
Library Pages
Police Matrons
Recording Secretaries
Seasonal and temporary employees in Conservation, Engineering, Technology Department, Park and
Recreation and Highway Departments
Special Education Educators
Sudbury Housing Authority Executive Director
Teen Center Coordinator
Van Drivers for School Department

Volunteers

All Tax Work-off Program Senior Workers and any other volunteers.

Except to the extent that a position is or may be required by law to be classified as that of a "Regular" employee, all officials, board, committee and commission members and employees not otherwise specifically designated as a "Regular" or "Special" employee are hereby classified as "Special" employees.

9/24/14 Revision

WESTWOOD



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

BOARD OF SELECTMEN

BOARD OF HEALTH

BOARD OF PUBLIC WELFARE

NOTICE TO ALL ELECTED AND APPOINTED OFFICIALS

CONFLICT OF INTEREST

By unanimous vote of the Board of Selectmen at their meeting on Tuesday, September 24, 1968, the following classification of Town Employees is effective.

In classifying Town employees as special municipal employees within the meaning of G.L.C. 268A, the following standards shall be employed by the Board of Selectmen:

- (1) Scope and nature of authority and responsibility
- (2) Rate of Compensation
- (3) Full or part time

In accordance with these standards, the Selectmen hereby classify all persons, whether holding office, position, employment or membership in any municipal agency whether by election, appointment, or contract of hire, as special employees within the meaning of G.L.C. 268A with the following exceptions:

1. Any employee classified as a full time employee in Section 19 of Article 12 of the Town by-laws.
2. The Selectmen
3. The Collector of Taxes
4. The Town Treasurer
5. The Town Clerk
6. The Town Accountant
7. The Assistant Executive Secretary
8. The Building Inspector
9. The Plumbing Inspector
10. The Gas Inspector
11. The Wiring Inspector
12. The Town Counsel
13. Any person employed by the School Department, to the exclusion of any elected person, in a full time capacity as determined by the School Committee.

*Bond Commitment - Special
Municipal Employees (attached)*

The above classification, effective September 24, 1968 supersedes any prior classification by the Selectmen.

Mason M. Taber, Jr.
James H. Lowell, 2nd
Thomas P. McCusker, Jr.