# CONSOLIDATED

# PERSONNEL BY-LAW

# **TOWN OF HOLLISTON**

THE CONSOLIDATED PERSONNEL BY-LAW WAS ORIGINALLY ADOPTED ON MARCH 19, 1979. THIS EDITION CONTAINS ALL AMENDMENTS AND CHANGES THROUGH THE 2019 SPRING TOWN MEETING.

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## <u>SECTION 1</u> <u>PURPOSE AND APPLICATION OF PERSONNEL BY-LAW</u>

This By-Law is made pursuant to G.L. c. 41, §§ 108A and 108C. Its purpose is to establish an equitable and efficient system of personnel administration for Town employees.

All Town departments and positions shall be subject to the provisions of this By-Law except elected officers, employees covered by a collective bargaining agreement, Inspectors paid per inspection or stipend and employees of the school department. Employees with individual employment contracts and those employed pursuant to a Town Boardøs statutory authority are subject to this By-Law except in circumstances where it conflicts with their contracts or the statutory authority pursuant to which they were hired. All questions of doubt or dispute relative to interpretation of this By-Law shall be settled by the Town Administrator with the Board of Selectmen hearing any appeals of the Town Administratorøs decisions.

If any provision or application of this By-Law is determined to be invalid under state or federal law, such decision shall not be construed to affect the validity of any other application or provision of this By-Law.

#### SECTION 2 TOWN ADMINISTRATOR

The Town Administrator, as provided for by Chapter 94 of the Acts of 1994 [An Act establishing a Selectmen-Administrator form of Government in the Town of Holliston], among other things, shall administer the town personnel system, including but not limited to this By-Law, personnel policies, practices, rules, regulations and standards, including provisions for annual employee performance reviews, and shall prepare the job compensation plan for consideration of Town Meeting. The Town Administrator shall be the Selectmenøs agent for collective bargaining and may employ special counsel to assist him in the performance of those duties. Please refer to the Act for a comprehensive description of the Town Administratorøs role and authority.

At the May 6, 2019 Town Meeting, several updates and changes were made to this Personnel By-Law pursuant to Town Meeting & authority under G.L. c. 41, §§ 108A and 108C. One such change was the elimination of the Personnel Board, with the Board of Selectmen replacing it as the entity to hear appeals of personnel decisions rendered by the Town Administrator (see also Chapter 94 of the Acts of 1994 ó [An Act establishing a Selectmen-Administrator form of Government in the Town of Holliston]).

## SECTION 3 DEFINITIONS

As used in this By-Law, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the General Laws of the Commonwealth.

**Classification:** A group of positions in the town service whose duties and responsibilities are sufficiently similar that the same descriptive title, qualifications and compensation can be applied with equity to all positions in the classification.

Classification Plan: A listing of all approved position classification titles.

**Compensation Plan:** A listing of the minimum, maximum and intermediate wage or salary rates/steps for each title in the Classification Plan.

**Continuous Employment:** Employment (full or part-time) uninterrupted except for authorized leaves of absence.

**Department:** Any department, board, committee, or commission of the Town subject to this By-Law.

**Department Head:** The official(s) assigned administrative authority over a department of the Town.

**Full-Time Employment:** Employment for not less than thirty-five (35) hours per week and for fifty-two (52) weeks per year.

Full-Time Employee: An employee retained in full-time employment.

Holiday: All legal holidays which are observed in Middlesex County pursuant to G.L. c. 4, § 7.

Holiday Pay: Pay authorized for holidays, pursuant to the terms of this By-Law.

**On-Call Employees:** Firefighters, Ambulance Drivers, EMTs and Inspectors.

**Overtime:** Time worked in excess of forty (40) hours in one calendar week.

Part-Time Employment: Employment for less than full-time employment.

Part-Time Employee: An employee retained in part-time employment.

Permanent Employee: Any employee retained on a continuing basis in a permanent position.

**Permanent Position:** Any position in the Town which requires the services of an employee without interruption for a period of twelve (12) or more calendar months, whether full-time or part-time.

**Position:** A defined set of duties and responsibilities to which one employee is hired to perform.

**Probationary Period:** Ninety (90) calendar days from the start of employment in the Town, at the end of which time all full and part-time employees shall be subject to a performance review by the responsible department head.

**Promotion:** The movement of an employee from one position into another position which is a classification with a higher maximum salary.

**Seasonal Position**: A position which requires the services of an employee for a designated portion of each year.

Seasonal Employee: An employee retained in a seasonal position.

**Temporary Position:** Any position in the Town which is not permanent or seasonal which requires or is likely to require, the services of an employee intermittently and/or for a period of less than fifty two calendar weeks.

**Temporary Employee:** An employee retained in a temporary position.

Town: The Town of Holliston, Massachusetts.

Veteran: A person who is a veteran within the meaning of G.L. c. 31.

#### <u>SECTION 4</u> PERSONNEL RECORDS

A personnel record of all Town employees, both elected and appointed, with the exception of employees of the School Department and the Police Department, shall be kept in the Town Treasurers office. Said records shall consist of those listed in G.L. c. 149, § 52C.

# <u>SECTION 5</u> MEDICAL EXAMINATION

For the mutual protection of the Town and its employees, successful candidates for employment, as the Town Administrator may require, shall be certified by a practicing physician as to their physical fitness to perform the duties of their positions. In addition, the Town Administrator may require successful candidates for employment to submit to and pass drug screening tests. The certification required hereunder shall be in such form as the Town Administrator may determine.

The cost of any physical examinations required by this section shall be borne by the Town.

# SECTION 6 BACKGROUND CHECK

For the mutual protection of the Town and its employees, successful candidates for employment, as the Town Administrator may require, shall be subject to a criminal history background check (C.O.R.I.). The Town Administrator shall review the background check to determine, in his discretion, whether it impacts the decision to employ the candidate.

#### SECTION 7 FILLING AND ADVERTISING OF VACANCIES

All filling (and advertising) of vacant positions shall be subject to approval of the Town Administrator. All vacant positions shall be advertised by the Town. In the event that such position is to be filled by promotion from within the Town service, the advertising shall be in the form of a notice posted on the Town Hall bulletin board and website. The Town Administrator may also fill any vacancy by hiring from outside the Town service. In that case, an advertisement(s) may also be placed in appropriate publications as determined by the Town Administrator. The advertisement shall state that the Town of Holliston is an equal opportunity employer, give the position to be filled, the classification, starting rate of compensation, and a short description of the duties and minimum requirements. It shall also state the place and hours where applications may be obtained, and the last day for filing such applications with the Town. This last day shall be no less than five (5) working days from the appearance of the posting at Town Hall and the Town website. All resumes and applications should be sent to the Board of Selectmen¢s Office.

The provisions of this section may be waived by the Town Administrator in the event of exigent circumstances.

#### SECTION 8 PROBATIONARY PERIOD

In order that a new employee may be properly evaluated in the position to which he or she has been hired, he or she shall be subject to a performance review by the responsible department head at the end of a ninety (90) day period beginning with his or her first day of employment. The performance review shall be submitted in writing to the Town Administrator, and shall be in such form as the Town Administrator may determine. Continued at-will employment with the Town shall be contingent upon a satisfactory performance review Failure to complete a performance evaluation shall not prejudice the Town in any way.

## SECTION 9 VACATION POLICY

Vacation leave for a given fiscal year may be taken at any time during the fiscal year, subject to the approval of the department head or other appropriate authority.

Two weeks of vacation leave may be carried over from one fiscal year to another, with the approval of the Town Administrator. Vacation leave with pay shall not be granted to temporary, on-call or seasonal employees.

#### SECTION 10 VACATION LEAVE FOR FULL-TIME PERMANENT EMPLOYEES

Vacation leave shall be granted to full-time permanent employees as follows:

a. Vacation leave of one (1) week with full pay shall be granted to any employee who has been employed by the town for at least six (6) full calendar months as of the first day of July following the employeeøs date of hire. Employees with less than six (6) full calendar months of employment as of July 1 following their date of hire will be credited with a prorated amount of the one week of vacation time on that July 1.

b. Vacation leave of two (2) weeks with full pay shall be granted to any employee who has been employed by the town for twelve (12) full calendar months as of July 1 of a given year.

c. Vacation leave of three (3) weeks with full pay shall be granted to any employee who has been employed by the town for five (5) full years as of July 1 of a given year.

d. Vacation leave of four (4) weeks with full pay shall be granted to any employee who has been employed by the town for ten (10) full years as of July 1 of a given year.

e. Vacation leave of five (5) weeks with full pay shall be granted to any employee who has been employed by the town for twenty (20) full years as of July 1 of a given year.

f. Full pay, as used in this section, refers to the employee's regular straight-time salary or wages based on the rate paid at the time vacation pay is drawn.

g. Vacation leave provided on July 1 of a given year is earned on a prorated monthly basis during the previous Fiscal Year. Employees who separate from Town employment will receive payment for any unused but earned vacation leave.

## SECTION 11 VACATION LEAVE FOR PART-TIME EMPLOYEES

Part-time permanent employees shall be entitled to prorated vacation leave based on the ratio of their part-time employment to full-time employment within their department. Vacation credited as of July 1 will be based upon the number of hours worked the previous fiscal year.

# SECTION 12 LEAVES OF ABSENCE

Leaves of absence may be granted to permanent employees during a calendar year subject to the following provisions:

a. Two (2) days leave of absence with full pay shall be granted to permanent employees for personal business during any calendar year with written approval of the department head, and shall be requested at least twenty-four (24) hours prior to the date selected.

b. Except as otherwise provided in this By-Law, all other leaves of absence shall be without compensation and shall be subject to the written approval of the department head and Town Administrator,

c. Permanent employees are allowed to take up to six (6) days leave with pay during any calendar year to attend to illness in the employee's immediate family. Such leave shall be deducted from the employee's sick leave.

d. Statutory and certain other types of leaves of absence can be found in the Townøs Personnel Policies (See Town Website for Policies).

# SECTION 13 COURT LEAVE

A court leave of absence shall be granted to any Town employee who is called to serve on a jury, or is summonsed to appear in court as a witness, or who requests court leave to appear in court as a defendant or a litigant. Such leave shall be granted only for the period of such jury service, or for the period during which said or employee is required to be in court, and it shall in no way affect the employment rights of the employee. A copy of the Jury Notice shall be given to the Department Head and will be included in the Department & payroll time sheets.

The Town will compensate employees called to serve on a jury, or summonsed to appear in court as a witness at full pay for a period not to exceed three (3) days. After this period, the Commonwealth will compensate the employee pursuant to the General Laws. Should the jury or witness pay be less than the normal daily compensation of the employee, the Town will pay the difference.

Full pay, as used in this section, shall mean the amount of salary or wages which the Town would pay each employee for the hours of work which he or she would normally perform for the Town during the time period of the jury or witness service.

When time off is granted to an employee to appear in court as a defendant or a litigant, it shall be granted without pay. The subject employee may, with the approval of the department head, substitute any unused vacation or personal leave days for the unpaid court leave. This section does not provide any type of job protection for employees who are defendants in civil or criminal actions and whose alleged conduct may be the basis for separation from employment.

## SECTION 14 MILITARY LEAVE

The Town follows all applicable federal and state laws related to Military leaves of absence.

#### <u>SECTION 15</u> INCAPACITY RESULTING FROM INJURY OR ILLNESS ARISING OUT OF <u>EMPLOYMENT</u>

Each employee covered under the Workers' Compensation Law shall be entitled to the benefits and be subject to the provisions of G.L. c. 152.

# SECTION 16 NON-OCCUPATIONAL SICK LEAVE

Upon completion of ninety daysøemployment (probationary period), a permanent employee shall accrue one and one-quarter (1 1/4) days of sick leave with pay for each month of employment completed in any given calendar year.

A physician's certificate of illness may be required by an employee¢s department head after three (3) consecutive days of absence or after a series of repeated absences during the calendar year. This certificate shall be forwarded to the Town Administrator.

The Town Administrator may require a medical examination of any employee who reports his or her inability to report for duty because of illness. This examination shall be at the expense of the Town and be performed by a physician selected by the Town Administrator.

The amount of sick leave allowed, and the sick leave credit accrued in the case of a part-time permanent employee shall be prorated and based on the ratio of his or her part-time employment to full-time employment within the employee department.

Sick leave with pay shall accrue only to permanent employees.

An employee who is incapacitated by reason of an injury sustained in the course of and arising out of his or her employment by the Town may elect to receive from his or her accumulated sick leave the difference between his or her normal work week compensation and the weekly amount received pursuant to the Workers' Compensation Act, beginning with the first day of incapacity.

An employee subject to this By-Law who separates from Town employment because of retirement, disability, or death shall be entitled to payment at his or her current rate of pay for twenty-five percent (25%) of up to 90 days of his or her unused accumulated sick leave. In the case of death, payment shall be made to the surviving spouse, a duly designated beneficiary, or to the executor of the employee¢ estate.

## SECTION 17 BEREAVEMENT LEAVE

Bereavement leave with full pay, not to exceed five (5) days, in the discretion of the employeeøs department head, may be granted to any permanent employee for a death in the employeeøs immediate family.

For purposes of this section, the immediate family shall consist of the employee¢s father, mother domestic partner, significant other residing in the same household, father-in-law, mother-in-law, sister, brother, spouse, child, grandparents and grandchildren.

#### SECTION 18 PERSONNEL APPEALS

Subject to the limitations imposed by the laws of the Commonwealth, Chapter 94 of the Acts of 1994 [An Act Establishing A Selectmen-Administrator Form Of Government In The Town Of Holliston], and this By-Law, the Board of Selectmen may hear and may, in a manner not infringing upon Town Meeting authority, resolve appeals of employees who are aggrieved by personnel decisions rendered by the Town Administrator. Employees wishing to appeal a personnel decision made by the Town Administrator must file the appeal in writing to the Town Administrator for file the appeal within the allotted time shall constitute a waiver of the appeal.

#### <u>SECTION 19</u> SEVERABILITY CLAUSE

The provisions of this By-Law are hereby declared to be severable, and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not be construed to affect the validity, legality or constitutionality of any of the remaining provisions or the application of the By-Law to persons or circumstances other than those as to which it is held to be invalid, illegal, or unconstitutional.

#### SECTION 20 CLASSIFICATION PLAN

The Town Administrator shall be responsible for formulating and maintaining a Job Classification and Wage Plan for all Town employees. This plan shall include, but not be limited to job titles, job classifications, and salary administration. The Classification Plan is located at Section 29 of this By-Law.

#### SECTION 21 JOB DESCRIPTIONS

The Town Administrator shall establish and maintain, and from time to time as he deems necessary, review and amend written job descriptions for each position in the Town. The job descriptions shall describe the duties, responsibilities and qualifications of the given position.

The duties, responsibilities and qualifications for each position shall be prescribed by the Town Administrator, and shall be based on (a) the recommendations of the department heads, (b) examination of the work content of the position, and (c) studies of comparable positions in similar municipalities.

#### SECTION 22 REVIEW OF POSITIONS

The Town Administrator shall, from time to time, in intervals of no more than five (5) years, review and investigate the work content, classification, and standard rates of compensation of all positions in the Town which are subject to this By-Law.

# SALARY OR WAGE RATE ADVANCE BY STEP RATE INCREASE

Advancement from one step rate to a higher step rate shall be considered a merit increase, granted for good and faithful service as determined by an employeeø department head and the Town Administrator.

Advancement by step rates shall be as follows:

a. normal entry into a position in the town service shall be at the step 1 rate;

b. at the completion of ninety (90) days service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step 2 rate;

c. at the completion of twelve (12) months service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step 3 rate;

d. at the completion of twenty-four (24) months service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step 4 rate;

e. at the completion of thirty-six (36) months service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step 5 rate;

f. at the completion of forty-eight (48) months service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step six rate.

g. at the completion of sixty (60) months service, and with a satisfactory performance review from the appropriate department head, the employee shall be advanced to the step seven rate (maximum).

A department head who finds an employee's performance unsatisfactory may, as a condition of the performance review, and with the approval of the Town Administrator, delay the employee's step rate increase for a period of three (3) months. At the end of this period the employee must again be reviewed, and his or her performance evaluated. A satisfactory review at this time will

make the employee eligible for a step rate increase; however, the required number of months of service for all subsequent step increases shall be increased by three (3) months.

#### <u>SECTION 24</u> ENTRY TO A NEW POSITION, SALARY, OR WAGE RATE

No one may enter into a position in the Town service at a rate of compensation other than the minimum rate for the class to which the position has been allocated, except upon written recommendation of the department head, setting forth special circumstances. Upon the request of the department head, the Town Administrator may approve an entrance rate higher than the minimum for the position.

When an employee is promoted to a higher-rated position, he or she shall enter it at the minimum rate for the position or his or her present rate, whichever is higher. However, at the written request of the appropriate department head, outlining the qualifications and performance which warrant such action, the Town Administrator may authorize an additional one (1) step rate increase at the time of the promotion. Upon promotion, employees are subject to the ninety (90) day probationary period, including a performance review and commensurate step increase. The next step increase would be considered twelve (12) months from the date of promotion.

# <u>SECTION 25</u> LONGEVITY PAY

Permanent employees who have served continuously with the Town for five (5) full years or more as of the first day of the fiscal year, shall be granted a lump sum longevity payment. This payment shall be made once each year to affected employees on the first pay period in December following their anniversary date. Service time which shall be counted for this payment shall be only that time for which the employee was paid for work actually performed.

Longevity payments shall be made to all affected employees without regard to amount of hours worked in any given time period provided the work was performed in a permanent position.

On-call firefighters, ambulance drivers and EMTs are eligible for longevity.

The following schedule shall apply to permanent employees who have completed the required service time as of July 1 of a given year:

5 years to 9 years	\$50 per annum
10 years to 14 years	\$100 per annum
15 years to 19 years	\$150 per annum
20 years to 24 years	\$200 per annum
25 years and over	\$250 per annum

#### SECTION 26 PERSONNEL POLICIES AND PROCEDURES

Personnel Policies and Procedures of the Town shall be kept by the Town Administrator. The Policies and Procedures shall also be accessible via the Townøs website at (<u>www.townofholliston.us</u>). The Policies and Procedures shall be maintained and updated as necessary by the Town Administrator.

#### SECTION 27 INDIVIDUAL EMPLOYMENT CONTRACTS

The Town, through its Board of Selectmen and pursuant to its corporate authority under G.L. c. 40, § 4, may enter into individual employment contracts with employees. Such contracts may be negotiated by the Town Administrator and are subject to approval by the Board of Selectmen. When terms and conditions of employment contained in an individual employment contract conflict with any terms and conditions of employment contained in this By-Law, the employment contract shall prevail.

#### SECTION 28 STATUTORY HIRING AUTHORITY

Some elected/appointed Town Boards have statutory hiring/employment authority. Terms and conditions of employees subject to such authority shall be subject to this By-Law; however, when terms and conditions of this By-Law conflict with said statutory authority, the statutory authority shall prevail.

JOB CLASSIFICATION PLAN-FY2020				
POSITION	Grade	POSITION	Grade	
Administrative Assessor	400	Custodian	100	
Assistant Clerk	200	Dispatcher	200	
Assistant, Senior Center Director	400	Head Dispatcher		
Assistant Director, Library 500 Head of Circula		Head of Circulation, Library	400	
Assistant, Recreation Director	400	Library Page		
Assistant, Town Clerk	400	Matron, Police		
Assistant, Treasurer/Collector	400	Outreach Coordinator		
Cataloger, Library	300	Principal Clerk 3		
Children's Librarian	400	Program Coordinator 2		
Crossing Guard	100	Reference Librarian 40		
Court Diversion/Community Therapist	500	Technician, Library 100		
		Van Driver	100	

## SECTION 29 JOB AND WAGE CLASSIFICATION PLAN

			JC	OB COMPEN	ISATION PL	AN				
				FISCAL YEA	R 2020-2.5%	6				
GRADE	STEP 1	ST	EP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7		
50	11.43	12	2.15	12.66	12.98	13.29	13.84	14.12		
100	16.96	18.05		18.05		18.81	18.81 19.27		19.66 20.48	
200	20.13	21.41		22.30	22.85	23.31	24.29	24.81		
300	20.76	22.09		23.01	23.56	24.05	25.05	25.58		
400	23.90	25.43		26.48	27.13	27.69	28.84	29.46		
500	25.93	27	7.59	28.73	29.44	30.03	31.28	31.97		
			1-		NT RATES-FY2					
			(	Temporary, Sea	isonal and Per	Diem)				
	Beginning Rate				Each Year Re	turning	Max Rate			
Clerks to the Boards/Committees			\$18.00				.25 per hour			
Per Dlem Dispatchers			\$20.00			-	.25 per hour			
Camp Director			\$20.00					\$24.00		
Camp Supervisor			\$14.00					\$18.00		
Lifeguard Supervisor			\$14.00				\$18.00			
Camp Counse	elors	Minimum Wage				.25 p	\$15.00			
ife Guards			Minimum Wage plus \$1			.25 p	\$15.00			
Gate Guards			Minimum Wage			.25 p	\$15.00			
Clinic Assistar			Minimum Wage			.25 p	\$15.00 \$15.00			
rogram Assistants Minimum Wage					.25 per hour					
Landscaper			Minimum Wage			.25 p	.25 per hour			
Bathroom Cleaners			\$25 per cleaning					495.99		
Clinic Counselors			\$25					\$25.00		
Multi Sport C			60% of the clinic revenues			<u>م</u> ر م		\$22.00		
Temporary Clerical Employees Temporary DPW Employees			\$18.00 \$15				.25 per hour .25 per hour			

# On-Call Employees

	FIREFIGHTERS/AMB/EMT RATES-I	FY2020	
	FIRE		
Deputy Chief		Monthly	\$778.75
Captain		Monthly	\$515.75
Lieutenant		Monthly	\$472.25
Firefighter		Monthly	\$466.00
Fire-Weekend	Deputy, Cptn, Lt	Weekend	\$402.75
Fire-Weekend	Firefighters	Weekend	\$100.00
Fire Hourly	Firefigher	Hourly	\$33.55
	Lieutenant	Hourly	\$34.15
	Captain	Hourly	\$35.75
	Deputy	Hourly	\$38.95
Training		Training	\$75.00
	Ambulance/EMT		
AMB/EMT	First Responder/EMT-Basic	Hourly	\$22.00
AMB/EMT EMT-Advanced		Hourly	\$23.55
AMB/EMT	EMT-Paramedic	Hourly	\$24.15
EMT/SHIFT STIPEND	First Responder	Shift	\$78.75
	EMT-Basic	Shift	\$84.05
	EMT-Advanced	Shift	\$86.65
	EMT-Paramedic	Shift	\$94.85
Deputy Fire Chief	Deputy/EMS Supervisor	Monthly	\$890.65

# Managerial Salaries

## FY20 MANAGERIAL CHART

GRADE	MIN	1/3 POINT	MIDPOINT	2/3 POINT	MAX	Functions
M1	45,721	53,773	61,825	69,876	77,928	Administrative Support
M2	57 <i>,</i> 667	67,792	77,917	88,041	98,166	Regulatory/Programming
M3	72,549	80,914	89,280	97,645	106,010	Financial/Facilities
M4	91,386	102,144	107,523	112,902	123,660	Level of Responsibility
M5	117,316	131,100	143,687	147,279	161,270	Overseer of Public Safety
M6	125,824	140,623	148,022	155,421	170,220	Overseer of General Government