

Board of Selectmen's Policy Relating to Granting of Special Municipal Employee Status to Appointed Committee Members, Pursuant to M.G.L. Chapter 268A

In general, the provisions of Massachusetts General Laws Chapter 268A, Section 17 prohibits 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 is 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.

Therefore, it is the policy of the Board of Selectmen to consider special municipal employee status for any municipal employee except under extraordinary circumstances and using the following process:

1. the committee members seeking the status, petitions the Board of Selectmen in writing, stating the reason for the request;
2. the applicant discusses the matter with others on the committee as all members will need to be like designated;
3. the applicant appears before the Board in a public meeting to discuss the request at which the Board makes a determination to grant or deny the request.

Any request so granted or denied shall be confirmed by a written communication to the applicant.

Adopted by the Board of Selectmen at a public meeting on October 20, 2014