

**HOUSE . . . . . No. 4989**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***David K. Muradian, Jr. and Michael O. Moore***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the town manager of the town of Upton.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*David K. Muradian, Jr.*

*9th Worcester*

*Michael O. Moore*

*Second Worcester*

**HOUSE . . . . . No. 4989**

By Representative Muradian of Grafton and Senator Moore, a joint petition (accompanied by bill, House, No. 4989) of David K. Muradian, Jr., and Michael O. Moore (by vote of the town) relative to the town manager of the town of Upton. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the town manager of the town of Upton.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The last sentence of section 3 of chapter 391 of the acts of 2008 is hereby  
2 amended by striking out the figure “3” and inserting in place thereof the following figure:- 5.

3 SECTION 2. Section 4 of said chapter 391 is hereby further amended by striking out  
4 clause (a) and inserting in place thereof the following clause:-

5 (a) be the hiring authority for all employees under the jurisdiction of the board, and may  
6 discipline or remove such employees in accordance with this section. The manager shall act in  
7 conformance with the personnel by-laws of the town. The manager shall oversee the efficient  
8 operation and administration of all officers, divisions and departments appointed by the manager.

9 (i) No appointment by the manager of a town officer or employee shall take effect  
10 within 15 days of notice being provided to the board. The board may approve or disapprove the  
11 manager's proposed appointment within said 15 days or the board may waive the 15 day right of

12 refusal by a vote at an open meeting. The board may vote, in open session, to disapprove an  
13 appointment and shall state the reason or reasons, which shall be provided in the meeting  
14 minutes.

15 (ii) Upon appeal by a town officer or employee not subject to a collective bargaining  
16 agreement or other contract, brought within 2 business days of action taken by the manager to  
17 discipline or remove such officer or employee, the board may, but need not, meet within 15 days  
18 to consider such appeal. The board may approve or disapprove the manager's action within said  
19 15 days and shall state the reason or reasons for its action, which reasons shall be set forth in  
20 summary form in the meeting minutes. Notwithstanding any other provision of this section,  
21 however, failure of the board to act within 15 days after the filing of the appeal shall constitute  
22 approval by the board of the manager's action.

23 SECTION 3. This act shall take effect upon its passage.