

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 56, Article II, entitled "Positions Not Covered by Collective Bargaining".

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinance City of Lowell, Massachusetts," hereinafter called the "Code," adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 56, Article II, entitled "Positions Not Covered by Collective Bargaining", as follows:

**§56-4 Positions enumerated.**

**D.** Employees, other than Department heads, who are not covered by the Civil Services Laws (MGL c. 31, as amended), and who have received an original appointment, as a full-time employee of the City of Lowell, shall actually perform the duties of such position on a full-time basis for a probationary period of ninety (days), before they shall be considered permanent employees of the City of Lowell. During the probationary period, he/she will (may) be subject to a performance evaluation during his/her first two (2) months of service and a second evaluation will be conducted at least (1) month prior to his/her ninety (90) day anniversary date of service. The appointing authority may extend the probationary period for a period of two (2) months if the second evaluation of the probationary employee is unsatisfactory. Such evaluation may be utilized by the appointing authority, but in no instance shall the appointing authority be required to consider the results of said evaluation in a determination in granting such employee permanent status. The satisfactory completion of the required probationary period shall not be construed as an employee contract, but shall entitle said employee to be terminated thereafter only for just cause, which shall include abolition of position or termination for lack of funds. If the conduct or capacity of a person serving a probationary period or the character or quality of the work performed by him/her is not satisfactory to the appointing authority, the appointing authority may at any time prior to the end of such probationary period give such person a written notice to that effect stating in detail the particulars wherein his/her conduct or capacity or the character or quality of work is not satisfactory whereupon his/her service shall terminate.

## **§56-8 Compensation**

### **(A)(2)(a)**

[5] The City Manager shall hereby have the flexibility to advance an employee to any grade and/or step or tier above the current employee's grade and/or step, upon written justification from the employee's direct supervisor and determination, based on an examination of the current job market, that such movement is justified in her/her opinion. Any such movement must be deemed affordable within the current year's budget by the Chief Financial Officer or his/her designee. Such flexibility shall not be construed to allow for the movement downward on the salary grid or tier.

All provisions of the Code of the City of Lowell, as amended, which are not inconsistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

APPROVED AS TO FORM:

Corey Williams  
City Solicitor




Conor Baldwin  
Chief Financial Officer

Austin Ball  
Deputy CFO

## MEMORANDUM

**TO:** Thomas A. Golden, Jr., City Manager

**FROM:** Conor Baldwin, Chief Financial Officer 

**CC:** Mary Callery, HR Director

**DATE:** June 6, 2023

**SUBJECT:** Amend Ordinance - Chapter 56

The following is a request to allow the City Manager the opportunity for greater flexibility for ordinance employees. Encompassed in this purposed new ordinance is language to afford the city manager the flexibility to adjust ordinance employees' salaries / titles. Also, additional language is being purposed to re-instate the 90-day probationary period for ordinance employees. Currently, all union positions have a 90-day probationary period but our ordinance employees do not. If an ordinance employee were to leave for any reason before their probationary period ends the city would have to pay them their full paid time off benefits. The cost of doing this, is not a sustainable business practice and therefore the recommendation from HR and the Finance team is to add back in a probationary period.

Please let me know if they're any additional questions.



Thomas A. Golden, Jr.  
*City Manager*

June 6, 2023

Mayor Sokhary Chau  
And  
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

I am hereby requesting the council vote to amend Chapter 56 of the Code of Ordinances. Please find enclosed a proposed amendment to Chapter 56, entitled Personnel, of The Code of Ordinances, City of Lowell, Massachusetts. This proposed amendment allows the City Manager the authority to make adjustments to employees on the ordinance salary grid. The reason for this request is to help retain employees who may have left for other opportunities. Also, this amendment includes re-instating the 90-day probationary period for all new ordinance employees. Currently, all union positions within the city have a 90-day probationary period and we would like to make this the same for our ordinance employees. If approved by the council, this will give my administration the opportunity for enhanced flexibility with our ordinance employees.

The Law Department has prepared a Vote to authorize passage of this proposed ordinance Amendment.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: Conor Baldwin, Chief Financial Officer  
Mary Caller, HR Director