

**FINDINGS OF AN OBJECTIVE STUDY OF A  
PROPOSED ORDINANCE TO ABOLISH THE  
HUMAN RESOURCES DEPARTMENT FOR THE  
TOWN OF WELLS**

January 10, 2022

Submitted By:

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January 10, 2022

Sean P. J. Roche, Chair  
Board of Selectmen for the Town of Wells  
208 Sanford Road  
Wells, ME 04090

Re: Findings After an Objective Study Regarding the Proposed Ordinance to Abolish the Human Resources Department & the Outsourcing of Human Resources Functions

Dear Chairman Roche and Members of the Board of Selectmen:

Thank you for engaging me to conduct an *objective* study of relevant facts and circumstances related to the Board's consideration of a proposed "Ordinance to Abolish the Human Resources Department Pursuant to Section 2.06(5) of the Town Charter and to Amend Provisions of Chapter 49 (Personnel Policies) of the Town Accordingly" ("Proposed Ordinance"), which was authorized by a unanimous vote of the Board of Selectmen ("Board") on November 16, 2021. Please accept this submission as my written findings following completion of this assignment.<sup>1</sup>

## **EXECUTIVE SUMMARY**

This submission describes findings made after an *objective* study of facts and circumstances that may assist the Board in its deliberations over whether to adopt the Proposed Ordinance and eliminate the Human Resources Department. To place the issues under scrutiny in context, this submission relates the evolution of the Town's treatment of its human resource responsibilities. In addition, the submission provides a full reporting and assessment of the relevant grounds cited by opponents to and proponents of adoption of the Proposed Ordinance that were expressed during public hearings, via a petitioning process, and, in many instances, during personal interviews, so that the Board may consider and resolve divergent views on the potential benefits and disadvantages of adoption or rejection of the Proposed Ordinance. It is important to emphasize that the findings reflect a study of the issues, not the outcome of a personnel

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<sup>1</sup> Kindly note that I have included footnotes from time-to-time that, albeit sometimes repetitive, are intended to provide useful context to the content of the footnoted paragraphs.

investigation, and that no negative performance connotations should be inferred from this submission's content.

It appears that the Town Manager handled all the human resource functions until 1975, when a Board of Personnel & Review, which ultimately morphed into the Personnel Advisory Board, was inaugurated and became primarily responsible for human resource functions, with oversight from the Board and the participation of the Town Manager. In 2006, the Town created the position of Human Resource Director, transferring HR responsibilities previously performed by the PAB to a qualified HR professional. The question of whether there is any unintended or unnecessary redundancy between the duties of the PAB and corresponding responsibilities of the HR Director is beyond the scope of this study. The first HR Director was hired in 2007. In the intervening 14 years, there have been seven HR Directors (including the currently serving HR Director), and human resource functions have been temporarily outsourced (to the same HR professional) three times (to the same HR consultant), which reflects a lack of continuity that the Board may deem to be pertinent to its outsourcing deliberations.

This submission discusses the *relevant* positions of seven opponents who addressed the Board at its public hearings and their stance on the adoption of the Proposed Ordinance. Transcripts of the *relevant* portions of their presentations are enclosed as exhibits to these findings, in addition to the transcripts of two presentations made to the Board during public hearings by an eighth opponent. Three opponents were interviewed and two opponents declined an opportunity for an interview. The positions of the opponents generally revolved around financials, responsiveness, staffing levels, and similar considerations that are discussed above, as well as personal preferences for an in-house HR presence. Counsel for the incumbent HR Director also addressed the Board at a public hearing, but his comments were unrelated to the subject matter of this study, and a transcript of his comments is, therefore, omitted from this submission.

In addition to studying the relevant positions presented by the seven opponents to the Proposed Ordinance, I interviewed twenty proponents of adoption separately. Each of them emphatically and unhesitatingly recommended outsourcing of core HR functions, citing what they deemed to be compelling non-financial grounds favoring adoption of the Proposed Ordinance. Eighteen of the twenty interviewees, along with a twenty-first individual (who was not available for an interview), signed a letter (which may be fairly characterized as a petition due to a multitude of signatures and the content of the document) that was delivered to the Board of Selectmen on November 9, 2021, and advocated for outsourcing HR functions, which is related *verbatim* below. Combining the content of the petition delivered to the Board with the results of the twenty interviews, I established that, in summary, the petitioners, who are comprised of department heads, supervisory personnel, and front-line employees with varying degrees of seniority, firmly believe that an independent and suitably qualified outsourced HR consultant should perform core HR functions to avoid appearances of a lack of confidentiality and impartiality.

Based on the findings described below, it does not appear that any of the grounds raised by the opponents to adoption of the Proposed Ordinance would preclude adoption of the Proposed Ordinance. Indeed, except for the opponents' preference for an in-house HR Director and the proponents' preference for an outsourced HR consultant, it appears that there is consensus by all concerned that the Town's HR program must be accessible, responsive, professional, impartial, efficient, and effective, and that it must function without any appearance of favoritism. Moreover, it appears that the Board's conclusion that there would be significant cost savings to outsourcing HR functions to a qualified HR professional without municipal experience, provided that a strong HR Generalist is hired to assist the outsourced HR professional.

In conclusion, the findings contained herein indicate that outsourcing of key human resources functions would be a reasonable option. However, while adoption of the Proposed Ordinance, taken literally, would "abolish the Town's Human Resources Department," it is probable that the Board did not intend to eliminate *all* the Town's human resources activities, considering the current distribution of HR functions. If that presumption is correct, the Board may have reasonably intended not to abolish the "Human Resources Department," but instead to distribute human resource functions in a practical and effective manner through a hybrid of outsourcing and in-house approaches, as described in the body of this submission.

If an outsourcing model is adopted, the hybrid approach would involve: (1) abolishment of the Human Resource Director position and outsourcing of core human resources responsibilities, (2) employment of a strong Human Resources Generalist (preferably without any division in responsibilities that would be unrelated to human resources activities), (3) continued reliance on the Volunteer Coordinator and Parks & Recreation personnel to manage the workforce, and (4) continued participation of other Town employees in the human resources management practices that were previously established.

Alternatively, if the Board decides not to abolish the Human Resources Director position, it may reasonably decide to nonetheless adopt a hybrid model. If so, the most feasible approach going forward would be to follow steps (2) through (4), as outlined above, which would include employment of a strongly skilled Human Resources Generalist.

As reflected in the perspectives of Town Manager Larissa Crockett and Police Chief Jo-Ann Putnam, who oversees the largest block of Town employees, the most important next step in this endeavor is to ensure that reasonable expectations for the Town's fulfillment of its HR obligations are carefully defined and that those expectations are met in a collaborative, fair-minded workplace environment.

## **INTRODUCTION**

It may be helpful to understand my perspective when the Board of Selectmen considers the findings that I made after studying the human resources implications of the

ordinance that is under scrutiny. I am a lawyer admitted to practice law before the United States Supreme Court, the United States Court of Appeals for the First Circuit, the United States District Court for the District of Maine, the United States District Court for the District of Massachusetts, the Maine Supreme Judicial Court and subordinate Massachusetts courts, and the Massachusetts Supreme Judicial Court and subordinate Massachusetts courts.

I began my law practice, which now spans a period of more than twenty-two years, after retiring as a Supervisory Special Agent for the United States Drug Enforcement Administration following twenty-seven years of sophisticated federal law enforcement service in various multi-jurisdictional and multi-disciplinary environments. My work required development and implementation of tactical and strategic plans for the management of human resources and investigative tradecraft in programs that were designed to achieve law enforcement objectives in dangerous and otherwise challenging settings while maintaining a cohesive atmosphere that encouraged recruitment and retention of personnel. Over the course of my federal tenure, I was responsible for supporting complicated prosecutions of drug-related organized crime activities by local, regional, national, and international groups that often had reputations for violence and threats of violence.

For more than twenty years, I held federal law enforcement leadership positions first as a Senior Special Agent and then as a Supervisory Special Agent, in an agency that mandated formal self-inspections, as well as formal on-site inspections by headquarters staff from the Office of Inspections, which assessed field office compliance with internal controls, allocation and management of human resources, strategic and tactical planning activities, and fulfillment of enforcement expectations. Due to my leadership roles, I had substantial responsibility for participation in the inspection process. As a Supervisory Special Agent, Inspector duties were delegated to me from time to time as part of the assessment process conducted by the New England Field Division. Moreover, my duties included performance evaluation, employee recognition, recruitment, employee development, and rule-compliance duties.

After working in one of Maine's largest law practices, where I served in the litigation department and was a co-chair of the Technology, Security & Investigations Practice Group, I became a founding partner of what is now known as McCloskey, Mina, Cunniff & Frawley, LLC, a boutique law firm with a trial practice that is based in Portland. I was eventually awarded "Of Counsel" status at the law firm, meaning, in essence, that I am a senior lawyer with a self-determined and independent case load. From the outset, my legal work encompassed litigation of criminal, civil, and administrative matters, and includes representation of employees and employers, including municipal employers, in workplace-related cases, many of which require analyses of human resources management requirements. I have also been retained by employers, including governmental employers, to investigate allegations of non-compliance with personnel rules and regulations.

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In addition, I was an adjunct professor of law for four years at the University of Maine's School of Law, where I taught trial practice and sentencing law. I have been an adjunct instructor in various law enforcement professionalization programs for many years. I was a member of a policy review committee at an entity that develops standard operating procedures for human resource management in law enforcement agencies, and I have contributed to the development of standard operating procedures for law enforcement workplaces on a *pro bono* basis, all of which required a study of and recommendations for adoption of best practices in human resource management in the law enforcement field.

Finally, I served as a Bar representative on the United States District Court's Strategic Planning Committee, which assisted the Court in adapting its practices in response to emerging concerns and otherwise facilitating the administration of justice in the federal forum. I am an *alumnus* of a three-year term in the Edward Thaxter Gignoux Inn of Court, an organization of judges, law professors, lawyers and law students who meet regularly to discuss legal trends and best practices in Maine's state and federal courts. More recently, I have been engaged in relevant international rule of law missions since 2011, which has included assignments in Serbia, Kosovo, Bosnia & Herzegovina, Albania, Ukraine, Thailand (with officials from Pakistan), and Ethiopia. My work included serving as an advisor to judicial and prosecutorial institutions, as well as corresponding oversight bodies. In addition to providing advice concerning substantive judicial and prosecutorial functions, a significant part of my international rule of law work concentrates on the development and maintenance of human resource infrastructure, which have included studies, instructional programs and regulatory proposals regarding the best practices for strategic planning (including needs assessments, action planning, monitoring and evaluation of implementation steps), employee performance evaluation procedures, disciplinary procedures, codes of professional ethics, and other professionalization efforts. Often, the outcome of my work in those regards results in adoption of standard operating procedures, regulations, or statutes that apply to an entire judicial or prosecutorial organization.

With that information as a backdrop, the methodology of the findings that I describe in this submission are grounded in determinations of the Town's human resource management framework, the Town's expectations of its human resource management functions as expressed in official documentation, the expectations of a representative sampling of the Town's workforce and other interested parties, and a practical enumeration of human resources management tasks, together with the identification of concepts or issues for the Board of Selectmen to consider during its deliberations.

### **EVOLUTION OF THE TOWN'S APPROACHES TO HUMAN RESOURCE MANAGEMENT**

An understanding of the evolution of the Town's approaches to human resources management may provide a helpful backdrop to the Board's deliberations. It appears that human resource management responsibilities were handled solely by the Town Manager until 1975. According to records maintained by the Town Clerk's Office, on September

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22, 1973, the Town voted to establish a Commission (or Committee) to study the Town's personnel-related obligations. Following the study, a Board of Personnel & Review ("BPR") was established by vote on November 5, 1974, and inaugural BPR members were elected on March 8, 1975. The first meeting of the Board of Personnel & Review was held on March 20, 1975. A cursory review of the Personnel & Review Board's meeting minutes indicates that the BPR played a very substantial role in the management of the Town's human resources functions. The minutes reflect that the BPR considered a wide variety of personnel issues, including: cost of living salary increases; development of job descriptions for Town employees; employee hiring, performance evaluation, and promotion issues; compliance with statutory requirements for affirmative action in personnel matters; oversight of staffing needs, including seasonal employment requirements; training needs; and, in at least one instance early in the BPR's existence, oversight of disciplinary issues.

Over time, the BPR morphed into what is now called the Personnel Advisory Board after several name changes. In an ordinance approved by the Board on November 7, 2000, references to "Personnel Board" and "Board of Personnel and Review" were amended and changed to "Personnel Advisory Board."<sup>2</sup> Currently, the Personnel Advisory Board ("PAB") is charged with the following duties:

The Personnel Advisory Board acts in an advisory capacity to the Human Resources Director and/or Town Manager in the establishment and administration of personnel policies under this chapter. The Human Resources Director and/or the Town Manager shall meet with the Board regularly and shall inform the Board of matters arising under these policies. The Board may prepare an annual wage scale as established in § 49-24 of this chapter and review fringe benefits and other personnel issues as requested by the Human Resources Director, Town Manager, or the Board of Selectmen.

Town Charter ("Charter") at § 49-10 (Amend. 11-7-2000, 4-27-2007].

Pursuant to the Charter, in addition to getting advice from the PAB regarding the establishment and administration of personnel policies, the Town Manager and the Human Resources Director must meet with the PAB regularly and keep the PAB informed of matters arising under personnel policies. *Id.* Whereas the Town Manager and Human Resources Director have a responsibility to consult with the PAB on certain matters, it is important to note that there is apparently no obligatory consultation process between the PAB and the Board of Selectmen.

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<sup>2</sup> The "Personnel Advisory Board" is sometimes described as the "Personnel Advisory Committee."

Twenty-four years after creation of the BPR, the idea of hiring a human resources professional to handle the Town's personnel responsibilities surfaced. According to the minutes of a meeting held on October 1, 1998, the BPR (by then known as the "Personnel Advisory Committee") considered a proposed job description for a Human Resource "Coordinator" and then decided to refer a recommendation to the Board of Selectmen for the establishment of a Human Resources "Manager" position. However, based upon the minutes of a Board meeting held on April 3, 2007, the position of Human Resources "Director" was not established until 2006, 32 years after the creation of the BRP, although the PAB's role (as delineated by § 49-10 of the Charter) remained intact.

The Town's first HR Director was hired in 2007, and in the intervening 14 years, there have been seven HR Directors (including the currently serving HR Director), and human resource functions have been temporarily outsourced (to the same HR professional) three times (to the same HR consultant).

By November 2021, the Board of Selectmen, relying upon its power "[t]o, by ordinance, create, change and abolish offices, and departments, other than the offices, and departments required by law or [the] Charter,"<sup>3</sup> issued the Proposed Ordinance, which, if adopted, would abolish the Human Resources Department and to outsource key human resources functions, and held public hearings on its proposal. The Proposed Ordinance is enclosed and incorporated herein as Exhibit 1. In its preamble, the Proposed Ordinance indicated that the Board had the discretion to abolish the HR Department because its existence as a Town Department was not mandated by law or the Town's Charter. The Proposed Ordinance also indicated that outsourcing human resources functions would result in a significant financial savings for the Town.

**AUTHORITY, DUTIES & EXPECTATIONS FOR THE TOWN'S  
HUMAN RESOURCES MANAGEMENT FUNCTIONS**

An understanding of the authority, duties and expectations for the Town's human resources functions may be useful context as the Board contemplates outsourcing some or all of those functions. Setting the stage, pursuant to Article II of the Town Charter, the powers of Town governance are vested in the Board of Selectmen, which, by virtue of Article V, appoints a Town Manager to act as the chief administrative officer of the Town. *See* Charter at §§ 2.05, 5.01, 5.02. Among other powers and duties, the Town Manager has full responsibility for management of the Town's human resources, including the duty to appoint and prescribe the duties of all statutory officers and department heads, and to direct and supervise the administration of all departments and offices of the Town, except as otherwise provided by the Charter or law. *See* Charter at § 5.02(1), (2). The Town Manager also has the power to impose discipline on Town employees and to authorize department and office heads to appoint or discipline subordinate employees, which are all actions that must be reported to the Board. *See*

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<sup>3</sup> Charter at § 2.06(5).

Charter at §5.02(1). Thus, the Town Manager is unmistakably the Town government's chief executive.

In 2007, the Board provided clarity to the role of the Human Resources Director in a few aspects of the management of Town personnel. The minutes of a Board meeting held on April 3, 2007, indicate that when endorsing an Ordinance that would amend Article II of the Charter (Personnel Policies), a Selectman stated that "the purpose [of the amendment] is to define the duties of the HR Director and make those duties explicitly listed on paper so that there [would be] no question about whether the Town Manager, a department head, or the HR Director has the authority to do a particular function." The amendment was approved and became effective on April 27, 2007. *See* Charter at §§ 49-14 (giving the HR Director, along with the Town Manager and, in some instances, other Town officials, the authority to approve overtime compensation and compensatory time off), 49-15 (giving the HR Director, along with the Town Manager, authority to establish job descriptions, qualifications, hiring procedures and promotional standards, and the discretion to consult with the PAB), 49-20 (giving the HR Director, along with the Town Manager, discretion to initiate lay-offs or terminations of employment due to a reduction in force or other budgetary reasons), 49-25 (giving the HR Director a role, along with the Town Manager or another designated Town official, a role in the management of sexual harassment allegations), 49-31 (giving the HR Director, along with the Town Manager, a role in the disciplinary process for non-termination situations), 49-32 (giving the HR Director, along with the Town Manager, a role in disciplinary proceedings).

By July 2013, the Town developed a detailed job description for the position of Human Resources Director, which is enclosed as Exhibit 2. The job description defines the duties, essential functions, level of supervision required, supervisory responsibilities, and expectations regarding maintenance of confidentiality and professional competence, exercise of good judgment, maintenance of balanced and professional relationships, and accountability expectations. In addition to other qualifying considerations for the position, the job description identifies the prerequisite knowledge, abilities, and skills that are expected of the Human Resources Director.

By 2021, the Town authorized the hiring of a Human Resources/Communications Coordinator, a full-time employee who would divide his/her time equally between human resources and communications responsibilities, allocating 20 hours to each work category. Accordingly, the Town posted a corresponding employment vacancy announcement on June 11, 2021, which is enclosed in full as Exhibit 3. It is evident from the job description that the duties of the 20-hour human resources component constitute a part-time HR Generalist position. As of this writing, the vacancy has not been filled, apparently due to a lack of qualified candidates for the HR/Communications Coordinator position.

**INPUT FROM AFFECTED AND/OR INTERESTED PARTIES**

When commissioning this study, the Board of Selectmen made clear that the study should consider the *relevant*<sup>4</sup> perspectives of all individuals who participated in the Board's public hearing(s) regarding the Proposed Ordinance, engaged in *relevant* public statements to the Board during public sessions, communicated with the Board otherwise and provided *relevant* commentary, or were otherwise interested in or may be affected by the adoption or rejection of the Proposed Ordinance.

Eight individuals made public comments in opposition to the Proposed Ordinance at meetings held by the Board of Selectmen on November 2, 2021, November 16, 2021, and December 7, 2021, as follows:

- **Cindy Adamsky**, the Town's Volunteer Coordinator,<sup>5</sup> addressed the Board of Selectmen at a public meeting that it held on November 2, 2021, indicating that she was speaking not as a Town employee, but as a Town resident and constituent of the Board. A transcription of Ms. Adamsky's complete presentation is enclosed as Exhibit 4 and incorporated herein.

In summary, Ms. Adamsky's presentation concentrated on three topics for the Board's consideration: (1) the Board's approval of a carefully drafted budget that included funds for the Human Resources Department, as well as the new half-time HR Generalist position

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<sup>4</sup> When calculating the *relevance* of commentary by affected and interested parties, I considered that the purpose of the study was to assist the Board in deliberating over the advantages and disadvantages of outsourcing the Town's human resources functions, not to investigate allegations of misconduct or poor performance. Accordingly, insofar as any allegations may have been made during presentations to the Board in its public meetings or in other communications, they have been redacted from these findings and all exhibits enclosed with this submission. As the Board indicated during its public meetings, Maine law requires municipalities to treat personnel matters with confidentiality and prohibits public discussion or disclosure of allegations of misconduct (unless and until such allegations are sustained, and only then a final decision of discipline is deemed to be a public record). *See, e.g.*, 30-A M.R.S. § 2702. Similarly, Maine law provides a legal forum in which allegations of employment misconduct may be made and defended against during proceedings that are confidential by statute unless and until they mature into a civil suit brought in a court. *See, e.g.*, 5 M.R.S. §§ 4571-4577. In that way, affected individuals are provided with a forum to make or defend against allegations of misconduct pursuant to a balanced legal methodology that is intended to promote fair dispositions of workplace controversies. *Id.* Consequently, this submission will be dedicated to exploring the advantages and disadvantages of outsourcing the Town's human resources functions.

<sup>5</sup> Currently, the Volunteer Coordinator reports to the HR Director.

described above, suggesting that there was adequate financing for the positions; (2) the contrast between the Proposed Ordinance's representation that outsourcing HR functions would be a cost-saving measure (referencing what she recalled was the Board Chair's estimation of a savings of between \$62,000 and \$72,000 at the outset of the public hearing<sup>6</sup>) with Ms. Adamsky's forecast that a billable-hours-based contract<sup>7</sup> with an outsourced HR consultant would drive up the cost of outsourcing (citing, in particular, the time-consuming process of onboarding seasonal workers) and questioned the reasoning for shifting funds already appropriated to the HR Department to an outsourcing model, suggesting that outsourcing HR functions may be costly than anticipated; and, (3) the key role of the HR Department, noting that the HR Department has existed for many years,<sup>8</sup> and that Town employees relied heavily upon the HR Department, Ms. Adamsky questioned whether a "part-time" outsourced HR Director could fulfill the expectations that the employees have had for the full-time, in-house incumbent HR Director, suggesting that responsiveness to employee needs was a significant consideration.

Ms. Adamsky politely declined an opportunity to meet with me, adding that she had expressed her views clearly during the Board meeting. She also said that she hoped that best solution would be found for the Town's employees. Although she declined to be interviewed, Ms. Adamsky was very cooperative with me in providing statistical information related to the volunteers who were working with

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<sup>6</sup> In its preamble, the Proposed Ordinance represents that "contracting with an outside independent contractor to provide the Town with Human Resources services will result in significant financial savings for the Town." Proposed Ordinance at 1. More specifically, the Board Chair stated at the outset of a public hearing held regarding the Proposed Ordinance on November 2, 2021, that adoption of the Proposed Ordinance would produce an annual savings that the Board estimated would be in the range of \$63,000 to \$72,000. The Board Chair emphasized that, although adoption of the Proposed Ordinance would be economical, the Board did not intend to eliminate HR services.

<sup>7</sup> As an aside, the Proposed Ordinance does not make any provisions regarding billing arrangements for an outsourced HR professional, which would presumably be developed through official procedures if and when the Proposed Ordinance is adopted by the Board.

<sup>8</sup> Specifically, Ms. Adamsky stated that the HR Department had been in existence for 20 years. However, for the sake of accuracy (and noting that Ms. Adamsky's mistaken time estimate was inadvertent), the position of HR Director was not established until 2006 (15 years ago) and the first HR Director was hired in 2007 (14 years ago). All together (and including the incumbent), there have been seven HR Directors since 2007, and the HR functions were outsourced three times (including currently), in the intervening 14 years.

the Town, and she coordinated a connection with a potential interviewee in this study.

- **Maryanna Arsenault**, a volunteer member of the Personnel Advisory Board who serves as the PAB's Chair, addressed the Board of Selectmen at a public meeting that it held on November 2, 2021, identifying herself as the PAB Chair. A *redacted* transcription of Ms. Arsenault's comments is enclosed as Exhibit 5 and incorporated herein.

In her presentation, Ms. Arsenault noted that the Personnel Advisory Board had provided an enormous level of assistance to the Town Manager and the HR Director, including on the subjects of regular and seasonal recruitment of employees, interviews, wages, salaries, compensation plans, bargaining unit considerations, and volunteer activities.

She also stated that she had attended the most recent meeting of the PAB on October 15, 2021, but that abolishment of the HR Department was not on the agenda. Ms. Arsenault said that she learned about a week after the October 15<sup>th</sup> meeting via "community contacts" that the Board was considering the Proposed Ordinance to abolish the HR Department. Ms. Arsenault stated, she met with Town Manager Larissa Crockett and Selectwoman Kathleen Chase on October 27, 2021 and learned that the Proposed Ordinance was developed by the Board, not the Town Manager,<sup>9</sup> and that it was grounded in budgetary considerations. Ms. Arsenault obtained a copy of the Proposed Ordinance during the meeting with the Town Manager and Selectwoman Chase. She also learned that HR functions are currently being outsourced.

At the meeting, Ms. Arsenault stated, she determined that there were 100 [full-time] Town employees, and that the outsourced HR consultant would contribute 10 to 12 hours per week.<sup>10</sup> In the *relevant*

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<sup>9</sup> On the one hand, the Charter at § 49-10 (Amend. 11-7-2000; 4-27-2007] requires that the Town Manager and the Human Resources Director must meet with the Personnel Advisory Board regularly and keep the PAB informed about matters arising under personnel policies. On the other hand, the Board may request the advice of the PAB, but is not required to do so. *Id.*

<sup>10</sup> At the meeting, Ms. Arsenault did not complete her sentence, but it appears that she was about to say that she understood that the outsourced HR consultant would be expected to work 10 to 12 "hours per week," which she confirmed in a meeting with me on December 2, 2021. As an aside, the Proposed Ordinance does not make any provisions regarding the work week expectations for an outsourced HR professional,

portion of her closing remarks, Ms. Arsenault informed the Board that in her professional judgment the Town, with a population of 100 year-round employees that grows to about 200 employees in the summer season, requires a full-time trained HR professional onsite. Ms. Arsenault opined that a “part-time—very part-time consultant does not constitute a sophisticated HR Department.” She added that the Society for Human Resource Management advises that any organization comprised of 1 to 250 employees needs approximately 3.4 human resources professionals.<sup>11</sup> When concluding her presentation, Ms. Arsenault asked the Board not to abolish the HR Department.

I met with Ms. Arsenault on December 2, 2021, so that she would have a full opportunity to discuss her perspective on the *relevant* aspects of the Proposed Ordinance. In addition to her seven-year tenure with the PAB and her current role as the PAB Chair, Ms. Arsenault described her deep experience as a high-level executive with large non-profit organizations and, after retirement from full-time employment, her work as a management consultant. Notwithstanding her managerial experience, Ms. Arsenault explained that her experience and knowledge about human resources functions was general in nature, adding that she had not typically observed a human resources department “in action.” At the same rate, she agreed that an individual performing HR functions must be impartial, act consistently, avoid favoritism or the appearance of favoritism, be professional, be effective, be efficient, be timely and responsive, and maintain confidentiality. Ms. Arsenault indicated that outsourcing HR functions could work in the short-term, but that she did not believe that it was a good long-term solution for the Town.

Ms. Arsenault described her meeting with Town Manager Crockett and Selectwoman Chase along the same lines as she did during her presentation to the Board on November 2, 2021. In the same vein, she cited the SHRM recommendation that there should be 3.4 HR professionals in an organization having 1 to 250 employees. She also indicated that, in her view, it would have been prudent for the Board to refer the question of abolishing the HR Department and outsourcing human resources functions to the Personnel Advisory Board for study

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which would presumably be developed through official procedures if and when the Proposed Ordinance is adopted by the Board.

<sup>11</sup> A fair inference may be that the recommendation of the Society for Human Resource Management was calculated based on a workplace consisting of 250 employees, with the number of required HR professionals decreasing proportionately with the size of the workforce.

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and advice.<sup>12</sup> Prior to establishment of the HR Director position, based on Ms. Arsenault's understanding, the PAB, in effect, performed the Town's HR functions, suggesting that the PAB and the Board ultimately decided that those functions should be performed by an in-house HR professional, an approach that she endorsed.<sup>13</sup>

- **Allison Herman**, the Town's Assistant Library Director and Youth Services Director, addressed the Board of Selectmen at a public meeting it held on November 2, 2021. A transcription of Ms. Herman's comments is enclosed as Exhibit 6 and incorporated herein.

In her presentation, Ms. Herman explained that she was a seven-year employee of the Town and holds a position that she truly enjoys in a community that she loves. She stated that she believes that abolishing the Human Resources Department would be a disastrous decision, indicating that her experience with an in-house, full-time HR Director fulfilled her expectations of responsiveness, expertise, and personal connection. From her standpoint, she said, having an HR Director who is devoted to the wellbeing of the more than 100 employees of the Town. As the Assistant Director of the Library, she said, the HR Director was available to provide important advice in personnel matters, and to assist with questions in healthcare matters. In contrast, Ms. Herman informed the Board that she felt like a mere "cog in the machine" in her previous employment situations when she needed HR assistance. When concluding her presentation, she asked the Board not to adopt the Proposed Ordinance.

I met with Ms. Herman on December 6, 2021, so that she would have a full opportunity to discuss her perspective on the Proposed Ordinance. During the meeting, Ms. Herman reiterated the comments that she made to the Board during the public meeting held by the Board on November 2, 2021, including her reliance on HR assistance in professional and personal contexts, as well as her expectation that

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<sup>12</sup> As previously mentioned, the Charter at § 49-10 (Amend. 11-7-2000; 4-27-2007) requires that the Town Manager and the Human Resources Director must meet with the Personnel Advisory Board regularly and keep the PAB informed about matters arising under personnel policies. On the other hand, the Board may request the advice of the PAB, but is not required to do so. *Id.* If and when the Board adopts the Proposed Ordinance, it may decide to make a referral to the Town Manager and the Personnel Advisory Board regarding the formulation of a plan for implementation of the Ordinance.

<sup>13</sup> As mentioned herein, the position of HR Director was established in 2006 and the first HR Director was hired in 2007 (14 years ago). All together (and including the incumbent), there have been seven HR Directors since 2007, and the HR functions were outsourced three times (including currently), in the intervening 14 years.

the individual responsible for HR functions would be a full-time, in-house HR professional who would have a personal connection with the Town's Departments and employees, be accessible and responsive to employee needs.

Ms. Herman agreed that any individual performing HR functions should be impartial, act consistently without any appearance of favoritism, professional, provide services in timely fashion (i.e., be responsive), and maintain confidentiality.

At the conclusion of the interview, Ms. Herman expressed her opposition to adoption of the Proposed Ordinance, adding that, to the extent that it was a cost-saving measure, she believed that the Town could economize in other ways so that eliminating the HR Department would be unnecessary.

- **Mary Harrison**, a volunteer member of the Town's Beautification Committee, addressed the Board of Selectmen at a public meeting it held on November 2, 2021. A transcription of Ms. Harrison's *relevant* comments is enclosed as Exhibit 7 and incorporated herein.

In the *relevant* portion of her presentation, Ms. Harrison informed the Board that she sensed that the Board of Selectmen did not really want to hear input from the public about the Proposed Ordinance.

On December 6, 2021, I sent Ms. Harrison an email message with the following content:

Hello, Ms. Harrison

For your information, I was retained by the Wells Board of Selectmen to perform an objective study (not a personnel investigation) regarding the grounds favoring or disfavoring the Board's proposed ordinance to outsource the Town's human resources functions. Having viewed the recording of the Board's meeting on November 2, 2021, I am writing to request an opportunity to meet with you so that we can discuss your views on the proposed ordinance. I would be grateful if you would let me know whether you are agreeable to a meeting. If you are agreeable to a meeting, please let me know your availability during the rest of this week. I have access to a private conference room in Wells. Thank you for considering my request.

Regards,

Mike

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After some additional communications, Ms. Harrison cordially agreed to meet with me at a neutral location in Wells on December 9, 2021, so that we would have an opportunity to discuss her perspective on the Proposed Ordinance. However, she notified me by email message sent on the morning of the meeting that she had decided to decline my invitation for a meeting. Ms. Harrison explained that she had been angry when she spoke at the November 2<sup>nd</sup> Board meeting because constituents were not allowed to present their thoughts about the Proposed Ordinance, which I understood to be a reference to the Board's observance of the statutory requirements for confidentiality in personnel matters.

- **Marisa Caputo**, a volunteer member of the Town's Budget Review Committee, addressed the Board of Selectmen at a public meeting it held on November 2, 2021. A transcription of Ms. Caputo's *relevant* comments is enclosed as Exhibit 8 and incorporated herein.

At the outset of her presentation to the Board, Ms. Caputo indicated to the Board that she believed that it had already made a decision to adopt the Proposed Ordinance. She identified herself as a "court mediator trained by the Massachusetts Attorney General's Office" and as a member of the Budget Committee. Ms. Caputo indicated that Town officials were comprised of consummate professionals who were highly trained and dedicated, and who worked cooperatively with great success. The balance of her presentation focused on purported personnel matters that could not be discussed at a public meeting of the Board.

On December 1, 2021, I sent an email message to Ms. Caputo with the following content:

Hello, Ms. Caputo

For your information, I was retained by the Wells Board of Selectmen to perform an objective study (not a personnel investigation) regarding the grounds favoring or disfavoring the Board's proposed ordinance to outsource the Town's human resources functions. Having viewed the recording of the Board's meeting on November 2, 2021, I am writing to request an opportunity to meet with you so that we can discuss your views on the proposed ordinance. I would be grateful if you would let me know whether you are agreeable to a meeting. If you are agreeable to a meeting, please let me know your availability during the rest of this week and next week; if it would be helpful, I will ensure that you are able to meet during working hours. I have access to a

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private conference room in Wells. Thank you for considering my request.

Regards,

Mike

Ms. Caputo did not respond to my invitation for a meeting, which I understood as a declination.

- **Attorney Erik Peters**, counsel to Marcy Faucher, the incumbent HR Director, addressed the Board of Selectmen at a public meeting it held on November 2, 2021. Mr. Peters' presentation was related to a personnel matter, and he did not provide any information that is relevant to the scope of this study, although he opposed adoption of the Proposed Ordinance.

Over the course of several discussions and other communications with Attorney Peters, I offered Ms. Faucher an opportunity to present her perspective on the advantages and disadvantages to adoption of the Proposed Ordinance, but she was unavailable for an interview. I did not draw any negative connotations from her unavailability.

- **Aaron Stewart**, the union shop steward for the Wells Police Department Patrol and Dispatch Divisions, addressed the Board of Selectmen at a public meeting it held on November 16, 2021. A transcription of Mr. Stewart's comments is enclosed as Exhibit 9 and incorporated herein. He informed the Board that he represents 27 of the Town's approximately 100 full-time employees. On behalf of his union constituency, Mr. Stewart advised the Board that his members believe that they would be served best by having an in-house Human Resources Department, as opposed to outsourcing HR functions.

I met with Mr. Stewart on December 14, 2021, so that he, in his capacity as shop steward, would have a full opportunity to discuss his and his members' perspective on the Proposed Ordinance. I learned that Mr. Stewart has been employed as a dispatcher in the Wells Police Department ("WPD") for 15 years, and that he has served as a union<sup>14</sup> shop steward for the WPD Patrol and Dispatch Divisions for about 13 years. He told me that his comments to the Board were supported by discussions by many union members.

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<sup>14</sup> The Maine Association of Police is the collective bargaining agent for the WPD Patrol and Dispatch union members.

Although Mr. Stewart and his union constituents oppose outsourcing HR functions, he acknowledged that the current temporary outsourcing arrangement (and the two previous instances in which temporary outsourcing of HR functions occurred) was, in essence, a test of the viability of replacing the HR Department with an outsourced HR professional. He said that, in general, his members were having a good HR experience under the current outsourcing arrangement. However, he indicated that there had been some complications during the start-up of the outsourcing arrangement, which, he suggested, may have been due to a short gap during the transition of responsibilities from the incumbent HR Director to the outsourced HR professional, suggesting that imperfect communication about the change-over to the outsourced HR consultant may have contributed to the start-up problems, which prompted an initial perception of a lack of responsiveness during that transitional period.

Mr. Stewart indicated that his members were dubious that adoption of the Proposed Ordinance would actually result in a cost savings. Moreover, he also indicated that the members would be concerned about retention of a large-scale outsourced HR provider due to a perception that the provider would not be adequately responsive to his members' needs. Mr. Stewart indicated that the current outsourced HR professional's use of periodic office hours at Town hall, specially arranged personal meetings, telephone availability, and email communications was a workable approach. He also said that his members would be concerned if outsourcing of the HR functions resulted in an unreasonable shifting of HR responsibilities to WPD personnel, such as responsibility for on-boarding seasonal WPD employees (including the 15 to 25 seasonal police officers who are hired each summer).

After some discussion, Mr. Stewart suggested that a hybrid model of an in-house HR Generalist and an out-sourced consultant may resolve many concerns about outsourcing. Regardless of whether HR functions are handled in-house or outsourced, Mr. Stewart agreed that confidentiality, avoidance of any appearance of favoritism, responsiveness, expertise in HR matters, and other manifestations of professionalism were essential to his members' confidence in the Town's management of its HR functions.

- **Cinndi Davidson**, who identified herself as a part-time employee of the Town since 2004 (and a resident since 1988), addressed the Board of Selectmen at its public meetings on November 16, 2021, and December 7, 2021. Transcriptions of Ms. Davidson's presentations on

November 16, 2021 (redacted) and December 7, 2021, are enclosed as Exhibits 10 and 11, and are incorporated herein.

On November 16, 2021, Ms. Davidson informed the Board that she serves as the meeting recorder for the Board of Selectmen, the Budget Review Committee, and the Personnel Advisory Committee, among other Town entities. Noting that the Town had completed the budgeting process for the current fiscal year and that the budget had been approved by a Town meeting vote, Ms. Davidson questioned whether there was a need to eliminate the HR Department as a cost saving measure. She inquired as to why there was not a proposal to eliminate all Department Head positions and outsource their functions.

Ms. Davidson described her experience as a military personnel officer during the First Gulf War, emphasizing that she gave the highest priority to diligent discharge of her HR responsibilities and her responsiveness to the HR needs of her military unit. She informed the Board that she was proud of her diligence, indicating that it would be a model for how an HR professional should discharge his/her responsibilities.

Moreover, Ms. Davidson advised the Board that she had worked (in her capacity as meeting recorder for the Personnel Advisory Board) with several of the Town's HR Directors, including the incumbent. She said that they each had displayed knowledge, energy, and professionalism in their interactions with PAB matters. Ms. Davidson indicated that Town employees benefitted from that type of service from a full-time, in-house HR Director, and questioned whether the Board could expect "the same level of service and commitment from a part-time consultant." She also opined that turnover from an in-house HR Director to an outsourced HR professional would be costly, adding that having "an HR Director who is their champion" would promote retention of Town employees.

On December 7, 2021, Ms. Davidson informed the Board that she had been in the labor force in several organizations since 1966, including on Wall Street, the medical field, the military and in the private sector. Before working for the Town, she said, Ms. Davidson was skeptical about HR departments, believing that they were a "tool of management, a weapon to use against the employees." After beginning her job with the Town, she informed the Board, she had positive experiences with the in-house HR Directors for the Town, who she described as approachable and discreet, and understood that the Town's HR Directors were "human and humane," and that they were individuals "who considered the employees as a resource for the organization and not as the enemy."

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Ms. Davidson noted that the Town had many year-round and seasonal employees, full-time and part-time employees, and union and non-union employees. She questioned whether a “part-time” consultant would possess “the level of understanding and commitment” that Town employees deserve. She proposed that the Board commission a study comparing the cost of maintaining a full-time, in-house HR Director with the cost of outsourcing HR functions, which she predicted, noting that she minored in Finance at Wharton, would favor retaining the in-house, full-time HR Director’s position.

On November 9, 2021, nineteen Town employees, including department heads, supervisory personnel, and front-line employees, submitted a signed letter to the Board of Selectmen that supported adoption of the Proposed Ordinance, which may be construed as a petition in view of the multitude of signatures and the content of the document. The employment tenure of those employees ranged from relatively recent hires to veteran employees. The letter contained the following content:

November 9, 2021

To the Town of Wells Board of Selectmen:

Please accept this letter of support to outsource the functions of Human Resources to an organization that can offer employees professional services in a timely and effective manner that is impartial, consistent and efficient.

Over the past 10 years this position has been vacated and refilled several times. Moving forward we believe it would in the best interest of the employees to utilize [a] professional agency[] that will be able to offer the employees impartial and consistent services.

We respectfully request the Board to review the options available from a private agency to give employees professional human resource support.

We as individuals or as a group are more than happy to answer any questions.

Respectfully,

[19 Signatures]

I interviewed 20 proponents of adoption of the Proposed Ordinance, including 18 of the petition’s co-signers, plus 2 colleagues of the 19<sup>th</sup> co-signor, who was not available to meet with me for reasons unrelated to the subject matter of this study. Except for the two colleagues of the 19<sup>th</sup> co-signor (who I interviewed together), I interviewed the co-

signors individually. Each of the interviewees (including the two colleagues of the 19<sup>th</sup> co-signor) emphatically endorsed the content of the November 9<sup>th</sup> letter to the Board without any hesitation whatsoever. There was unanimity about the need for outsourcing of the Town's HR functions to a consultant who would perform his/her responsibilities in an impartial (which was a particular concern), confidential (which was a particular concern), consistent, efficient, timely (in the sense of responsiveness), and professional (both in terms of expertise and temperament) manner, without any appearance of favoritism (which was a particular concern).

There was unanimity among the interviewees that their expectations for core HR functions (e.g., those that require impartiality, confidentiality, and the absence of any appearance of favoritism) could not be fulfilled with an in-house HR Director. On the other hand, there was a consensus among the interviewees that a hybrid approach to the Town's HR requirements, meaning a Town employee who would serve as an HR Generalist and an outsourced HR professional who would perform core HR functions, would be ideal.

As for the significance of financial considerations related to adoption of the Proposed Ordinance,<sup>15</sup> the 20 interviewees universally placed the highest priority on promoting confidence in the Town's HR functions, which they believed could only happen if the HR Director's core functions were outsourced. One interviewee with considerable experience in management recommended that, if the Proposed Ordinance is adopted, the search for HR outsourcing candidates utilize a Request for Qualifications (RFQ) method, rather than a Request for Proposal approach, so that the candidates would be ranked by their qualifications, with financial considerations being secondary (but important).

There was consensus among the interviewees that the lack of continuity in HR Directors, noting that the position had been filled, vacated, and refilled many times in 10 years,<sup>16</sup> indicated that a new approach was appropriate, and that outsourcing would be more likely to establish continuity of HR service.

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<sup>15</sup> In its preamble, the Proposed Ordinance represents that "contracting with an outside independent contractor to provide the Town with Human Resources services will result in significant financial savings for the Town." Proposed Ordinance at 1. More specifically, the Board Chair stated at the outset of a public hearing held regarding the Proposed Ordinance on November 2, 2021, that adoption of the Proposed Ordinance would produce an annual savings that the Board estimated would be in the range of \$63,000 to \$72,000. The Board Chair emphasized that, although adoption of the Proposed Ordinance would be economical, the Board did not intend to eliminate HR services.

<sup>16</sup> As mentioned herein, the position of HR Director was established in 2006 and the first HR Director was hired in 2007 (14 years ago). All together (and including the incumbent), there have been seven HR Directors since 2007, and the HR functions were outsourced three times (including currently), in the intervening 14 years.

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There was consensus among the interviewees that the current temporary outsourcing of HR functions is serving as a proof of concept. Some of the interviewees had personal contacts with the current (temporary) outsourced HR professional and others had second-hand knowledge of her work with the Town (including previously when the outsourced HR professional was hired on a temporary basis). The consensus was that, once the outsourced HR professional was retained there was a seamless transition. The interviewees indicated that outsourced HR services were readily available to Town employees by periodic office hours, specially arranged appointments, telephone conference, and email communications.

I interviewed Police Chief Jo-Ann Putnam on December 9, 2021, the head of the Wells Police Department, which employs the largest number of full-time Town employees (as well as 15 to 25 seasonal police officers) in the municipality. Chief Putnam has been employed by the Police Department for 35 years, and she held the ranks of patrol officer, sergeant and lieutenant before becoming chief in 2008. At one point in her career, she was the Shop Steward for the WPD union. Over her tenure with the Town, Chief Putnam saw the establishment of the HR Director position and noted her awareness that seven HR Directors (including the incumbent) held the position (in the 14 years since the position was created), as well as the Town's temporary reliance on an outsourced HR professional three times (including currently).

Chief Putnam indicated that, because of the size of the Police Department and the nature of police work, WPD requires regular support from the HR Department. Having an in-house HR Director, she said, allows for personal contact between WPD employees and the HR Director, which has facilitated provision of HR services. Chief Putnam said that there were a few gaps in HR services to WPD employees during the initial transition to the temporary outsourced HR professional, but those issues may have been caused by a gap in retention of those services or by some start-up confusion. Otherwise, the experience with outsourcing HR functions has been acceptable. Chief Putnam indicated that, although she preferred an in-house HR Director, outsourcing HR functions could work, provided that key expectations were met, including confidentiality and responsiveness to HR needs, which would include onboarding of seasonal WPD employees. She also indicated that, if the Proposed Ordinance is adopted, the next step should be a careful formulation of expectations for the outsourced HR professional. Chief Putnam indicated that a combination of an in-house HR Generalist and an outsourced HR professional may be a good hybrid approach.

I interviewed Town Manager ("TM") Larissa Crockett on November 22, 2021. TM Crockett began her duties as Town Manager in August 2020, amid the COVID-19 pandemic. As the Town Manager in Wells, all department heads are directly reportable to TM Crockett, who is the chief executive operating under the oversight of the Board of Selectmen. TM Crockett said that, from her perspective, department heads comprise a municipality's "senior leadership team" and that each department head is an expert in his/her respective field, which enables the team to guide the Town toward achievement of strategic goals. She believes that the senior leadership team must fulfill their

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responsibilities impartially and promote a harmonious work environment in service of the community, which carries over to the Town's implementation of its HR responsibilities.

Previously, TM Crockett was the Assistant Town Manager in Scarborough, where she relied heavily on the in-house HR Director for support in personnel matters, so she understands and values the support that the HR Department provides to a Town Manager. Regarding the Proposed Ordinance, TM Crockett said that outsourcing HR functions would be a viable approach to the Town's HR requirements, including because it would promote independence of the HR Department by avoiding the appearance of favoritism while providing continuity of HR services. She noted, without drawing any negative inferences, that there had been numerous HR Directors since the position was established, which suggests that outsourcing would likely provide more continuity of HR services. TM Crockett said that the Town had created a combination communications and HR Generalist position in 2021, which was designed provide important depth to the Town's HR functions. As of the time of the interview, however, the Town had not filled the position, although one qualified candidate declined an offer of employment and accepted an offer from another employer; the search is ongoing. If the Board adopts the Proposed Ordinance, the best solution to the HR needs of the Town, she indicated, would be an in-house HR Generalist (noting that the Town has already budgeted for a communications/HR Generalist position) and an outsourced HR professional.

### **FINDINGS**

In this submission, my findings are organized into categories that the Board of Selectmen may decide are key considerations when deliberating over whether to adopt the Proposed Ordinance.

**Genesis of the Town's Human Resource Department & Related HR Activities.** Prior to 1973, it appears that the Town Manager fulfilled human resource management requirements. In 1973, perhaps recognizing that HR functions needed special attention, the Town established a personnel advisory body that has since morphed into the Personnel Advisory Board. I established that the Personnel Advisory Board handled a broad range of human resources oversight and management responsibilities until the Town created the position of HR Director in 2006, apparently for the purpose of transferring HR responsibilities previously performed by the PAB to a qualified HR professional.

Notwithstanding the creation of the HR Director's position, the duties of the Personnel Advisory Board remain intact. Consequently, pursuant to the Town Charter, the PAB continues to advise the HR Director and/or Town Manager (and, upon request, the Board of Selectmen) on personnel matters, and the HR Director and/or the Town Manager are obligated to meet regularly with the PAB to discuss personnel matters.<sup>17</sup> The question of whether there is any unintended or unnecessary redundancy between the

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<sup>17</sup> See Charter at § 49-10 (Amend. 11-7-2000, 4-27-2007).

duties of the PAB and corresponding responsibilities of the HR Director is beyond the scope of this study.

The Town hired its first HR Director in 2007. In the intervening 14 years, there have been seven HR Directors (including the currently serving HR Director), and human resource functions have been temporarily outsourced (to the same HR professional) three times (to the same HR consultant). Determinations of why previous HR Directors left their positions was beyond the scope of this study, and no negative inferences have been drawn regarding their separation from Town employment or from the fact there is a temporary outsourced HR consultant handling HR functions currently.<sup>18</sup> Still, the Board of Selectmen may deem the lack of continuity in retention of HR Directors to be a relevant consideration in its deliberations.

Currently, the HR Director<sup>19</sup> is responsible for providing a complete range of HR services to full-time, part-time and (to a degree) seasonal employees, but has very limited involvement with the volunteer workforce (which has modest HR requirements, which may include pre-employment criminal history record checks), except that the Volunteer Coordinator reports to the HR Director. Once the HR/Communications Coordinator position is filled, the incumbent will dedicate 20 hours per week to HR Generalist duties. The Volunteer Coordinator<sup>20</sup> oversees the volunteer work force, except for volunteers who work for the Parks & Recreation Department, which manages its own volunteers. In practice and to varying (and appropriate) degrees, it appears that HR or quasi-HR functions are shared with or handled by relevant Town employees, including during the on-boarding and off-boarding of volunteers and seasonal employees, as well as the indoctrination of new employees or management of mandatory training programs.

**Census of Town Employees Requiring HR Services.** The Board will likely consider the number of Town employees for whom HR services are required when deliberating over the Proposed Ordinance.

Regarding paid employees, I established that in November 2021 there were 99 full-time and regular part-time employees, as well as 22 employees who work less than 19 hours per week. As for the peak number of employees, after factoring in the number of seasonal employees with year-round employees, the Town paid wages to a total of 186 individuals in July 2021, although the numbers may fluctuate from year to year.

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<sup>18</sup> Indeed, HR Directors, like other professionals, may change positions for professional development reasons, other career opportunities, family factors, and so forth.

<sup>19</sup> A position description for the HR Director issued in 2013 is enclosed as Exhibit 2 and is incorporated herein.

<sup>20</sup> The position description for the Volunteer Coordinator is enclosed as Exhibit 3 and is incorporated herein.

As for unpaid volunteers, I established that 296 volunteers assisted 25 boards, Town commissions, committees, and programs in 2021, adding that there were currently 14 vacancies for volunteer positions. There are also 58 seasonal positions with 12 volunteers participating in the Maine Healthy Beaches Program and 46 seasonal volunteers participating in the Piping Plovers Program in 2021. Moreover, The Town utilizes volunteers an *ad hoc* basis, such as for election and special event activities.

In addition, the Parks & Recreation Department may employ as many as approximately 300 unpaid volunteers over the course of the year, most of whom are parents who act as coaches for the Department's sports programs. HR Department support for those volunteers is limited to pre-employment background checks. In addition to volunteers, the Parks & Recreation Department typically hires 25 seasonal employees to perform before-care, after-care, and recreation camp duties for children.

**HR-to-employee ratio considerations.** Some opponents to adoption of the Proposed Ordinance raised questions about whether outsourcing HR functions to a “part-time” consultant would negatively impact the Town’s ability to fulfill its HR obligations, which the Board may decide requires special consideration during its deliberations.

In her presentation to the Board on November 2, 2021, Ms. Arsenault, the Chair of the Personnel Advisory Board, advised the Board that the Town had “approximately 100 year-round employees that swell to about 200 during the summer,” ultimately adding that “[t]he Society for Human Resource Management advises that any organization with 1 to 250 employees needs approximately 3.4 HR professionals.” On December 18, 2021, Ms. Arsenault kindly provided me (at my request) with a link to the SHRM publication containing the recommendation that she relied upon, which is entitled *WORKFORCE ANALYTICS: A CRITICAL EVALUATION – HOW ORGANIZATIONAL STAFF SIZE INFLUENCES HR METRICS (2015)*.<sup>21</sup> A copy of the publication is enclosed as Exhibit 12 and incorporated herein.

The SHRM publication cited by Ms. Arsenault indicates that the HR Metrics conclusions were based upon a survey conducted in 2014 of SHRM members that collected human capital benchmarking data. *Id.* at 8. The response rate to the survey was 10.9%, giving the publication authors a 98% confidence level that the responses “can be generalized to all SHRM members with a margin of error of approximately +/- 4%.” *Id.* The SHRM publication noted that “the type of industry can often drive changes in HR metrics” and that “[i]n this report, although the type of industry contributes to changes in HR data, the findings only focus on how changes in organizational size affect HR metrics.” *Id.* at 1. Moreover, the SHRM survey indicated that “[a] large HR-to-employee ratio for small organizations suggests that it takes a minimum number of HR employees to deliver core HR services, such as recruiting, benefits and employee

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<sup>21</sup> <https://www.shrm.org/resourcesandtools/business-solutions/documents/organizational%20staff%20size.pdf> (last visited on December 19, 2021).

relations.” *Id.* at 2. The SHRM publication also reflects that “... many HR departments have less staff because they outsource HR functions to a preferred employer organization (PEO) or other HR outsourcing vendors. When this occurs, the HR-to-employee ratio may decline, but actual HR expenses may go up to pay for outsourcing costs.” *Id.*

It is noteworthy that the SHRM publication calculated the average HR-to-employee ratio for various industries using a survey with a 10.9% return rate (to which SHRM assigned a 98% confidence level for extrapolation purposes and a +/-4 error rate) that was taken in 2014. The SHRM publication qualified its results by noting that the type of industry could affect the usefulness of the calculated ratios for certain purposes. In this instance, the Town is a municipality, as opposed to a small start-up organization, which was used as an example in the publication, and the HR needs of a municipality would likely differ from the needs of a small for-profit business organization. *Id.* at 1. Moreover, the SHRM publication acknowledged that “many HR departments” rely upon outsourced HR professionals, although there would be financial considerations. *Id.* at 2. Furthermore, the SHRM publication indicates that the 2014 survey reflected that organizations of 1 to 250 employees had an average 3.4 HR-to-employee ratio, which *suggested* to the publication’s authors that “it takes a minimum number of HR employees to deliver core HR services, such as recruiting, benefits and employee relations.” *Id.* at 2. In other words, the 3.4 HR-to-employee ratio was an *observation*, but not a *recommendation* or a *need*, a distinction that the Board may wish to consider.

*Importantly*, Ms. Arsenault also provided me with a link<sup>22</sup> to an article entitled “How Many HR People Do You Need in 2021?” that was posted online by AXIOS HR, a company that provides outsourcing support to employers. A copy of the AXIOS article is enclosed as Exhibit 13 and is incorporated herein. Ms. Arsenault advised me that she had located the AXIOS article, which provides information about HR-to-employee ratios and a rationale for outsourcing some HR functions, when searching for the SHRM publication. In contrast to the SHRM publication’s observation that there was a 3.4 HR-to-employee ratio in organizations of 1 to 250 employees in 2014, the AXIOS article stated that “[a]ccording to Bloomberg BNA’s HR Department Benchmarks and Analysis report, the rule-of-thumb ratio is 1.4 full-time HR staff per 100 employees,” which appears to be closer to a *recommendation* for HR strategic planning, than the SHRM’s observational document. The article posted by AXIOS noted that ratio was at an all-time high, and that “[t]he metric previously peaked at a record high of 1.3 per 100 employees in 2013/2014, after which it dropped to 1.1 per 100 employees in 2015, representing a more recognizable metric, and around where it had hovered for more than a decade.” According to the AXIOS article, “[t]he new ratio is primarily attributable to unprecedented workforce growth and an increased need to support the added HR burden on business.”

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<sup>22</sup> <https://axioshr.com/how-many-hr-people-do-you-need/> (last visited on December 19, 2021).

The Board may find it reasonable to note that the Town is a municipality with a stable structure in terms of workforce and HR responsibilities,<sup>23</sup> has more predictable HR needs than comparably sized for-profit, growth-oriented organizations that are often the centerpieces of HR-to-employee ratio calculations. Accordingly, the HR-to-employee ratio for the Town may differ from that which is utilized in a conventional business context contemplated by the observational analysis that SHRM published in 2015, and the Board may determine that the configuration of HR resources as described above meets reasonable expectations and be more in line with the Bloomberg BNA study cited by AXIOS as a model for 2021. Even setting aside those studies, the Board may conclude that its HR commitments, regardless of whether HR functions are outsourced, are reasonable.

**Two viable models for managing the Town's HR requirements.** In this instance, there appears to be two viable models for the Town's management of its HR requirements. The first would rely upon a full-time, in-house HR Director and the second would involve an outsourced HR consultant, with the first approach being more costly and the second approach generating a cost-savings via outsourcing. The common threads to the approaches would include: (1) an HR Generalist (*either* in the form of a combination communications/HR Generalist position, which is already a funded, but unfilled, position, *or* a full-time HR Generalist position, which is not currently authorized, but reportedly a better guarantor of successful fulfillment of HR expectations), (2) the Volunteer Coordinator (an already funded part-time position) and contributions from an employee at the Parks & Recreation Department for the HR needs of volunteer workers, which is an already established practice; and, (3) contributions of HR-related services from other Town departments via already-established protocols and practices. Either approach would presumably meet HR-to-employee ratio benchmark expectations for the Town's municipal work environment, assuming that there is adequate HR Generalist support. It appears that a third potential option, which would involve outsourcing all HR functions to a consultant, would not be viable because of the costs.

**Dependency on an HR Generalist.** Regardless of whether the Board adopts the Proposed Ordinance, it appears that employment of an HR Generalist would play an important role in the Town's successful administration of HR functions due to the nature and scope of the Town's HR responsibilities, which the Board recognized when the HR/Communications Coordinator position was authorized. Some opponents to the Proposed Ordinance also raised questions about whether an outsourced HR function model would provide an acceptable level of responsiveness to the HR needs of the Town

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<sup>23</sup> As reflected above, the Town approximately 100 full-time employees, 22 part-time employees, and 65 seasonal paid employees, totaling about 186 paid employees with various HR needs and entitlements, plus approximately 310 volunteers (including 14 vacant positions) operating under the umbrella of the Volunteer Coordinator and approximately 300 volunteers operating under the aegis of the Parks & Recreation Department.

and its employees. When performing the study, I established that the current outsourcing model was providing a level of coverage via email, telephone, office hours and specially arranged meetings that appeared to be meeting the needs of the Town and its employees, particularly after the transition to outsourced services was completed. However, it appears that the long-term needs can be met successfully (and economically) if there is an in-house HR Generalist in place.

**Distribution of tasks between an HR professional and an HR Generalist.** In response to an inquiry from me, Betsy Oulton, AIC, SHRM-CP, IPWA-SCP, of HR Maine Consulting, the HR consultant temporarily providing HR services to the Town,<sup>24</sup> provided me with a checklist reflecting how duties and tasks would typically be divided between an HR consultant and a department head, which is enclosed as Exhibit No. 14 and incorporated herein. The checklist, it appears, would be useful when assimilating an HR Generalist position into the Town's infrastructure if the Board adopts the Proposed Ordinance, including to ensure an in-house presence of an HR staff member and to promote compliance with budgetary targets. Naturally, allocations of tasks and duties between an HR consultant and an HR Generalist would be subject to modification. Moreover, the division of duties would likely be the same between an HR Director and an HR Generalist if the Proposed Ordinance is *not* adopted.

**Potential reconfiguration of the Town's HR/Communications Coordinator position.** The Board may decide to weigh whether the HR Generalist position as currently configured, which was authorized as a 20-hour component of a shared communications and HR Generalist job, is the most efficient approach from the perspective of the Town's HR functions.<sup>25</sup> The position remains vacant despite a diligent search for qualified candidates. It is possible that the division of labor between the two aspects of the job, along with substantial expectations for each job component, may be affecting the level of interest in the position by potential applicants. At the same rate, it is evident that municipalities and government agencies are increasingly relying on communications coordinators, as well as on human resources generalists, to accomplish strategic and practical objectives. However, blending the two responsibilities into one position may pose challenges in terms of recruitment and retention. Ms. Oulton, who is familiar with the job market for HR professionals and generalists, indicated to me that it is more likely that an HR Generalist position would be filled from a qualified pool of candidates and that finding an HR Generalist candidate who also has expertise in the communications field (which is, of course, an important component of contemporary

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<sup>24</sup> Ms. Oulton also served as an HR Manager for a Maine municipality for six years previously and now operates an HR consultancy that includes municipal clients. I consulted Ms. Oulton because of her experience with the Town of Wells as an outsourced HR professional in this and three other instances, as well as her expertise in the HR management field (including municipal HR functions).

<sup>25</sup> The employment vacancy posting for the HR/Communications Coordinator position is enclosed as Exhibit 15 and incorporated herein.

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municipal operations) may continue to be challenging. Accordingly, consideration of establishment of a full-time HR Generalist and a part-time (or full-time) communications specialist may be acceptable to the Board, depending on how it conceives of the Town's HR and communications requirements.

**Financial considerations.** The Board will undoubtedly consider the financial impact of its potential adoption of the Proposed Ordinance to ensure that any action that it takes would be fiscally prudent, particularly since two individuals who commented during the Board's public hearings raised questions about the cost-savings aspects of the Proposed Ordinance. The Proposed Ordinance represents in its preamble that "contracting with an outside independent contractor to provide the Town with Human Resources services will result in significant financial savings for the Town." Proposed Ordinance at 1. More specifically, the Board Chair stated at the outset of a public hearing held regarding the Proposed Ordinance on November 2, 2021, that adoption of the Proposed Ordinance would produce an annual savings that the Board estimated would be in the range of \$63,000 to \$72,000. With that in mind, I examined the Board's financial projections.

In response to an inquiry from me, Ms. Oulton informed me that a reasonable estimate of the number of hours per week that an outsourced HR consultant would be required to dedicate to the Town's HR functions would be 10 hours weekly, *provided that the Town had a strong full-time in-house HR Generalist in place*. It is my understanding that the Board's cost-savings estimate was based on a 10-to-12-hour weekly commitment by an outsourced HR consultant. Using public information concerning the Town's expenditures for salary and benefits for the HR Director's position<sup>26</sup> and the contractual costs of outsourcing HR functions,<sup>27</sup> I estimate that outsourcing HR functions for the specified number of hours would result in a cost-savings of \$74,173.38 for a 10-hour per week (520 hours per year) commitment and \$65,853.38 for a 12-hour per week (624 hours per year) commitment, before any adjustment for mileage and other expenses. Thus, the Board's cost-savings estimate is reasonable, provided that the 10-to-12-hour weekly estimate is also reasonable, which, as noted above, may be contingent on the filling of the HR Generalist position, as well as on whether the HR Generalist is a full-time, half-time, or three-quarters-time job.

**Non-financial considerations.** In addition to studying the relevant positions presented by the seven opponents to the Proposed Ordinance, I interviewed 20 proponents of adoption separately. Each of them emphatically and unhesitatingly recommended outsourcing of core HR functions, citing what they deemed to be compelling non-financial grounds favoring adoption of the Proposed Ordinance. Eighteen of the 20 interviewees, along with a twenty-first individual (who was not

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<sup>26</sup> I determined that the Town's total cost for salary and benefits allocated to the HR Director's position was \$115,773.38 in 2021.

<sup>27</sup> I determined that the Town currently pays \$80 per hour (plus mileage costs) to the outsourced HR consultant.

available for an interview), signed a letter (which may be fairly characterized as a petition due to a multitude of signatures and the content of the document) that was delivered to the Board of Selectmen on November 9, 2021, and advocated for outsourcing HR functions, which is related *verbatim* above. Combining the content of the petition delivered to the Board with the results of the 20 interviews, I established that, in summary, the petitioners, who are comprised of department heads, supervisory personnel, and front-line employees with varying degrees of seniority, firmly believe that an independent and suitably qualified outsourced HR consultant should perform core HR functions to avoid appearances of a lack of confidentiality and impartiality.

In the collective view of the proponents, the HR Director or outsourced HR consultant must be professional (including a suitable temperament), consistent in the treatment of employees (i.e., avoid even the appearance of favoritism), effective, efficient, and responsive (in terms of timeliness and availability), which the proponents believed would be difficult, if not impossible, to achieve so long as the core HR functions (meaning those requiring confidentiality and impartiality) were vested in an in-house HR Director. There was unanimity among the proponents that the Town government's demographics affected their level of confidence in an in-house HR Director's ability to maintain appearances of impartiality and confidentiality. They indicated that natural human social tendencies in a small Town with a small governmental workforce would accentuate the potential for the appearance of close relationships between the HR Director and groups of employees, and the appearance of antagonistic relationships between the HR Director and other groups of employees. The proponents also indicated that those potential relationships could create appearances of favoritism and bullying in the workplace, noting that the HR Director had quasi-managerial responsibilities that, if abused, could negatively impact the workplace culture. The consensus of the proponents was that an outsourced HR professional, combined with an in-house HR Generalist, would provide the optimum level of HR services to Town employees while promoting confidence in the independence of the Town's HR functions.<sup>28</sup>

The proponents also highlighted that there has been a lack of continuity in the employment of HR Directors, referring to the fact that there have been seven HR Directors in fourteen years in support of the idea that an outsourced HR professional would likely remain in place indefinitely, whereas hiring an in-house HR Director has been an unsuccessful approach. The proponents emphasized that independence of the HR Director was their highest priority, above any financial consideration, although they recognized that outsourcing must be within the financial reach of the Town.

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<sup>28</sup> It is important to note that my description of the model endorsed by the proponents is not intended as criticism of any HR Director, including the incumbent, and, therefore, no negative connotations should be inferred by the reader.

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CONCLUSION

In conclusion, the findings indicate that outsourcing of key human resources functions would be a reasonable option. However, while adoption of the Proposed Ordinance, taken literally, would “abolish the Town’s Human Resources department,” it is probable that the Board did not intend to eliminate *all* the Town’s human resources activities, considering the current distribution of HR functions. If that presumption is correct, the Board may have reasonably intended not to abolish the “Human Resources Department,” but instead to distribute human resource functions in a practical and effective manner through a hybrid of outsourcing and in-house approaches, as described in the body of this submission.

If an outsourcing model is adopted, the hybrid approach would involve: (1) abolishment of the Human Resource Director position and outsourcing of core human resources responsibilities, (2) employment of a strong Human Resources Generalist (preferably without any division in responsibilities that would be unrelated to human resources activities), (3) continued reliance on the Volunteer Coordinator and Parks & Recreation personnel to manage the workforce, and (4) continued participation of other Town employees in the human resources management practices that were previously established.

Alternatively, if the Board decides not to abolish the Human Resources Director position, it may reasonably decide to nonetheless adopt a hybrid model. If so, the most feasible approach going forward would be to follow steps (2) through (4), as outlined above, which would include employment of a strongly skilled Human Resources Generalist.

As reflected in the perspectives of Town Manager Crockett and Police Chief Putnam, who oversees the largest block of Town employees, the most important next step in this endeavor is to ensure that reasonable expectations for the Town’s fulfillment of its HR obligations are carefully defined and that those expectations are met in a collaborative, fair-minded workplace environment.

Thank you for this opportunity to aid the Board as it deliberates over whether to adopt the Proposed Ordinance. Kindly let me know if you have any questions regarding my findings.

Sincerely,



Michael A. Cunniff

Encl.

# **APPENDIX**

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# **EXHIBIT 1**

**An Ordinance to Abolish the Town’s Human Resources Department  
Pursuant to Section 2.06(5) of the Town Charter and to Amend  
Provisions of Chapter 49 (Personnel Policies) of the Town Code Accordingly**

**NOTE: Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed out~~.  
Other sections of the Ordinance are unchanged**

WHEREAS, Section 2.05 of the Town Charter specifies that all powers of the Town shall be vested in the Board of Selectmen, except as otherwise provided by law or the Town Charter; and

WHEREAS, Section 2.06(5) of the Town Charter vests the Board of Selectmen with the authority to, “by ordinance, create, change and abolish offices, and departments, other than the offices, and departments required by law or this Charter”; and

WHEREAS, a Human Resources department is not required by law or the Town’s Charter; and

WHEREAS, the Board of Selectmen has determined that contracting with an outside independent contractor to provide the Town with Human Resources services will result in significant financial savings for the Town;

NOW, THEREFORE, The Town of Wells hereby ordains and enacts “An Ordinance to Abolish the Town’s Human Resources department Pursuant to Section 2.06(5) of the Town Charter and to Amend Provisions of Chapter 49 (Personnel Policies) of the Town Code Accordingly” to read as follows:

**Part 1:**

Pursuant to Section 2.06(5) of the Town Charter, the Human Resources Department is hereby abolished and the Town Manager, in her capacity as Personnel Director under 6.02(2) of the Charter, is hereby authorized to retain the services of an outside independent Human Resources contractor to provide Human Resources services for the Town.

**Part 2:**

The following provisions of Chapter 49 (Personnel Policies) are hereby amended as follows:

§ 49-10 Duties. The Personnel Advisory Board acts in an advisory capacity to the ~~Human Resources Director and/or~~ Town Manager in the establishment and administration of personnel policies under this chapter. The ~~Human Resources Director and/or the~~ Town Manager shall meet with the Board regularly and shall inform the Board of matters arising under these policies. The Board may prepare an annual wage scale as established

in § 49-24 of this chapter and review fringe benefits and other personnel issues as requested by the ~~Human Resources Director,~~ Town Manager, or the Board of Selectmen.

§ 49-14. Workweek and overtime.

D. A non-exempt employee who works more than 40 hours in any workweek must have authorization from the employee's supervisor, department head, ~~Human Resources Director,~~ or Town Manager prior to working the overtime hours. Authorization shall be in writing except in cases of emergency. Employees working overtime hours shall document the overtime hours and report such hours in writing to the department head at the end of the workweek in which the hours were worked. Overtime worked without prior authorization may result in disciplinary action.

E. Department heads who supervise three or more full-time employees (or part-time equivalents of three or more full-time employees) are exempt employees. Other employees may be exempt employees because the nature of their duties and responsibilities qualifies them as exempt executive, administrative, computer or professional personnel under the Fair Labor Standards Act. Employees with questions about whether their positions are exempt should consult the job description for their position, and/or the ~~Human Resources Director or the~~ Town Manager. Employees who are not eligible for overtime compensation may arrange for compensatory time off during their normal working hours at times that are not disruptive of the Town's operations by agreement with the ~~Human Resources Director or~~ Town Manager.

§ 49-15. Setting of standards; and adopting policies.

A. Job descriptions, qualifications, hiring procedures and promotion standards for municipal employees shall be set by the ~~Human Resources Director or~~ Town Manager. The ~~Human Resources Director or~~ Town Manager may consult with the Personnel Advisory Board on any matter covered in this section.

§ 49-19. Vacations.

C. Vacations shall be scheduled at a time mutually agreed upon between the employee and the appropriate department head or the employee and the ~~Human Resources Director or the~~ Town Manager. Any day taken without prior agreement by the department head ~~or Human Resources Director~~ or Town Manager will be considered an unexcused absence.

§ 49-20. Term of employment.

C. After satisfactory completion of the probationary period, regular full-time and part-time employees may be removed for cause only after notice and hearing unless

otherwise specified by law or this chapter. Lay-offs or terminations arising out of a reduction in force or for similar budgetary reasons do not constitute removal for cause and may be implemented when in the discretion of the ~~Human Resources Director or~~ Town Manager circumstances require such action.

§ 49-25. Discrimination.

C. Sexual harassment by an employee, including a supervisor, of another employee will be grounds for discipline up to and including discharge. Any employee who experiences or observes sexual harassment should report it to a department head, the ~~Human Resources Director or~~ Town Manager, or another designated individual. Investigations of sexual harassment will be handled as confidentially as possible.

§ 49-31. Discipline and dismissal.

A. An employee may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. Except where immediate action is required, an employee will be given written notice of the proposed discipline and the reasons for it prior to the effective date of such discipline. In the event of suspension for more than three days or dismissal, an employee will have the opportunity to meet with the department head or other supervisor on whose decision the discipline is based to discuss the proposed discipline before the effective date, except in circumstances warranting immediate suspension or termination. The authority to discipline ~~shall rest with the Human Resources Director or Town Manager~~ and the authority to discharge shall rest with the Town Manager. The ~~Human Resources Director or~~ Town Manager may delegate authority to take initial disciplinary action to department heads for employees under their supervision. The Town Manager shall report all dismissals to the Board of Selectmen.

§ 49-32. Appeals.

A. An employee other than a department head who is aggrieved by the action of a department head under a specific section of this chapter or the Employee Handbook may file a complaint with the ~~Human Resources Director or~~ Town Manager. The complaint shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the complaint. The written complaint shall contain a statement of the action about which the employee complains and the section of this chapter that the employee believes has been violated.

(1) The ~~Human Resources Director or~~ Town Manager shall conduct an informal hearing on the complaint within 15 calendar days of the date it was filed, unless the ~~Human Resources Director or~~ Town Manager requests and the employee agrees to an extension of time. The aggrieved employee shall have an opportunity to present his or her complaint and to question the department head and any adverse witnesses. The ~~Human Resources Director or~~ Town Manager shall render a decision in writing, giving reasons for his/her decision and making findings of fact, within 10 calendar days after the hearing concludes.

(2) An appeal of the ~~Human Resources Director's or~~ Town Manager's decision can be made in writing to the Board of Selectmen within 20 calendar days from receipt of the decision. The Board of Selectmen shall hear the appeal at its next regularly scheduled meeting in executive session or as otherwise provided by the Maine Freedom of Access Law. The Selectmen shall render a decision in writing giving reasons for their decision within 10 calendar days after the hearing concludes. The Selectmen's decision is final.

**Part 3:** Effective Date.

This Ordinance shall become effective at the expiration of 30 days after adoption by the Board of Selectmen.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Sean P. J. Roche, Chair

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
John K. MacLeod, III

\_\_\_\_\_  
Robert Foley

# **EXHIBIT 2**

**Town of Wells  
Job Description**

<b>Position Title:</b>	Human Resources Director	<b>Salary Band:</b>	IV
<b>Department</b>	Human Resources	<b>Date:</b>	July 2013
<b>Reports to:</b>	Town Manager	<b>FLSA Status</b>	Exempt

**Statement of Duties:** The employee in this position is responsible for the administration and direction of human resource activities for the Town of Wells including but not limited to employee relations efforts, oversight for employee recruitment and selection, state and federal employment compliance standards, staff training, compensation and benefits, participation in labor contract negotiations, contract administration and dispute resolution, and employee safety and wellness, in accordance with Town bylaws, State, and Federal laws and regulations. The employee communicates regularly and collaborates productively with all members of management staff on a wide range of personnel matters. The employee is required to perform all similar or related duties.

**Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Oversees and participates in the development, strategic planning, legal compliance, and administration of Town-wide personnel policies and practices including employee recruitment/retention, compensation and classification of positions, labor relations, contract administration, grievance resolution, policy interpretation, and the administration and provision of employee benefits.

Assures compliance with local, state and federal employment laws including but not limited to employment and benefit practices, harassment prevention, non-discrimination, wage and hour laws, ADA, Maine Human Rights Act, FLSA, and the compliance and administration of FMLA.

Oversees staffing and recruiting processes to ensure hiring is accomplished in an equitable and effective manner consistent with Town guidelines and legal compliance. Serves on selection teams when appropriate and as requested by department heads. Consults with and provides support for supervisors regarding the recruitment, screening and interviewing of applicants and hiring of prospective employees. Assists with new employee orientation as to benefit offerings and broad policy orientation.

Develops and implements employee training and educational programs in partnership with Town department heads, Town Manager, and Town Safety and Wellness Committee.

Coordinates annual merit review and performance management processes.

Human Resources Department  
Human Resources Director  
July 2013

## **Town of Wells Job Description**

Provides coaching and consultation to supervisors in regard to employee performance management, as requested.

Oversees the Town's employee benefit programs and administration including but not limited to health, disability, life, dental, vision, deferred compensation and Maine State Retirement, flexible spending accounts, HRA, and other benefits that may be offered to Town employees. Undertakes periodic review of employee benefit programs and works with the Town Manager and Personnel Advisory Committee to offer and review recommendations for changes and where appropriate, enhancements, to maintain or improve Town's overall competitive position in the labor market and employee satisfaction.

Serves as the point of contact for external and internal employment inquiries.

Reviews and updates in consensus and/or partnership with Town Manager, Personnel Advisory Committee and Department Heads, town employment materials, employment and volunteer applications, employment policies, and job descriptions.

Serves as a resource for the Town's collective bargaining team in the planning and negotiation of the Town's collective bargaining agreements.

Ensures equal opportunity and harassment prevention measures, training, policies and protocol are established and maintained for Town employees and volunteers. Conducts and appropriately documents and follows up on investigations of alleged harassment and discrimination of Town employees, in conjunction with or as designated by Town Manager.

Monitors unemployment insurance and worker's compensation program, partnering with Town Manager, Department Heads and Safety and Wellness Committee in the development and implementation of appropriate and effective strategies for risk management and cost containment.

Oversees the administration and contracting for outside vendors to administer the Town's CDL Drug and Alcohol Testing program, and employee assistance programs.

Develops and administers the Human Resources Department's operating budget.

Provides for competitive and equitable compensation programs in partnership with Town Manager and Selectmen, by working with Department Heads to prepare updated position descriptions, obtaining external market data, and maintaining and administering classification plans. Undertakes periodic review and recommendation of updates as needed in order to provide for competitive, equitable, and fiscally sound compensation programs, in partnership with the Town Manager and Personnel Advisory Committee.

Serves as a resource for Town's Safety and Wellness Committee and Town's Personnel

Human Resources Department  
Human Resources Director  
July 2013

## **Town of Wells Job Description**

Advisory Committee.

Through oversight of a part-time Volunteer Coordinator, fosters volunteer coordination and volunteer appreciation and engagement, to leverage Town of Wells staff efforts throughout a wide variety of Town programs and initiatives where volunteers are engaged.

Maintains current knowledge of HR practices and trends and stays abreast of wide variety of employment issues, laws, and emerging trends through HR professional development associations and attendance at relevant HR workshops, association, training and through reading.

Maintains employee personnel files and personnel records and safekeeping of same.

**Supervision Required:** Under the administrative direction of the Town Manager, the employee works from organizational policies and objectives, establishing short and long-range plans and objectives, personal performance standards, and assumes direct accountability for department results. Employee consults with the Town Manager where clarification, interpretation, or exception to organizational policy may be required. The employee exercises control in the development of departmental policies, goals, objectives, and budgets. The employee is also expected to resolve conflicts that arise and coordinate with others as necessary.

**Supervisory Responsibility:** The employee is required to provide guidance and direction to employee(s) regarding the various human resource functions including the administration of benefits. Supervises a part-time Volunteer Coordinator position.

**Confidentiality:** In accordance with the State Public Records Law, the employee has regular access to confidential information on a department-wide basis including collective bargaining, lawsuits, criminal investigations/records, and official employee files.

**Judgment:** Work is performed based on administrative or organizational policies, general principles, statutory legislation, or directives that pertain to the provision of personnel services for all municipal employees and retirees. Extensive judgment and ingenuity is required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the department or functional area's authority in interpreting the guidelines, determining how they should be applied, and in developing operating policies and practices.

**Complexity:** Work consists of employing many different concepts, theories, principles, techniques and practices relating to the field of human resources. Assignments typically concern such matters as studying trends in the field for application to the work; assessing services and recommending improvements; planning long range projects; devising new techniques for application to the work, recommending and writing policies, standards, or criteria.

Human Resources Department  
Human Resources Director  
July 2013

## **Town of Wells Job Description**

**Work Environment:** The work environment is typical of a municipal office setting subject to frequent interruptions. Employee is required to work beyond normal business hours to attend evening meetings.

**Nature and Purpose of Relationships:** Employee has frequent interaction with department heads, employees, members of management, the public and with groups and/or individuals who have conflicting opinions or objectives, diverse points of view or differences where skillful negotiating and achieving compromise is required to secure support, concurrence and acceptance or compliance; or one-on-one relationships with a person who may be under severe stress, where gaining a high degree of persuasion may be required to obtain the desired effect. The employee represents to the public the provision of personnel services on matters of procedures or policy where perceptiveness is required to analyze circumstances in order to act appropriately.

**Accountability:** Duties include department level responsibility for technical processes, service delivery, and contribution to municipal wide plans and objectives and fiscal responsibility for the department's services. Consequences of errors, missed deadlines or poor judgment could severely jeopardize department services or programs, have extensive financial and/or legal repercussions, and adverse public relations to the Town.

**Occupational Risk:** Occupational risk exposure is similar to that found in a municipal office setting.

### **Recommended Minimum Qualifications:**

**Education and Experience:** Bachelor's Degree along with minimum five to seven (5-7) years of human resources management and supervisory experience; or equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. Municipal experience and PHR or SPHR certification is desirable but not required.

### **Knowledge, Abilities and Skill**

**Knowledge:** Thorough knowledge of current local, State and Federal employment, benefit and payroll laws, practices and regulations. Thorough understanding and ability to effectively apply knowledge of principles and practices of public and private sector human resources administration and the techniques employed in this field

**Abilities:** Ability to develop, implement and monitor the effectiveness of a wide range of personnel services and polices. Ability to effectively supervise employees. Ability to work effectively with confidential, sensitive information. Ability to work effectively with Town staff, leadership, local and state officials, and members of the public. Ability to mediate, and negotiate employee concerns and interpret and apply personnel rules, regulations, policies, and laws in an impartial, consistent manner. Ability to negotiate and implement provisions of collective

Human Resources Department  
Human Resources Director  
July 2013

## **Town of Wells Job Description**

bargaining agreements. Ability to conduct independent research and to prepare detailed reports as necessary. Ability to analyze a variety of personnel and management issues and make sound, unbiased recommendations for their resolution. Ability to make effective presentations as needed to employees, department heads, volunteers, and Town Selectmen. Ability to deliver and develop training presentations and/or serve as a facilitator.

**Skill:** Proficient written, oral and interpersonal communication skills. Sound computer technology skills including word processing, database management and spreadsheet applications.

### **Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

**Physical Skills:** Physical demand requirements are at levels of those for sedentary or office environment work, including frequent use of computer.

**Motor Skills:** Duties require the employee to utilize basic motor skills to perform activities such as moving objects, operating a personal computer, phone and/or most other office equipment.

**Visual Skills:** The employee is required to constantly read documents for general understanding and analytical purposes.

**EXHIBIT 3**

**Town of Wells  
Position Description Overview - Volunteer Coordinator**

<b>Position:</b>	Volunteer Coordinator	<b>Date</b>	August 2013
<b>Department:</b>	Human Resources	<b>FLSA Status:</b>	Non-Exempt
<b>Reports to:</b>	Human Resources Director		

**Purpose:**

Assists in the development of a cohesive, municipal volunteer program for the Town of Wells, and fosters an ongoing, sustainable volunteer program for the Town that effectively leverages Town staffing resources. Accountable for partnering with HR Director and Department Heads to recruit, coordinate, train, recognize and retain a qualified, engaged, motivated volunteer base of volunteers for all Boards, Commissions, Committees of the Town of Wells and general volunteer positions for the Town.

**Essential Functions and Accountabilities:**

*The essential functions listed below are intended as illustrations of the various types of work and performance accountabilities that are required. Other similar, related or logically associated functions or accountabilities may apply as a part of this role, though not specifically listed below; the omission of specific statements of duties does not exclude them from the position.*

- Establishes a standardized recruitment protocol for prospective volunteers, from initial volunteer assessment and job descriptions, to volunteer application, screening, interview protocol, timely communication, follow-up and onboarding of new volunteers, in conjunction with Department Heads.
- Conducts volunteer needs assessments and assists in the development of volunteer position descriptions and responsibilities for the different volunteer positions within the Town of Wells. Works with Department Heads to periodically review and update job descriptions, job requirements and training opportunities to enhance job performance.
- Develops and maintains an efficient, sustainable electronic database of volunteers.
- Develops, implements and maintains a Volunteer Handbook outlining key aspects of volunteer program, including but not limited to recruiting and selection, screening, conduct and performance expectations, orientation, and policy communication.
- Develops and implements, through consultation with Department Heads, Town Manager, and Selectmen, formal and informal recognition events or initiatives for volunteers.
- Maintains appropriate volunteer records, from initial application and references through performance and, where applicable, exit of volunteer role.
- Facilitates and coordinates interviews of prospective volunteers as needed and directed and in consultation with Dept Heads, Town Manager and Selectmen.
- Conducts exit interviews with departing volunteers and follows up appropriately.

**Town of Wells**  
**Position Description Overview - Volunteer Coordinator**

- Seeks out and develops new, innovative, effective sources for attracting, recruiting, engaging and training volunteers. Helps develop an effective pipeline of volunteers.
- Communicates extensively and effectively with Department Heads that staff volunteer boards and committees and/or otherwise engage volunteers, so as to effectively understand duties, training requirements and skills needed to volunteer in a particular role.
- Facilitates and conducts new volunteer orientations, in conjunction with Department Heads. Assists in developing and standardizing appropriate new volunteer orientation.
- Makes presentations externally to civic groups and/or to individuals, to promote and foster volunteering with the Town of Wells. Appropriately shares information internally and maintains effective flow of information and communication with all internal constituents.
- Assists in the development and implementation of volunteer training and educational programs for volunteers, and maintains appropriate, associated recordkeeping.
- Networks effectively with local and state volunteer management organizations and programs in order to work collaboratively and develop, share and recommend for implementation, effective sources and best practices.

**Recommended Minimum Qualifications:**

**Education and Experience:** Demonstrated experience with successfully recruiting, coordinating and managing volunteers; supervisory experience; broad education consistent with college degree and/or equivalent combination of education, training and experience to enable the individual to successfully carry out key accountabilities and functions established for this position.

**Knowledge, Skills and Abilities:**

**Knowledge:** Knowledge of volunteer recruitment and retention techniques and principles relating to recruitment and management of volunteers; understanding of the community of Wells

**Abilities:** Requires ability to successfully work with Dept Heads to assess and understand volunteer needs; strong computer proficiency including database application; ability to carry out work accountabilities independently during times that may on occasion extend beyond daytime hours into evening hours. Ability to maintain confidentiality. Ability to appropriately interpret Town ordinances, state and federal statutes as they pertain to volunteer resources.

**Skill:** Excellent verbal and written communication skills; ability to deal tactfully with all internal and external contacts including all Dept Heads, Town Manager, HR Director, Personnel Advisory Board, Selectmen, and with prospective volunteers, community groups and other external contacts. Effective interpersonal skills with demonstrated respect and appreciation for individuals without regard to background or personal characteristics.

**Town of Wells**  
**Position Description Overview - Volunteer Coordinator**

**Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

**Physical Skills:** Physical demand requirements are those typical of a municipal office environment setting, including frequent use of a computer. Individual in this position will also be required to travel locally such as when meeting with internal and external contacts at other Town offices or locations, making presentations about volunteer opportunities at civic groups to prospective volunteers, etc.

**Motor Skills:** Duties require the employee to utilize basic motor skills to perform activities such as moving objects, operating a personal computer, phone and/or most other office equipment, and local travel which may include driving own vehicle.

**Visual Skills:** The employee is required to routinely read documents for general understanding and analytical purposes.

**Confidentiality:**

Individual in this position has regular access to a variety of confidential information, including official volunteer applications and volunteer background checks and performance management records.

# **EXHIBIT 4**

**Board of Selectmen Meeting**

**November 2, 2021**

**Comments by Cindy Adamsky**

S. Roche: So, if you could just state your name, please.

C. Adamsky: Sure, Cindy Adamsky. *\*Inaudible 1:25\** a resident and a constituent. Can you hear me? Cause if you don't...

*\*Audience indicates they cannot hear Cindy\**

S. Roche: That mic might not be on.

C. Adamsky: I can use my outside voice.

Audience: *\*Nods\** There you go! It's on now. *\*laughter\**

C. Adamsky: Okay. Please bear with me as I read this. I think this is a very, very important topic and I don't want to miss anything that I've written down. I do come before you not as an employee, but as a Town resident and a constituent. I come to ask just a few pertinent questions regarding the ordinance to abolish the Town Human Resources Department, specifically paragraph 4 whereas the Board of Selectmen has determined that contracting with an outside independent contractor to provide the Town with human resources services will result in significant financial savings for the Town. The Budget Review Committee began their review with '21-'22 fiscal year in February 2021. The HR Department was reviewed on March 3<sup>rd</sup> and included an HR CIP for an HR communications position. A position rightfully touted as being a serious need by our Town Manager, Larissa Crockett. The entire budget went through reconciliation with all of you, was endorsed by all of you, and went before the Town residents on June 8, 2021, where it was approved by Town voters, your constituents. The budget is now in place beginning July 1<sup>st</sup> of 2021 and has just passed four months in, about a third of the way through.

My first question: What catastrophic expenses come to our Town that will require already appropriated funds to be shifted out of the HR Department? And, if you're going to use fuel, please, I would prefer that that not be an answer 'cause you all accepted and agreed to a Garrett-Pillsbury bid to cover that expense.

The second question paragraph four indicates contracting with an outside independent contractor will result in significant financial savings. Based on that same *\*inaudible\** by your statement ... uh, Mr. Chair, you have received quotes on that, on the costs associated with that. And I think, if I heard you right, you gave the exact amount of 62-72 thousand dollars...

Which kind of flattened the question a bit but, okay. Um, is that contract a flat contract? Or is it billable hours? Does it take into consideration the many hours that it will take to

hire the sixty additional seasonal employees we hire annually, it's not just accepting an application, there's a serious amount of work to properly onboard any employee, even a seasonal one. I also ask that you take into consideration the human cost to your employees in doing this. The HR Department has been in place for twenty years. Your employees have come to rely on immediate assistance with life events, births, deaths, illness, marriage, divorce, underlying injuries, employee relations and disputes, a part-time HR Director no matter how good cannot give that immediate resource that the HR Department and its Director now afford us. I know personally—

S. Roche: I'm sorry to interrupt you, we just have one last *\*inaudible\**

C. Adamsky: Yes, that's okay.

S. Roche: Thanks.

C. Adamsky: Um, I know personally that this HR Director makes herself available to midnight shift employees on midnight shift. So, that's something that you can't just get easily. So, my last statement is let's not be pennywise and pound foolish with the lives of your employees. Thank you.

*\*Adamsky steps down from podium\**

# **EXHIBIT 5**

**Board of Selectmen Meeting**

**November 2, 2021**

**Comments by Maryanna Arsenault**

S. Roche: Can you just state your name.

M. Arsenault: Good evening. I'm Maryanna Arsenault and I'm Chairperson of the Wells, uh, Personnel Advisory Board. I was appointed to the Board in 2014 and I was voted chairwoman this year, 2021. Over my seven-year tenure on the Board, um, the committee, it's called a committee although it is a board of the, um, Town. Um, we've provided a tremendous amount of assistance to the Town Manager and the HR Director including, recruitment, interviews, salaries, wages, compensation plans, regular and seasonal recruitment, bargaining unit considerations, and volunteer activities. On October 15<sup>th</sup>, I attended the most recent meeting of the Personnel Advisory Board. There were two—there were only two items on the agenda—nothing to do with abolishment of the HR Department.

Approximately one week after that meeting, um, through community contacts, I heard that the Board of Selectmen had promulgated an ordinance to abolish the HR Department.

M. Arsenault:

So, once I was contacted, heard things firsthand, secondhand, thirdhand, I did call Larissa and ask for a meeting. Um, we met on October 27<sup>th</sup> at, um—Selectwoman Kathy Chase was at the meeting as well, and I'm just going to give you a summary of the meeting um, after the meeting I did sit down and do a summary and sent it to Larissa, just to make sure that I had everything correct. I learned at that meeting and I was given the ordinance—that was the first time I had seen the ordinance. I was told that the budg—the decision was strictly budgetary, and it was not a request of the Town Manager. I was told that the Town had hired a consultant and that, um, oh and that consultant is also the consultant for the Town of Ogunquit and The Wells Sanitary District. I asked how many employees the Town had, 'cause I really wasn't sure, and I was told one hundred. Um, and then Larissa explained how HR would be managed going forward; that the HR consultant would work ten to twelve—

S. Roche: I just want to interrupt real quick, if you just have a closing statement, it's just your three minutes are up so---

M. Arsenault: Okay. I can do that if you don't want to hear what I have to say.

S. Roche: It's just in the interest of giving everyone a chance to speak this year 'cause I know a lot of people are here to speak on that.

M. Arsenault: Okay. If you don't want to hear what I have to say I can move to my conclusion.

Um, in my professional judgment, Wells, with approximately 100 year-round employees that swell to about 200 during the summer, requires an HR Department with an onsite trained professional. A collection of resources under the direction of a part-time—very part-time consultant does not constitute a sophisticated HR Department. The Society for Human Resource Management advises that any organization with 1-250 employees needs approximately 3.4 HR professionals.

And I also ask you not to abolish the HR Department.

# **EXHIBIT 6**

## Board of Selectmen Meeting

November 2, 2021

### Comments by Allison Herman

A. Herman: Hi, um, my name is Allison Herman and I'm the head of Youth Services at the Wells Public Library. I have been working for the Town of Wells for seven years and I can safely say I have found my forever job. I love working for this Town as well as living in it. In my time here I've had to rely on the Human Services Department for a multitude of reasons. My family moved here from North Carolina in 2014 and I needed to put both my husband and daughter on my insurance plan for the first time. Without the direction of the then Head of HR, I would've been lost. With many options to choose from she helped explain my coverage choices, allowing me to find what worked best for my family. This is not something I was or am equipped to do. Knowing and understanding that insurance is not my strong suit, recently when I was in the eye doctor's office, I realized I wasn't sure about my daughter's coverage. I quickly emailed HR asking if Emma was on my vision plan. There was no question of who Emma was, as we already had a professional relationship, and she knew outright. Within minutes, I got a response. She wasn't covered but I could easily add her by filling out a form that was attached in the email reply. I was able to save hundreds of dollars, all because of Human Resources.

I've also relied on HR for help in performing my job. Along with being Head of Youth Services, I'm also Assistant Director at the Wells Public Library. There have been many times when I have been called upon to be Acting Director, whether for a week or for a few months. Because this is not my typical role, the questions and issues that arise can be confusing to me. When my coworker hit her head and suffered a concussion, what steps did I need to take? When a coworker took liberties with vacation time, how was I to address this? The information and advice given to me by HR was invaluable. I have sought out advice from Human Resources in regard to more interpersonal matters.

Before coming to Maine, I worked in large cities where I felt I was a cog in the machine. Working in this small Town, people know me and my family. There are also many intricacies that need to be navigated. Because the Human Resources Department is part of the Town, the person running that department knows these details. When I ask advice about situations at work, the answer is based on the Town of Wells and the various players, whom the Department head knows. It is not some pat answer meant to placate me. It is based on this Town and what will benefit it.

The motion to dissolve the HR Department is a disastrous one. I don't want to speak to someone who doesn't know me, my Town, my coworkers; I don't want to send an email from a doctor's office and wait forty-eight hours for a response. I implore you to look at the bigger picture and think about what the dissolution of this Department means to those of us to live in, work for, and love being a part of the Town of Wells. Having a Human Resources Department devoted to the 100+ workers in Wells is essential to keeping this Town the friendliest town in Maine. If I am concerned about something at

work with nowhere to turn, I would not be feeling that this is the friendliest town.  
Please do not pass this motion. Thank you.

**EXHIBIT 7**

**Board of Selectmen Meeting**

**November 2, 2021**

**Mary Harrison**

M. Harrison: My name is Mary Harrison and um; it sounds like from what I've been listening to that you as the Select Board do not really care to hear about people's decisions and what their input is.

# **EXHIBIT 8**

**Board of Selectmen Meeting**

**November 2, 2021**

**Comments by Marisa Caputo**

M. Caputo: Clearly, we have extreme limitations on what we can say and what's going to be listened to. It almost makes us think that the decision's been made, and this is for no other reason but to dot the i's, cross the t's, and move along, there's nothing here to see. Well, I got stuff to say, and what's happening here—

S. Roche: Do you mind just stating your name for us?

M. Caputo: Oh sure, I'm happy to. Am I allowed to read what I wrote, or do I just get to state my name?

S. Roche: You—no you can state your name and you can read what you wrote, you just cannot discuss any employee matters in a public setting. It cannot be stated, so as long as it's—

M. Caputo:

My name is Marisa Caputo I'm a court mediator trained by the Massachusetts Attorney General's Office, and I'm a volunteer for the Town of Wells serving on the Budget Committee.

There's a lot of facts here that we can say.

Jon Carter retired a year ago. He left you guys and all the taxpayers a well-oiled machine. You had him place a group of consummate professionals who were and are highly trained, dedicated group who worked cooperatively with great success.

S. Roche: Ms. Caputo we're not going to be discussing—

M. Caputo:

S. Roche: Ms. Caputo. Ms. Caputo

M. Caputo:

S. Roche: Ms. Caputo, you are out of order. We cannot discuss personnel.

M. Caputo: Oh, excuse me. I'll, I'll take care of that.

S. Roche: Ms. Caputo. Ms. Caputo if you continue to—

M. Caputo: My bad, sorry.

S. Roche: Ms. Caputo—

M. Caputo:

S. Roche: Ms. Caputo—

M. Caputo: Oh, my bad! I keep forgetting, I'm sorry.

S. Roche: No, I'm sorry—

M. Caputo:

S. Roche: Ms. Caputo— Ms. Caputo—

M. Caputo:

S. Roche: Ms. Caputo, if you do not--

M. Caputo:

S. Roche: Ms. Caputo.

We cannot continue this. We cannot—

M. Caputo: Okay, then I'll just address you directly.

S. Roche: No, we cannot.

M. Caputo:

S. Roche: No. No, Ms. Caputo—

M. Caputo:

S. Roche: Ms. Caputo! No.

M. Caputo:

S. Roche: Ms. Caputo.

M. Caputo: And so, I bring you my final statement.

S. Roche: Ms. Caputo, please--

M. Caputo:

S. Roche: Ms. Caputo! We cannot discuss this—

M. Caputo:

S. Roche: Chief? Are you—can you come in please?

M. Caputo:

S. Roche: Chief--- I'm sorry, can you---

M. Caputo:

S. Roche: Chief—

M. Caputo:

S. Roche: Do you mind just—

M. Caputo:

S. Roche: Thank you, Chief.

M. Caputo: Thanks for the opportunity.

**EXHIBIT 9**

**Wells Board of Selectmen Town Meeting**

**November 16, 2021**

**Comments by Aaron Stewart**

Aaron Stewart:

Good evening.

I'm Aaron Stewart. I'm the shop steward for the Wells Police Department, Patrol, and Dispatch Divisions. Uh, I represent 27 of the Town's roughly 100 full-time employees and we just would like to say we feel we would best be served by having an in-town Human Resources Department versus an outsourced one. Thank you.

# **EXHIBIT 10**

Board of Selectmen Town Meeting

November 16, 2021

Comments by Cinndi Davidson

Cinndi Davidson:

Cinndi Davidson.

I've lived in Wells since 1988, bought my home in 1996, and started working for the town part-time as meeting reporter in 2004. The boards and committees I cover include the Budget Committee and Personnel Advisory Committee. Last spring the Budget Committee did their usual research and deliberations for this fiscal year and the residents voted on the budget at the town meeting. There was no discussion then about eliminating the Human Resources Director Position. Has there been some catastrophic event during the first quarter requiring that move to save money? How would eliminating that position and outsourcing it save the town money? And why single out Human Resources? Why not eliminate all department head positions and outsource them?

During the first Gulf War I served as personnel officer for an infantry of the Italian. On drill weekends and admin nights I made sure I was available to meet with the entire commanding staff, the company commanders, and first sergeants. I also put in countless hours for the flag alone at the reserve center preparing reports and doing other admin work. Many nights I locked the building after midnight. I take pride in my work, and I did what was necessary for our soldiers knowing that we could be deployed at any minute. That's what any responsible HR professional would do.

As recorder for our personal advisory committee, I've worked with several HR directors including Stephanie, Suzy, and Marci. I've been impressed with their knowledge, energy, professionalism, and their interactions with the committee members. Our employees have been fortunate to have a full-time HR Director looking out for them. Can we expect the same level of service and commitment from a part-time consultant? Turnover is costly. If we want to retain our employees, we must have an HR Director who is their champion. Is

# **EXHIBIT 11**

Board of Selectmen Meeting

December 7, 2021

Comments by Cinni Davidson

C. Davidson: Cinni Davidson. I've been in the labor force since 1966 in a variety of organizations. Wall Street, medicine, the military, and the corporate sector. Frequently, I've suspected or known that the Human Resources Department was a tool of management, a weapon to use against the employees. When I started working for the town as a part-time employee, I had few interactions with HR. And since most of our board meetings are at night, I'm not here much during business hours. As I got older and my life changed, I began to have questions about Social Security and Medicare. Each HR director I spoke with was warm and welcoming. I felt free to consult with him or her and discuss my personal situation. That's when I did an about-face, and I came to see our HR directors as human and humane. People who considered the employees as a resource for the organization and not as the enemy.

It's difficult to imagine a town this size with this many employees year-round and seasonal, union and non-union, and not have a full-time HR director on board. It's time for an open, honest discussion. How can a part-time consultant have the level of understanding and commitment our employees deserve? For several years we've used Don Jacobs and his firm to advise us our position descriptions and compensation. I would like Don to prepare a matrix comparing the costs of an in-house and an outsourced director. The numbers probably wouldn't surprise anyone. I minored in finance at Wharton, and I know a few things about money. The idea of eliminating the HR Director position doesn't make sense. Pun intended.

# **EXHIBIT 12**



WORKFORCE ANALYTICS: A CRITICAL EVALUATION

# How Organizational Staff Size Influences HR Metrics



Leading People.  
Leading Organizations.

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## WORKFORCE ANALYTICS: A CRITICAL EVALUATION

### Introduction

HR professionals who move to a new organization that is larger or smaller than their previous organization often find changes in HR metrics. As companies grow in size, organizational life cycle theory suggests they face a range of problems, including HR problems.<sup>1</sup> For example, in small start-up organizations, when the focus is on firm survival, HR practices may appear unstructured and lack documentation, which can increase risk should a hiring decision or employment termination be legally challenged. Large organizations, which usually have established business strategies to reliably produce revenue, often institute formal business practices (such as formal job descriptions, established pay scales and standardized performance reviews) to manage that risk. Generally as staff size grows and organizations become complex, the HR function becomes more formalized and sophisticated.<sup>2</sup> In addition to staff size, the type of industry can often drive changes in HR metrics. In high-tech firms, where the demand for technical skills is high but available talent is low, cost-per-hire (CPH)<sup>3</sup> is \$4,372.<sup>4</sup> This CPH is high when compared with the food services and accommodations industry, which has a low CPH of \$2,967<sup>5</sup> because the skills and talent are readily available.

Executives in HR and other functional areas attempt to fit policies and processes to business needs, yet the business needs vary depending on organizations' stages of development.<sup>6</sup> HR professionals work to implement

new systems to help facilitate the success of those initiatives, often requiring significant change management support. HR professionals who work in small, medium or large organizations know staff size affects how they go about implementing HR initiatives. For example, implementing an employee appraisal system for a single-site organization of 100 employees is vastly different than implementing a system across multiple sites totaling 5,000 employees. However, as HR practices change to fit and support organizations' size and business environments, HR professionals may be unaware that key HR metrics also change. In this report, although the type of industry contributes to changes in HR data, the findings only focus on how changes in organizational size affect HR metrics.

Unless noted otherwise, results presented in this report are from the 2014 SHRM Human Capital Database of over 2,000 organizations. Key HR metrics were compared against organizations of small (1-250 employees), medium (251-1,000 employees) and large (1,001-10,000 employees) staff sizes.<sup>7</sup> This report examines the following HR areas:

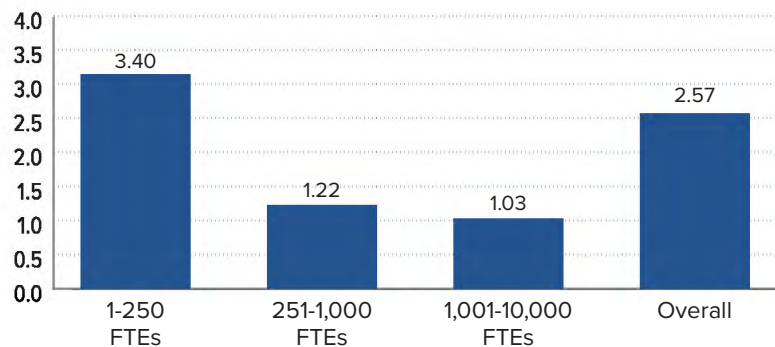
- HR-to-employee ratio.
- Percentage of HR staff in supervisory roles.
- HR-expense-to-FTE (full-time equivalent) ratio.
- Use of structured interviews.
- Time-to-fill.
- Employee tenure.

# HR-to-Employee Ratio

- The HR-to-employee ratio compares HR staffing levels between organizations by showing the number of HR FTEs supporting 100 FTEs in an organization.<sup>8</sup> The average HR-to-employee ratio was 2.57 for all organizations. As staff size increases, however, the HR-to-employee ratio decreases. For example, small organizations had a significantly higher HR-to-employee ratio of 3.40, compared with medium and large organizations that had ratios of 1.22 and 1.03, respectively.<sup>9</sup> A large HR-to-employee ratio for small organizations suggests that it takes a minimum number of HR employees to deliver core HR services, such as recruiting, benefits and employee relations. But once a minimum number of HR staff members are hired, the incremental amount of HR FTEs required to support large organizations does not increase at the same rate.
- There are various reasons this difference in ratios exists as organizational size increases. First, although the ratio is smaller for larger organizations, the actual number of HR staff is greater. With more HR staff, there is more

flexibility to offset peak work demands in one HR area with staff from another. For example, during the labor-intensive process of recruiting, if extra help is needed, it is easier to temporarily pull HR FTEs from other functional areas, such as employee relations or benefits, for additional support. Second, roles for HR professionals in firms with large numbers of employees usually have higher degrees of specialization. In large organizations, HR departments may have multiple benefits professionals, but even within the benefits area, one FTE may be dedicated solely to managing retirement planning and another to managing health care. Such role specificity allows for greater efficiency and economies of scale, because more roles require more effort and more time to switch between tasks that are different from each other.<sup>10</sup> Third, many HR departments have less staff because they outsource HR functions to a preferred employer organization (PEO) or other HR outsourcing vendors. When this occurs, the HR-to-employee ratio may decline, but actual HR expenses may go up to pay for outsourcing costs.

**FIGURE 1.**  
AVERAGE EMPLOYEE-  
TO-HR RATIO, BY  
STAFF SIZE

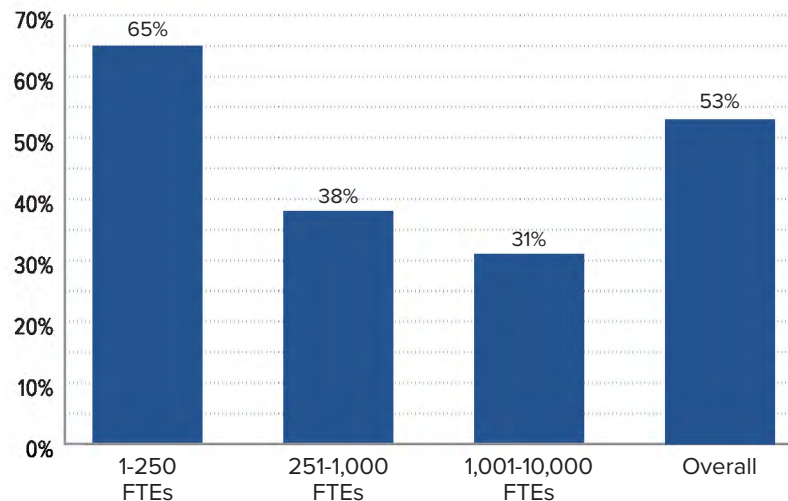


Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

## Percentage of HR Staff in Supervisory Roles

- The percentage of HR staff in supervisory roles (i.e., supervisor, manager, director or above) is calculated by taking the number of HR supervisory positions (FTEs) and dividing it by the total number of HR staff (FTEs). When organizations design their HR departments, this is a useful metric to benchmark the number of supervisory staff members other organizations in their industry use to implement the HR function. The percentage of HR staff in supervisory roles was 53% for all organizations. As the organization staff size grows, this percentage decreases in a similar way that HR-to-employee ratios decrease. Small organizations had a significantly higher percentage of supervisory HR staff (65%) compared to medium (38%) and large (31%) organizations.<sup>11</sup> This metric for medium organizations was also significantly higher than for large organizations, suggesting that the percentage of HR supervisory staff is sensitive to changes in staff size.
- Small organizations may have a higher percentage of supervisory staff because organizations may first hire supervisory talent to lead a functional HR area, such as employee relations or benefits, and then hire less-experienced staff if more resources are required. The fact that medium and large organizations have lower percentages of HR staff in supervisory roles also suggests that as organizations grow, supervisory HR staff members have capacity to increase their span of control by having more HR FTEs reporting to them, both directly and indirectly.

**FIGURE 2.**  
AVERAGE  
PERCENTAGE  
OF HR STAFF IN  
SUPERVISORY ROLES,  
BY STAFF SIZE

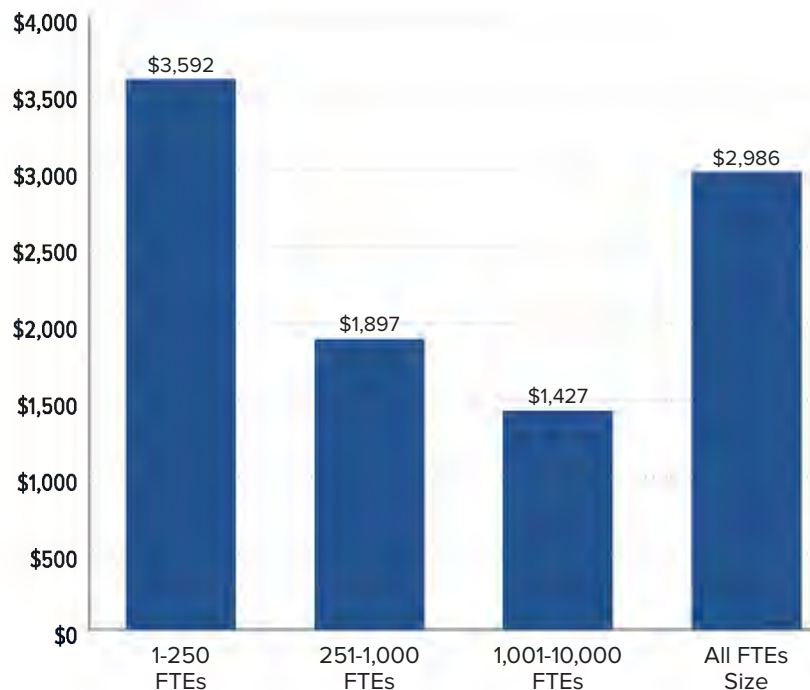


Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

## HR-Expense-to-FTE Ratio

- The HR-expense-to-FTE ratio represents the amount of human resource dollars spent per FTE in the organization.<sup>12</sup> The average HR-expense-to-FTE ratio for all organizations was \$2,986. As organizations grow in staff size, the total costs of the HR function increase. HR expenses for small, medium and large organizations were \$306,044, \$840,015 and \$3,393,775, respectively.<sup>13</sup> Although total HR costs increase when staff size grows, the amount of HR dollars spent per employee decreases. Small organizations had significantly higher HR-expense-to-FTE ratios (\$3,592) than medium (\$1,897) and large organizations (\$1,427).<sup>14</sup>
- Such results suggest that early development of the HR function in small organizations requires higher infrastructure and outside consulting investments. Such investments may include an applicant tracking system, performance management software or external recruiting support, which once purchased can cost-effectively scale to support larger organizations so that HR expense per FTE declines. In essence, as organizations increase in size, they are able to disperse total HR costs among more employees.

**FIGURE 3.**  
AVERAGE  
HR-EXPENSE-TO-FTE  
RATIO,  
BY STAFF SIZE

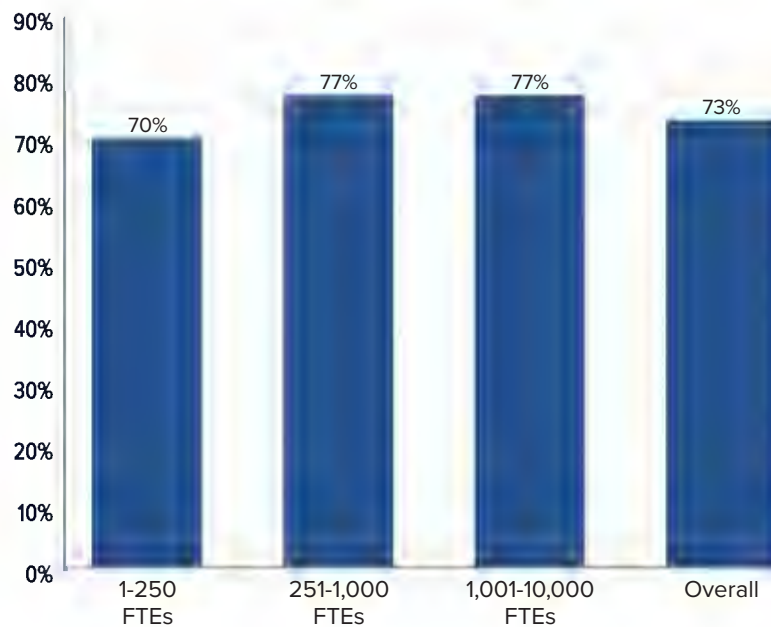


Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

# Structured Interviews for Selecting Talent

- Selecting new talent for organizations is a critical HR function. Organizations that consistently bring on new hires whose knowledge, skills and abilities align with their firms' overall strategy and culture outperform their competition.<sup>15</sup> Structured interviews in which candidates interviewing for the same position are asked similar questions based on job content have been shown to improve interview reliability and validity.<sup>16</sup> Structured interviews prevent the interviewer from asking different questions depending on the job candidate, thus limiting interviewer bias and avoiding skewing the evaluation of the candidates. Seventy-three percent of all organizations used structured interviews as part of their selection process. Small organizations (70%) were significantly less likely to use structured interviews compared with medium (77%) or large (77%) organizations.<sup>17</sup>
- Because hiring activity is less frequent in small organizations, they may be less likely to invest resources to develop structured interviews as their HR-expense-to-FTE ratio is already high. For example, the annual number of positions filled for small organizations was only 24, significantly less than medium (124) and large organizations (568).<sup>18</sup> Small organizations may also lack buy-in from hiring managers to use structured interviews given that hiring managers in small organizations are likely to use their informal networks and referrals to staff the openings that occur.<sup>19</sup>

**FIGURE 4.**  
AVERAGE  
PERCENTAGE OF  
ORGANIZATIONS  
USING STRUCTURED  
INTERVIEWS,  
BY STAFF SIZE

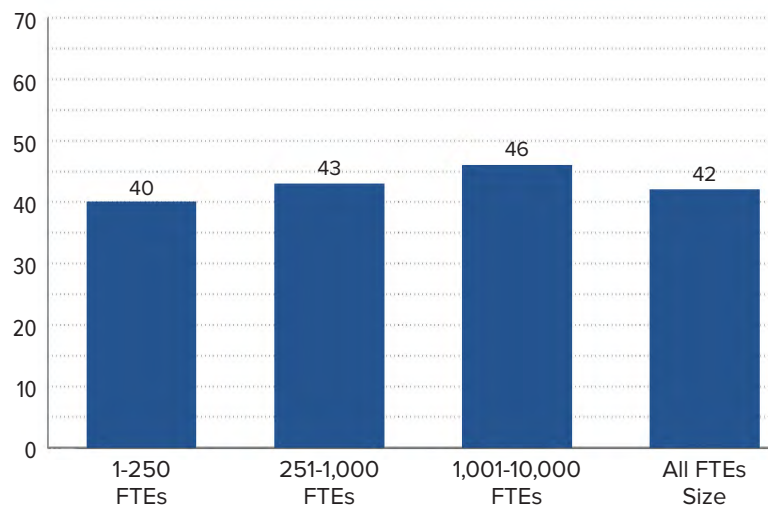


Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

## Time-to-Fill

- Time-to-fill (TTF)<sup>20</sup> represents the amount of time in days it takes to fill a position. Although the average TTF for all companies was 42 days, TTF varied by company staff size. Small organizations had an average TTF of 40 days compared with medium (43) and large (46) organizations.
- Due to the high number of openings that large organizations annually filled on average (568), they may often apply more structure and formal processes to ensure consistent and legally defensible hiring practices. Such structure can take the form of additional interviews to make a hiring decision, more signatures required for offer approval, and additional selection testing and background checks—all of which increase time-to-fill. In addition, with a smaller HR-to-employee ratio in larger organizations, HR staff may be unable to process new-hire decisions as quickly due to the sheer number of applicants.

**FIGURE 5.**  
AVERAGE  
TIME-TO-FILL  
IN DAYS,  
BY STAFF SIZE

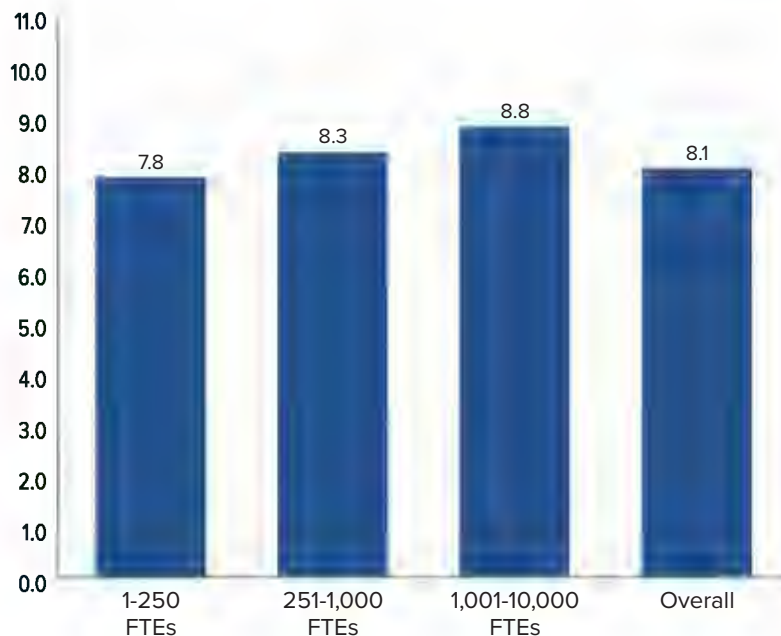


Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

## Employee Tenure

- Employee tenure is the amount of time in years that an employee is employed by an organization. The average employee tenure for all organizations was 8.1 years. Large organizations had significantly higher employee tenure (8.8 years) for their employees compared with tenure in small (7.8 years) and medium organizations (8.3 years).<sup>21</sup>
- Employees may stay longer at large organizations because they see more career progression opportunities and a wider range of benefits offerings than found in small or medium organizations. In addition, unionized environments, which tailor their pension and other benefits strategies to reward employee tenure, are prevalent in large organizations. Large organizations (42%) were significantly more likely to be unionized than medium (21%) or small organizations (8%).<sup>22</sup>

**FIGURE 6**  
AVERAGE EMPLOYEE  
TENURE, BY STAFF  
SIZE



Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

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## Conclusion

As the data in this report indicate, as organizational staff sizes grow, changes occur in key HR metrics. Decreases in the HR-to-employee ratio, the percentage of HR staff in supervisory roles and the HR-expense-to-FTE ratio as staff sizes increase suggest that HR departments in small organizations require a baseline of financial investments for staff and other resources, but that they gain efficiencies when organization size increases. Alternatively, increases in the use of structured interviews, time-to-fill and employee tenure as staff sizes increase suggest that organizations develop more sophisticated and formal ways to select and retain talent to manage large and diverse workforces. In addition, large organizations may have more resources to hire experts to develop valid selection tests to improve hiring practices and also to use employee surveys that give insight in developing retention programs.

## Methodology

Since 2005, SHRM has been collecting human capital benchmarking data on an annual basis. The current 2015 SHRM Human Capital Benchmarking Survey was conducted to create a database of human capital metrics across various industries. In February 2015, an e-mail that included a link to the survey was successfully sent to 27,614 SHRM members, and 3,018 HR professionals responded. The study collected data on human capital metrics such as succession planning, turnover, cost-per-hire, time-to-fill and salary increases. In addition, organizational data, such as employee size and

Knowing that staff size affects changes in HR is helpful when HR professionals seek to evaluate their metrics in light of their HR programs, investments and other outcomes. In benchmarking, it is best to compare HR metrics against organizations of similar staff size to ensure that the comparisons are relevant. However, although staff size clearly affects HR outcomes, other factors such as industry and firm profitability may also influence such metrics. To effectively interpret changes in HR data, HR professionals must decide up front what factors may (and may not) affect their HR analytics, including staff size, the external environment, trends in their organizations' industry, and other internal and external factors.

geographic region, were obtained. Data were collected for 2014, along with expectations for hiring and revenue changes in 2015. The response rate was 10.9%. Given the level of response to the survey, SHRM is 98% confident that responses given by respondents can be generalized to all SHRM members with a margin of error of approximately +/-4%. The survey was created by SHRM's Workforce Analytics Program and was reviewed by the SHRM Human Capital Measurement/HR Metrics Special Expertise Panel.

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## Endnotes

<sup>1</sup>Griener, L. E. (1972). Evolution and revolution as organizations grow. *Harvard Business Review*, 50(4), 37-56.

<sup>2</sup>Hornsby, J. S., & Karatko, D. F. (1990). Human resource management in small business: Critical issues for the 1990s. *Journal of Small Business Management*, 28(3), 9-18

<sup>3</sup>Cost-per-hire (CPH) is the average amount of recruiting dollars required to fill a position.

<sup>4</sup>SHRM Human Capital Database. [Unpublished data].

<sup>5</sup>Ibid.

<sup>6</sup>Baird, L., & Meshoulam. (1988). Managing two fits of strategic human resource management. *Academy of Management Review*, 13(1), 116-128.

<sup>7</sup>Super-large organizations of 10,000 or more employees were excluded as a staff-size breakdown because they were underrepresented in the sample.

<sup>8</sup>The HR-to-employee ratio is calculated by dividing the number of HR FTEs by the total number of FTEs in the organization and multiplying by 100.

<sup>9</sup>Mean differences are significant at the .05 level.

<sup>10</sup>Microsoft Research. (2004). *A diary study of task switching and interruptions*. Retrieved from <http://research.microsoft.com/en-us/um/people/horvitz/taskdiary.pdf>

<sup>11</sup>Mean differences are significant at the .05 level.

<sup>12</sup>HR-expense-to-FTE ratio is calculated by taking the HR expense for a given fiscal year and dividing that number by the number of FTEs in the organization.

<sup>13</sup>Mean differences are significant at the .05 level.

<sup>14</sup>Mean differences are significant at the .05 level.

<sup>15</sup>Datta, D., Guthrie, J. P., & Wright. (2003). *HRM and firm productivity: Does industry matter?* Ithaca, NY: Cornell University, School of Industrial and Labor Relations, Center for Advanced Human Resources.

<sup>16</sup>Eder, R., & Ferris, G. (1988). *The employment interview* (pp. 145-147). Newbury Park: Sage Publications.

<sup>17</sup>Mean differences are significant at the .05 level.

<sup>18</sup>Mean differences are significant at the .05 level.

<sup>19</sup>Kotey, B., & Sheridan, A. (2004). Changing HRM practices with firm growth. *Journal of Small Business and Enterprise Development*, 11(4), 474-485.

<sup>20</sup>TTF represents the number of calendar days from when the job requisition was opened until the offer was accepted by the candidate.

<sup>21</sup>Mean differences are significant at the .05 level.

<sup>22</sup>Mean differences are significant at the .05 level.

## Project Team

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# **EXHIBIT 13**

# How Many HR People Do You Need In 2021?

*(3 – 5 minute read)*

Most small and mid-sized businesses create more formal HR processes and departmental structures as they grow. This development is a response to the need to acquire talent, increasingly complex compliance demands and culture challenges that arise with new staff. Naturally, business leaders will ask the question: “how many HR people do we need to meet organizational demands?” Additionally, it is often difficult to know what level of HR expertise is needed for a small but growing team. For example, new compliance concerns are introduced as companies pass 10, 25 and 50 employees.

The HR-to-employee metric is a much-debated topic. If properly interpreted, it can help you establish HR staffing needs and determine how well the department delivers its services.

## **2021 HR-to-Employee Calculation**

According to Bloomberg BNA's HR Department Benchmarks and Analysis report, the rule-of-thumb ratio is 1.4 full-time HR staff per 100 employees. This ratio is at an all-time high, and in sharp contrast to the marked drops we have seen in recent years. The metric previously peaked at a record high of 1.3 per 100 employees in 2013/2014, after which it dropped to 1.1 per 100 employees in 2015, representing a more recognizable metric, and around where it had hovered for more than a decade. The new ratio is primarily attributable to unprecedented workforce growth and an increased need to support the added HR burden on businesses.

## **Does the HR-to-Employee Metric Really Matter?**

If you're using the HR-to-Employee metric, and given that the metrics only account for your full-time HR staff, there will always be a gap between your calculations and your actual need. You will first need to assess how much value HR can add to the company, and in what areas your needs are greatest. The measure used to be to hire one HR person for each member of your executive management, but today a ratio of one HR leader to every 500 employees is not uncommon.

Always factor in the skills your HR practitioners bring to the table, as virtually no single professional is strong in all required HR competencies. It may be more advantageous to outsource certain aspects, such as payroll and benefits or even staffing. If your HR operations are automated or outsourced, you can safely reduce the ratio.

## **Does a Small Business Need Human Resources?**

No matter the size of your company, HR is one of the most important internal functions. If people are the lifeblood of your organization, human resources is the pumping heart that keeps it alive.

For example, key HR concerns for small and medium-sized businesses typically include:

- Recruitment
- Training and development
- Salaries, payroll, compensation, and benefits
- Labor relations
- Compliance
- Health and safety

While small and mid-sized (5-100 employees) businesses do need HR support, research shows that most owners and key executive staff do not feel confident managing these responsibilities. Industry research also shows that owners and executives in smaller organizations spend as much as 12 hours every week on workforce administration.

- 45% of business owners spend 1 day per week or more on HR administration
- 54 percent of small businesses handle employment matters themselves
- Less than 50 percent of small-business owners are very confident about the way their companies handle HR
- 70 percent of businesses with five to 49 employees add HR onto the workload of employees with little to no experience in workforce issues

Sources: [SHRM](#); [HR Daily Advisor](#)

Solving this problem requires companies to determine which aspects of HR and workforce management can and should be handled internally.

To make this determination, companies should examine what strategic and financial value is added by managing each part of HR administration. Simply put, small organizations have to separate HR administration into two areas: people and processes.

Core components of "people" management are often kept internal. In fact, many small businesses are beginning to opt for designating or hiring a "Talent Manager" internally to help find and keep the best people at their company. This individual may be partially or solely responsible for people-focused functions like talent development, culture building, core values and performance management. Most organizations want (rightly so) to maintain full control over these culture-focused aspects of their company.

Core back-office processes include payroll, compliance, benefits and HR administration (onboarding, consultation, handbook development, policy creation, etc.). Outsourcing these administrative burdens is a simple, cost-effective way to keep your business focused on people while ensuring that HR processes are compliant and competitive by exceeding employee expectations.

[Read about our co-employment](#) offering to learn more about how outsourcing all back-office processes works is the easiest way for small businesses to offer industry-leading HR administration.

## Date

January 5, 2021

## Author

AXIOS HR

## Category

> 50 employees < 50  
employees Article  
Business Executives  
Business Owners  
Under 50 Employees  
Cost

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# **EXHIBIT 14**

## Town of Wells Human Resources Duties<sup>1</sup>

C = Consultant

G = HR Generalist

DH = Department Head

### **Recruiting:**

- Create Advertisement (C)
- Post Advertisement (G)
- Receive all applications/resumes and track (G)
- Acknowledge and respond to all applicants (G)
- Review Resumes and forward to appropriate DH for review (C)
- Schedule interviews (C)
- Set up interviewing committee (C)
- Create interview questions (C)
- Ensure committee signs confidentiality form (C)
- Collect all packets and maintain in HR office (G)
- Provide interview training to committee members (C)
- Create conditional offer letter (C)
- Perform background check (C)
- Perform reference checks (C)
- Schedule pre-employment physical and drug screen (G)
- Contact candidates who interviewed and did not get the job (G)

### **Onboarding:**

- Create packets for new hires to include the following: (G)
  - I-9
  - W-4 Federal
  - W-4 Maine
  - Direct Deposit form
  - Emergency Contact Form
  - Affordable Care Act Form
- Meet with new hire to review: (G)
  - Benefits
    - MMEHT – Medical Insurance and HRA
    - MMEHT - Dental Insurance
    - MMEHT – Vision Insurance
    - MMEHT – Income Protection Plan
    - MMEHT – Life Insurance
    - MainePERS – Retirement
    - ICMA – Retirement
    - 457 IRA Plan – Retirement

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<sup>1</sup> Prepared by Betsy Oulton, AIC, SHRM-CP, IPWA-SCP, of HR Maine Consulting.

- FSA
  - EAP
  - Other voluntary insurances
  - Employee Handbook (reviews all policies and procedures)
- Tour facility and Introductions (DH)
- Collect all enrollment forms and acknowledgement forms from new hire (G)
- F/U with employee within first two weeks (C)
- Assign a “buddy” (DH)
- New Hire Checklist: (G)
  - Create new hire in MUNIS, State of Maine New Hire Report
  - Set up employee personnel folder
  - Set up e-mail address
  - Provide keys/fobs
  - Order business cards, if applicable
  - Issue cell phone, if applicable
- Sets up new hire HR training: (C)
- Enroll employee with all selected benefits either online or fax/mail (G)
- Notifies IT on new hire and permissions (G)

**Terminations:** (G and C)

- Termination Checklist (G)
- Exit Interview (C)

**Personnel Files:**

- Maintains personnel files on all current and past town employees: (G)

**Benefit Administration:**

- Evaluate services, coverage, and options available through insurance and investment companies to determine program best meeting needs of the town and make recommendations to the Town Manager (C)
- Maintain insurance plans for all benefits (G)
- Administer all benefits (G)
- Open Enrollment (G and C)
  - Meet with various providers of benefits to ensure up to date information for meeting (G and C)
  - Schedule and hold meetings with employees (G and C)
  - Provide packets with forms for employees to complete (G)
  - Keep a checkoff list and f/u with outstanding forms from employees (G)
  - Collect all forms (G)
  - Input all changes to providers (G)
  - Input all changes in MUNIS (G)

### **Job Descriptions and Position Classification and Compensation:**

- Review and develop job descriptions and pay range assignments to ensure positions are correctly classified and compensated within the pay classification system (C)
- Recommend reclassifications and pay range assignments to Town Manager (C)

### **Performance Reviews: (TBD) - Town Manager and Consultant**

### **Risk Management:**

- Participate in Safety Committee and subcommittees (C and G)
- Investigate and handle all WC claims
  - Review all workers' compensation injury forms and files claims online with MMA (G)
  - Contact injured worker (G)
  - Refer/schedule injured worker to ten-day provider (G)
  - Complete wage statement for MMA (G)
  - Oversee process of payroll (sick time usage) to cover net payroll difference (G)
  - Assist all departments with answers to questions regarding return to work/restrictions, etc. (C)
  - Monitor claims from beginning until end (G and C)
    - Monitors light duty
    - Liaison between supervisor, employee and MMA
    - Contact medical provider and MMA during claim
  - If L/T, maintain communication with employee while they are out of work, work with supervisor/manager to get employee back to work (C)
  - Follow up with appropriate personnel to determine how injury could have been prevented – ensure that any inadequacies or deficiencies are repaired in a timely manner (C)
- Attend quarterly claims reviews with MMA to discuss losses and determine ways to prevent future injuries (C)
- Point person for Department of Labor for all Departments (C)
- Maintain all OSHA 300 logs (G)
- Conduct or coordinate all safety training (G and C)
- Maintain Risk Management Manual and ensure all monthly audits, etc. required by each department are provided to MMA (C)
- Meet quarterly with MMA Risk Manager to inspect all aspects of safety as part of tier program (C)
- DER for Drug and Alcohol Testing Program (G)
  - Schedule pre-employment, random, probable cause, and return to duty tests
  - Maintain and report results

- Update policy
- Maintain Driver Qualification files
- Coordinate the Employee Assistance Program (C)
- Coordinate and participate in the Wellness Committee (G and C)

**Employee Issues:**

- Meet with employees with a variety of concerns (C)
- Strategize and discuss employee concerns with appropriate personnel (C)
- Mediate and resolve informal grievances (C)
- Schedule and attend Administrative Hearings for resolution of union grievances (C)
- Consult with attorneys (C)
- Respond to Human Rights Commission Complaints (significant paperwork) (C)
- Draft and reviews employee disciplinary notices (C)
- Conduct personnel investigations (C)
- Document all meetings (C)

**Employee Meetings:**

- Assist supervisors and staff in the interpretation and application of fair and defensible personnel management principles, practices, and policies (C)
- Meet with employees, both in group settings and individual meetings to discuss any human resource-related matters (G and C)
- Anticipate problems whenever possible, develop, recommend, and initiate appropriate steps for resolution (C)

**Union Negotiations**

- Represent management in negotiating collective bargaining agreements (C)
- Takes minutes in meetings (C)
- Communicate information to Town Manager (C)
- Amend collective bargaining contracts via track changes as adopted by the Select Board and the Union (C)

**Leave of Absence Administration:**

- Establish eligibility (FMLA, IPP, Military, etc.) (G and C)
- Process all paperwork (G)
- Maintain biweekly communication between the employee and the medical provider (C)
- Liaison between Department Head and Employee (G and C)
- Coordinate return to work with all parties (C)
- Document (G and C)

**Employee Handbook:**

- Compile and keep current the employee handbook and personnel policies (G and C)

**Training:**

- Conduct all required training (C)
- Manage all training (G)
- Develop strategic planning, management training and leadership skills for staff (C)

**Additional Duties:**

Serve as the City's Sexual Harassment Grievance Officer and ADA Compliance Officer (C)

Serve as a member on various employee committees (G and C)

Post all labor posters in each department (G)

**Employee Recognition Program - (G and C)**

**EXHIBIT 15**



## TOWN OF WELLS Employment Posting

### **F/T Human Resources (20 Hours)/Communications (20 Hours) Coordinator**

The Town of Wells is seeking an energetic and creative professional to fill the role of Human Resources/Communications Coordinator. This position is responsible for administrative and technical work in performing a wide range of communications and human resources related duties. Work is performed under the general joint policy direction and guidance of the Town Manager and Director of Human Resources. In addition, this position will work closely with other Town staff, departments and committees as assigned. Independence, initiative, resourcefulness, analysis, and follow-through are expected of the employee in the normal conduct of the work.

#### ESSENTIAL FUNCTIONS

The Coordinator shall guide and coordinate the implementation of the Town's current and/or future social media presence including monitoring and keeping current the Town Facebook, Instagram, YouTube, and Twitter accounts.

The Coordinator shall be a technical resource and assist departments in generating public notices, outreach efforts and advertising.

The Coordinator shall work with cable channel staff to ensure that effective, timely content is available and running on the Wells public access channel.

The Coordinator will be responsible for ensuring municipal boards and committee information, to include agendas, minutes and calendars, are up to date and accurate.

The Coordinator will generally be responsible for the content maintenance of the Town's website.

Ability to communicate effectively verbally and in writing in all aspects of conducting Town business. Excellent organizational skills required.

Ability to multi-task and work on a variety of different and diverse initiatives concurrently as well as be adaptable to the wide range of needs and demands of this position. Ability to take direction from a variety of managers and committees working on a wide range of communication related efforts, and to work independently to progress these initiatives.

Energy, enthusiasm, and creativity for communication related initiatives.

Education and awareness of social media, accepted writing conventions, and media creation software.

Efficient in the use of computer technology, with particular emphasis on the Microsoft Office suite (including OneDrive), the Google suite, and the Adobe suite.

#### DESIRABLE EXPERIENCE AND TRAINING

Bachelor's degree from an accredited program in communications, journalism, public policy, government, media, or related field. Demonstrated and directly related professional experience required. Training supplemented by experience with video and print production and advertising.

In lieu of the above, any equivalent combination of training and experience that provides the following knowledge, abilities and skills may be considered at the discretion of the Town of Wells.

### **HUMAN RESOURCES COORDINATOR**

#### NATURE OF WORK

The Human Resources (HR) Coordinator position assists with the day-to-day operations of the HR Department. The HR Coordinator also supports the HR Director in the implementation of programs to improve the employee experience.

The HR Coordinator has access to sensitive medical and personnel information. An essential job function of the position is the ability to maintain confidentiality at all times. The HR Coordinator has considerable contact with employees, government agencies (both State and Federal), employee benefit vendors, and members of the general public.

#### ESSENTIAL FUNCTIONS

Assists in recruitment processes, salary and benefits administration, employee orientation, on-boarding and off-boarding processes, workers compensation, safety, training, and Family Medical Leave documentation.

Maintains personnel files in compliance with federal and state laws.

Assists with open enrollment, prepares communications to employees, schedules employee meetings; compiles forms and submits to appropriate benefits vendors.

Prepares, submits, and provides follow-up to First Report of Injuries. Maintains OSHA logs and Accident forms.

Works closely with the HR Director to develop strategies on employee relations and engagement.

Assists in the preparation of the Safety Committee agenda, prepares attachments, and tracks action items.

Attends monthly Tech Committee Meetings as a representative of the Human Resources Department.

Communicates and assists employees with benefits questions and general policy interpretations.

## MINIMUM JOB QUALIFICATIONS

- (A) High school graduate or equivalent required, with a college degree in Business Management, Human Resources Management, or related field preferred.
- (B) Progressive work experience with an emphasis on strong organizational and people skills, preferably in a human resources and/or municipal setting.
- (C) Computer proficiency in Microsoft Office Suite with an emphasis on Excel applications.
- (D) Any equivalent combination of training and experience that provides the necessary knowledge, abilities, and skills may be considered.

The Town of Wells offers a competitive pay and benefits package including health, dental, STD, Life Ins, vision, FSA and an incentive-based Wellness program.

## SUBMISSION DEADLINE

Applications for Employment can be obtained by visiting the Town's website at [www.wellstown.org](http://www.wellstown.org) or the Human Resources Department at Town Hall. Completed applications should be sent to: Attn: Human Resources, Town of Wells, 208 Sanford Road, Wells, Maine 04090, or email to [employment@wellstown.org](mailto:employment@wellstown.org)

**Deadline for Submission is Friday, July 2, 2021.**

To be considered for employment with the Town of Wells applicants must complete the Town's Application for Employment. Please do not use the apply online functions provided through Facebook or any other social media platforms to apply.

**E.O.E.**

Marcella Faucher  
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