

Town of *Dunstable* Selectboard
Executive Session Minutes
June 1, 2017
Town Hall, Dunstable, MA 01827

Convened: 4:45 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair, Ronald J. Mikol, member; Tracey Hutton, Town Administrator; Marc Terry, Labor Counsel

Walter F. Alterisio made a motion to enter Executive Session for the purposes of a Contract Negotiations Strategy with Union Personnel in accordance with MGL Chapter 30A §21(a)3. The motion was seconded by Leah D. Basbanes. The motion was then adopted without objection by Leah D. Basbanes, Walter F. Alterisio and Ronald J. Mikol.

Union Negotiations Update

Ms. Hutton started off by briefing the Board on the biggest requests made by the union to date. She said that so far the negotiations are becoming more cooperative. The two sides are still miles apart on compensation and what the town can afford, but the demeanor of the negotiation has gotten better. There are a few things the Union wants that just can't happen like 17 days more in time off. She noted that from the beginning the Union has hinted and suggested that arbitration is in the offing. But she does not recommend that this be at the forefront of the town's considerations. Mr. Terry noted that if it all comes down to money, the town shouldn't fear arbitration. He stated that this is the start of the process still; the next step is mediation. He noted that this can be very helpful since hearing from a neutral mediator about what they think is fair can help the parties. Sometimes one side or the other needs to hear they aren't being reasonable. If mediation fails, it goes to arbitration. Arbitration looks at what is fair and what is reasonable. He then elaborated on the arbitration process further and how it works. The town can make various arguments, including its recent evaluations of wages. From there he spoke about how the town would be compared to other similar communities. Ms. Hutton noted that the Union wants to be almost exclusively compared to Groton. It was suggested that this could have an impact because the town is in a regional school district with Groton and shares dispatch. Mr. Terry stated that there would be some consideration of the fact that Groton is wealthier.

One of the critical factors concerned is the ability to pay. The town has, historically, had low Free Cash figures and low Stabilization. All of this is relevant. No arbitrator is going to set out to bankrupt a town. So there are a lot of relevant factors involved in this that an arbitrator would be willing to take in to consideration. Ms. Hutton then elaborated on some of the requested increases. The average increase for patrolman and sergeant is about \$10 more per hour than the average that Ms. Hutton had. This, she explained, was sort of skewed by what tier they were considering. She has worked hard with them to develop a ten step scale with a range. She reported that they want to have more money upfront. But the town simply can't do it. There was some discussion of the 17 more days they are asking for as well as the requested increase in the uniform allowance. Mr. Terry then explained the math behind the 17 days and where that figure comes from. He then elaborated on the difficulty achieving what they are aiming for the department in regards to this. This included discussion of overtime and how that plays into the problem. Ultimately, the cost of this amounts to about a 10 to 11 percent increase, not counting the wage increases. Mr. Terry stated he would strongly encourage the town not to agree to this particular proposal.

He suggested the Union might not really seriously be asking for this so much as they are using it as a bargaining chip for pay increases. From there Ms. Hutton turned discussion to the request for 8 days of personal time. This would be the same as Groton. All the other comparison communities offer 3 days. The Board noted that it is not uncommon in these situations for people to want to compare to unrealistic comparisons rather than realistic ones. Mr. Terry stated that it is his opinion that no arbitrator will buy the argument that just because the town shares dispatch with Groton, that the department should see the same compensation as the other towns with no regard to ability to pay. Ms. Hutton then turned to the question of compensation for specialties. Currently the amount is \$100 per year, and the Union would like to double this to \$200. In the past there weren't a lot of set criteria. Ms. Hutton would like to see that change. Mr. Terry elaborated on what this kind of criteria should be and what it would look like. You pay for the special assignment rather than the skill set. He made some suggestions as to how to handle this question. He then elaborated on assignments and how the Police Chief can utilize that tool in regards to this kind of compensation.

Approved and adopted on 10/31/17

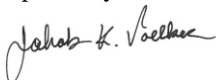
The Board then turned discussion to the level of increase. The figure is hard to understand for a number of reasons. This prompted discussion of how the town handled the wage increases for nonunion personnel and what was behind those increases. They were to bring the town into a more competitive position. It was also noted that those increases were broken up over the course of 3 years, and were modest by comparison. Ms. Hutton stated that if the town is fair and equitable, the town must look at the comparison the same 6 communities as were used for nonunion personnel. Mr. Terry made several inquiries about the process behind picking those communities and how the high and low figures were determined. Ms. Hutton answered by elaborating on the history behind the process. She noted that the Union is not yet working on a scale, but this is something they were getting close to. She then detailed the negotiations again and some of the deficiencies. She suggested that they to some extent need to be rebooted. The Board mostly agreed suggesting that reality has to be part of this, because there will never be absolute consistency between compensation between every community. Mr. Terry elaborated on how to view the comparison communities, and possibly substitute one for another with the appropriate data. But ultimately, this is just a starting point for both sides. The ability to pay is really the thing you have to come back to. Every community, in some respects, is different. The town has to be mindful of the data used because it is what the arbitrator will see. He then elaborated on how to negotiate with that in mind. The Board expressed concern over deficit spending because it is unsustainable.

Ms. Hutton expressed confidence that the town can achieve a scale with the Union. The issue is whether that will be in the capabilities of the town. Ms. Hutton stated that more work has to be done before it may be ascertained. Mr. Terry noted that if a 5 step scale is achieved, that would be in line with a lot of other departments. It would be better if it was 10 steps like the rest of the town, but it's not impossible. Discussion turned back to the issue of the 6 communities. Ms. Hutton urged the Board to be consistent, although these comparison communities maybe should be reconsidered, it will be hard to make the argument to use a different set for the Union negotiations at this stage. She recommended changing those communities at the next contract, which will coincide with the Personnel Board having to revisit nonunionized employees. Mr. Terry noted that the figures will always be flawed in that they are not Dunstable. They should be used as a guide as part of the math and to help create a combination of what is fair and what the town can do. He suggested working up a schedule and trying to figure out what it should look like. Ultimately, if the work is done, and is honest about what the town can afford and why, it becomes compelling down the road. Ms. Hutton then explained how the scale would look and what the process for filling in the numbers will be. Having a 5 step scale makes sense inasmuch as most officers would fall in the middle and only a few would be high and a few low. New employees would then be two steps down.

Discussion returned to the issue of feasibility and where departments can find the funds for wages. There is the very real issue of the revenue. This prompted a question of whether Free Cash would be used for the first year. After all, the budget is finite. This caused related discussion of the Personnel Policy and how it came to be and the steps the town has taken on compensation in the last two years. The Board then stated that it wants to avoid deferment, in other words making promises of changes down the road. There was some final discussion revolving around Quinn Bill and reimbursing officers for some education expenses. Mr. Terry went into the fine details of the repeal of the relevant MGL. The Board would like to see all Quinn Bill language removed from the contract. Mr. Terry explained the recent court cases involving Quinn, and what the town can do. The Board was open to keeping an educational incentive, but the structure is what should be reconsidered. Under the current rules, the incentive remains even after graduation ongoing. The Board would like to see it be a one-time reimbursement. Mr. Terry went into the issues surrounding revisiting this at this stage, noting some of the rules around union negotiation as well as some of the past history the town has had on this topic. The town has funded this in full since Quinn was closed by the Commonwealth. Mr. Terry suggested using this as a way of highlighting the town's commitment to the department. As the Board noted the pot is only so deep, and if there is no other choice, there are alternative methods to getting to revenue neutral; whether that is cutting positions or otherwise. Discussion then finished on the ground rules for continuing the negotiations.

A motion to exit Executive Session and adjourn was made by Leah D. Basbanes at 6:00 pm. The motion was seconded by Walter F. Alterisio. The motion was then adopted without objection by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol.

Respectfully submitted by



Jakob K. Voelker
Admin. Assistant to the Selectboard & Town Administrator

Approved and adopted on 10/31/17