

HALIFAX BOARD OF SELECTMEN
FIRST EXECUTIVE SESSION
TUESDAY, FEBRUARY 13, 2018 – 8:45 P.M.
SELECTMEN MEETING ROOM

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session with Selectmen, Thomas Millias, Kim Roy, Troy Garron, Highway Surveyor, Steve Hayward, Attorney Michael Gilman, Steve Waterman, Diane Ducharme and Dave Swanson to discuss a Union grievance:

Thomas Millias - Yes
Kim R. Roy - Yes
Troy E. Garron - Yes

GRIEVANCE – STEVE WATERMAN

Dave Swanson, Union Shop Steward, said that they are questioning the legality because under the contract it states he had three days to answer and the Union never received a letter from Seelig or the Board of Selectmen of the hearing.

He is questioning the letter referring to Waterman's ability to do the job as it could have been an oversight as there were clumps in the sand because of the salt.

Attorney Gilman said from what he has read and after talking with Highway Surveyor, Steve Hayward, a written warning for #1 & #2 (below) were issued to Waterman.

- #1 - January 12th Waterman left work without telling anyone
- #2 - January 17th the route Waterman was salting was not salted as observed
- #3 - previously Waterman received a verbal warning for another incident

Gilman said that he saw reference that one does not have to tell anyone if they leave work. Hayward has said that he has stated that if anyone was to leave early he is to be notified.

Waterman said that he was called into Hayward's office on a Friday (January 19th) and received a written warning regarding work performance and leaving work without telling anyone. He continued to say that the day in question he sanded and salted his route, maybe it was not up to Hayward's standards but it was done. As for leaving work he said that on Thursday (January 11th) he mentioned he was going to take time off on Friday (January 12th) and was not sure what time he would be back home. So on that Friday he said he was leaving he punched out and left. Waterman said maybe this is a misunderstanding but he does not want this letter going in his file.

Hayward said he was never told Waterman was leaving. As for the sanding and salting of his route Hayward said that he went out none of his roads were done, hence another employee did his route. He called him on the radio at least two times and he received not answer. When he came back at 2:30 his truck was still full of material used to sand/salt the roads.

Waterman said that he never received a call on his cell and that when you step out of the truck you cannot hear the radio. He said that he spot sanded that day therefore using little material. He added that the sand sometimes gets clumped up in the truck and the sand won't come out. Hayward said yes that it does get clogged but he was told to check it.

Roy asked Hayward how many times did he call Waterman and he said at least two times and maybe he was out of the truck but

Garron asked if there have been any reports about the radio on that truck and Hayward said no but he has been told that channels have been changed.

Roy then asked how much did the other drivers use on their routes that day and Hayward stated that they filled up their trucks at least two times and used all of the material. Roy then said that the grievance form states leaving without telling someone is past practice and Swanson said yes it was.

She further said that she finds that hard to believe. Swanson said the past boss let that happen.

Hayward said that since becoming the Highway Surveyor he has had two meetings and has said that when taking vacation and sick time to put it on the calendar and let him know. Roy said she is quite sure that if a tax payer heard that “coming and going at one’s will’ was common practice, as previously stated by Swanson, they would not be happy. It is unacceptable.

Attorney Gilman asked Hayward if he spoke with Waterman the morning he left early and Hayward said yes at a water main break but did not know he was not coming back after his lunch. Gilman then said that Waterman feels eighteen months for a warning to be in his file is a bit much and that maybe some of it could be Waterman’s fault. Gilman did not see anything in the contract about removing warnings in one’s file but Hayward said he would take it out after eighteen months.

Seelig said that we cannot delete an executive session so this meeting still exists therefore there is record that the grievance happened.

Attorney Gilman asked if the BOS wanted to issue a response within a couple of days. Millias and Roy were okay with doing it at this time. Seelig asked how would they proceed and Gilman said the Board takes a vote, which they would do now in executive session and then follow up with a written reason.

Seelig said the Board will explain now and that explanation will go in the letter.

Roy said as a selectman she has to make her decision based on the facts that have been presented so for that reason she will have to deny the grievance. She said the truck still had material in it, coupled with the other workers having empty trucks that had been filled two times after completing their routes and the fact that Hayward could not get in touch with him. She stated again that leaving without informing Hayward is unacceptable.

Garron said that Waterman did not disagree that the truck was full. Garron is not sure why the radio call did not go through. As for leaving without telling anyone he would have to agree with Roy. Eighteen months is not unreasonable. He said that Waterman should be able to continue to work without further incidents. Garron is supporting Hayward.

Millias was concerned that if the truck came back full something should have registered that it was not working and common practice should be notifying someone if you are leaving. He will have to support Hayward. This is not personal but government.

Roy also wanted to point out that there have been two meetings since Hayward came into office that specifically stated what was expected of the employees. She understands that it can be a challenge when someone new comes in but rules are rules and they should be followed.

Moved by Roy and seconded by Garron, the Board unanimously voted to deny the grievance and that the discipline imposed by the Highway Surveyor was warranted.

Moved by Roy and seconded by Garron, the Board voted as follows to come out of Executive Session at 9:15 p.m.:

- Thomas Millias - Yes
- Kim R. Roy - Yes
- Troy E. Garron - Yes

 Troy E. Garron
 Clerk

/pjm