



TOWN OF WAYLAND

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12/7/2015

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BOARD OF SELECTMEN
JOHN BLADON
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE

Board of Selectmen Executive Session Minutes September 14, 2011

Attendance: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope

Also Present: Town Administrator F. Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn, Secretary M. DiNapoli, President of SEIU Local #888 Diane Gorham, Regional SEIU Representative Michael Foster, Finance Director Michael DiPietro, and [REDACTED]

Purpose: The session was called at 7:01 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to conduct a grievance hearing with representatives of SEIU Local #888 pursuant to the provisions of the collective bargaining agreement because the conduct of the grievance hearing with representatives of SEIU Local #888 in an open meeting may have a detrimental effect on the litigating position of the Board.

Discussion: J. Senchyshyn described the procedures for the hearing. M. Foster reviewed the background to the grievance. He said that, according to the [REDACTED] in 2008, the hours of [REDACTED] were reduced in [REDACTED] and seven hours were given to [REDACTED]. In 2010, another [REDACTED] was reached in which the [REDACTED] became a fulltime position. In 2011, additional responsibilities, which consisted of reviewing school batches, were included, which doubled the work of [REDACTED] so the union requested that [REDACTED] fulltime hours be restored. The request was denied. M. Foster said the union is concerned there was a calculated displacement of her work. Participants discussed whether this issue was a grievable offense. T. Fay asked if there was a particular violation of the agreement. M. Foster said it is a violation of the [REDACTED]. J. Senchyshyn noted that in the opinion of labor counsel, [REDACTED]. He also said the union is asking to take away the town's ability under Article 2 to exercise its core management rights. He said the union can negotiate the impact of the additional work, but cannot grieve this matter, and he also noted that no work was assigned outside the bargaining unit. J. Senchyshyn also said the union failed to demonstrate a violation under either Article 5 or Article 11 of the collective bargaining agreement. M. DiPietro said the additional work assignment is similar to the current work and fits well within the timeframe allotted. F. Turkington asked if the SEIU had any other recourse; M. Foster said the union could file for unfair labor practices. J. Senchyshyn said the recall rights of the contract expired on December 10, 2010. [REDACTED] described the nature of [REDACTED] work and [REDACTED] increased workload; [REDACTED] said [REDACTED] must review every warrant for errors.

S. Correia asked if [REDACTED] received overtime pay; [REDACTED] said it was never offered, and M. DiPietro confirmed that. J. Bladon asked about the volume of errors and [REDACTED] said it varies. J. Senchyshyn noted that the town has asked for a percentage of errors, and was told it was 25-30%, although no backup has been provided. J. Nolan asked M. Foster if the workload had doubled; Foster said no, not

the total work, just the batches. M. Foster, D. Gorham and [REDACTED] left the meeting at 7:41 p.m. The Board discussed the merits of the grievance. J. Nolan moved, seconded by J. Bladon, to deny the Union's Step 3 "[REDACTED]" grievance for the following reasons:

- a.) the grievance is barred by the 2008 [REDACTED] on the [REDACTED]
- b.) the grievance seeks to infringe upon the Town's core managerial right to determine the level of services to be provided
- c.) there has been no violation of Article 5
- d.) there has been no violation of Article 11,

and further move that the Board authorize the Town Administrator to work with the Assistant Town Administrator/HR Director and Labor Counsel to prepare and send on behalf of the Board a grievance answer to SEIU Local 888. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

Adjourn: By motion of J. Nolan, seconded by S. Pope, by roll call vote, it was unanimously voted to exit executive session at 7:49 p.m. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.