

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
August 13, 2012 7:00 pm

Members Present:

N. McCarthy (NM), J. Evans (JE), N. Willard (NW)

Also in attendance: J. Senchyshyn (JS)

Public Comment:

Resident Anette Lewis noted that there is a budget implication on paying a severance amount under Don Ouellette’s employment contract. She also noted that former Personnel Director Karen Woronicz had created objective criteria which set goals and standards for a performance evaluation. The BOPW members sent the Town Administrator performance comments on the DPW Director, but had no objective criteria on which to base their comments.

Review of July 9, 2012 meeting minutes:

JE moved to approve the minutes of the meeting as submitted. NW seconded the motion. Three members having voted in the affirmative, the motion passed.

Review of July 9, 2012 Executive Session minutes:

JE moved to approve the minutes of the meeting as submitted. NW seconded the motion. Three members having voted in the affirmative, the motion passed.

Review of July 13, 2012 meeting minutes:

JE moved to approve the minutes of the meeting as submitted. NW seconded the motion. Three members having voted in the affirmative, the motion passed.

Review of July 13, 2012 Executive Session minutes:

The minutes were amended as follows:

... JS ~~and~~ reviewed ...

JE moved to approve the minutes of the meeting as amended. NW seconded the motion. Three members having voted in the affirmative, the motion passed.

Firefighter Vacation Carryover Request

Firefighter Wheeler had neglected to submit a request to carryover a vacation shift due to an administrative problem in time keeping. Chief Smith asked if the Board would consider approving the carryover of 1 additional shift.

JE moved to approve the carryover of 1 additional shift for Firefighter Wheeler, provided that the Fire Union agrees that this would not be a precedent setting action. NW seconded the motion. Three members having voted in the affirmative, the motion passed.

M. Peabody (MP) arrived at 7:15 pm

Non-Union Employment Contracts

JS stated that the Board's packet contained the initial employment contract and the current employment contract for those employees currently covered under an agreement. Also included is a narrative summary of the history of the contracts. JS stated that the only prior contract that he identified was the initial employment contract for former Executive Secretary Jeff Ritter, and that former senior staff members prior to 2001 did not appear to have employment contracts. A. Lewis stated that former Highway Director Kadlik had a contract.

JS reviewed the history of the contracts. The origin of the contracts seems to have been the initial contract prepared by Labor Counsel for Police Chief Irving in 2001. That contract was approved by the BOS. Subsequent initial contracts for the Fire Chief, Finance Director and Asst. Town Administrator/HR Director and Town Administrator were also approved by the BOS. With the change to the Town Administrator form of government, Town Counsel had advised that the Town Administrator was then authorized to sign employment contracts. That has been the practice since 2005.

Members discussed the severance provisions of the contracts. The 12-month severance was questioned as lengthy. JS noted that each initial contract with the 12-month severance was approved by the BOS. Subsequent initial contracts approved by the Town Administrator had shorter severance provisions of either 4 or 6 months.

NM noted that the Personnel Board should have been able to comment on the contracts. MP questioned whether the by-laws provide the Town Administrator signatory authority. MP suggested that since the positions are under the jurisdiction of the BOS, the BOS should review the contracts, or possibly delegate that review function to the Personnel Board.

NM asked members to summarize their issues. 3 were identified:

- Lack of BOS review since 2005.
- 3-year length of the contracts. Following further discussion, the 3-year length of the contracts no longer seemed to be of concern.
- Severance provisions. It was suggested that severance might be tied to the grade. JS noted that the Police Chief was the highest graded position. The next grade level included the Fire Chief, Finance Director and Asst. Town Administrator/HR Director. The 4 positions carried the same 12-month provision. Positions with a lower grade carried a smaller severance length.

JS suggested that the Board may want to consider the evening's discussion and table further comments until the next meeting. The members concurred.

Performance Review Discussion

JS referenced the templates that are in place and included in the packet. He noted that significant changes to the review process would require negotiations with the respective unions. He also noted that there are no contractual review provisions for Police Officers and Firefighters.

JS distributed documents supplied by MP from a 2001 Personnel Board packet. MP reviewed the documents. In 2001 the Board had spent considerable time on performance reviews. The enclosed template was rolled out for non-union employees first. MP noted that the Road Commissioners had used the format for the Highway Director in 2002.

JS expressed his concern that the review templates in place did not account for an initial session between the supervisor and employee that could be used to identify expectations or goals.

NM suggested that the Board consider a policy statement that could be shared with boards/committees charged with reviewing department heads. The statement would hopefully address items of concern and answer common questions.

The Board decided to continue further discussion on performance reviews at its next meeting.

Collective Bargaining Liaison

JS noted that at the 4-board meeting last month, the other boards had designated a board liaison for negotiation planning. JS asked if the Personnel Board wanted to designate a representative. Following a brief discussion, the members determined that PS was well positioned to fill the liaison role given his negotiations background.

MP moved to designate Phil Schneider as the Personnel Board's liaison for collective bargaining planning. NW seconded the motion. Four members having voted in the affirmative, the motion passed.

Executive Session:

NM declared that the Board should move into executive session for the purpose of collective bargaining strategy discussion regarding impact bargaining with the Police Union; a review of an MOA with AFSCME; Teamsters mid-term bargaining; contract interpretation; an SEIU grievance; and the negotiation of a non-union employment contract as a discussion in an open meeting may have a detrimental effect on the Board's position.

MP made a motion to move into Executive Session under M.G.L. c. 30a, Sec. 21 for the purpose collective bargaining strategy discussion regarding impact bargaining with the Police Union; a review of an MOA with AFSCME; Teamsters mid-term bargaining;

contract interpretation; an SEIU grievance; and the negotiation of a non-union employment contract as a discussion in an open meeting may have a detrimental effect on the Board's position. NW seconded the motion.

NM took a roll call vote:

Member Evans	Aye
Member Willard	Aye
Vice-Chair Peabody	Aye
Chair McCarthy	Aye

The Board members having voted 4-0 to move into Executive Session, the motion carried. NM announced that the Board would be going into Executive Session for approximately 75 minutes for the stated purpose. The Board would be returning to Open Session.

The Board entered Executive Session at 8:25 pm.

The Board returned to Open Session at 10:15 pm.

Topics not Anticipated 48 Hours in Advance of the Agenda
None.

Next Meeting:

The Board scheduled its next regular meeting for 9/10/12 at 7:00 pm.

NW moved to adjourn the meeting. JE seconded the motion. Four members having voted in the affirmative, the motion passed. The Board adjourned at 10:20 pm.

John Senchyshyn
ATA/HRD