

Personnel Board Meeting
Wayland Town Building - Selectmen's Office
Meeting Minutes
February 10, 2014 6:45pm

Members Present: N. McCarthy (NM); J. Green (JG); P. Schneider (PS)

NM called the meeting to order at 6:55pm

Public Comment:

None

Review of October 2, 2012 Meeting Minutes (regular session):

The members discussed that these minutes had been approved on 11/6/13, and that JG would be doing the minutes of the 11/6/13 meeting for review at a future meeting.

Review of November 1, 2013 Meeting Minutes (regular session):

JG moved to approve the draft minutes. PS seconded the motion. Three members having voted in the affirmative, the motion passed.

M. Peabody (MP) arrived at 7:00

Review of December 2, 2013 Meeting Minutes (regular session):

The draft minutes were amended by adding the word "in" as follows:

"...MP requested the hours differential be submitted IN writing"...."

PS moved to approve the draft minutes as amended. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of December 16, 2013 Meeting Minutes (regular session):

PS moved to approve the draft minutes. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of January 15, 2014 Meeting Minutes (regular session):

The draft minutes were amended by changing "NB" to "NM" as follows:

"....DPW: NM noted the Board wanted more analysis on cross training of staff...."

MP moved to approve the draft minutes as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of January 27, 2014 Meeting Minutes (regular session):

The draft minutes were amended by adding the word "be", as follows, in the section titled

"Discussion with BOPW Representative - Proposed Warrant Article":

"....ML reviewed what his board considered to BE problems since the creation of the DPW...."

The draft minutes were further amended, in the following paragraph, which now reads as follows:

"Members discussed ML's points. Members were of the opinion that THE FAILURES TO CONSULT WITH THE BOPW SHOULD NOT HAVE HAPPENED, HOWEVER, with the

existing framework of the by-law and MEMORANDUM OF agreement put in place, the BOPW should reasonably expect to accomplish the level of COMMUNICATION that they seek GOING FORWARD.”

MP moved to approve the draft minutes as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Town Administrator Search:

PS stated that the search committee had planned to meet on either February 19 or February 20. He reported that Alan Gould had narrowed the field to approximately 17-20 candidates and was hoping that the search committee could narrow it to approximately 6.

Discussion on Proposed Termination Policy/Procedure:

Members reviewed the preliminary draft document “Best Practices for Considering an Involuntary Termination” and discussed what topics should be included in such a document. Members discussed including information about contacting the HR Director or Personnel Board prior to a termination; further detail about the steps that have been taken with the employee prior to considering termination; timing considerations, including who would do the employee’s work following the termination and issues of knowledge transfer; performance reviews; and possibility of a separation agreement. The members discussed who, aside from the HR director, should be authorized to contact labor counsel. The members agreed that the best practices should stress communicating the issues with the employee prior to termination, and making sure the issues are well-documented.

John Senchyshyn (JS) joined the meeting at 7:30.

Executive Session:

MP made a motion to move into Executive Session under M.G.L. c. 30A, sec. 21(3) for the purpose of collective bargaining strategy discussions regarding upcoming negotiations with Fire SEIU, AFSCME, DPW, Police and Library unions, to review an MOA with the Fire union disciplinary action, to review an SEIU grievance and to review Executive Session meeting minutes, as a discussion in an open meeting may have a detrimental effect on the Board’s position.

JS noted that the grievance was not anticipated when the agenda was drafted.

NM took a roll call vote:

Member Green	Aye
Member Schneider	Aye
Member Peabody	Aye
Member McCarthy	Aye

The Board 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 one hour for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:35.

The Board returned to Open Session at approximately 8:35.

Sick Leave Use/FMLA - Non-Union Employee

JS explained that there was no policy that allowed non-union employees to use their sick time to receive pay while out on FMLA leave, while union members were allowed to do so. JS stated that a non-union employee had asked to be permitted to use sick leave to be paid for FMLA leave time. PS moved to approve sick leave use for a non-union employee while the employee was on FMLA leave. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of Town Administrator Job Description:

Regarding footnote 1 on page 6 of the revised job description (the footnote had been drafted by resident Annette Lewis while Ms. Lewis worked with MP on a job description revision), JS stated that Mark Lanza, Town Counsel, had opined that the authority to conduct the performance review for the Recreation Director followed the appointing authority, thus, the Town Administrator would do the evaluation (rather than the Recreation Commission as stated in the footnote). The members reviewed Section 8(d) of Chapter 347 of the Acts of 2008 and agreed that the Section did not expressly state that the Recreation Commission would evaluate the Director. The members discussed the best way to move forward in the job description given that the underlying statutory language is vague. The members also discussed that while there is clear statutory language to the effect that the Town Administrator hires, fires, evaluates and disciplines the Director of Public Works, there is no such clear statutory language with respect to the Recreation Director. The members agreed to review the job description and underlying statute prior to the next meeting, where the issue would be discussed again.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any:
None

Next Meeting:

The Board Scheduled its next regular meeting for 2/24/14, time to be determined.

PS moved to adjourn the meeting. Four members having voted in the affirmative, the motion passed. The Board adjourned at 9:15pm.

JG