

Personnel Board Meeting  
Wayland Town Building – Large Hearing Room  
Meeting Minutes  
December 8, 2014 7:05 pm

Members Present: J. Green (JG), M. Peabody (MP), P. Schneider (PS), M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:05 pm

D. Cohen (DC) arrived at 7:10.

Public Comment

Conservation Commissioners Sherre Greenbaum and Betty Salzberg spoke to the Commission's request for a Land Manager. Additional documentation had been forwarded to the Board earlier in the day. It identified locations where seasonal laborers had worked and not worked during the year. MP inquired into the viability of Parks workers performing work for Conservation during the winter months. Greenbaum noted that if a position is not approved the Commission will likely seek additional funding for contracted services. PS spoke to developing a comprehensive work plan. Board members discussed with the ConCom members alternatives for accomplishing the work along with potential sources of candidates.

Resident Cliff Lewis urged the Board to look hard at adding new positions. He noted that since 1979 national GNP has doubled, fewer children are in local schools, the Town's population is smaller, but efficiencies have not increased. He cited the work of the OPEB Committee as an example of residents coming up with solutions. He also spoke to the steep benefit costs, approximately \$120K per employee over the next 25 years. If a new employee is hired, he suggested that \$25K should be added to the OPEB account. Lewis again noted the inefficiencies of Town government.

Resident Anette Lewis stated that when she was a member of the Road Commissioners, job audits were performed. She said no new position should be added until job audits are conducted. She believes there should be a criteria established for creating new positions. The fully loaded cost of positions should be identified and shared with employees. Employees are not as productive as they should be. Workload should be shared. She stated that boards requesting positions should go before the BOS first.

JS suggested that the Board revise the agenda and move the OML violation discussion closer to the executive session.

Staffing Reviews

The Board reviewed a draft staffing recommendation memo to the FinCom prepared by JS. Members discussed the response position-by-position. Members discussed again the merits of the Conservation request. At the conclusion of the discussion, the Board maintained its voted stances from the previous meeting on the staffing requests. The Conservation section of the memo was changed from

“... there is no substantive plan...” to “there is no updated plan ...”. JG announced the Board’s recommendations which favored the COA request, but recommends against the requests from Conservation, the Library and the Town Clerk.

MJ moved to approve the draft memo to the FinCom as amended with the Board’s recommendations on the FY 16 staffing requests. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

#### 2015 ATM Classification and Compensation Warrant Article

JS presented a proposed Classification and Compensation Warrant Article. He was presenting it now because it is not clear if the Board would meet during the period of time when the warrant was open. He confirmed with Town Counsel that the Board could vote an article prior to the opening of the warrant. The Board has the option of amending its warrant article following the closure of the warrant. JS said the article includes a 1.5% wage increase for non-union employees. The estimated cost is \$26 - \$27K. This amount was consistent with the recent Teamster and Library Union settlements for FY 16. JS stated there were no other language changes included in the proposed article.

MP moved to approve the Classification and Compensation Warrant Article with a 1.5% increase for non-union employees. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

JG signed the article as Chair of the Board.

#### 1/1/15 Change in the Minimum Wage

JS noted that the minimum wage is increasing to \$9.00/hour 1/1/15. There are increases to \$10.00/hour and \$11.00/hour on 1/1/16 and 1/1/17. JS referenced the current Classification and Compensation Plan. There are 3 positions which are below \$9.00/hour: Library Page, Snack Bar II - seasonal and Jr. Counselor – seasonal. He suggested amending the pay rates to \$9.00/hour effective 1/1/15. JS stated that he is talking with Department Heads on a plan to address subsequent years’ increases.

DC moved to change the hourly rate for the Library Page, Snack Bar II and Jr. Counselor positions to \$9.00/hour effective 1/1/15. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

#### Draft Domestic Violence Policy

The Board reviewed draft domestic violence policies provided by JG and DC. The policy is necessitated by the Legislature’s passage of “An Act Relative to Domestic Violence”. The Board discussed aspects of the policy that were left to the employer’s discretion, i.e., the 12 month period, paid vs unpaid leave, notification by the employee, notification to the supervisor, and record keeping. In some cases, sufficient guidance has not yet been provided. Following discussion on many of the options, JS suggested that he incorporate the Board’s comments into a revised policy and present it at the January meeting. Members were in agreement with the approach. Anette Lewis inquired about

the viability of the Personnel Board's policy applying to School employees once adopted. JS responded that Town Counsel had previously opined on a similar suggestion. Town Counsel had stated that the Personnel Board had no jurisdiction over School employees. Lewis asked if there was a written opinion available.

#### Award of Personal Time for New Employees

JS reviewed the award of paid-time-off for newly hired employees. While both Vacation and Sick Leave accrue from the hire date, time is not available until an employee completes the 6 month probationary period. Personal Days are only awarded on the first of each calendar year. The practice does not give a new employee any relief if a day off is needed during the probationary period, other than an unpaid absence. Members noted that in the private sector, probation often lasts 3 months. JS proposed allowing new employees to receive pro-rated personal days based upon date of hire: 1/1 through 6/30 – 2 Personal Days; 7/1 through 11/30 1 Personal Day; no Personal Days if hired in December. Members discussed the ramifications and possible alternatives.

MJ moved to approve awarding new employees hired from 1/1 through 6/30 2 Personal Days and awarding new employees hired from 7/1 through 11/30 1 Personal Day. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

#### Review of November 17, 2014 Meeting Minutes

MP moved to approve the draft minutes of November 17, 2014. DC seconded the motion. Four members having voted in the affirmative, the motion passed. PS abstained as he did not attend the meeting.

#### Review of November 24, 2014 Meeting Minutes

The minutes were amended as follows:

... need considerable ~~venting~~ **vetting** before taking ...

MJ moved to approve the draft minutes of November 24, 2014 as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

#### Executive Session

JG made a motion to move into Executive Session pursuant to MGL Ch30A, Sec 21(1) to discuss Counsel's input regarding the 11/18/14 OML Complaint from George Harris and the Board's Strategy for a response; and pursuant to MGL Ch30A, Sec 21(2) to discuss contract negotiations and employment agreements for the DPW Director, Police Chief, Asst. Town Administrator and Town Administrator; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Negotiations with Library, SEIU, Police, Fire, Teamsters, AFSCME, Teachers, WESA, Custodian and Food Service Unions; Discuss SEIU, Teamster and AFSCME Grievances; Discuss an SEIU Wage Settlement; Discuss MOAs with SEIU, Teamsters; AFSCME, Police and Fire; and to Review and Potentially Vote to Release the Following Executive Session Minutes

|          |             |          |
|----------|-------------|----------|
| 1/29/09  | 9/10/12     | 2/10/14  |
| 3/9/09   | 2/11/13     | 2/24/14  |
| 4/27/09  | 3/18/13     | 3/31/14  |
| 5/18/09  | 4/19/13     | 5/5/14   |
| 6/8/09   | 4/22/13     | 6/2/14   |
| 9/21/09  | 6/24/13     | 8/6/14   |
| 8/1/11   | 8/5/13      | 8/11/14  |
| 9/19/11  | 11/1/13 (2) | 9/15/14  |
| 10/17/11 | 12/16/13    | 10/20/14 |
| 1/23/12  | 1/15/14     | 11/24/14 |
| 5/7/12   | 1/27/14     |          |

as an open discussion might have a detrimental effect on the town's negotiating position. MJ seconded the motion.

JG took a roll call vote:

|                    |     |
|--------------------|-----|
| Member Jones       | Aye |
| Member Cohen       | Aye |
| Member Schneider   | Aye |
| Vice Chair Peabody | Aye |
| Chair Green        | Aye |

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 1 hour for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 9:10 pm.

The Board returned to Open Session at approximately 9:55 pm.

Discuss Response to Harris 11/18/14 Open Meeting Law (OML) Complaint

Members discussed their response George Harris' OML complaint of 11/18/14. The response is due the following day. MJ gathered the comments and will assemble the comments from the meeting into a letter of response and forward the response to JS in the morning. JS stated that he could have the revised redacted documents ready for release to Harris on Friday morning.

Next Meeting

JS suggested that the Board might want to consider a special meeting to finish the executive session minute review. The members decided to meet on 1/12/15 for the sole purpose of finishing the executive session minutes.

JS informed the Board that the Police union requested 1/26/15 as a date for their grievance hearing. The Board agreed to hold its regular monthly meeting on 1/26/15.

MP moved to adjourn. PS seconded the motion. Five members voting in the affirmative, the motion passed. The Board adjourned at 10:30 pm.

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John Senchyshyn  
ATA/HRD

| <b>Documents From Personnel Board Meeting</b>         |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|
| <b>Regular Session</b>                                |  |  |  |  |  |  |  |  |  |
| <b>December 8, 2014</b>                               |  |  |  |  |  |  |  |  |  |
| <u>Document:</u>                                      |  |  |  |  |  |  |  |  |  |
| 2014-11-17 Draft Minutes                              |  |  |  |  |  |  |  |  |  |
| 2014-11-24 Draft Minutes                              |  |  |  |  |  |  |  |  |  |
| Draft Memo To FinCom - FY 16 Staffing Requests        |  |  |  |  |  |  |  |  |  |
| Staffing Request - Land Manager, ConCom               |  |  |  |  |  |  |  |  |  |
| Personnel Board Warrant Article 2015 ATM              |  |  |  |  |  |  |  |  |  |
| 2014-11-18 Harris OML Complaint                       |  |  |  |  |  |  |  |  |  |
| Domestic Violence Policy - Section by Section Summary |  |  |  |  |  |  |  |  |  |
| Domestic Violence Policy - Cohen Draft                |  |  |  |  |  |  |  |  |  |
| Domestic Violence Policy - Green Draft                |  |  |  |  |  |  |  |  |  |
| Change in Minimum Wage Docs                           |  |  |  |  |  |  |  |  |  |
| Leave Excerpts from the Personnel By-laws             |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |