

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Executive Session Minutes
December 19, 2016 7:05 pm

Members Present: D. Cohen (DC); M. Peabody (MP); P. Schneider (PS); M. Jones (MJ)
J. Green (JG).

The Personnel Board (PB) joined the School Committee (SC), Board of Selectmen (BOS) and Finance Committee (FC) in executive session in the School Committee Room.

Also Present: School Superintendent Paul Stein (PS), Asst. School Superintendent Brad Crozier (BC), Finance Director Brian Keveny (BK), Asst. Town Administrator John Senchyshyn (JS) and Town Labor Counsel Liz Valerio (LV).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The PB left the joint executive session at 8:15 pm, remained in executive session and returned to the Selectmen's Office.

Fire Union Grievance

Fire Chief Dave Houghton (DH), Union Attorney Howard Lenow (HL), Firefighters Will Tyree (WT), Greg Halfpenny (GH), and Andrew Holland (AH) joined the meeting.

JS requested that all comments and questions be directed through the Chair. JS stated that since the Union filed the grievance it would present its position first. Then the Chief could respond.

HL stated that a new policy went into effect which restricts a firefighter from returning to duty after an IOD absence without retraining and bars overtime on the first shift back. He stated that this violates M.G.L. Ch. 150E as this is a mandatory subject of bargaining. Nothing in the CBA provides for such a restriction, although there is a reference in the CBA which addresses the return from sick leave. HL suggested the parties settle the matter now. It was a minimal dollar amount, approximately \$1200.

HL stated that 1) the union did not have an opportunity to bargain the new rule which effects wages, hours and working conditions and 2) 150E prohibits the Town from unilaterally implementing. He noted that the LRC has already ruled on this matter.

DH stated that the issue about a returning firefighter from a long-term absence was raised by a union member. This matter was complicated by the fact that firefighter [REDACTED] took vacation before returning to work while firefighter [REDACTED] took a day shift vacation before returning. As a result, the firefighters could not be immediately retrained/refreshed upon their return to work. DH stated that the new rule was not about expenses, but it was intended to address the safety of both the public and other firefighters. In fact, other firefighters received overtime to retrain/refresh [REDACTED].

HL noted that WT had tried to call DH, but he was not available. The phone records would attest to that fact. He also noted that the new rule did not go through the Town Manager (Note: Wayland does not have a Town Manager, but rather a Town Administrator and a strong Fire Chief.) He said this was a process issue, not a money issue.

DH referenced the Managements Rights in the CBA and reiterated the safety concern.

HL began to re-explain the bargaining obligation for the Board. DC noted that there are 3 active labor attorneys on the Board and one retired labor attorney. The Board understood the bargaining obligations.

With nothing more to be said, DH, HL, WT, GH and AH left the meeting.

The Board deliberated the merits of the arguments. JS read Article 15-4 of the CBA which states, " If the Fire Chief proposes any rule changes, except rules pertaining to immediate safety considerations, such changes would require thirty (30) days notification prior to implementation. Such notification would be given by the Fire Chief."

MJ moved that the decision to the grievance was that the Fire Chief acted properly in addressing a safety issue, no firefighters should be compensated, but the Fire Chief does have a bargaining obligation in creating a new rule. PS seconded the motion. Roll call vote: Peabody – Aye, Cohen – Aye, Green – Aye, Jones – Aye, Schneider – Aye. Five members having voted in the affirmative, the motion passed.

JS was instructed to work with MJ in drafting the Board decision and forwarding it to the parties.

Executive Session Minutes of 10/19/16

The minutes were amended as follows:

... absence and ~~then~~ working ...

PS moved to approve the Executive Session minutes of 10/19/16 as amended. JG seconded the motion. Roll call vote: Peabody – Aye, Cohen – Aye, Green – Aye, Jones – Aye, Schneider – Aye. Five members having voted in the affirmative, the motion passed.

MJ moved to end Executive Session and return to Open Session. PS seconded the motion. Roll call vote: Peabody – Aye, Cohen – Aye, Green – Aye, Jones – Aye, Schneider – Aye. Five members having voted in the affirmative, the motion passed. The executive session ended at 8:50 pm.

John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Executive Session

December 19, 2016

Document:

Draft Executive Session Minutes - 10/19/16
Fire Grievance Documents

