

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Executive Session Minutes
July 17, 2017 7:05 pm

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

Also Present: J. Senchyshyn (JS); Teamster Rep K. Bergen (KB) and Grievant [REDACTED]

Teamsters-[REDACTED] Step 2 Hearing

JS stated that all questions should be directed through the Chair. 20 minutes was allocated on the agenda for the hearing. The party grieving presents first.

KB presented the unions position on the grievance. He referenced Article 25-2 of the collective bargaining agreement (CBA) and quoted the seniority reference in the article. Stated [REDACTED]. [REDACTED] had been a [REDACTED] and is currently a [REDACTED]. He stated that [REDACTED] has applied for several job postings over the years but had not received the appointments. KB also noted that [REDACTED] was the [REDACTED] DPW maintenance employee. Given [REDACTED] experience, [REDACTED] should have been given the [REDACTED] position. Rather it was given to a much junior employee with less experience.

JS stated KB had failed to demonstrate how the Town violated the contract. He was also quoted Article 25-2 in that it gives the Town broad discretion in making the appointment. JS noted that [REDACTED] was previously [REDACTED] and now was the [REDACTED]. As such, [REDACTED] was awarded positions throughout [REDACTED] Wayland career. [REDACTED] currently holds the [REDACTED] in the Teamsters bargaining unit outside of the Water Division. He also noted that the [REDACTED] and the [REDACTED] were vastly different positions. The latter [REDACTED] on a daily basis. The former [REDACTED].

KB stated that [REDACTED] was not given a reason for [REDACTED]. JS was unaware of that point and would look into it.

Members posed several questions. [REDACTED] spoke to [REDACTED] background while working in the [REDACTED], the equipment [REDACTED] could operate and [REDACTED] experience. JS noted that [REDACTED] experience was limited to [REDACTED] with little exposure to [REDACTED]. JS noted that she was successful in running specific operations, such as the [REDACTED], but the interview committee believed the selected candidate was a better choice given the [REDACTED] of the job in question.

The hearing concluded. KB and [REDACTED] left the meeting.

JS discussed with the Board the interview committee’s thoughts as to why the selected candidate was a better fit for the position. DC expressed concern that [REDACTED] indicated that no one spoke with [REDACTED] about the reason for [REDACTED]. JS said that he would follow-up with the DPW Director. While [REDACTED] may have been the [REDACTED], Article 25-2 also considered the ability to do the job.

JG moved to deny the grievance in that there was no contract violation committed in selecting the [REDACTED] position. DC seconded the motion. Roll Call vote: Peabody – Aye,

Cohen – Aye, Jones – Aye, Green – Aye. Four members having voted in the affirmative, the motion passed.

Collective Bargaining Negotiations

JS reviewed and the board discussed the status of negotiations:

AFSCME 2 – Union ratified. Scheduled to go to the BOS on 7/24.

Teamsters – Ratification vote scheduled for 7/19. If it passes, it will go to the BOS on 7/24.

AFSCME 1 – A tentative agreement was in place. An MOA was being reviewed by the union. A copy of the MOA was sent to the Board for review. If the MOA is signed, there will likely be a late August ratification meeting scheduled.

Library – JS was preparing an off-the-record proposal for the next meeting on 7/27. He reviewed a language proposal by the union to incorporate a harassment clause in the contract. While the Board had an appreciation for the union’s concern, the consensus was that the issue was better addressed by existing policies.

Police – The Police formally voted down the 5/10/17 MOA. Negotiations would resume on 8/10. The Town would prepare additional proposals to present at the next session.

Fire – The Fire union filed for arbitration after just 2 negotiating sessions. DC noted that the petition to the JLMC indicated there were 4 sessions. JS stated that he would follow-up with Labor Counsel.

Proposed AFSCME 2 Proposal

JS reviewed the background to the hiring and the two Department Assistants in the Building Department. One of them, C. Starek (CS) petitioned the Board to review her hiring rate as it was substantially different than the other. JS shared the details of his meeting with the union and CS. JS was concerned about the other Department Assistants who could also potentially petition the Board. The AFSCME 2 union acknowledged said concern and was willing to enter into a non-precedent setting agreement regarding CS if the Board was willing to consider a step adjustment.

The Board discussed the merits and the downside of such an agreement. JS noted that since CS submitted her petition, the Local Building Inspector resigned to accept a Building Commissioner’s position.

DC moved to authorize JS to negotiate such an agreement with the union to adjust C. Starek’s step from a Step 5 to a Step 6 provided that the agreement was non precedent setting. MP seconded the motion. Roll Call vote: Peabody – Aye, Cohen – Aye, Jones – Aye, Green – Aye. Four members having voted in the affirmative, the motion passed.

AFSCME 1 Discussion on Town Surveyor Changes

JS reviewed his meeting with the AFSCME 1 union regarding the change in the job descriptions for the Town Surveyor. The union inquired about the grade for the position. JS indicated that he expected to the Board to re-grade the position given the change in Department Head responsibilities. The parties discussed possibilities. There was mutual agreement that an MOA could be worked out to red-circle the incumbent until such time as the position is vacated. JS indicated he would be willing to advocate for

such an agreement is the pending reclassification request was withdrawn. However, JS said he didn't see the value in such an agreement if the reclassification request remained. To date, there had been no further follow-up from the union or the employee regarding a potential MOA.

Review of Executive Session Minutes of 6/19/17

The Board reviewed the draft executive session minutes of 6/19/17.

DC moved to approve the executive session minutes of 6/19/17. JG seconded the motion. Roll Call vote: Peabody – Aye, Cohen – Aye, Jones – Aye, Green – Aye. Four members having voted in the affirmative, the motion passed.

DC moved to end Executive Session and return to Open Session. MP seconded the motion. Roll call vote: Peabody – Aye, Cohen – Aye, Jones – Aye, Green - Aye. Four members having voted in the affirmative, the motion passed.

The executive session ended at 8:25 pm.

John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Executive Session

July 17, 2017

Document:

Draft Executive Session Minutes 6/19/17

Grievance Packet - [REDACTED]

Fire JLMC Petition for Arbitration