

**BYLAW REVIEW COMMITTEE  
MINUTES MARCH 27, 2013 (approved)  
PUBLIC HEARING**

**Present:** Jay Prager, Peter Cunningham, Mark Haddad, Michael Bouchard, Steve Webber

**Also Present:** Dawn Dunbar, Land Use Assistant; Michelle Collette, Patrice Garvin, Berta Erickson, Russ Harris, Rena Swezey, Tom Delaney

Mr. Bouchard called the meeting to order at 2:03pm adding that they were present to look at the Personnel Bylaw. He said that because Mr. Prager was new the Committee and because they had not met in some time, it was worth reorganizing.

Mr. Haddad nominated Mr. Bouchard to remain as Chairman. Mr. Webber seconded the motion. Mr. Bouchard accepted the nomination. The motion carried by unanimous vote.

Mr. Haddad nominated Mr. Cunningham as Vice Chairman. Mr. Bouchard seconded the motion. Mr. Cunningham accepted the nomination. The motion carried by unanimous vote.

Mr. Bouchard said that the first item of business was to review the charge of the Committee. Mr. Bouchard read the charge. *(see attached email dated Tuesday, March 9, 2013)*

Mr. Webber asked what the grievance process was for Union employees. Mr. Haddad said that the Union employees start with the department head, move onto the Town Manager if unresolved by the department head, and move onto the Board of Selectmen if unresolved by the Town Manager. He added that they also have the right to go to arbitration if any of the above are unable to remedy the situation. Mr. Haddad said that in 2006-2007 the Town Hall & Library employees formed under SEIU thus eliminating their need for the Personnel Board.

Mr. Bouchard read through Section 4-2 Powers and Duties of the Groton Charter. It was decided that subsection (c) and (g) were related to personnel. Ms. Erickson asked if this was the old charter or the revised one. Mr. Bouchard said that it was the one that existed today. Mr. Haddad said that the Bylaw Committee had met several years ago and amended the conflicts found in the Charter which were approved by a town meeting vote in 2009. Chapter 48 was accepted because of this and the Personnel Board at that time was involved in this process.

Mr. Bouchard reviewed Chapter 48 Section 48-1 Membership terms and Section 48-2 Power and Duties of the Personnel Board. *(see attached)* It was discussed that 48-2 A had no conflicts with the Charter; 48-2 B touched upon the grievance procedure; and 48-2 C had no conflicts with the Charter. Ms. Collette asked if "C" included personnel files that were confidential. Mr. Webber said that he would interpret that to mean the Personnel Board could review files, if necessary. Mr. Haddad said that he was not even allowed to access those as Town Manager and it was his duty to designate someone and in this case the HR Director was the designated person. Mr. Bouchard said that this was one they would need to clarify. It was further discussed that 48-2 D had no conflicts with the Charter and in fact was designed to assist the Town Manager and Board of Selectmen; 48-2 E had no conflicts with the Charter; 48-2 F had no conflicts with the Charter and as pointed out by Mr. Webber tied into "C". Mr. Haddad said that he would have to appoint a HIPAA officer. Mr. Prager said that 48-2 G didn't say much and could potentially be deleted and 48-2 H was overly broad and could apply to anyone. Mr. Bouchard concluded that there were some revisions that could be made but didn't hear that there were any conflicts with the Charter.

Ms. Collette said that it personally gave her great pause to know that a volunteer could have access to confidential information. Mr. Webber asked if the HR Director's job description included HIPAA required qualifications. There was a brief discussion about what was meant by a HIPAA appointed individual and if it meant it should be a professional such as the HR Director or an appointed volunteer. Mr. Cunningham said that it would be helpful to get input from Town Counsel on the Personnel Board and confidential records. Mr. Prager said that they should finalize

the Powers and Duties of the Personnel Board first. He said that if their only duty was to deal with grievances, than that was their power. He added that if the scope of the Personnel Board's duties was made broader, then maybe qualifications should be outlined.

Ms. Erickson said that an independent person, with no relation to what was going on, should be involved. Mr. Webber said that some bylaws were specific as to who could be involved.

Mr. Bouchard read Chapter 48-3 Role of Human Resource Director. (*see attached*) He asked if the description conflicted with the Personnel Board. Mr. Prager said it didn't.

Mr. Bouchard read Chapter 48-12 Grievance Procedure. He pointed out that step 1 was to report to the supervisor and step 2 would be to report to the Town Manager. Mr. Haddad said that there may be a conflict as the Town Manager oversees the Wage and Classification Schedule. Mr. Prager said that it should be looked at and clarified.

Mr. Bouchard asked if the Town Manager could grieve a decision. Mr. Haddad thought that should absolutely be able to. Mr. Webber pointed out that the Article stated a "grievant." Mr. Prager said that it was a good point and should be clarified. Ms. Collette asked about a department head. She said that if the Town Manager supports the department head and the Personnel Board overturns the decision, could the department head be the aggrieved. Mr. Haddad said that it was a good point.

Mr. Bouchard read Chapter 48-13 (3b) (*see attached*) and said that he thought there was one other potential conflict here that they should look at.

Ms. Garvin pointed out that the Bylaw employees receive the lowest longevity amongst all employees as an example. Mr. Haddad added that they didn't have bargaining rights like the Unions do. Ms. Collette added that the Unions also have a sick leave bank now.

Mr. Bouchard said that the Board of Selectmen were split on this topic. He asked if they should invite others to the next meeting who may want to be heard. He added that Ms. Garvin had done a study of 53 communities in Massachusetts as to whether or not they had Personnel Boards. Ms. Garvin said that the 53 towns included were those with a Town Manager. She said that the majority of those towns didn't have a Personnel Board. Most had an HR Director.

Discussion ensued with regard to a next meeting date and time. It was decided that the Committee would meet again on Wednesday, April 17<sup>th</sup> at 1pm and again on Wednesday, April 24<sup>th</sup> at 6:30pm.

Mr. Haddad moved to adjourn at 3:15pm. Mr. Cunningham seconded the motion. The motion passed unanimously.

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant