

**BYLAW REVIEW COMMITTEE
MINUTES APRIL 17, 2013 (Approved)
PUBLIC HEARING**

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

Also Present: Dawn Dunbar, Michelle Collette, Patrice Garvin, Rena Swezey, Tom Delaney, Tom Orcutt, Jane Peterson, Connie Sartini, Jason Bulger, Berta Erickson, Anna Eliot, Jack Petropoulos, Norman Garvin, Dolores Alberghini, Bud Robertson, Suzanne Loverin

Mr. Bouchard called the meeting to order at 1:00pm. Mr. Bouchard announced that the next meeting originally scheduled for April 24th had been rescheduled to May 15th at 6:30pm.

Mr. Bouchard thanked everyone for coming and explained how the Committee had only had one meeting prior to this during which they reviewed the Bylaw and the Charter. He said that individuals with an interest in the Personnel Bylaw had been invited to attend. He said that he was in receipt of written comments from a few individuals and could discuss those letters later in the meeting. Mr. Bouchard said that he had received letters from Linda Deciccio, Jack Petropoulos, Stuart Schulman, Rena Swezey, Tom Delaney and Michael Manugian. Ms. Sartini asked if the Committee was open to more comments. Mr. Bouchard said that they were and those comments could be either verbal or in writing.

Ms. Collette said the Personnel Board had great members in the past but many of the problems were due to lack of quorums which caused issues to go on for weeks, sometimes months. She said that as a 30 year employee she had worked with a Personnel Board for 25 years. She said that since the adoption of the Town Manager position, the personnel process had become much more professional, fair and equitable. She said that citizen volunteers don't know what the workplace jobs are, and should not be allowed to have access to personnel records. She said that the Bylaw employees were exploring their options with collective bargaining as they felt that a return to a Personnel Board left them very vulnerable and unprotected. Mr. Prager asked if that was how the group felt. Ms. Collette said that yes, the group of 12 bylaw employees had met and discussed their options and that was their consensus.

Ms. Garvin said that a month ago she had contacted every town in the State with a Town Manager form of government and asked if they had an HR Director and/or a Personnel Board. She said that the majority of towns had an HR Director with no Personnel Board because they had transitioned to a Town Manager run government with a charter. She said that she had also found out that if there was a Personnel Board, they were only involved in the wage and classification schedule and not involved with the grievance procedure. She said that the Bylaw employees felt there was no trust in them and wanted their concerns to be heard.

Mr. Delaney said he felt as though they were getting something pushed down their throats when nothing had happened to bring this about. Ms. Garvin said that the bylaw employees didn't feel as though they needed a Personnel Board when they were in fact ok with how things were. She said that the Town Hall/Library Union had a JLMC (Joint Labor Management Committee) and if there was an issue, they got together as a group. She thought that the bylaw employees should maybe have the same. Mr. Haddad said that in the case of the JLMC, the union rep. was present but not part of the group, only union employees and town manager appointed representative. Mr. Prager asked if all bylaw employees were comfortable with how things were. Ms. Garvin said "yes." Ms. Swezey also answered yes adding that they had all signed their letter.

Mr. Robertson introduced himself saying that he had recently turned in an application to serve on the Personnel Board and had been a former Personnel Board member. He said that the Board had been a tactful board and he was surprised to hear this. He said that he was a CEO of a large company who had experience with Personnel Boards. A Personnel Board to him was an advisory board who worked with the HR Director as a resource. He said that with the grievance procedure, the Board would also only act as an advisory board.

Mr. Bouchard said that the Personnel Board role had changed in 2009 when it went from a tactical board to an advisory board. Mr. Bouchard said that one of their roles was to prepare and maintain the wage and classification schedule. Mr. Robertson said that this was the town's job not the Personnel Board. Mr. Bouchard added that the second role was to establish and advise the grievance procedure.

Mr. Delaney said that he agreed with Mr. Robertson's philosophy adding that an advisory role to HR was what the Boards role should be. Ms. Garvin disagreed with the advisory role adding that they were not involved with the hiring and firing and thought it conflicted with the charter.

Ms. Garvin said that one thing the unions had that the bylaw employees didn't have was an experience scale. Mr. Haddad added that he had negotiated with the unions an experience range scale thus eliminating the steps allowing new hires a scale on which they would be placed based on experience. Ms. Garvin added that they would like parity with the unions to include things like longevity and sick time.

Mr. Robertson said that if the role of the Personnel Board was strictly advisory, the HR Director would have someone to go to should he/she needed advice. He suggested if the Personnel Board was to be reinstated, that if after a year no one sought advice, the Board could be dissolved. Mr. Prager asked what if there was one town employee that wanted the Board adding that it was his feeling that the Board should be available for those seeking advice. Mr. Robertson felt that the Personnel Board was a valuable resource and could help the town.

Mr. Haddad asked Mr. Robertson what his opinion was on the grievance procedure. Mr. Robertson said that he didn't think the Personnel Board should be involved in every grievance unless they were asked to sit in on it.

Ms. Sartini asked what prompted the bylaw employees to look at unionizing and how close were they to moving in that direction. She felt it would make the Personnel Board a moot point. Ms. Collette said that when the matter first appeared on the Board of Selectmen's agenda, the bylaw employees talked about communicating with the Bylaw Review Committee. She said that when the citizen's petition circulated, it became political. The bylaw employees felt very vulnerable as no one had asked their opinion. She added that they had been in contact with the SEIU representatives, other organizations and to date no decision had been made as they were still exploring their options.

Mr. Petropoulos said that he was glad to hear the comments offered thus far in an open meeting. He said that the Personnel Board reinstatement had become highly charged and that it should be about what's best for the town. He said that the Charter/Bylaw conflict had been revised in 2009. He said that based on the discussion, having the Finance Committee could be considered redundant. He added that he didn't think it wasn't as it served as a checks and balances for the town. Mr. Petropoulos said that in 2011 the employees stood up at town meeting and said no Personnel Board was needed. He said later on a grievance filed by one of those employees asked for a third party to step in. He said that they had had their share of grievances in the past year and lack of a Personnel Board had been cited also questioning how it was handled. He said that a Personnel Board could play a role in wages and compensation, in the grievance procedure, could offer direction in management and also offer help in the screening process for new hires. Mr. Petropoulos recommended that the appointing authority changed with that role be given to the Town Moderator.

Mr. Bouchard said it sounded as though Mr. Petropoulos was suggesting the Personnel Board be more than an advisory board. Mr. Petropoulos said that the Personnel Board's role should decrease from what it had been but that they should be involved in the grievance procedure as well as have a say in the wage, salary and hours of employees.

Mr. Cunningham said that Mr. Petropoulos was alone in his belief of how the grievances were handled. He said that the other four (4) Board of Selectmen who were involved in the process, including himself, did not agree with him. Mr. Petropoulos said that the employees wrote to the Board of Selectmen stating that they disagreed with the way

in which they were treated and lack of a Personnel Board. He added because of the absence of a Personnel Board, the grievance couldn't be heard. Mr. Cunningham said that he disagreed adding that Mr. Petropoulos was now using situations with town employees as pawns. Mr. Haddad said that Mr. Petropoulos was relaying confidential employee information and needed to stop.

Ms. Swezey added that because she had sat on a number of search committees, she and others involved had always been allowed to give input. Mr. Petropoulos said that he said nothing about search committees and/or input. Mr. Prager said that he didn't see the Personnel Board as harmful but serving more as a representative of the community. Ms. Eliot said that the Board of Selectmen participate in the employee screening process. She added that one of their many roles as the ambassadors to the community were involvement in the hiring and dismissal of employees. Mr. Robertson added that towns should operate like private companies do. Companies have a Board of Directors with many committees that advise the Directors. Mr. Prager asked who would decide that. Mr. Robertson said that in this instance it would be town meeting. Mr. Haddad asked how a compensation committee interacted with unions. Mr. Robertson said "through a rep." Mr. Robertson said that the chair of a compensation committee was not HR by any means. He said it was good to have an independent view of things. Mr. Cunningham said that it had merit and it was something they should consider moving forward to make town government more official.

Ms. Collette said that what had been described was more of an advisory committee. She said that she didn't understand why there was a need for such involvement. She said that all it had resulted in was confusion and forced decision making. Mr. Bulger said that in his own experience and since he had started working for the Town, the IT committee had been dissolved. He said that even though there was no formal committee he had kept in touch with those volunteers to keep that talent and wisdom. He wondered if that could be done here.

Ms. Loverin agreed with Mr. Robertson and Mr. Cunningham's comments. She said that it would be great to have someone to bounce ideas off of. She said that she had sent a list of potential Personnel Board applicant qualifications to the Board of Selectmen for consideration. She said that the comment pertaining to recent events and lack of a Personnel Board wasn't accurate. She thought the Personnel Board should be taken out of the grievance procedure adding that the day to day operations shouldn't be bogged down. She said that people who were hired were professional and mature adults who could go to Town Manager Haddad and the Board of Selectmen with issues. Mr. Prager countered her comment stating that many employees were not able to work things out. Mr. Petropoulos said that he didn't say that the Personnel Board should have authority. He said that he wasn't looking to see the Personnel Board run the town or run personnel matters. Ms. Jane Peterson said that in the union contracts the grievance procedure was taken from level to level and may take 45 days to allow time to consider the grievance. Ms. Alberghini said that a Personnel Board should be purely advisory with issues being resolved within. Ms. Erickson said that arbitration should also be considered. Mr. Cunningham said that he would like to hear solutions that would try to avoid arbitration.

It was asked why there was a rush in appointing a Personnel Board and why it couldn't wait until the study of the Bylaw Review Committee was done. Mr. Cunningham said that the Board of Selectmen thought it was best to do it now based on Mr. Petropoulos's petition. He added that the Board of Selectmen also felt it was best to go through the process first rather than waiting to bring it up at the fall town meeting. Ms. Collette said that with regard to the citizen's petition; the Board of Selectmen had voted in favor to bring the matter to the Bylaw Review Committee. Shortly after that vote, a citizen's petition was being circulated. She said this was an example of why you want to have a healthy discussion before bringing it to the community. She said that personnel issues at town meeting are the worst and not appropriate conversations to be having on the floor of town meeting. Mr. Prager asked where the citizen's petition came from. Ms. Collette said it was started by Mr. Petropoulos. Mr. Petropoulos said that if they waited to implement the Personnel Board, they would only be delaying what may or may not happen. Ms. Alberghini said that she didn't understand the rush asking why it couldn't wait another 5 months or so until the study was done. Mr. Delaney asked who was pushing this. A couple of people responded that Mr. Petropoulos was pushing this. Ms. Swezey asked what would happen if they decided to unionize. Mr. Bouchard said that two or

three employees wouldn't be able to join the union and may need Personnel Board representation. Mr. Haddad said that the current union contracts don't have Personnel Board involvement.

Mr. Prager said that he was neutral on this matter right now adding that he agreed individual personnel matters shouldn't be brought to town meeting. Mr. Haddad said that the advisory aspect Mr. Robertson raised was a valid point. Ms. Garvin said it was all in how it was delivered. The Board of Selectmen had made a decision and something else was done. Mr. Cunningham said there were good comments and good direction made. He said that the Charter had benefited the town and improved how things were run. Ms. Sartini said that she was a former member of the Personnel Board. She said it was not an easy job and there were a lot of political overtones. She said that the employees were an asset to the Town and needed to have their concerns heard. Mr. Webber said that a couple of years before the Charter had been developed he sat in on the Personnel Board meetings and could see that the town was not run well adding that it should run like a business. He didn't see anything wrong with having nothing more than an advisory committee. Mr. Bouchard said there had been some great comments made that day adding that he would continue to accept comments in writing.

Mr. Haddad moved to approve the minutes of 3/27/13 as written. Mr. Prager seconded the motion. The motion carried unanimously.

Mr. Haddad moved to adjourn. Mr. Prager seconded the motion. The motion carried unanimously.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant