



**TOWN OF STERLING
PERSONNEL BOARD**

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Amrith Kumar, Chair
Bruce Baker, Clerk
Timothy Hanrahan
AnnMarie Belair
Jed Lindholm
James F. Kelley, H. R. Administrator

MINUTES OF OPEN MEETING

January 30, 2012

The January 30 2012 meeting of the Personnel Board was called to order by Chairman Amrith Kumar at 6:00 P.M.

Present were Board members Tim Hanrahan, Amrith Kumar, Bruce Baker and HR Administrator Jamie Kelley. Also present were Board of Selectmen Chair Russell Philpot, Finance Committee Chair Larry Pape and Town Administrator Terri Ackerman.

A motion was made by Bruce Baker and seconded by Tim Hanrahan to accept the revised agenda, version 39, as printed. The motion carried unanimously. It was noted that the Town Clerk item was postponed at the request of the Town Clerk.

At 6:06 a roll call was taken by the Chairman. Present were Bruce Baker, Tim Hanrahan and Amrith Kumar.

Agenda Item 1 Executive Session

At 6:07 a motion was made by Bruce Baker and seconded by Tim Hanrahan to enter into executive session to a conduct strategy session pursuant to G.L. ch30A s21a (2) and (3) and to reconvene in open session at the conclusion of the executive session. Present and voting were Tim Hanrahan, Amrith Kumar and Bruce Baker. The motion was approved unanimously.

Open Session Reconvened

The Board reconvened in open session at 7:15 p.m.

Agenda Item 2

- a. A motion to approve minutes of the January 17 Open Meeting and Executive Session was made by Tim Hanrahan and seconded by Amrith Kumar. The motion was approved unanimously.

- b. The Board had been contacted by with three persons (Christine Lowe, Anne Marie Belair, and Jed Lindholm) interested in being appointed to the two vacancies on the Board and members have spoken with each of them. A fourth person, David Shapiro, also interested in serving was present at the meeting to present his experience and desire to serve. Following questions by Board members and Finance Committee Chair Larry Pape and Board of Selectmen Chair Russell Philpot, a motion was made by Bruce Baker and seconded by Tim Hanrahan to recommend to the three appointing authorities – Board of Selectmen, Finance Committee, Town Moderator – that Jed Lindholm and Ann Marie Belair be appointed to fill the two vacancies on the Board. The motion was approved unanimously.
- c. The Chairman noted that since MMPA compensation plan data had been located in Town files there was no need to purchase the document. A motion was made by Bruce Baker and seconded by Tim Hanrahan to rescind the vote at the last meeting authorizing purchase. The motion was approved unanimously.

Agenda Item 3

- a. Review of outstanding Action items

1. The Board discussed the HR Administrator's review of the exempt or non-exempt classification of "salaried department head" conducted last July at the request of the Personnel Board that determined that some of those considered to be exempt were in fact non-exempt. An explanation of his findings is contained in his memo "Fair Labor Standard Act Review" dated January 25, 2012. The Board expressed the need for further confirmation that the Town is paying employees, particularly exempt employees, in accordance with their proper FLSA classification.

Also discussed was the need to obtain an accurate accounting of the number of compensatory time hours earned by employees prior to elimination of compensatory time by the Personnel Bylaw enacted July 1, 2010 which may still be owed to Town employees.

A motion was made by Bruce Baker and seconded by Tim Hanrahan to authorize the Chairman to send a letter to the Town's auditor, Scanlon & Associates, requesting verification that employees are being paid in accordance with their FLSA classification and that Sterling has a complete accounting of all compensatory time lawfully owed to employees and that this is properly recorded as a liability on the balance sheet. The motion was approved unanimously. It was noted that the chairman previously requested the information from the Town but was told it could not be released because it was felt that this information was not a public record. Mr. Kelley and others stated that it was a public record.

Mr. Kelley wished the record reflect that he had not been requested to provide the information regarding pay and wages, and the Chairman clarified that in fact the request had been made to the Town Treasurer in the absence of Mr. Kelley (on a Thursday).

Discussion continued about criteria used to determine exempt or non-exempt status. It was noted that the current classification plan was developed in the 1997 and that is may be time for a new one.

Concern was expressed whether some exempt part-time employees are being paid on an hourly basis which is not allowed under FLSA since they are supposed to be exempt. Since this and related issues are beyond the authority of the Personnel Board, the Personnel Board will request that the Board of Selectmen convene a joint meeting of the Selectmen, Finance Committee and Personnel Board to discuss the issues.

2. A motion was made by Bruce Bake and seconded by Tim Hanrahan to move the deputy fire chief to Schedule C since it is an on-call position. The motion was approved unanimously.

3. Discussion of the "Inspector of Assessors" was postponed to a future meeting.

- b. Discussion of the roles and responsibilities of the Personnel Board and HR Administrator was postponed to a later date.
- c. Work on developing a common application form will be postponed to a later date.

Agenda Item 4

- a. Suggested changes regarding the "Workplace Conduct and Bullying Policy" have been received and will be considered for inclusion in a new draft.
- b. The "Time and Attendance Policy" was discussed, particularly the comp time/flex time issues. Action will be postponed to a later date.
- c. A draft of the Board's annual report was distributed. Members will review it and submit suggested changes.
- d. Many job descriptions are out of date and the DPW job descriptions have yet to be approved by the DPW Board. This is a problem because Classification Plan grades are dependent on accurate job descriptions. A motion was made by Tim Hanrahan and seconded by Bruce Baker to require that all completed performance reviews include an updated job description no older than two years, reviewed by the manager (or appointing authority) of the individual for approval by the Personnel Board. The motion was approved unanimously.

- e. A copy of the Town's current Performance Evaluation form was distributed. The Library Director has informed the Board that performance reviews of library staff are being conducted semiannually.

Agenda Item 5

- a. No updates from Board members
- b. The Massachusetts Attorney General's office has requested information regarding a new open meeting law complaint. The Chairman will respond with the information.
- c. Status of harassment complaints received by the previous Personnel Board was discussed. It was noted that some complaints were determined not within the authority of the Personnel Board and would have to be referred to other agencies. In addition, some complaints required additional documentation in writing before action could be taken. Complainants were advised of this.

Whether those against whom complaints had been submitted were notified of the complaint by the Board was questioned. Following discussion the HR Administrator offered to follow this up with Town Counsel.

- d. Minutes of a Board of Selectmen's meeting on October 28, 2009 were distributed stating that on that date the Board approved a *Drug Free Workplace Policy* and an *Internal Job Posting Policy*. Also distributed were minutes of the Board of Selectmen's meeting on September 1, 2010 stating that on that date an *ADA Grievance Procedure* was approved. These policies are still in affect because the Personnel Board does not have authority to rescind policies approved by the Board of Selectmen.

Agenda Item 6 No comments.

Agenda Item 7

- a. Next meeting is February 27 at 6:00 p.m.
- b. Discussion of the Assistant Town Clerk classification grade may be on February 27th, depending on the readiness of the Town Clerk.
- c. Job descriptions have been scanned for input on town website by Anne Marie Belair. Mike Rivers volunteered to work on converting them to PDF format with one description per file.
- d. Board members will send recommendations regarding Personnel Bylaw changes to Amrith for consideration at a future meeting.

Adjourn

At 9:55 a motion was made by Bruce Baker and seconded by Tim Hanrahan. The motion was approved unanimously. The Board adjourned at 9:55.

Respectfully submitted,

Bruce Baker, Clerk