



**TOWN OF STERLING  
PERSONNEL BOARD**

**1 Park Street  
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(978) 422-8111 x2319**

Amrith Kumar, Chair  
Bruce Baker, Clerk  
Timothy Hanrahan  
AnnMarie Belair  
Jed Lindholm

## MINUTES OF MEETING

February 27, 2012

The February 27 meeting of the Personnel Board was called to order by Chairman Amrith Kumar at 6:00 P.M. The Chairman asked if a quorum of BOS or Finance Committee was present to allow those boards to call their meetings to order. Speaking for the Finance Committee, Chairman Larry Pape stated no.

Personnel Board members present were Tim Hanrahan, Jed Lindholm, Ann Marie Belair, Amrith Kumar, Bruce Baker and HR Administrator Jamie Kelley. Also present were Finance Committee Chair Larry Pape and Finance Committee member Frank Heinemann.

Roll call was conducted by the Chairman. Present were AnnMarie Belair, Jed Lindholm, Tim Hanrahan, Amrith Kumar and Bruce Baker.

### **Agenda Item 1 Executive Session**

At 6:03 PM a motion was made by Tim Hanrahan and seconded by Jed Lindholm to enter into executive session to conduct strategy sessions pursuant to G. L. ch 30A s 21a (2) and (3), returning to open session at approximately 7 PM. The motion was approved unanimously.

The Board reconvened in open session at 6:55 PM.

### **Resumption of Open Session**

The Board reconvened in open session at 7:00 PM.

### **Agenda Item 2 Personnel Board Administration**

**a. Minutes:** A motion was made by Tim Hanrahan and seconded by Amrith Kumar to approve the minutes (Draft 4) of the January 30 open meeting. The motion was approved, with three in favor and two abstaining (because they were not members of the Board at the time of the subject meeting).

A motion was made by Tim Hanrahan and seconded by Amrith Kumar to approve the minutes (Draft 2) of the January 30 executive session. The motion was approved, with three in favor and two abstaining (because they were not members of the Board at the time of the subject meeting)..

### **Agenda Item 3 Personnel Board Actions/Policies**

**a. Discussion of Library Director and Assistant Library Director/Head of Children's Services classification.** At its April 25, 2011 meeting the Personnel Board approved reclassification of the Library Director from Grade 8 to Grade 9 step 7 and the Assistant Director/Head of Children's Services from grade 6B to 7B (step unknown). The Library Director's contract has an appendix (Appendix A) that stipulates compensation of \$66,565 per year. Town Counsel has suggested the addition of a section to the contract. (The suggestion is contained in the motion below.)

Library Director Pat Campbell and John Dwyer, Chairman of the Board of Library Trustees, explained that the regrading has not gone into effect because the warrant for the May 2011 annual town meeting had already been sent out for printing, preventing the matter from being addressed at that time. Since no special town meetings have been held since, they are requesting that it be on the warrant for the May 2012 (fiscal year 2013) annual town meeting, and the special town meeting. Because of the delay, the Trustees are requesting that the grade change be retroactive to the beginning of Fiscal Year 2012.

Following discussion a motion was made by Tim Hanrahan and seconded by Bruce Baker to approve the Library Director regrading for the entire Fiscal Year 2012, with the provision of an automatic step increase each year during the life of the agreement subject to the addition of the words that Town Counsel gave us: "Notwithstanding anything in this agreement to the contrary, it is understood and agreed by all parties that the terms and conditions of this agreement are subject to the Town's Personnel Bylaw as amended and to the annual appropriation of sufficient funds by the Town Meeting." The motion was approved unanimously.

The Library Director (Ms. Campbell) and the Chairman of the Board of Library Trustees (Mr. John Dwyer) agreed to the wording being proposed by Town Counsel.

A motion was made by Tim Hanrahan and seconded by Jed Lindholm to approve the reclassification of Assistant Library Director/Head of Children's Services to Grade 7B, Step 1 effective for the entire Fiscal Year 2012. The motion was approved unanimously.

Removal of presently unused library positions listed in the Classification Plan was discussed with no action taken.

**b. Discussion with Gary Menin of the Board of Public Health.** Mr. Menin had questions about who is responsible for signing an employee's time sheet (in this case, the time sheets of the Health Agent), the Board of Health or the Health Agent and questions about whether the Health Agent was exempt or nonexempt. Mr. Kelley explained that at some point the Board has delegated signing authority to the Health Agent. Mr. Menin stated that that policy was changed last week and that the

Board of Health is now signing time sheets. He also noted that the Board had never been advised of a change in the Health Agent's status from exempt to nonexempt.

**c. Personnel Board Annual Report.** Several suggestions were made for changes in the draft copy of the annual report. Board members are to send further suggestions to the chairman by email. A motion was made by AnnMarie Belair and seconded by Jed Lindholm to appoint a two member team authorized to make changes as discussed at this meeting and send them to the Town Clerk. The two member team is Amrith Kumar and Tim Hanrahan. The motion was approved unanimously.

**d. Personnel Bylaw Changes.** Board members will review the draft and email comments to the chairman by Friday, March 2.

**e. Personnel Bylaw Section 2D letter.** The Board reviewed a memo from Mr. Kelley regarding the exempt/nonexempt audit of positions he performed and reported on to the Board on July 18, 2011. A motion was made by Tim Hanrahan and seconded by Bruce Baker to send a letter to the Board of Selectmen and Finance Committee recommending the following changes to the Town's Classification and Compensation Plans pursuant to Section 2D of the Personnel Bylaw:

1. Rescind and to make null and void the "2D" letter dated November 22, 2011 addressed to the Board of Selectmen from HR Administrator Mr. James Kelley, acting on behalf of the former Personnel Board.
2. To include the "Inspector Assessors" in the Classification Plan at Grade 4, noting that the position clearly exists but has not been included in the Classification Plan. The position is currently funded and has been funded in the past.
3. To NOT include the Assistant Town Accountant position in Schedule E – Stipend Employees, noting that the Board is in receipt of a request to create and fund this position as a regularly funded position that is to appear in the Classification Plan.
4. Upgrade Library Director and Assistant Director/Head of Children's Services pursuant to previously approved re-grading and subject to the addition of the paragraph below as an addendum to the contract between the Library Director and the Town.

*"Notwithstanding anything in this agreement to the contrary, it is understood and agreed by all parties that the terms and conditions of this agreement are subject to the Town's Personnel Bylaw as amended and to the annual appropriation of sufficient funds by the Town Meeting."*

This recommendation reflects the FY 2011 re-grading of the two positions: Library Director from Grade 8 to Grade 9B and Assistant Director/Head of Children's Services from Grade 6B to Grade 7B.

5. Add Grade 10A, Grade 10B, Grade 9A, Grade 9B, Grade 8A and Grade 8B to the Classification Plan and removed Grade 10, Grade 9 and Grade 8.

6. Include DPW positions in the Classification Plan, noting that the DPW CBA uses a copy of the Town's Compensation Plan as the CBA's Compensation Plan. However the CBA does not reference the Town's Plan.

7. Rescind the changes to FLSA status that were recommended in the previous Section 2D letter as serious discrepancies have been found in not only the process that was adopted but also the conclusions that this process reached. This rescindment restores the FLSA status of "exempt" to the Associate Health Agent, Director: Recreation, Director: COA, Conservation Agent, Human Resources Administrator, Health Agent and Building/Zoning Officer.

8. The Board recommends that the Classification Plan be updated and that the sentence regarding step advancement be removed from Attachment B of the Personnel Bylaw. The earlier "Section 2D Letter" advised the inclusion of the sentence: *"All employees who are not on probationary or suspended status, or subject to pending discipline, have been employed by the Town for at least one (1) year, and have received at least a satisfactory performance evaluation, shall move up one step within their respective grade as of July 1, 2012."* This recommendation is rescinded in its entirety.

The motion was approved unanimously.

Also discussed was whether the dollar threshold of \$455 defining exempt employees is based on 40 hours a week, whether the Executive Assistants in the Fire Department, Planning (?) Board and Board of Selectmen's office are nonexempt, whether the department head of the Board of Health is the Board of Health or Health Agent and whether employees are being paid on the basis of their job descriptions.

**f. Annual Town Budget.** It was noted that the Board will advise the Finance Committee concerning an Annual Town Meeting article #14 regarding salary increases.

**g. Facilities Maintenance Technician.** No action was taken since the Facilities Maintenance Technician could not attend.

**h. Annual Town Meeting Articles.** The three proposed articles were discussed briefly.

#### **Agenda Item 4 Old Business**

##### **a. Review of outstanding action items**

i. The Board reviewed the reply to its request to the HR Administrator that he report on the process used in the FLSA audit he conducted in July 2011.

ii. The town auditor's response to the Board's concerns about comp time owed to employees and that employees are being paid in accordance with their FLSA classification. A motion was made by Tim Hanrahan and seconded by Jed Lindholm to send a public records request to the Town Administrator for copies of specific pages payroll warrants for FY 2012. The motion was approved unanimously.

- iii. No action was taken on the “Inspector of Assessors.”

**Agenda Item 5 Updates**

**a. Updates from Board members** No updates

**b. Communications** Nothing to report

**c. HR Administrator’s Update** Mr. Kelley reported that the Town has seventy-two positions and fifty-one job descriptions of which eight have typographical errors and only nine have been revised in the last two years.

**Agenda Item 6 Public Session .** No public comment.

**Agenda Item 7 Future Meetings.** The next Board meeting is Monday, March 12 at 6:00 PM.

**Adjournment** At 10:00 PM a motion was made by Bruce Baker and seconded by Jed Lindholm to adjourn. The motion carried unanimously.

Respectfully submitted

Bruce S. Baker

Clerk