

Personnel Board Meeting
Wednesday, January 4, 2023 4:00 PM
Highland Room, Needham Town Hall

Minutes

Attendance

Personnel Board

Vivian Hsu, Chair
Joseph Herlihy, Member
John Burns, Member
Mark Fachetti, Member

Staff

Chuck Murphy-Romboletti, Director of Human Resources
Tatiana Swanson, Assistant Director of Human Resources
Kate Fitzpatrick, Town Manager

Guests:

Nick Anastopoulos, Partner, Mirick, O'Connell, DeMallie & Lougee, LLP, Labor Counsel for Town of Needham

Lt. Belinda Carroll, Needham Police Department

Off. James Wise, Needham Police Department

Off. Richard Evans, Needham Police Department

Off. Anthony Fronguillo, Needham Police Department

Off. Edward Bayiates, Needham Police Department

Chief John Schlittler, Needham Police Department

Lt. John McGrath, Needham Police Department

John O. Killian, McDonald Lamond Canzoneri, Counsel for Needham Police Union and Superior Officers' Association

Call to order, roll call and remote participation disclosure

Ms. Hsu opened the Personnel Board meeting at 4:02pm, asked all present to introduced themselves and explained the Personnel Board's grievance review process.

Police Union Grievance:

Attorney Killian presents the Unions' reason for the grievances. A summary of the presentation is as follows:

- Mr. Killian stated that the "Certification Stipend" contract language is the same for both unions regarding the calculation of the percentage being based on "regular weekly compensation". The Union's position is that the Town's application of the Stipend, being calculated and paid on "base wage" only, is a violation of the contract.
- Mr. Killian explained that the "Certification Stipend" became effective July 1, 2022. For the first 3 weeks/pay periods of the fiscal year, the Town's Payroll department issued the Stipend % based on the "total compensation" interpretation. The Town then informed Union on July 25, 2022 that this was interpreted and issued erroneously and that they would recoup the money via payroll what was overpaid to members over the course of the first 3 weeks/pay periods due to this error.
- Mr. Killian summarized that the disagreement between the Town and Union is whether the certification stipend should be calculated based on "regular weekly compensation" or "base compensation". Mr. Killian claimed that "regular compensation" is implied to be inclusive of all wages earned. Mr. Killian added that, when the contract refers to "base wages," the contract language is explicit in that regard (for example, EMT pay).
- Mr. Killian added that the Stipend was agreed upon in return for major concessions, that being agreeing to opt the department out of Civil Service, therefore was intended to be a major benefit.

Ms. Fitzpatrick spoke on behalf of the Town:

- The new contract provides the stipend in consideration of the new POST certification requirements, in line with the Police Reform Act of 2020, which is generous in nature. The stipend increases by the 3rd year of the contract by 4% for officers and 5% for lieutenants.
- Pyramiding pay applies to “adding” onto to base pay and all other pay types. The contract has never allowed for pyramiding pay, which is why this was not considered and has not yet been implemented in any contract, nor did they Unions brought this up. There is not such “Pyramiding” in any other contract in Town. She further added that had this been clearly negotiated, the Town would have not agreed.
- Add pays based on % already exists, adding the certification pay on a percentage basis would make the overall pay significantly higher and in considerable excess of the town’s proposal for these contracts, which were made on the basis of good faith and sustainability, and presented as such to the Select Board, the Finance Committee and Town Meeting.

The Board members asked questions for clarification purposes.

Attorney Nick Anastaspoulos further offered that FLSA does limit the stipend pay based on time worked, the Town employs “premium overtime” which is not legally required and does not require Town officers to meet this limit, essentially paying a higher rate for overtime.

Ms. Hsu requested that Board members be provided with copies of the original proposal and verification that the word “regular weekly compensation” appears in any other contract or payroll policy.

Attorney Killian stated he would argue that Holiday pay is calculated in the same manner as this new stipend.

The Town disagrees.

Attorney Killian asked about next steps in the process of grievance consideration.

Mr. Murphy-Romboletti asked if the Unions are agreeable to an extension for decision, both unions have different deadlines. The Board will schedule another meeting and provide a decision.

Ms. Hsu thanked all participants.

HR Advisory Committee Proposal:

Ms. Hsu presented on the background related to this proposal.

With the change in Town government in 2007, The Board has gone from a management role to a strategic role. The Town would benefit more from having the Personnel Board function as an advisory board, for the best use of the Board’s time and resources, to provide guidance and feedback on how the Town engages in HR practices, within the context of the community.

Ms. Hsu suggested the proposal should be turned into a memo that the Board would then vote on. Mr. Burns asked for further clarification on the changes this entails. Mr. Herlihy offered that although we do not decide, things are put in front of the Board to recommend, but the decision-making is up to the Town's management.

The Board would consider the proposal and have further discussion on this matter.

Approval of Meeting Minutes:

9/24/2021

Mr. Herlihy moved to approve, Ms. Hsu, seconded, approved unanimously.

10/22/2021

Ms. Hsu moved to approve, Herlihy seconded, approved unanimously.

11/23/2021

Mr. Herlihy moved to approve, Ms. Hsu seconded, approved unanimously.

9/7/2022

Ms. Hsu moved to approve, Mr. Herlihy seconded, approved unanimously.

11/16/2022

Mr. Fachetti moved to approve, Mr. Herlihy seconded, approved unanimously.

Other business

Mr. Murphy-Romboletti stated there was no other business.

Adjournment – 5:27 P.M.

Ms. Hsu called for a motion to adjourn the Personnel Board Meeting. Mr. Herlihy made a motion to approve, and Mr. Burns seconded. The meeting adjourned.

Next Meeting January 18th at 4:00 pm.