

Personnel Board Meeting
Wednesday, January 18, 2023 4:00 PM
Select Board Chambers, Needham Town Hall

Minutes

Attendance

Personnel Board

Vivian Hsu, Chair

Joseph Herlihy, Vice Chair

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:

Marianne Cooley, Select Board Chair

Lt. Belinda Carroll, Needham Police Department

Chief John Schlittler, 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

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 4:04 pm. Ms. Hsu announces that there would be a re-arrangement of the order of items on the agenda.

HR Advisory Committee Proposal:

Ms. Hsu explained the background of this request and the reason for the changes as discussed in the previous meeting. Ms. Hsu explained that Mr. Michael Fee, Town Moderator and appointing authority for the Personnel Board, requested an opportunity to present on not dissolving the Personnel Board and since he is not able to make today's meeting, anticipates no decision would be made today.

Ms. Fitzpatrick explained that evaluating the role of the Personnel Board is one of the Select Board's current goals from the past year.

Ms. Mariann Cooley, Select Board Chair, explained that the shrinking of the Personnel Board's membership over the past several years, brought about this conversation initially. The Select Board's role is to empower the Town Manager to perform as the CEO of the town who has the complex responsibility of managing operations. Over the years, the growth of labor relations has reduced number of non-represented employees that fall under the purview of the Personnel Board. This environment has also necessitated the development of a professionally run Human Resources department, which the Board believes would be best served by a Board of Human Resources members serving in an advisory capacity.

Ms. Cooley also offered that the same review is going on for other Board such as the Assessors Board and the Constables.

Ultimately, a proposal would be needed to remove the Board from the Town's charter and a recommendation for replacement. Ms. Cooley expressed her desire to have the Personnel Board members collaborate on the proposed changes, henceforth the conversation brought forward with the Board.

Ms. Hsu cited that getting a full quorum for meetings has been a challenge in the past and that the Board needs to evolve into a role that makes recommendations on personnel matters to Town staff and other Boards. In the current dynamic recruitment environment, the Town cannot always wait to gather the Board to make changes in classification and/or compensation.

If the Board supports the proposal, Town Management would need to know by the end of February.

The Board would consider the proposal and have further discussion on this matter at a later date after considering the Town Moderator's input.

Continuation of Police Union Grievance:

Ms. Hsu thanked all participants for coming. The Board is ready to ask further questions and deliberate on the matter.

Mr. Herlihy asked about the process: after the Board votes, what is the next step in the Grievance process per the Collective Bargaining Agreements? Mr. Murphy-Romboletti responded that the next step would be arbitration.

Mr. Herlihy asked if the decision is not favorable to the Town, does the Town have the right to appeal? Ms. Fitzpatrick stated that the next step would be to call a Joint Resolution committee, comprised of 2 members of the Personnel Board and the Town Manager.

Ms. Hsu asked if there was an attempt to resolve this outside of this process. Mr. Murphy-Romboletti stated that the Town had made an offer to settle which was not acceptable to the Unions.

Ms. Hsu had requested copies of different provisions of CBA's that referenced pay and excerpts of Town policy that reference pay. Holiday pay provision talks about "regular pay", other provisions define "regular weekly compensation" - the distinction is between "regular weekly compensation" and "weekly rate of pay" (salary divided by 52 weeks), however the Union's position is that this weekly rate of pay would include all other add pays.

Mr. Herlihy stated that this is a matter of contract interpretation.

Killian "Regular weekly compensation" generally refers to anything that is intended to compensate someone for their work.

This is the first time this term has been used in any Town contract.

Ms. Hsu asked if this stipend would be calculated in a manner no other stipend would be calculated on. Herlihy offered that it should have been drafted as "base pay"

There was discussion on the options afforded to the Board: uphold the decision, approve the grievance or refer the matter to the Joint Resolution Committee.

Ms. Hsu asked for a motion

Mr. Herlihy moved to overturn the decision of the HR Director and find for the union, Ms. Fachetti seconded.

Joe yes, Burns, no, Fachetti, yes Hsu, no. Motion does not pass.

Herlihy moved to have the matter referred to the Joint Resolution Committee under Section 6A of the CBA and the comparable provision of the Superior Officers agreement, Mr. Fachetti seconded.

Herlihy, yes, Burns, yes, Fachetti, yes, Hsu, yes. Passed unanimous.

Ms. Hsu entertained nominations for the JRC – Mr. Herlihy and Mr. Herlihy have been nominated to serve on the JRC, Mr. Fachetti seconded. All in favor, passed unanimous.

Approval of Meeting Minutes:

Deferred to next meeting.

Other business

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

Adjournment – 5:49 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.