

WEST TISBURY PERSONNEL BOARD  
MINUTES  
January 22, 2018

**Present:** Leon Brathwaite, Matt Gebo, Norm Perry, Ben Retmier and Kenneth Vincent

**Also present for all or part of the meeting:** Anthony Cordray, Beth Kramer, Kathy Logue, Skip Manter, Cynthia Mitchell and Bruce Stone

The meeting was called to order at 5:07 PM.

**Minutes:** The minutes of the January 8 meeting were approved.

**New Business:**

**Assistant Treasurer/ Collector Job Description:**

Kathy explained that Brent Taylor will be retiring as the Tax Collector. The Board of Selectmen will ask Town Meeting to convert the Tax Collector position from elected to appointed and to combine it with the Treasurer's position. The Board of Selectmen would also like to create a new Assistant Treasurer/Collector position. Kathy anticipates that the Assistant position will be 30-35 hours a week. Kathy has recently gone to a 4 day work week and hopes to continue that schedule after a transition period. This makes it necessary to have an Assistant that is bondable and can perform all the duties of the Treasurer Collector in their absence. The Treasurer/ Collector will have supervisory responsibilities.

Currently the Tax Collector's salary is pegged to the same grade as the Treasurer and Town Accountant. Bruce said the current Tax Collector also includes longevity into her base pay making her pay the equivalent of an employee at the top step of Grade 8 with 5 % longevity.

The board reviewed the draft job description for the new Assistant Treasurer/Collector first. Members went through each of the 14 factors in the grading manual and discussed each in turn. Reference was made to the current ranking for the Treasurer's position where appropriate.

After discussion, a motion was made and seconded to place the new Assistant Treasurer/Collector position on Grade 5 of the Classification Plan subject to approval of Town Meeting. All in favor.

The board went through the same procedure to evaluate and grade a new Treasurer/Collector position. After discussion, a motion was made and seconded to place this position at Grade 9 on the classification plan subject to approval of Town Meeting. All in favor.

It was noted that the Treasurer's position will remain on the classification plan at Grade 8 until a Fall Town Meeting in case changing the Tax collector's position from elected to appointed is not approved at Town Meeting or at the ballot box.

**Annual Report:** A motion was made and seconded to approve the 2017 annual report as written. All in favor.

### **Old Business:**

**Animal Control Officer/ On-call pay:** Tony Corday was present to follow up on the January 8 discussion about a warrant article to provide "on-call" pay to the assistant animal control officer. At the last meeting, the Board asked Tony to request a written explanation from Town Labor Counsel on why the assistant would be eligible for 'on-call' pay.

In lieu of an explanation from Town Counsel, Tony submitted the following:

- A letter dated May 4, 2017 addressed to Prudence Fisher from the Board of Selectmen regarding on call responsibilities and why she is not eligible for on-call pay.
- Two US Department of Labor opinion letters on whether on-call time is compensable under the Fair Labor Standards Act
- An untitled document on "on-call' pay.

Tony explained that currently the assistant is paid for 4 hours whether they perform any duties or not. Tony told the board that the Town is not obligated to pay "on-call' time, but in order to keep an assistant he would like to pay them a stipend of \$75. The employee would also be paid for any hours actually worked once they are called out.

Tony said that this provision would also apply to him if he is working on the weekend.

In response to a concern raised at the last meeting that the employee would make less under this arrangement, Tony said that the assistant will not get paid less because he plans to arrange the schedule so that the assistant will be paid for at least one hour per shift on top of the stipend. They will be required to perform at least one task such as filling the truck with gas or some other task that may or may not requires them to report to the office.

A motion was made and seconded to submit a warrant article to amend the personnel bylaw to provide an on-call stipend for the animal control officer subject to approval at Town Meeting. All in favor.

**Library: Head of Circulation/ Assistant Library Director/ Promotion/  
Anniversary Date:**

After a lengthy discussion about ambiguity in the Personnel Bylaw and whether it is fair to change the anniversary date of someone who is promoted, members agreed to look at several sections of the Personnel Bylaw to clarify what change of status means, what happens with grades and steps after a classification and compensation study, and keeping the anniversary date the same for step increases when a person moves from part time to full time.

This discussion was precipitated because an employee was promoted after their position was reclassified effective July 1 2016. Their original hire date was October 1. Currently, under Section 6-7, "if an employee has a change of status, their performance review shall be one year after such change." Consequently, this employee received a step increase effective July 1, 2017, instead of October 2016.

Members agreed that having to wait an entire year to get a step increase after a promotion was unfair to the employee and that the bylaw should be revised to change this process.

To rectify this particular situation, a motion was made and seconded to approve a step increase for this employee from Grade 5, Step 5 to Step 6 retroactive to October 2016, and a step increase from Step 6 to Step 7 effective October 1, 2017, if Bruce determines that the Town can give a step increase retroactive to a prior fiscal year. All in favor.

Members then had a discussion with Beth, Bruce, Kathy and Skip on their suggestions for changes in the Bylaw that would clarify anniversary dates when employees move from part-time to full time, when there is a reclassification of positions as a result of a classification and compensation study (or during interim years), and when an employee is promoted.

Bruce said the issue is with a lack of definitions and interpretation. He wanted to know if the reclassification of an existing job is the same thing as a promotion. If not, then the reclassification section should state that the employee will be placed on the new grade at the step closest to but greater than their current step.

The board explained that a reclassification of positions based on a classification and compensation study is not a promotion. Employee's whose grade changes as a result of a reclassification study shall continue to be placed on the new grade at the step closest to but greater than the employee's current rate of pay. Reclassifications always take effect on July 1 because that is the beginning of the fiscal year.

Section 6-6 covering reclassification of positions needs to be changed to clarify where employees are placed on a new wage scale that is the result of classification and compensation study.

Beth asked if there was a way to make the original hire date the anniversary for step increases after an employee moves from part-time to full- time. The Board agreed that for purposes of step increases, the employee's original hire date should be used for step increases. The date the employee becomes full time will continue to be used for accrual of benefits.

Going forward, if an employee is promoted, the employee's anniversary date will not change to the date of the promotion. A promotion shall not change the anniversary date for the purpose of calculating step increases, vacation, sick and personal leave. Section 7-6 will be changed accordingly.

Maria was instructed to write up these proposed revisions and to circulate them to all town staff prior to the Board's meeting on February 5. The board will vote on final language at the next meeting.

### **Personnel Board Warrant Article**

Leon moved for reconsideration of the vote to amend Section 1-2 of the Personnel Bylaw and to discuss changing the general town bylaw that created the Personnel Board in 1986. He said the change he proposed at the 2017 was not correctly recorded.

The board drafted the following changes:

#### **1-4. Personnel Board**

The Board of Selectmen shall appoint a Personnel Board consisting of five members **of which at least 4 members shall be residents of the Town.** Members shall serve for three-year terms. One of the members shall be a Town employee **who may reside outside of Town,** nominated **and elected following election** by the employees and appointed by the Selectmen. Said election shall be administered by the Town Administrator. Only employees described in 1-6 (c & d) shall be eligible to vote and serve on the Board. No elected official of the Town or more than one Town employee shall be appointed to the Board. **This provision shall apply to all members appointed to the Personnel Board after April 10, 2018.**

### **General Bylaw**

To see if the Town will vote to amend the following Town Bylaw that established the Personnel Board in 1986. Revisions are in **bold.** Pursuant to Chapter 41 Section 108C of the General Laws there shall be established a personnel Board consisting of five members of which at least 4 members shall be residents of the Town who shall be responsible for proposing personnel by-laws for voter approval and administering personnel by-laws, and who shall advise the Town on any matters pertaining thereto, in accordance with Chapter 41 Section 108C of the General Laws. One of the members shall be a Town employee, **who shall not be required to be a Town resident,** nominated and elected by the

employees and appointed by the Selectmen. **This provision shall apply to all members appointed to the Personnel Board after April 10, 2018.**

The Board of Selectmen shall initially appoint one member to serve for one year, two members to serve for two years and two members to serve for three year each; the Board of Selectmen shall in each succeeding year thereafter appoint for terms of three years each as many members are required to replace those member whose term expired in the year during which said appointment shall be made. ~~One of the members shall be a Town employee, nominated and elected by the employees and appointed by the Selectmen.~~

Final wording will be approved at the next meeting.

There being no further business to discuss the meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Maria McFarland  
Board Administrator  
APPROVED