

WEST TISBURY PERSONNEL BOARD
MINUTES
November 14, 2016

PRESENT: Matthew Gebo, Ben Retmier, and Kenneth Vincent

Absent: Jerry Gallagher and Norm Perry

STAFF: Maria McFarland

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Beth Kramer, Kathy Logue, Skip Manter and Jennifer Rand

The meeting was called to order at 5:10 PM.

Minutes: The minutes of the September 12 and October 3 meetings were approved.

Performance Evaluations: A motion was made and seconded to approve performance evaluations and step increases for, Clair Harrington (ZBA) and Kathy Logue (Treasurer). All in favor.

A motion was made and seconded to approve the evaluation for Beth Kramer (Library). All in favor.

New Business:

Family Medical Act Leave: Matthew would like to know why and how long the Town has been requiring employees to use vacation and sick time concurrently with Family Medical Act Leave. Kathy Logue, Treasurer and benefits person stated that the law says an employer may require this and that this has been the practice in West Tisbury.

Matt said he doesn't think that it is fair that it runs concurrently. Kathy responded that she has been to numerous seminars on FMLA. She has talked to town counsel specifically about this issue and it is his recommendation that it be handled as it has been. She also said that all the literature she has read recommends that employers handle it this way. The main reason for requiring employees to use their sick and vacation time concurrently is that you don't want to have people out on FMLA leave for 12 weeks, have them return and then go out on vacation or use their sick time. Also, most employees cannot afford to go unpaid for 12 weeks. FMLA leave serves to protect an employee's position for 12 weeks of unpaid medical leave. While employees are out on this leave, they still have to pay their share of their health insurance premiums.

Maria added that she queried the MMPA web network. Out of 17 towns that responded only one town said they don't require the leave to run concurrently.

Matt would like to see a policy. Maria explained that a policy is not needed (the bylaw serves as the policy) but that the language in the bylaw could be revised to be clearer.

If an employee has the need to be out longer than 12 weeks than the law requires that the Town work with an employee to make accommodations under the Americans with Disabilities Act. Those accommodations can include being out beyond the 12 week period if there is an interactive process between the employer and the employee.

Ben Retmier asked if the town has a written policy. Other than the bylaw, no. Kathy and Maria both said that this situation has come up rarely and each employee has been treated the same way so that departments are not handling it differently.

Kathy told them she has spoken to Jack Collins in the past and he has told her that it should run concurrently.

No action was taken.

Sick Bank Election: Matt said employees came to him and questioned the integrity of the last election of members of the sick bank. The Town Administrator held the election. Jen was present to discuss this matter.

He suggested that the election be redone. Maria asked what the specific issue is.

Jen Rand said she did it the way it has always been done. It is an informal process done by email. If the Personnel Board would like to outline a procedure for her to follow, she would welcome that. She cautioned that if the way this election was run, it is the same way the election for the employee representative to the Personnel Board was run. If the sick bank election has to be redone so does the election for the employee rep seat.

Maria asked Matt if he was raising this issue because Garrison Vieira's expressed an interest in being on the sick bank after voting had started. Jen explained that after Garrison expressed an interest, Jen put his name out and allowed people to redo their vote.

The sick bank has met twice in the past 13 years. .

Members agreed to develop a written procedure for both the employee representative and sick bank committee elections.

Emails: Matt said he would like emails be sent to all board members. Matt said he thought that some members have more information than other members. All communications Matt wants everyone to respond to emails. Matt feels he isn't getting all the information that other board members are getting.

Maria explained that she does email all board members. Even if she emails to ask the Chair a question, the full board will be made aware of the matter.

Members discussed the need to not discuss personnel board matters via e-mail.

FY2018 Wage Adjustment: Members reviewed compiled data on proposed wage adjustment percentages as follows:

- The Employment Cost Index,
- Northeast Urban Wage Earners and Clerical Workers
- All Urban Consumers (Boston-Brockton-Nashua, MA-NH, ME-CT)
- West Tisbury School Contracts
- Island town and off island town proposed numbers
- Social Security Retirees

Members also discussed revisions to the formula used to arrive at a decision. After discussion, a decision was tabled to the next meeting. No action was taken.

Old Business:

Establishment of Personnel Board: At the October meeting, Skip Manter asked whether non-residents could be members of the Board. Maria submitted a memo to the board detailing the language of the Town Bylaw establishing the Personnel Board and wording in the current Bylaw that describes the make-up of the board. The enabling bylaw does not provide for an employee representative and all members have to be town residents. The bylaw is silent on residency and has included an employee since 1997. The question of which bylaw controls is a question for Town Counsel. Further discussion was tabled to the next meeting.

Police Department: The discussion on the Police Department proposal for bylaw revision was tabled to the next meeting due to a lack of quorum.

Longevity for part-time employees: Beth asked to be on the agenda to discuss this matter, but she could not stay at the meeting. Members said they would consider looking at this issue the next time there is a compensation and classification review.

Administrative:

FY 2018 Budget: A motion was made and seconded to approve the budget for FY 2018. All in favor.

Draft memo to staff on Vacation, Sick and FMLA leave. Kathy offered some revisions. Further discussion was tabled.

The following paperwork was signed:

Job Certification forms:

Tony Cordray (Assistant ACO)

Prudence Fisher (ACO)

Correspondence:

In: Email from Doug Ruskin of the Finance Committee dated October 11, 2016

Email dated November 7 re: Police Department Executive Assistant probationary period.

The next meeting will be December 12 at 6:00 PM. There being no new business to discuss, the meeting adjourned at 7:00 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED