WEST TISBURY PERSONNEL BOARD

MINUTES

September 13, 2021

**Present:** Leon Brathwaite,Janice Haynes, Hunter Moorman, and Brian Smith

**Absent:** James Klingensmith

**Also Present for all or part of the meeting:** Kathy Logue, Skip Manter, and Bruce Stone

**Staff Present:** Maria McFarland

Leon called the meeting to order via Zoom video conferencing at 5:00PM.

**Minutes:** The minutes of the August 9 meeting were approved as written. Roll Call Vote: Brathwaite-aye, Haynes-aye, Moorman-aye, and Smith-aye.

**Performance Evaluations:**

Brian made a motion, seconded by Hunter to accept the evaluation for Janice Haynes for her position with the Finance Committee with a step increase retroactive to her 2020 anniversary date (the evaluation was inadvertently missed due to COVID-19) and a second step increase for 2021. Roll Call Vote: Brathwaite-aye, Moorman-aye, and Smith-aye. Haynes recused herself.

Brian made a motion, seconded by Janice to accept the evaluations for William Droheim and Omar Johnson of the Board of Health each with a one-step increase. Roll Call Vote: Haynes-aye, Brathwaite-aye, Moorman-aye, and Smith-aye.

**New Business:**

**COVID 19/Vacation Carry Over Extension:** Members reviewed an email dated September 9, 2021 in which Kathy Logue, Treasurer and Bruce Stone, Town Accountant put forth two possible scenarios to handle unused vacation time beyond June 30, 2022.

Background: In May 2020, the Personnel Board adopted a policy allowing benefited employees to carry over all of their accrued, but unused vacation time to June 30, 2022. Before the temporary policy was put in place, employees were allowed to carry over up to one year of vacation for one year. Essentially, the temporary policy took away the limit on carryover of vacation time to June 30, 2022.

Kathy and Bruce, whose responsibility it is to track vacation time and assure that departments have the money to pay employees for this unused time asked the board to consider either a one-time buy-out of unused vacation time on the books as of June 30, 2022, or to propose an amendment to Section 12-3 of the Personnel Bylaw at a Town Meeting that would allow anyone who was employed full-time by the Town as of a date to be determined in 2020 to carry over an accrual of two years (rather than the current one year) for the balance of their tenure with the Town.

Bruce presented their proposal. He gave a few examples of staff, because of their responsibilities related to the pandemic, haven’t really been able to use much if any of their vacation time. He noted the uncertainty about what will happen during the winter of 2022.

The first scenario is a one-time payout, but this plan is complicated to calculate because some employees may be penalized depending on their anniversary date in the calendar year in relation to June 30. Members were generally not in favor of this idea.

The second scenario is an amendment to Section 12-3 of the Personnel Bylaw. This would not require having to appropriate a large sum of money for a one-time payout. The town already has a reserve fund set up to pay out accrued vacation at the point of an employee’s termination ( for whatever reason).

Leon likes the idea of the amendment. Hunter said the amendment proposal makes sense and is very reasonable. It can be justified and is fair to all employees.

A motion was made by Hunter, seconded by Brian to adopt the proposal presented by Kathy and Bruce to propose an amendment to Section 12-3 of the Personnel Bylaw at the next Town Meeting, to allow anyone who was employed by the Town on or about March 30, 2020 to carry over 2 years of vacation time for the tenure of their employment with the Town.

Discussion on the motion:

Brian suggested the date be March 12, 2020 as that is the date Governor Baker invoked a State of Emergency that shut down businesses, schools and municipal offices. He is against any payouts. Brian is fine with the carry over, but said employees should be encouraged to use their vacation time. Brian asked Bruce how it affects the towns financial standing. Bruce replied that for accounting purpose, the statement financial statement for the auditors’ review keeps a balance on it of the accrued vacation that would be eligible for pay out as of June 30 ( the end of every fiscal year). There is no monetary problem with that. Bruce said it adds a little bit of greater liability but in his opinion does not affect anyone looking at the Town’s financial statement for debt service judgment or credit rating; however, it would be noted on the town’s financial statement.

The 2 years of accrued vacations time is based on the number of hours an employee works. The payout of vacation time is 100 percent of what earned and accrued. If someone has 5 weeks of vacation time, they would be allowed to carry over 10 weeks of vacation time until the leave town service plus whatever time they have accrued for the following year. This amendment would not apply to employees hired after March 12, 2020.

Brian asked what date will the town use for the cut off. He suggested that it be June 13, 2021, when the state of emergency was lifted.

Kathy said that people haven’t been using their vacation time either because of travel restrictions, workloads that didn’t allow them to take time off, or they didn’t want to take time off to sit on their couch. Brian replied that the town shouldn’t have to pay people for unused vacation time because of an employee’s personal choice not to take vacation time.

Hunter said that these have been extraordinary times and people have felt it is too dangerous to travel. Covid has caused fear and restrictions that have affected people and may go on for some time. Hunter said he is fine with unHpeople making personal choices during this time and that is not an inequity because other people are choosing to use their vacation time.

Bruce pointed out that the use of vacation is decided between the employee and the appointing authority. He agrees that it isn’t good for people not to take their vacation time.

Leon asked if there should be a sunset date on this. Bruce said this could be looked at.

Bruce suggested that he, Kathy and Maria work on this proposal for the next meeting.

Maria asked for time to survey what other municipalities are doing to make accommodations for unused vacation time during the pandemic and will also confirm what Dukes County has done.

Brian said it was fair to allow people to carry over vacation time March 12, 2020 to June 13, 2021, but once the travel restrictions were lifted, he doesn’t feel that people should be allowed to carry over beyond that because of personal choices.

Kathy said the town has already set a precedent but it is reasonable to see what other municipalities are doing.

Bruce noted that some employees have been using vacation time during COVID and other departments haven’t been able to because of the added workload because of it.

Kathy suggested that the amount of vacation time for this carry over would be the number of weeks the employee had in 2020-21.

Leon summarized that the board is looking to do some kind of extension for vacation carry over that is not a buy-out, and that Kathy and Bruce will come back to the board with a refined proposal that takes into consideration earned vacation. The board does not want to penalize people who have taken vacation or people who haven’t taken vacation because of a real fear.

Hunter said he was sensitive to what Brian is saying. He asked for a list of job categories that were affected by the state of emergency. The motion was tabled to the next meeting.

**Old Business:** There was no old business on the agenda.

**Administrative:**

* **Documents to be signed:**

Board of Assessors: Job Certification Form

* **Documents noted for the record:**

Approval of vacation carry over: Rossi

Email dated August 21, 2021 re: Good work of Officer Bradley Cortez

There being no new business to discuss, the meeting adjourned at 6: 09 PM.

Respectfully Submitted,

Maria McFarland

Board Administrator