

WEST TISBURY PERSONNEL BOARD
MINUTES
May 10, 2021

Present: Leon Brathwaite James Klingensmith, Hunter Moorman, Rachel Rooney and Brian Smith

Present for all or part of the meeting: Skip Manter

Staff Present: Maria McFarland

Leon called the meeting to order via Zoom video conferencing at 5:03PM.

Minutes: The minutes of the April 12 meeting were approved as revised. Roll Call Vote: Brathwaite-aye, Klingensmith-aye, and Moorman-aye. Smith abstained. (Rachel was not present when this vote was taken.)

Performance Evaluations: A motion was made by Smith, seconded by Moorman to approve the performance evaluations for Maria McFarland (Conservation), Samantha Smith (Police), Bruce Stone (Finance Director/Town Accountant), Jen Rand (Town Administrator), and Lauraye White (Library) each with a one step increase. Roll Call Vote: Brathwaite--aye, Klingensmith--aye, Moorman-aye, Rachel Rooney-aye and Brian Smith aye.

New Business: Anniversary Date/ Skip Manter: Skip Manter was present to discuss his request dated May 10, 201 asking the Personnel Board to consider adjusting his date of hire from August 1, 1 975 to July 1, 1975 to be consistent with this start date on record with the Dukes County Retirement Board. He submitted a copy of a letter dated May 11, 2005 from the Retirement Board stating approval of his request to “buy-back” 9 months of creditable service in order to adjust his date of membership in the retirement system from April 1, 1976 to July 1, 1975.

The Personnel Board and payroll has been using August 1, 1975 as Skip’s anniversary/ hire date since August of 1990 based on a letter from the Board of Selectmen to the Personnel Board stating that Skip has been employed with the Town since August 1975.

Members have received and reviewed all available records of the Personnel Board related to changes in Skip’s date of hire, records of the Personnel Board since 1986 when the Personnel Board was established. Board of Selectmen minutes were reviewed from 1975 to the mid 90’s.

Skip did not explain this request beyond that stated in his letter. He said he did not know how this request is tied to longevity.

For purposes of clarification, Maria explained that the mandatory retirement age for police officers is 65. They must retire by the last day of the month in which they turn 65. Changing Skip’s hire date to July 1 to align with date used by the Dukes County Retirement System will change the date the Town uses for the purpose of calculating separation benefits to July 1 instead of August 1. A person’s hire date is used to calculate vacation and sick time and longevity. Vacation and sick time accrue and are pro-rated when a person leaves Town service for any reason. Longevity begins after 10 years of employment with the Town and is paid each year on a person’s anniversary date (hire date). It is not pro-rated.

For example, when a person has creditable service from another Massachusetts governmental entity, that service is credited to them after one year of service with the Town for purposes of vacation accruals only. It does not count towards years of service in West Tisbury for purpose of longevity.

Skip said the Retirement Board would not have allowed him to “buy-back” 9 months of time had he not been employed by West Tisbury. He has never worked for another Town.

A motion was made by Klingensmith and seconded by Hunter to approve Skip’s request to move his anniversary date from August 1, 1975 to July 1, 1975 to be consistent with the date used by the Dukes County Retirement Board.

Discussion on the motion: Members determined that this was an acceptable request given Skip’s long - term service to the Town and the fact that the paperwork shows that different start dates were used until 1990. This matter raised the general question of whether the board should look at changing the way longevity is paid when an employee leaves Town service. Maria gave two recent examples of employees who retired in 2020 before their anniversary dates who were not paid any longevity for their last year of service to the Town because they retired months before their anniversary date.

Roll Call Vote: Brathwaite--aye, Klingensmith--aye, Moorman-aye, Rachel Rooney-aye and Brian Smith-aye.

After the vote, Leon suggested that the board look at changing the longevity provisions in the Bylaw to be pro-rated. This subject will be put on the June agenda.

Old Business:

Juneteenth Holiday/ Warrant article: Town Counsel has informed the board that there needs to be change to the warrant article to clarify the intent of the article.

Article 13 revision

- To see if the Town will vote to amend the Personnel By-law at Section 11-2 Recognized Holidays to add the nineteen of June as Juneteenth Independence Day ~~to be observed on the Sunday that is closest to June 19 of each year.~~ to be observed on the day following when June nineteenth occurs on Sunday.” The addition is noted in **Bold**.
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- 11-2. Recognized Holidays. The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days’ employees, without loss of pay, shall be excused from all duty except in cases where the Department Head determines that the employee is required to maintain essential Town services. Holidays which fall on a Saturday will be observed on the preceding Friday and those falling on a Sunday will be observed on the following Monday.
- New Year's Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, **Juneteenth Independence Day**, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Half day last work day before Christmas, Christmas Day.

Jim made a motion to accept the revised changes requested and approved by Town Counsel.

Discussion: Leon does not want to use the language being proposed by Town Counsel. He would like clarification that the holiday will actually fall on the day of the week that is June 19 rather than the Sunday closest to June 19. If Juneteenth is to always be observed on a Sunday on the Sunday closest to June 19, the Town will observe it on the Monday following in accordance with the Personnel Bylaw. In 2021, June 19 is a Saturday. If the holiday is observed on June 20, all Town offices will be closed on

Monday June 21. If it observed on Saturday, Town offices except the Library will be closed on Friday and the Library will be closed on Saturday.

The board does not have to vote to approve the revision from Town Counsel. The revision (or a different revision) would be put forth as an amendment to the article on the floor of Town meeting.

Leon will seek clarification before Town Meeting. Ultimately, the Town will use the holiday schedule established by the Secretary of State's office.

After discussion the motion was seconded by Rachel. Roll Call Vote: Roll Call Vote: Brathwaite-nay, Moorman-nay, Rachel Rooney-nay and Brian Smith nay. Before Jim voted he asked to withdraw the motion. The board unanimously consented to the withdrawal of said motion.

Administrative:

Documents noted for the record:

- Approval of vacation carryover for McFarland and Smith
- CPC/ Change of Status/ Resignation

There being no new business to discuss, the meeting adjourned at 5:59 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
JUNE 14, 2021