DUNBARTON BOARD OF SELECTMEN
MINUTES OF WORKSHOP MEETING
Thursday, June 21, 2017
TOWN OFFICES 73:00 PM

Dunbarton Board of Selectmen held their scheduled regular meeting of the Board of Selectmen at the above time, date and place with Mike Kaminski, Chairman, presiding.

The following Board Members were present:

Mike Kaminski, Chairman
Robert “Bob” Martel, Vice-Chairman
David Nault, Selectman
Line Comeau, Town Administrator

Members of the Public:

Lee Martel
Patrick “Woody” Bowne, as town employee

It is noted for the record that Leo Martel was videotaping the Selectman’s Workshop meeting.

Mike Kaminski, Chairman, called the meeting to order at 3:03 PM with the full Board present.

Discussion:

Vote: (3-0)

New Business:

The Workshop was held to review the Town’s current Personnel Policy and Procedures Manual for the Town of Dunbarton.

Michael Kaminski recommended that the Board review the plan this day but without action or motions. Michael recommend that these changes be made but implemented at a regular Board meeting.

Line Comeau, Town Administrator handed out the new law regarding Bullying in the Work Place. The Board reviewed the Personnel Plan for proper placement.

Personnel Plan changes:

Page iv. Under first bullet, end last sentence after the word manuals.
• I have received a copy and understand that it is my obligation to read the Personnel Policies and Procedures Manual. Understand that the policies described in the Manual are subject to change at the Town’s sole discretion at any time. I understand that this Manual supersedes and replaces all other previous manuals and personnel policies as of December 3rd, 2015. End sentence with: as amended and adopted.

The Board consensus is to have new a new copy of the personnel plans distributed to all employees when amended.

Bob Martel brought up the new law that was passed in 2014 regarding Bullying in the workplace. Bob stated that it was developed for schools but that bullying could also occur in a workplace.

Line Comeau provided the Board with the language of the law which included the purpose statement, definitions, and recommendations for a written policy.

The Board consensus was to review the law and bring back each of their recommendations of how it should read in the Town’s personnel plan.

Personnel plan recommended change:

• Page v. Table of Contents:

   Add on fourth line the words [Abusive Work Environment after Harassment]

• Page 4. Title:

• Add: [HARRASMENT/ABUSIVE WORK ENVIRONMENT].

   Subject title:

   Remove [Sexual] replace with Abusive Work Environment.

• New title: [REPORTING PROCEDURE FOR ABUSIVE WORK ENVIRONMENT AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION].

   Review law on [Abusive Work Environment; insert into this category new paragraph number 5.].

• Page 4. New section to read:

  Abusive Work Environment (Bullying)

  The Town of Dunbarton is committed to providing a positive work environment for employees free from bullying, intimidation, ridicule, and harassment. The abuse of employees in the workplace is declared to be against public policy.
I. “abusive conduct or bullying” means a pattern of incidents involving written, verbal, or electronic communications, or physical acts or gestures, or any combination thereof, directed at another employee or group of employees which intimidates, degrades, or humiliates the target. Such incidents may be overt or covert behavior, or both. Abusive conduct includes but is not limited to:

(a) Constant and harsh displays of disrespect.
(b) Behavior or language that frightens, degrades, or criticizes the employee alone or in public.
(c) Encouraging others to turn against the targeted employee.
(d) Ignoring or showing hostility towards an employee seeking information or assistance.
(e) Using confidential information to publicly humiliate an employee.
(f) Creating unreasonable demands, for example workload, deadlines, or duties, that set a worker up for failure.
(g) Constant and unreasonable criticism which is not part of a typical evaluation process.
(h) Deliberately denying an employee access to information or resources necessary to properly complete a task.

II. “Abusive work environment” means an employment condition where any employee or group of employees subjects another employee or a group of employees to abusive conduct so severe that it causes tangible harm.

III. “Employee” shall mean any full or part-time, classified or unclassified officer or employee of any branch, department, commission, bureau, institution, or agency of the town government.

IV. “Employer” means any branch, department, commission, bureau, agency, or agent of the Town.

After further discussion of the Board, it was recommended to insert this category (bullying; abusive work environment) before the Sexual Harassment Policy.

Further discussion on this section, to review the example of the Law 275-E11 written policy to cover all basis in the Town’s current Reporting Procedure for new title:

REPORTING PROCEDURE FOR:

Sexual, Abusive Work Environment, Unlawful Harassment, Discrimination, and Retaliation

Add to current policy section IV. from Law example policy.

“Written complaints related to abusive conduct by employees shall be filed within 25 work days of occurrence, etc....
The Consensus of the Board is to review the example of the State’s Written Policy to determine what fits for the Town to create a policy for the Town.

Dave Nault stated at this point he would like to look at some of the things that we have been looking at that have been brought to his attention. A few that need fixing, are the Holiday Pay another is Vacation.

Bob Martel stated that he would also like to address unfunded liability to the town.

Line Comeau explained the different ways to fill an unfunded liability without having to have a special town meeting. Examples could be to impose a no spend notice to departments, reduce the department’s budget by a percentage, run the bottom line budget in a deficit or use what the Board might feel is a reserve within the existing approved budget. Basically, a liability to the Town should be planned through the budgeting process.

Bob Martel stated that he would like to reference how we address these unfunded liabilities within the employee personnel plan as benefits upon retirement.

It was noted that sick time has been amended to include the unfunded liability upon retirement.

Bob Martel stated that for the small amount of unassigned fund surplus, if we had a larger surplus to work with we could budget funds to cover the liability in the following years budget.

There was substantial discussion on the process of accessing and expending additional fund from the unassigned surplus.

Dave Nault asked that the Board address items that will affect the employees we currently have. Dave asked if any of the holiday affect the part time staff.

It was noted that the personnel plan does not recognize holiday pay for part time employees. The holidays in the current personnel plan was discussed. Method of pay for working on a holiday was discussed, for full time and part time employees working on a holiday.

Bob Martel recommended that we have all these take place after town meeting.

Michael Kaminski stated that it should coincide with physical year beginning on January 1st.  
Bob Martel stated that implementing this would fix things for all departments.

Dave Nault stated that he would like the holiday pay to apply to all departments.

There was substantial discussion on the existing holiday pay for part time employees.
Line Comeau asked the Board to consider the method of pay for the part time employees carefully. As full time employees are required to work forty hours before they qualify for over time, the Board needs to iron out requirements for part time to qualify for overtime. Things to consider could be differential pay vs. time and one ½. The Board should also consider a part time employee to work their scheduled shift before and after the holiday to qualify for overtime.

There was additional discussion on holiday pay.

Dave stated that his goal is to offer the part time employees a benefit when working a holiday.

Michael Kaminski stated that perhaps what we should consider, Part time employees will be paid one and one-half (1-1/2) times if they are required to work on a holiday.

Dave Nault asked the question if regular part time employees working more than (x) number of hours per week would qualify?

Michael Kaminski stated that it this should only apply to a part time employee when working on a holiday period.

Bob Martel, stated in the areas of public employees, you have municipalities and different counties that have adopted the policy. That for part time employees that don’t get paid for holidays, when they work the holiday, it’s at their regular pay plus four hours. Would get a day and half pay when working on a holiday. Bob stated that its not called time and one half, its referred to premium pay. Bob stated that he was not sure if this would solve the problem at the police department.

David Nault explained that when he had been first introduction to the police department, it was explained to him that most of the part time officers have full time jobs, then they come in to do a part time job for the town. Then when it comes to a holiday, the part time officers are not getting paid for the holiday but their regular pay, and they are also away from their families at a regular pay, so it makes no sense for them to sign up for a holiday shift. This then puts a strain on the full-time employees because of the small full time staff having to work all holidays.

Michael said he was looking to make it simplified for part-time employees. Would recommend that we keep the word holiday out of the description because they are not getting paid for the holiday but if working on a holiday that they would be entitled to get time and one-half to work on that day which Bob said was premium pay.

Dave Nault agreed that this is the wording in the personnel plan as currently stated.

Dave Nault recommended that we add:
Page 11. IV. TIME AWAY FROM WORK AND OTHER LEAVE BENEFITS

HOLIDAYS:

Paragraph 2, begins with: Holidays

Dave Nault asked that we change the wording in the personnel as follows:

Holiday: (insert) Part Time & Full Time Employees working on a holiday shall be paid overtime at the rate of one and one-half (1-1/2) times their normal rate of pay for all time worked on a holiday within their regular schedule shift, plus their holiday pay if applicable.

Continued recommended changes:

• Page 12. VACATION:

Line Comeau stated that in this category we have a situation where a full-time employee is in their fifth year of employment with the town. The anniversary date of hire is at the beginning of October. The employee is asking for clarification on when they are eligible for the third week.

Dave Nault stated that his interpretation of the personnel plan as it is written, is that an employee in their fifth year, after their hire date they would qualify for a third week with the same benefit in the following year.

Dave Nault stated that if there are any concerns on being able to use the third week in that same calendar year, it will only affect that one year.

Michael Kaminski said that the policy is that you use your time or you lose it if not used by the end of the calendar year.

Bob Martel stated that in the case of this employee. He could take that vacation and should he have to be called in for a snowstorm at that point he could approach the Board for do discuss the time that they are unable to take.

Paragraph 2, begins with: Annual Leave add new line.

David Nault stated that for the years affected, we need to make a note that, during the second (2), fifth (5), and tenth (10) year anniversary, eligible vacation time will be credited after the anniversary date of hire.

Continued recommended changes:

STIPEND:
Dave Nault asked if there was anything in the current personnel plan regarding stipend pay. Stated that he had been made aware that the police department has stipend pay of $1500 per employee.

Line Comeau stated that she was only aware of one part full-time and one part-time employee receiving stipend pay in the police department. There is currently nothing noted in the personnel plan.

David Nault stated that how the stipend was explained to him is that the police department pays their employees because they are on call. Stated that they get it weather or not they are called in. Would like this to be clarified to apply to all departments.

Michael Kaminski asked if we should refer to this type of pay as on call pay.

Dave Nault asked that we table this subject until the Town Administrator can get a hold of the Police Departments policy for on call to develop a policy that we can apply to all departments.

The Board discussed the possible placement of the category “Stipend” be added below Step Increase Plan on page 8.

Dave Nault would like the town to look at the Police departments policy to be equitable to all departments who fall under this on call status.

Patrick Bowne commented that technically he is on call 24/7 for his department yet the only thing that he is entitled to is a 3-hour minimum pay. This applies to the staffing beneath him as well.

Continued recommended changes:

Page 7. LONGEVITY:

Dave Nault stated that he would like to discussion the Longevity. Some information that was handed to the Board today from the Town Clerk requesting reconsideration.

Michael Kaminski stated that this same issue was brought up earlier the year.

Bob Martel reiterated the longevity was a retention for long term employees not a benefit. Stated that he had received a definition from the department of labor adjudicator who wouldn’t weigh in on it because it is an elected official but did say that when it comes to an elected official, their longevity is from the day they get elected to the day they run for another election. The way it was written, when they wrote it, it was worded as a benefit but it is not a benefit.
Michael Kaminski stated that when setting the Town Clerks salary, it’s the legislative body responsibility.

There was further discussion about longevity. Dave Nault stated, to cover all bases, he would like to review the history.

Bob Martel stated it’s a retention plan to keep employees long term. The plan was written as a retention not a benefits package. The town voted on the Town Clerk benefits package, not knowing what the benefits package was.

Dave Nault asked the Board what the Town Clerks current benefits consisted of.

Line Comeau stated that the current benefits for the Town Clerk is NH Retirement and Health Benefits.

Bob stated that there are no sick days or holidays for the Town Clerk because we don’t control her hours.

Dave Nault asked the question of how the benefits package was voted on the Town Clerk at the time.

Bob Martel stated there is a lot of information on the subject. Stated that the minutes reflect what she was trying to accomplish.

Dave Nault stated that the discussion for today is to try to address any concerns that have been brought up to him. Asked the Board if there was anything else that they were aware of that might need to be addressed?

Michael Kaminski stated that he would like to take a closer look on employee annual review. Feels that the town is not currently conducting these reviews annually, stated that if we aren’t doing them regularly, perhaps striking it from the personnel plan is the answer.

David Nault stated that if the reference of annual review is in the policy then it gives the town the authority to conduct the review even if it’s only every few years. Perhaps we need to make the department head accountable to conduct these annually.

**General Discussion.**

Bob Martel stated that he would like to call all the towns provided to us from the Town Clerk in the packet. When looking at the first town, Berlin, the individual is employed under a collective bargaining agreement which means she is not elected but is appointed. I just want to make sure we are dealing with apples to apples.

Michael Kaminski stated that we could change the form of government and make the Town Clerk an appointed position then she would qualify for all the employee benefits.
Public comment

Patrick Bowne stated that he would like the Board to look at the sick time accrual. That at under the current plan, for the last eight years he is maxed out at 240 hours. Would like to see the board increase the maximum sick time. Woody stated that him personally, because he is maxed out at 240 hours, that over the years he loses 80 hours of sick time per year because he doesn’t use his sick time, technically off and played through the system and call in two days a month. An employee is entitled to two personal days per year when the sick time isn’t used but if you do the math it doesn’t add up. Would like you to just look at what other towns are doing.

There was further discussion on the pros and cons to increasing the sick time accrual.

Michael Kaminski asked the Town Administrator to schedule a workshop to review the Health Care options in in July.

Line Comeau stated that because the provider works on June to July that we would be too premature to get accurate cost to the town.

Bob Martel stated that we should try to schedule something in the month of August, which was the consensus of the Board.

Other Business

David Nault Made a motion to go into nonpublic per RSA 91: A-3 II (b) at 5:12pm

Michael Kaminski seconded the motion.

Roll Call Vote:  Dave Nault - yes
                Michael Kaminski - yes
                Robert Martel - yes

Discussion:

There were no decisions or motions during the nonpublic.

MOTION:

Michael Kaminski made a motion to exit the non-public session at 5:19 PM. 
Robert Martel seconded the motion.

DISCUSSION: None

VOTE: Roll Call:

Mike Kaminski Yes
Michael Kaminski made a motion to hire Riley Rain, as a part-time Transfer Station attendant at the step I rate of $12.37 per hour. Robert Martel seconded the motion, subject to passing the physical.

Vote: 3-0

David Nault made a motion to hire Roger Rice as a Transfer Station Assistant Manager with CDL, at the step I rate of $16.25 per hour. Michael Kaminski seconded the motion, subject to passing the physical.

Vote: 3-0

**Motion:**

Dave Nault made a motion to adjourn the meeting at 5:22pm. Bob Martel seconded the motion.

**Discussion:** None

**Vote:** (3-0)

Respectfully submitted,

__________________________________
Line Comeau, Recording Secretary

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Mike Kaminski, Chairman

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Robert “Bob” Martel Vice-Chairman

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David Nault, Selectman