

**Town of Auburn  
Joint Personnel Board  
Board of Selectmen, Library Trustees & Police Commission  
November 28, 2017**

**Selectmen Present:** James Headd, Richard Eaton and Dale Phillips

**Library Trustees Present:** Nancy Mayland, Elizabeth Michaud and Joseph Forest

**Police Commissioners Present:** David Dion, Dennis McCarthy and Glenn Shaw

**Also Present:** APD Records Manager Melissa Gates, Finance Director Adele Frisella and Bill Herman, Town Administrator.

Mr. James Headd convened the meeting at 6:00 p.m.

**Consideration of Potential Amendments to the Town of Auburn Personnel Policy**

The Board has been presented with six proposed adjustments to the Town Personnel Policy and agreed it was best to take them up one at a time.

**Section 1:12.22 – Volunteer Firefighters:** Mr. Herman noted the current definition of the membership of the Auburn Fire Department is listed as “Volunteer Firefighters” and defined as follows: “Volunteer members of the Auburn Fire Department are considered to be bona fide volunteers and, under the provisions of the federal Fair Labor Standards Act (FLSA), are exempt from minimum wage and overtime. As bona fide volunteers, these individuals are not considered to be employees of the Town of Auburn, and are not subject to the provisions of the Town of Auburn Personnel Policy.”

The proposal is to change that language to the following: “Call firefighters means any member other than a full-time employee or the Fire Chief who receives payment for each emergency response with the Auburn Fire Department (RSA 154:1-d, II). Call firefighters are not subject to the provisions of the Town of Auburn Personnel Policy except Section 9.5 Workers Compensation. Call firefighters are subject to the provisions and processes detailed in the Standard Operating Guidelines / Policies of the Auburn Fire Department.”

Mr. Herman noted this proposal comes from discussions held earlier in the year with the Board of Selectmen and Fire Chief, and would align the Town policy with the statutory definition of a call firefighter as “. . . any member other than a full-time paid employee who receives payment for each emergency response.”

Mr. McCarthy asked if the Town provides the immunity protection for members of the fire department, and Mr. Herman indicated it did. The Town, through its policies, have adopted four or five different provisions of statute that provides immunity to town employees and officials.

**Nancy Mayland moved to approve the proposed change in Section 1:12.22 Volunteer Firefighters to reflect the change to Call Firefighters. Seconded by Dennis McCarthy. A vote was taken; all were in favor, the motion passed unanimously.**

**Section 4:1.3 – Merit Increases:** The current policy for Merit Increases was suspended indefinitely by the Joint Personnel Board effective January 1, 2016 due to the provision of a group term life insurance benefit. APD Records Manager Melissa Gates provided a revised Merit Increase proposal which would reinstate the Merit Increase system under revised standards that began with a self-nomination.

Mrs. Mayland expressed a concern for the potential merit increases being awarded by the Board of Selectmen to employees of the library. Mr. Herman noted that has been a part of the merit increase section of the policy since its inception and for the five or six years of practice until the suspension in 2016. Mrs. Mayland felt that impacted the autonomy of the Library Trustees and felt the Trustees would need to discuss it before they could act.

Mr. McCarthy asked if this would apply to all employees including members of the Auburn Police Union. Mr. Herman indicated Ms. Gates had originally proposed this to be only for non-union employees, and he recommended not singling out non-union members so that it wouldn't raise it as a union issue. Mr. McCarthy expressed a concern for it applying as a non-negotiated item for employees covered by the collective bargaining agreement.

Mrs. Phillips indicated the Town fairly traded merit increases for life insurance coverage a couple of years ago, and she was opposed to now re-instating merit increases.

Ms. Gates stressed the proposal is to help address employees who go above and beyond what they are required to do by their job descriptions, but are performing for what is best for the Town of Auburn. She also felt life insurance was not really a benefit as many employees already had it on their own and the non-union employees did not get a voice in whether to maintain merit increases or receive life insurance instead.

Mr. McCarthy felt if we had positions which did not seem to be paid at a rate that they should, the more appropriate course of action would be to look at the position and its job description, and then look at the Labor Grade and Step system and see if it appropriately slotted for the market place.

Mr. Dion indicated he was in favor of this proposal as he felt the governing boards were currently limited by the current policy to the potential of only a single step and a possible COLA increase for employees. He felt that occasionally a board may want to issue a double step increase in recognition of merit, but can not do so based on the current policy.

Mrs. Mayland noted the committee members should keep in mind the assignment of labor grades is based on the responsibilities of the position and not the person filling the position. She felt it would be beneficial to have a mechanism to be able to reward folks who have gone above and beyond what is expected, but that it would be better to offer some sort of one-time bonus as opposed to a merit increase in the ongoing rate of pay. Mr. McCarthy agreed they needed a better way to address merit.

**James Headd moved to table consideration of 4:1.3 – Merit Increases. Seconded by Dennis McCarthy. A vote was taken; all were in favor, the motion passed unanimously.**

**Section 6:1 – Holidays:** The current policy states: “The Griffin Free Public Library recognizes nine (9) paid holidays: New Year’s Day, Independence Day, Veterans’ Day, Thanksgiving Day and the day after Thanksgiving, December 24<sup>th</sup>, Christmas Day and December 31<sup>st</sup>. The ninth holiday will be a floating holiday to be used with prior approval of the Library Director. In addition, the Library will close at 5:00 pm on the day before Thanksgiving. When Christmas and New Year’s Day occur on days the Library is normally closed, the holidays will be observed on the Library’s next normal business day.”

The Library Trustees were looking for a little more flexibility noting with the Christmas and New Year’s holidays falling as they do, the Library would be closed for four days in the same overall week. They proposed the language be changed to the following:

“The Griffin Free Public Library recognizes nine (9) paid holidays: New Year’s Day, Independence Day, Veterans’ Day, Thanksgiving Day and the day after Thanksgiving, December 24<sup>th</sup>, Christmas Day and December 31<sup>st</sup>. The ninth holiday will be a floating holiday to be used with prior approval of the Library Director. In addition, the Library will close at 5:00 pm on the day before Thanksgiving. When the holiday occurs on days the Library is normally closed, the holiday will be observed on one of the Library’s normal business days as determined by the Board of Trustees.”

Mr. Herman recommended if approved, the Library Trustees make those determinations early in the year to enable employees of the Library to be able to plan their holidays accordingly.

**David Dion moved to approve the proposed change in Section 6:1 Holidays to provide some flexibility in holiday scheduling by the Library Trustees. Seconded by Elizabeth Michaud. A vote was taken; all were in favor, the motion passed unanimously.**

**Section 9:1.1 – Health and Dental Insurance:** Mr. Herman noted the potential of elected officials being able to purchase health insurance coverage through the Town's group health insurance program during their service as elected officials had recently been discussed. Currently, only the Town Clerk, Tax Collector and Road Agent are eligible for health insurance coverage through the Town's health insurance system. The Board of Selectmen had been in support of that potential provided the full cost of the insurance coverage was paid for by the individual at no cost to the Town of Auburn. He indicated that although elected officials are technically not employees, it was felt this would be the best place to add the following policy item:

"Town of Auburn elected officials may enroll in the medical plan at their own expense. There shall be no cost to the Town of Auburn for this health insurance coverage. Elected officials opting to secure their health insurance coverage through the Town's group health insurance program shall complete an "Agreement for Health Insurance Coverage" acknowledging their financial responsibility for this coverage."

Mr. Herman provided a copy of an agreement for coverage any participating elected official would have to sign in order to participate in the health insurance program.

**Nancy Mayland moved to approve the proposed change in Section 9:1.1 Health and Dental Insurance to include the provision to enable elected officials to purchase health insurance coverage through the Town fully at their own expense. Seconded by Glenn Shaw. A vote was taken; all were in favor, the motion passed unanimously.**

**Section 9:5 Workers Compensation:** Mr. Herman noted it is proposed to change the term "volunteers firefighters" to "call firefighters" in this section in order to mirror the definition approved earlier for Section 1:12.22.

**David Dion moved to approve the proposed change in Section 9:5 Workers Compensation to change “volunteer firefighters” to “call firefighters”. Seconded by Glenn Shaw. A vote was taken; all were in favor, the motion passed unanimously.**

**Section 17:6 Flaggers:** Mr. Herman noted this would be a new section altogether to address the Town’s ability to hire individuals to serve as flaggers from time to time as may be needed. The proposed policy is as follows:

“The Town of Auburn may employ individuals to serve as flaggers on various construction projects or for events throughout the Town. Individuals who are employed directly by the Town of Auburn, as opposed to through a third-party contractor, shall have been trained by an American Traffic Safety Services Association (ATSSA) or National Safety Council (NSC) certified instructor or equivalent and shall hold a valid certification as to training. The Town shall provide appropriate STOP/SLOW paddle and high visibility clothing per “Manual on Uniform Traffic Control Devices” (MUTCD) standards. Individuals engaged by the Town for this purpose shall be deemed to be a Temporary Employee under the Town of Auburn’s Personnel Policy and shall be paid at the rate of \$20.00 per hour for the time they work in this manner.”

Mr. Herman noted the policy requirements adhere to standards included in the Town of Auburn Policy for Work Zone Traffic Control on town roads, and establishes a rate of pay that is competitive with the marketplace. He noted this addresses a need identified by the Road Agent, who had difficulty securing flaggers this past construction season and the Town was able to get five or six individuals certified for this work.

Mr. Eaton felt this was an important item and also noted the Town will need to address establishing a job description and rate of pay for laborers who may also be hired by the Road Agent.

**David Dion moved to approve the proposed Section 17:6 Flaggers. Seconded by Glenn Shaw. A vote was taken; all were in favor, the motion passed unanimously.**

### **Consideration of Potential COLA / Step Increase for FY 2018 Budget**

Mr. Herman noted the Board has jointly determined the potential of a cost of living adjustment (COLA) for Town employees, Step increases for Town employees, or potentially both to be included in the ensuing year’s budget. He provided the Board with a spreadsheet prepared by Finance Director Adele Frisella that details what current wages are for all Town and Library positions; what the amount would be if a 1.95% COLA were applied; what the amount would be if a 2% Step were applied. Mr. Herman also noted the collective

bargaining agreement with the Auburn Police Union requires the Board of Selectmen to budget for a Step increase for the union members, while the issue of a COLA is left to the discretion of local officials.

Finance Director Frisella walked through the spreadsheet noting the bottom line of wages at current levels with no changes totaled \$1,890,092; the bottom line with a 2% Step increase only is \$1,926,141; the bottom line for a 1.95% COLA was \$1,937,908, and the bottom line for a Step and COLA increase is \$1,946,377.

Mr. Herman noted that no increase is for a full 12 month in that if a COLA is granted, it would take effect April 1<sup>st</sup>, while Step Increases are presented at an employee's anniversary date, which are spread throughout the year.

There was general discussion among the Board members as to the potential options and the cost difference between them

**David Dion moved to recommend budgeting for the provision of a 1.95% cost of living adjustment and a step increase for all employees which totals approximately \$1,946,377. Seconded by Elizabeth Michaud. A vote was taken; all were in favor, the motion passed unanimously.**

### **Request to Waive Compensatory Time Standards**

Mr. Herman provided the Board with a request from Police Chief Picard to waive the standards in the Personnel Policy and the Collective Bargaining Agreement concerning the carryover of compensatory time from one year to another for planned February vacations by two employees.

Mr. Herman felt the terms of the Collective Bargaining Agreement are the responsibility of the Police Commission to enforce, while enforcement of the Personnel Policy for other employees was the responsibility of both the Board of Selectmen and the Police Commission. With the potential that those decisions would be appealed to the Joint Personnel Board, he felt it was most timely for all parties concerned to bring the request directly to the Joint Personnel Board for direction.

Mrs. Michaud noted her firm has a similar policy that allows time to be carried over for the first 90 days of a new fiscal year. Several Board members were concerned about establishing a precedence and noted that similar requests for the carryover of other types of leave in the past has not been allowed by the Board.

Mr. McCarthy felt any item not currently allows by the Collective Bargaining Agreement would have to be negotiated and was not just a management

decision. He also noted everywhere he has worked, this has been a concern from an accounting process. Mrs. Frisella indicated she agreed and indicated this was not a practice she would recommend.

Ms. Gates noted she was one of the two employees this request was made for and she wanted to note there was no financial impact to the Town for granting this request. She indicated employees try to bank time to be used for specific purposes, and using comp time in this fashion would be helpful to the employee and provides a benefit that does cost the Town anything. She indicated the request was made after someone at the Town Hall recommended such a request be submitted.

Mr. Headd indicated it was his sense from the conversation there was generally no support for approving the waiver request. He asked if there was a motion to approve the request. No motion was made. Mr. Headd declared the request was not approved by the lack of an approving motion.

#### **Approval of Minutes – November 22, 2016**

**David Dion moved to approve the minutes of the November 22, 2016 meeting with one correction. On Page 7, the motion to approve the wage funding proposed for 2017 indicates he both made the motion and seconded the motion. It was agreed Dennis McCarthy seconded the motion. Nancy Mayland seconded the motion to approve the minutes with the one correction. A vote was taken; all were in favor, the motion passed.**

#### **Adjourn**

**James Headd made a motion to adjourn; Nancy Mayland seconded the motion; all were in favor, the motion passed unanimously, and the meeting stood adjourned at 6:57 P.M.**