

August 30, 2022
Zoom Only
Gala Meeting Room & Zoom
Televised on Foxborough Cable Access
5:30 PM

Committee Members in attendance via Zoom:

Tracey Vasile, Nancy Bacher, Scott Yankee, Mike Brown (AdCom)

Staff in attendance:

Michael Johns, Katie Lang, Jack Dolan

The meeting was called to order at 5:32 PM

Tracey – Any questions on reviewing and approving the minutes from 6/21/22. Will accept a motion.

Nancy – Motion to approve.

Mike Brown – 2nd.

Roll Call was executed.

Tracey – Mobile phone policy. Thought we had done one with MaryBeth and had all employees who this involved, sign it.

Mike Johns – Did look and it was just a small paragraph that mentioned phone use while driving Town vehicles in the Vehicle Use Policy. This policy has already been bargained with the Unions so not looking to change this since we would have to go back to the table to negotiate, but if that makes the most sense, then of course.

Tracey - In the Vehicle Use Policy there are two conflicting lines. Will need to edit. This line to be deleted... "In the event of exigent circumstances, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area."

Jack – Mass General Law has changed so policy will need to reflect those changes. Maybe add a line that states "will conform to State Law" and have a new policy.

Nancy – Use link for Mass Law on cell phone and car use.

Tracey – States that you cannot use a cell phone unless it is hands free.

Nancy – Should we list out the penalties within the state?

Tracey – Wouldn't recommend because if those penalties change, then we would need to update the policy each time.

Mike Johns – Jack had recommended we put in the link to the law so if that policy changes, then we are covered and wouldn't need to update.

Tracey – For the reimbursement rate, is everyone at \$40 per month? And does this stipend need to be approved by a manager?

Nancy – Line manager or Town Manager?

Tracey – Fine with line manager but maybe also add that Mike will also approve all?

Mike Johns – Department Head and Town Manager/Assistant Town Manager just so we have a list of all employees who receive stipend.

Nancy – Would be helpful for someone to see the entire pie and not just a slice.

Tracey – For issued phones, are those outlined as Town use only?

Mike Johns – Yes, for issued phone, the employee knows that is for Town business only and for the stipend of \$40 those are employee's personal phones. This mainly came up and quickly as the Selectmen want to review a policy where the reimbursement is outlined. The word ONLY will need to be added to the third part of the policy.

Mike Brown – Do people use personal equipment to access Town intranet, files, etc?

Mike Johns – The Computer Use Policy covers that. Email is OK to be sent to phones but no downloading files. Told not to download any files to personal computers while accessing the VPN.

Mike Brown – Prohibited or told not to?

Mike Johns – Prohibited.

Tracey – Yes, but an employee can still download a file but they are not supposed to be doing so. Katie – please send out the Electronic Communications and Computer Use Policy to review again.

Motion to make a recommendation to approve as discussed and amended?

Scott – Motion

Mike Brown – 2nd

Roll Call was executed.

Mike Johns – The Social Media Policy has been reviewed and is all set for now.

Tracey – So feeling good? No edits?

Jack – No edits or revisions at this time.

Mike Johns – To review the Non-Union items. Years back, there was no Steelworkers union but there were Non-Union Bylaws for about 70 employees. About 9 to 10 years ago, the Steelworkers Union formed into groups A and B covering about 50 of those employees. Each Unit just finalized a three year contract at Annual Town Meeting this past spring. As those contracts were approved, we try to keep the remaining 15 employees, who are not in a union, aligned with the Steelworkers.

Longevity for the Steelworkers was brought up \$25 per line. Stipend certifications went up \$100 so \$1000 to \$1100. Example of the certifications would be MA Assessors Certification and Town Clerk Certification.

Recommend that this Board raise the longevity and stipends to be aligned with Steelworkers.

Vacation was brought up to a minimum of 3 weeks. This was raised as we did not think we were competitive in that areas as most surrounding Towns are three weeks. Second, adding this was a lower cost alternative than raising pay charts or adding other monies. Negotiated deal was that all employees at 2 weeks' vacation would be brought the three, along with all new hires. This would only effect a few employees as most are more senior.

Employees that are currently at 3 weeks would be given a one-time week of vacation to be used in FY23. Not eligible to carry over or payout should they leave the organization

Recommend that this Board support these vacation increases to be aligned with Steelworkers.

Would also like to take myself out of the running for both the longevity and the vacation week since I would be gaining from your recommendation should it be favorable.

Nancy – Is the extra week given because they didn't get the extra week when they were first hired?

Mike Johns – the extra week is giving something to folks under 5 years but we also wanted to give something to those that were 5+ years. Steelworkers did not want to settle with the extra week for those under 5 years so we gave the one time week to those 5+ years for FY23 only as it is something we cannot commit to forever or have it be of cash value. Giving this one time week allowed us to settle the contract.

Nancy – What are other towns doing?

Tracey – 3 weeks. We are behind in this area. I/we will not accept Mike Johns to withdraw from the longevity or the vacation week. If we agree for the non-union, you are part of that and deserve it like everyone else. I can write a letter or email to the Board of Selectmen or attend the meeting to discuss.

Could these non-union employees (15) join a union?

Mike Johns – Some could but some could not. More could join that could not.

Tracey – The impact on the budget is minimal at \$375 and I'm assuming not everyone is in excess of 5 years.

Mike Johns – Majority are in excess of 5 years. Maybe three that do not qualify.

Tracey – For the certification, how many would qualify?

Mike Johns – Three.

Scott – Assuming with the last contract that was ratified, we did apply what the Steelworkers got for the non-union employees?

Mike Johns – Yes.

Scott – Then I have no issues with these changes.

Mike Johns – We try to keep parity and keep as similar as possible as much as we can. Can't make them exactly even but trying to keep as equal as possible.

Mike Brown – Reasonable. I'm in support of these changes.

Nancy – Yes, we want to keep competitive. Keep with what the market is doing. Keep on par.

Tracey – Motion to support the longevity, certification stipend, and vacation updates as recommended?

Nancy – Motion

Scott – 2nd

Roll Call was executed.

Tracey – Can go to Selectmen meeting or email, just let me know.

Mike Johns – ADA Policies. Town is applying for ADA Grant. Land Use Director is working on that now and due at the end of September. Parallel to that a handful of Department Heads are working on Open Space and Recreation Plan which is due by the end of the calendar year. Nine different requirements

that fall between both. One is a public notice where someone can appeal or make a grievance on ADA which touch on many different areas – hiring, sidewalk cuts, etc. This notice will go on website and mainly fall on the Building Commissioner. If grievance submitted, then the HR Director may be involved in the process but also the Building Commissioner. Can be appealed up to the Town Manager and then the MOD – Mass Office of Disability. This is also exactly what the State uses. Basically just changed to the Foxborough Town seal and added the appropriate contacts for the Town.

Tracey – This is just for employees of the Town?

Mike Johns – No this is for anyone in the community.

Mike Brown – All makes sense but we have a Building Commissioner to review ADA complaints but will he also be dealing with the hiring complaints? Are other towns doing it like this or will the HR Director always be involved or Town Manager?

Tracey – Great point. Scott Shippey is great at what he does but if there is a discrimination issue in terms of hiring to Mikes point, Scott is not the person to do it. I think it should be the person responsible for the HR function.

Nancy – Jack do you have an opinion

Jack – Who does this apply to/benefit. Requirement under the Rehabilitation Act 1973 which is a precursor to the Americans with Disabilities Act and intended to provide a remedy to people who are denied access to programs to an entity who receives Federal Funds by either physical barriers like curb cuts or because of program barriers. If Foxborough is receiving these funds, there needs to be a grievance process.

Who should oversee? I have some of the same questions and concerns. Can't just be one person to address all. Not sure it matters who the point person is as someone needs to be named but that person would need to access other people with other talents to help address the claim. Curb cuts could go to Building Commissioner but maybe a claim involving HR, he would reach out to me (Jack) and or Mike. He would access people with skill sets that aid the claim.

Mike Brown – Makes a ton of sense. Just not sure if the policy should explain this just so it's clear. How it is written now makes it sound like it falls all on Scott.

Tracey – Not sure we should put people names as people come and go but maybe put language along with what Jack said to the point that the Commissioner will reach out to who is needed and doesn't just sit exclusively with Scott.

Jack – Can work with Mike on some language. Just wanted to provide an explanation. "...with assistance from other departments..."

Nancy – Might want to give some examples in the policy.

Tracey – will want to map out who would help where.

Jack – Need to outline where to grieve and who to turn to. Scott or Building Commissioner should know where they need to turn to and not go at this alone. If we start to add names and examples, it might be confusing to the person in the public where they need to turn to address problem.

Tracey – Just need to know where to assist. Appropriate resources.

Nancy – Should help Scott as where to turn to.

Mike Johns – Wanted to share some of the other things that will go with OSRP and the ADA application. This is the one piece that we didn't have at all but many of the other components we did have. #2 is the policy that we are reviewing now. #1 is a letter from the Town appointing the designee. This is done every year so we have that. We did put the names in the grievance procedure as that is what was listed in the State policy. I think they wanted to make it as clear/accessible and simple so someone could make these grievances – phone, email, how reach just by asking by position title. Scott is appointed as the ADA Coordinator. #2 is the procedure, #3 is a letter from the ADA Coordinator that our HR practices are compliant with respect to numerous functions. Equal Opportunity #4, Job notices #5 and #6 our Employee Non Harassment cover letter which is something that we are working on right now and will use for new hires. Then the Towns Personnel Anti-Harassment Policy which this Board has looked at and is currently in place. #8 the Towns application for employment with all legal language. Just need to pull this policy which you are reviewing now along with the other items will complete the application.

Tracey – Good work. Any other comments or concerns.

Mike Brown - #10 all negative decisions. I think I know what that means but is that standard language. Doesn't define what negative means. Just did not read correct.

Nancy – Just sounded negative.

Tracey – Does that mean it was shot down?

Mike Johns – Could put a foot note. It was copied exactly what the State had and some other towns. Had a sample of 4 other towns but did not see how they defined it exactly. Jack?

Jack – I had the same question as to what the word negative meant. This could benefit from rephrasing by using other towns or creating our own language just so it's clear.

Scott – Good language under #7. Assume that's what they are referring to in terms of negative.

Mike Brown – I thought of it as different so I think that does need some work.

Mike Johns – Will work with Jack and have clear language.

Tracey – Will make a recommendation to make a motion once we address the named issues as discussed.

Nancy – Motion

Mike Brown – 2nd

Roll Call was executed.

Tracey – Anything else? Make a motion to adjourn.

Nancy – So moved. At 6:20pm

Roll Call was executed.