

September 6, 2023
Gala Meeting Room & Zoom
Televised on Foxborough Cable Access
5:30 PM

Committee Members in attendance:

Gary Whitehouse, Mike Brown & Scott Yankee

Staff in attendance:

Paige Duncan, Acting Town Manager, Mary Beth Bernard, HR Consultant, Chris Gallagher, Public Works Director

Staff in attendance via zoom:

Katie Lang, Executive Assistant

Documents Provided:

090623_Town of Foxborough FMLA Policy September 2023 Draft (1)
090623_SAMPLE 1 Remote Work Policy
090623_SAMPLE 2 Remote Work Policy
090623_DPW Restructure Memo - Personnel Board

**PERSONNEL BOARD MEETING WAS RECORDED AND BROADCAST BY FOXBORO CABLE ACCESS ON
GOVERNMENT CHANNEL 22/38 AND AT FCATv.org/liv**

The meeting was called to order at 5:30 PM

Gary – This meeting will be recorded.

Going to start with a discussion on the FLMA policy presented by our former interim HR will give the presentation

Mary Beth – You have in front of you tonight the proposed FMLA policy. Based on my experience here from 2014 to 2019, this was the next policy that we were set to do. Upon coming back, I noticed with all of the transition happening, I had a feeling we lost some of our process and procedures around FMLA. With my consulting the last few years, this policy is the top standard of FMLA policies that I have worked with. It not only spells out the law but it also alleviates some of the confusion when someone has a medical issue or someone in their home that has a medical issue and they want to take care of them or a military member of their family that they want to take care of. We would simply send them all these confusing forms but this policy outlines are the eligible, reasons for leave, how the calculate it, what is the notice requirement, how does health insurance work, what certification look like, if we need to recertify, paid v. unpaid, how will your benefits continue. Just something an HR Director would do with an employee but a lot of times these employees are under stress with their current situation or they are already gone due to an accident. This is something we can distribute and employees can reference when

needed. I feel this is a value add to our current policies. This is something that has been in place since 1993 so this is not anything new or cutting edge. This is just putting all the information in one place.

Gary – Is there anything in our policy that is more generous than the State?

Mary Beth – No, we do have some collective bargaining agreements that deal with FMLA in terms of how you accrue but this is pretty much the boiler plate for the feral law but what is specific to Foxborough – how we deal with benefits, how we designate a 12 month rolling calendar year – those types of things are specific to Foxborough but this is a re-telling of the law.

Scott – So this is for resources and documentation purposes. No proposed changes.

Mary Beth – Yes. Misconception is that HR takes attendance but it's really up to the Department Heads to let us know when someone is out for a particular length of time so we can designate and tell them they are on job protected leave should it qualify under FLMA. Will give some assurance to some people who are looking for FMLA. Just a communication piece.

Mike – I think this is a good idea and job well done. Just a question. Reasons for leave states “worked for the Town for at least twelve (12) months and at least 1250 hours...” but on the eligibility only talks about the hours when I think it should state both. If both are not required then that's fine. Just not sure which one you are looking for.

Mary Beth- Yes it is both.

Paige – So it should be an “and”

Mike – On the both spouses working for the Town, not sure if that ever happens. Confused about the 26 hours. Where does that come from? 12 weeks and 12 weeks is 24 (page 3).

Mary Beth – The 26 weeks accounts for holidays as they would count. This is just how they account for it. Holidays during working hours/days would not count towards FMLA.

Mike – Page 5, recertification. “employee requests an extension of leave...” The policy states you get this limited of FMLA of 12 weeks but now it says there can be an extension.

Mary Beth – The extension would be within the 12 weeks. So you cannot have more than 12 weeks unless it's for military care or leave. If you need 30 days off for an operation, we require that every 30 days you communicate with us. We have a form from the doctor that says 30 days but you need more, so the doctor would need to recertify that you need more time. More often than not, someone won't take the 12 weeks at one time. That is why we require the communication and recertification if needed.

Mike – That makes senses.

Mary Beth – We will make those edits on page one.

Gary – I will accept a motion to recommend this to the Acting Town Manager.

Scott – Motion to approve.

Mike – 2nd.

Gary – All in favor.

Mike, Scott & Gary – Aye.

Mary Beth – So we will incorporate into the policy guide after the Select Board approves. Also looking to add another form, not a federal one but an internal processing thing (operational) that will go along with the policy to make the paperwork a bit easier on people.

Gary – Next on the agenda is to look at a Remote Work Policy.

Mary Beth – Wasn't sure if you were going to make any decisions so I gave two samples. I wasn't here during Covid but I know some employees have worked out remote work schedules. Coming back I found it's a bit unsettling that it's not spelt out on who gets a deal and who does not. This is a risk management thing to have a process spelt out and a process in making the request so we are not seen as discriminatory – a level playing field. Discussion between the department head and the employee with approval from the Town Manager. These examples are from two communities that I highly respect. It could be one or the other or a mix of the two. Would this work for Foxborough?

Gary – Appreciate the fact that we have the examples. It's a bit confusing so good to think on it. It is a thing that can be easily abused. It usually comes at the convenience of the employee where it needs to be at the convenience of the Town. As a municipality, we need to be here. I know there are some exceptions but it can't be just someone is afraid of something so they want to work from home for 6-months. I think it has been abused in the past and I see it being abused in the future.

Mike – Do we have a lot of this happening?

Mary Beth – No but I know there are some and some requests have been made. I do see the risks that the Town is put in. If we tell someone yes and another no, and they are in a protected class, then we expose ourselves. I think we just need to clean it up and make it a level playing field/treat everyone fairly.

Mike – Appreciate the need for that. Have there been any issues with employees who ask and we say no.

Mary Beth – Not aware of that. We will need to have these conversations with employees who are currently doing so and then we will find out of any issues. Having a policy ahead of that would be helpful.

Paige – I can speak of one example, just last week, in one department, their husband had Covid but we have no policy saying that person with the exposure needs to stay home, just they or others in the department should wear a mask should they feel the need/feel uncomfortable. Since we do not have a remote work currently it didn't outline a protocol but if we did have a policy then the department head could have made a call. It did ultimately result in a few Covid cases. I went with the Health guidance since we didn't have anything outlined. Some other examples are not Covid related and they are long term arrangements. Would have been nice if we had something outlined and the department head thought the person's work load could be handled from home, then they could have made that decision.

Gary – What did we do two years ago?

Mary Beth – There was a policy that was specific to Covid.

Paige – Was it formally adopted by the Selectmen?

Gary – I think it was adopted by the Selectmen. It reviewed Town laptops going home.

Paige – I think that was under the State's emergency order in 2021 when we were all sent home.

Mary Beth – Then we had to do the 25% capacity so not everyone could come to the office. I do like the Needham version as it has the ad hoc portion – someone has a daycare emergency and they have a budget due and they are not forward facing – then maybe yes this remote might work. We do want to have a heart and be flexible and with the current struggle in recruiting, we want to keep good people happy. We are a public service and we need to be open for the people.

Gary – We want to have a heart but if its daycare emergency, then I think that's just the benefit for the employee.

Paige – Sometimes it is beneficial to the Town if something needs to be done that day.

Gary – Then yes, it is to the advantage of the Town so that would work.

Mary Beth – Both samples work really well. It's a soups to nut type of form.

Mike – I have no problem with it and I think it's neatly outlined. Question I did have, we had other policies that we reviewed. This gets into the personal equipment and Town equipment. I am more worried about that. Do we know what we have is secure?

Mary Beth – The Town does use a VPN so that is a type of log in that helps protect.

Mike – Then the employee does have access. Are they able to copy or print the information in their own home.

Mary Beth – That is a good point. I will have to take a look at the Electronic Communications Policy. I know there is a draft of a Cell Phone Policy.

Paige – We can check with IT. I do know at Public Safety – you are not able to use a thumb drive. Point of frustration.

Mary Beth – I also cannot use a thumb drive on my computer at Town Hall.

Mike – Worth the risk of someone not taking data.

Mary Beth – We can check with IT.

Gary – Is Jack Dolan still on board to do consultations?

Paige – He currently not under contract as we ran into some procurement issues as you cannot renew after three years without procurement. We are looking into it.

Scott – Do most employees that fall under remote work, do they have laptops?

Paige – A lot do now. In 2020 I was using my personal but now I have Town issued one. I can't answer for every department but we do have extras to loan out of TMO and I'm sure IT. I can't say that every eligible employee would have one available.

Chris – Office staff did have laptops given to them in 2020 but none work remotely at this point. Occasionally it happens if they have something they need to get done. MUNIS can only be used on the Town's network so there is the two step authentication to get onto the VPN to use that. The Town is looking to move to Microsoft 365 with the two factor authentication and our insurance company is pushing to another level of security on our equipment. You would log on for say 8 hours of access on your phone but then you would be kicked off and have to re-authenticate to get back on. Laptops and school computers would be the same. Pushing to the limits to make sure we are secure.

Mike – I think that's great. Very heavy acknowledgement of who is accessing the data and making sure it's the correct person.

Chris – The majority of what we do is public knowledge so it is accessible. Even if I am on my Town laptop at home, I have to log into the VPN where I only have access to that desktop and cannot save anything to the Town laptop. I am only viewing on my laptop.

Katie – September 14 2021, you saw the electronic communications and computer use policy. Voted and endorsed December 2021 and that was put into the Personnel and Policy Guide. No personal laptops to be used. That triggered to have all employees working from home to have a Town laptop.

Scott – I think this makes sense where of course there are some instances where the employee working from home benefits the Town and the employee. I don't think we have out of state cases or full time remote work so just the few cases where this would apply makes sense.

Mary Beth – If we think next meeting we can have this together to make a vote, that would be great. Reach out with any questions.

Gary – Next is Chris Gallagher with a department restructure proposal.

Chris – Thinking of the structure of the DPW. All the way back 12 years ago when departments were separated and now they are together under one – DPW. Thinking of how to improve the structure further and how we can improve by not needing to add bodies to the operation. One of the things I am looking to do, minor in scale, not extra bodies but major in operation for me. First change would be to take the Town Engineer and promote to Assistant DPW Director but keep their engineering responsibilities but take on more day to day administrative/paperwork/HR that I am currently completely by myself with the help of administrative support. The position would put him directly below me but above some of the other supervisors. Foxborough is doing a lot. Trying to quantify why I am asking for this change, when looking at the Federal and State Grant paperwork it is just taking too much time/drowning me. Not working into my day to day responsibilities and working the way it should be. We have about \$40million in infrastructure projects – all types of funding in the next 24 to 36 months which is a major undertaking. Currently the engineer role falls under the Steelworkers Grade 9 and want to move it to the Non Union Salary Wage Chart Grade 11 which falls under the Assistant Chief positions of Fire and Police. Similar department structure of 40 employees each and each have a second in command and looking to have that at the DPW. Nice to have someone back me up while I am away. Nice to have the dedicated person when I am not here which is important for the department structure. The second request, which falls under the Town Manager preview but looking to create an Office Manager to continue to merger of the DPW program. Looking to blend the departments even more and do some cross training. Internal promotion not adding another body to get this position. Would stay in the Unit B Steelworkers, proposing a B3 to a B5. Those are the two changes I am looking to make, both with internal candidates, a restructure.

Gary – And this is all funded within your current budget.

Chris – yes.

Mike – Looking at the existing and proposed chart but it looks like some are missing.

Chris – If you look at the existing, under the Water Superintendent, there is Department Administrator and a Systems Specialist and an Account Coordinator and then under Town Engineer, under DPW Director you have a Department Administrator and Coordinator. So 2 Coordinators and 2 Administrators so still 2 of each. Last budget we didn't have one of the coordinators filled under Water but this budget book for this fiscal year, we have 2 funded by Water and Sewer.

Mike – Just missing 2?

Chris – Existing Org Chart was from last year's budget so we had 6 in highway and we added a laborer/driver.

Mike – So that was just reviewed?

Chris – Yes. Good catch. Those are in the budget

Mike – So promoting the engineer, is there anyone else who thought they might get it?

Chris – The way that job description is written is that it would require a full engineering license. Lance and I are the only ones on staff that have that so no one else thought they might get the promotion. Unlike other Towns, some have their Assistant DPW Director and Town Engineer separate. Sometimes it's separated out from DPW and operate on their own. We work well together now. When it was separate both departments didn't communicate well.

Paige – As Acting Town Manager, I do have the authority to make this decision for the reorganization but we did want to follow past practices and come to this Board first. There has been a question of what comes first, this Board or the Select Board. Why I support this is because I have a unique perspective of coming from the Planning side where I wrote a lot of the grants that are burying Chris. With Marie on board, she found that a lot of what we were doing, needs to be done better which came to light this past fiscal year end when a few things were flagged in terms of reimbursements. There were a few scrambles to make sure our paperwork was in to be reimbursed. There is a lot of responsibility in getting projects completed, paying the bills and then getting reimbursed. That was the first moment I realized how important it is to be on top of the paperwork. Right now, Lance does not have the responsibility. The Office Manager will help with the procurement process and paperwork so it's not all on Chris. They are dealing with emergency situations, employee training, water main breaks, emptying trash, repaving, getting the ballfields ready.... Just seeing a concern here. Can't all fall on Chris – no real chain of command under the current structure. Mary Beth said she had filled this position in Wrentham that took a year and half to fill so given the climate, and having an employee that we don't want to lose and support Chris, this is the right thing to do, we want to support our employees. For those reasons this is why we are moving this along now and not waiting for the next budget cycle. Revenue neutral and can absorb in his budget.

Mary Beth – Been out for the last four years doing consulting work for communities big and small and this is the structure that is seen most often. For someone to run a major department, there needs to be an Assistant. Not seen in the very very small towns.

Mike – Does anyone centrally coordinate grant writing?

Paige – Just kicking off a grant writing program, just in excel to track what is being spent. We are all getting trained and our first step is always procurement. We need to keep track of them not just as a feel good thing but we have to do the paperwork and make sure it's done correctly.

Mike – I was thinking more of just knowing what grants are out there? How do you know where to look?

Paige – Mostly subject matter experts because you hear about them through your line of work or seeing them and then passing them along to colleagues. Kind of on our own in doing this so we are all trying to learn a new process. Sometimes it's Marie getting money in and then we have to figure out who's money it is.

Gary – Is there ever a position to have someone just be a grant writer?

Paige – Yes. I don't think we are at that point. I think other departments might have more important needs at this time but maybe a part time person but we have not gotten that organized at this point. Would be a great help.

Scott – Curious, the office manager, that entire team will coordinate the entire DPW, do you think it makes more sense under the Assistant?

Chris – I think how I thought of it, the office manager, if Director is not around, then they would have someone to report to. Close group that can hear pretty much everything but the idea is to keep Lance in the loop in everything so he has oversight of the administrative side.

Scott – Mary Beth, seems like you see it like this as well?

Mary Beth – Yes, especially with these major departments – Police, Fire and DPW. The Assistant would do the performance evaluation of the office manager and then anything else would escalate to Chris.

Mike – Has Lance managed people?

Chris – Lance is highly qualified. Given his past work in private sector, time in Sharon and the past three years along with his educational background.

Mike – Sometimes managing is different than technical.

Chris – I have been feeding him issues/internal projects where he needs to work with the team.

Gary - I will accept a motion for this approval to recommend.

Mike – So moved.

Scott – Second.

Gary – Unanimous.

Mary Beth – Looking to come back to confirm the remote work policy either the first or second week in October.

Gary – Accept a motion for the July 10th 2023 minutes.

Mike – Moved.

Scott – Second.

Gary – Unanimous. Will put off the February meeting minutes to the next meeting.

Mike – Moved to adjourn.

Scott – Second.

Gary – Meeting adjourned.