



**TOWN OF BOXBOROUGH
NOTICE OF PUBLIC MEETING
Meeting Minutes**

BOARD/COMMITTEE: Personnel Board

MEETING DATE: February 2, 2022

TIME: 10:30am

PLACE: Morse/Hilberg Room, 29 Middle Road

Members Present: Sheila Bauer, Keith Lyons, Bill Litant. Maria Neyland (Associate)

Members Absent:

Other Attendees: Mary Nadwairski, Carter Terenzini, Becky Harris, Rajon Hudson, Joe Fair (via Zoom)

- **Reorganization of Personnel Board and Election of New Roles**
 - **Keith moved to name Sheila new chairperson; Bill seconded. After no discussion Keith, Bill and Sheila voted unanimously in favor.**
 - **Keith volunteered to be clerk on condition that Personnel Board meetings going forward were hybrid on Zoom and recorded to ensure that any members of the public who wanted to join remotely or playback meeting could do so.**
 - **Sheila asked questions about the technology and had some hesitancy initially**
 - **Maria indicated that anything said would be open to more public scrutiny on social media and that having thick skin was required**
 - **Sheila, Bill and Keith agreed for all future meetings to be hybrid but that all members would continue to meet in person at the Town Hall**
 - **Bill moved to name Keith clerk; Sheila seconded. After no discussion Keith, Bill and Sheila voted unanimously.**
- **Briefing from Town Clerk Becky Harris on Open Meeting Law**
 - **Emails correspondence can be considered a meeting therefore no deliberations should take place**
 - **Posting of agendas must be posted a minimum of 48 hours prior to the meeting.**
 - **Becky recommended agenda submissions by noon the day prior to the 48-hour deadline**
 - **Becky recommended following her meeting minutes template on her town page**
 - **She also recommended members reviewing the Select Board's OML policy**
- **Briefing from Town Counsel Joe Fair (joining via Zoom) on the Personnel Administration Plan following the "Four Corners of the By-Law" Memo provided to Personnel Board by Carter. Among the topics discussed were:**
 - **Carter believing that the current bylaw is too restrictive and confusing. His recommendation for us to consider was to not rely on the Select Board**

for so much and think about allowing the Personnel Board the ability to make more decisions following the guidelines of the by-law itself. (ref. to VI, S8)

- Joe briefed that the Personnel Board does not have the authority to play a role in discipline (ref to XIV and XV, S1)
- Discussion around making steps more guaranteed based on performance and not subject employees being the subject of budget balancing. (ref. V, S7)
- Discussion on Allocation of a new position. Carter threw out some ideas on how the town and the Personnel Board could consider improvements on how to allocate new positions without having to wait for ATM. One example would be consideration to allowance for mid-year corrections then have position ratified and not guaranteed until ATM approval. Carter used the Town of Concord as an example and that he would get us that information.
- Out of Class Pay (ref VI, S9) – subject of Lt. O’Brien filling in as Acting Police Chief but overall need to address Out of Class Pay overall.
 - Carter suggested that an employee covering a higher position would begin receiving out of class pay if the length of time covering the role extended beyond two weeks.
 - Carter recommended a rate of 5% out of class pay for Lt. O’Brien. After questions from Keith and Bill around how Carter arrived at that amount the board was satisfied
 - Keith moved the motion to provide Lt. O’Brien with 5% out of class pay which would be retroactive to his taking on the additional responsibilities. Sheila seconded; Bill, Keith and Sheila agreed unanimously
- Carter briefed on a need for a clear reclassification process (Change in Duties) with more definitely being better. Spelled out. Suggested to add a reclassification definition with a few changes based on the promotions definition that already exists.
- Agenda Item 8 passed/not discussed. “Discussion and re-vote, but only if needed, regarding the Classification and Compensation Schedule.”
- Carter suggested changes to current Job Description template and presented the board with a suggested format
 - Keith commented that he was ok with the suggested format stating that this is very close to the format he was used to in the corporate world
 - Bill also agreed that the new format looked good to him but under reasonable accommodations suggested that “may” be replaced with “may/will” after short discussion with Carter on examples that the town may not be able to provide even with some concerted efforts.
 - Sheila asked questions related to the comparison between old template and new and was happy with Carter’s explanations.
 - Keith moved to accept the new Job Description template as amended by Bill, Sheila seconded; Bill, Keith and Sheila agreed unanimously
- Board elected to target scheduling a public hearing by March 15 to discuss any changes to the Personnel Plan that would be part of the ATM warrant.
- Board passed on approval of the minutes from December 14, 2021, as Bill and Keith were not members of the board at that time and could not approve.
- Rajon provided ATA updates:
 - Confirmed Town Accountants resignation
 - Community Services Coordinator resigned earlier in the day

- **Town advertised two positions**
 - **Admin Asst Treasurer/Collector**
 - **Admin Asst Recreation Commission**
- **Department heads are reported to be feeling overwhelmed with being overworked and not enough help to do everything**
- **Keith brought up how important it is to ensure that exit interviews are taking place whenever possible**
- **Board members agreed upon dates and times for next two Board meetings**
 - **February 11, 2022, at 10:30am**
 - **February 18, 2022, at 10:30am**
- **Keith made motion to adjourn at 12:16, Sheila seconded. Bill, Keith and Sheila voted unanimously to adjourn.**

List of Documents/Exhibits used

- **February 2, 2022 Agenda**
- **Personnel Administration Plan**
- **Memo from Carter to Personnel Board dated Jan 31, 2022 re: “Four Corners of the By-Law”**
- **Memo from Carter to Personnel Board dated Jan 31, 2022 re: “Out of ClassPay & Related Items**
- **Memo from Carter to Personnel Board dated Jan 31, 2022 re: “Discussion Points for Amendments:**
- **Draft new Job Description Template – “Town of XXXXXXXXXXX, MA”**

Respectfully submitted,

**Keith Lyons
Clerk, Personnel Board**



BOXBOROUGH SELECT BOARD

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Wesley Fowlks, Chair

Leslie Fox, Clerk

John Markiewicz

Jennifer Campbell

Diana Lipari

MEMORANDUM

To: Personnel Board

From: Carter Terenzini, Interim Town Administrator

Subject: Four Corners of the By-Law

Date: January 31, 2022

CC: R. Hudson; J. Fair

Carter

With the turnover on the Personnel Board (the Board) and the entry of an Assistant Town Administrator to act – to a great degree – as an HR Director; we are in a new environment and I thought it might be useful to have Counsel brief the Board on what its roles and responsibilities are w/in the four corners of the Personnel Administration Plan (Plan).

In Article IV s 1 it states that “The Plan shall be administered by the Personnel Board...”. In simplest terms, if the matter is not in the Plan it is not the province of the Board. In fairness to the Board, there have been times in the past when the Board was asked to take on additional duties or saw an area in need of being addressed and stepped in to do it. In this new environment I do believe that may be some of the cause of recent tensions between the several Boards and we seek to work with the Board in a collaborative style respecting your role and seeking your counsel while carrying out our staff responsibilities from a global view of the organization at large.

In Article IV s 3 it allows the Board to “... establish such policies, procedures, and regulations as it deems necessary for the administration and maintenance of the Plan including the schedules annexed thereto.” Here again if the matter is not in the Plan it is not in the province of the Board. Further, any such “... policies, procedures, and regulations...” are “... subject to review and approval by the Select Board (*the SB*).” Frankly I think that is a bit of micro-management (Does the SB really need to approve a policy or procedure on how to set up the template for job descriptions) I believe could be addressed in this new environment. Further I would posit that unless it is a “policy, procedure or regulation” or it is expressly provided for in each section (“... with the approval of the SelectBoard...”), the Board does not need subsequent approval of every action it takes. In my view, the SB needs a primer on this point to eliminate confusion.

In Article IV s 7; the Board is charged with the responsibility to “... establish and maintain a Position Classification Plan.” Similar to the requirements for establishing a “rule, policy or regulation”, this would be subject to review and approval by the SB. More importantly, the procedure in Boxborough has been to have this approved by the Town Meeting (Article VI s. 10).

In Article V s. 3; the Board “...with approval of the Select Board shall allocate the position to one of the classes in the position classification plan.” It goes on to say that “If a suitable class does not exist, the Department Head or other supervisor shall recommend the establishment of a new class in accordance with the provisions of Section 7 of this Regulation **and allocate the position to it.**” Notably it is not the Board that

makes this determination in accord with the Plan and it does not expressly allow for any mid-year effective date of such allocation (subject to approval at the Annual Town Meeting (ATM)). I believe those omissions should be addressed

In Article 4 s 4; the Board Section 4. it is provided that Department Heads (DHs) may/shall submit new job descriptions periodically as events demand and – in section c. - that “... **the Board may require DHs to submit them on a periodic basis (or any time it has reason to believe that there has been a change in the duties and responsibilities)** and during a periodic general review of the position classification plan from time to time.

In Article IV s. 7; it is provided that, “Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the Personnel Board shall propose such change by modifying the Schedule for approval at Town Meeting.” Please see my ending note in Article IV s 3 above.

In Article VI s 1 b; the Chair of the Board is granted an effective veto, together with the Chair of the SB or Board of Library Trustees (BoLT) on any starting pay rate above Step 1. [Note: While it may seem insignificant, this adds time to an already competitive recruitment process - and not meaning any disrespect – substitutes the judgment of lay people for professional staff who should be more intimately familiar with the market place on an on-going basis. I would suggest the TA be given the ability to do what they feel needs to do and then make a report so there is a check should it become to appear there is a pattern of over offering to new hires. This would be similar to s 4 where “**The rate of pay will be set by the Department Head and reviewed by the Personnel Board.**” “When an employee is demoted to a lower class position...” and s. 6 where “The Department Head will establish **the rate, which will be reviewed by the Personnel Board.**” when an employee is reinstated.]

In Article VI s. 7 the Board is charged to “... consult...” with the SB on the matter of annual steps. [Note: I fear not all ideas for change were included in the so-called “Amendment” memo. I urge the Town to allow Steps every year subject to a positive review. This is a positive step in recruitment and retention and may keep the one last set of non-unionized employees from unionizing.]

In Article VI s. 8 the Board is responsible “...with the approval of the Select Board... for administering the pay plan for all positions.” [Personally I find the level of SB interaction/approval confusing and in need of being cleaned up to eliminate confusion.]

In Article VI s. 9 the Board is “...responsible for interpreting the application of the plan to all pay problems that are not specifically covered by this regulation, using the principles expressed herein as a policy guide.”

In Article VI s. 10 the Board is charged with completing “... a review of the pay plan and... submit(*ting*) recommended amendments.” Prior to the annual submission of their budget.

In Article XIV there is a detailed procedure spelled out for an employee being placed upon probation, suspended or discharged and s. 10 spells out the role of Employee Appeal at Step 2 of the grievance process (Article XV). Step 2 of the grievance process bypasses the Personnel Board.

In Article XV s 1 “A grievance/complaint is defined as any dispute between an employee and the Town concerning the meaning, interpretation, or application of an express and specific provision of this document.” The role of the Board is to determine if the Plan has been applied properly regarding non-disciplinary matters. While the Board may feel it useful dialogue to have a general discussion of its “sense of the review” of any disciplinary matter, with the TA or DH, Counsel’s read of Article XIV, Sections 2 and 10 is that the Personnel Board is not tasked with a role in grievances filed by employees in connection with disciplinary matters. Instead, any grievance appeal of a disciplinary matter would begin at Step 2 and bypasses the Personnel Board at Step 1 as set forth in Article XIV, Section 10.

Town of XXXXXXXXXXXX, MA

POSITION:

DEPARTMENT:

FLSA STATUS: Non-Exempt

REPORTS TO:

GENERAL SUMMARY:

Assists the Town Accountant in the performance of their statutory and other defined duties. Perform accounting, technical and administrative work; maintain and process Town payroll and accounts payable; assist with the compilation of the annual Town budget; all other related work as required.

SUPERVISION SCOPE

SUPERVISION RECEIVED

SUPERVISION EXERCISED

None beyond the occasional training of new employees in the fundamentals of the job or to participate in cross-training of other employees.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Process payroll warrant by receiving time sheets, correcting clerical errors and coding as needed, calculating periodic changes, including changes from Employee Action Forms, prepare and process payroll checks and direct deposits for net amounts due the employee, prepare and process reports and filings on employee withholdings and employer contributions including maintaining and verifying leave records, for subsequent approval by Board of Selectmen and Treasurer/Collector.
- Process accounts payable warrant by creating and maintaining the master vendor list, and individual supplier and contractor files and accounts (e.g. W-9, insurance certificates, etc), processing supplier invoices from departments correcting clerical errors and coding as needed, prepare warrant for subsequent approval by Board of Selectmen and Treasurer/Collector.
- Signs and authorizes Town Payable and Payroll Warrants as Acting Town Accountant in the absence of the Town Accountant.
- Respond to inquiries from vendors and departments regarding outstanding/paid invoices. Recommends or reconciles disputed items and research/provide detailed reports as appropriate.
- Prepare and distribute monthly revenue and expense report.
- Prepare year end Draft of 1099's, W-2, and similar filings for review and authorization of release by the Accountant.
- Coordinate the annual compilation of the GASB 34 reporting and fixed assets inventory for insurance coverage purposes.
- Coordinate purchase of, filing claims for, tracking of the status of, and audits of worker's compensation, property-liability and other such insurance coverage.
- Compile, track and/or respond to numerous community comparison surveys and various internal tracking reports as requested
- Assist with the preparation of the annual budget and audit.
- Act as employee benefits and deductions coordinator, initial sign-ups, changes in status, open enrollment, coordination of claims with vendors, and assisting employees as may be necessary. Coordinate employee issues with department managers and state agencies. Process invoices for benefit expenditures.

- Receive and refer initial office visitor and telephone inquiries; provide response where no decision making above job duties is required.
- Process and distributes in-coming and out-going mail.
- Order necessary office supplies.
- Maintain Town's Web site pages for the unit.
- Organize and maintains files and records for the unit.

OTHER DUTIES AND RESPONSIBILITIES

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

REQUIRED MINIMUM QUALIFICATIONS

Education and Experience

Associates Degree in Accounting or Business.

And

Three years of administrative support and bookkeeping experience in a general office environment.

Or

Any equivalent combination of education, training and experience which demonstrates possession of the required knowledge, skills and ability.

Preference is given to those with advanced degrees and municipal experience.

REQUIRED LICENSING AND CERTIFICATION

None.

Preference is given to those registered as a Notary Public

DESIRED KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of generally accepted administrative, budgeting, and accounting principles and practices.
- Knowledge of math, proper spelling and grammar.
- Knowledge of standard office practices and procedures, modern office equipment, and computer systems and applications including word processing, payroll, accounting, spreadsheet, database, desktop publishing and information systems applications.
- Knowledge of Federal and State laws with respect to labor law and human resource practices.
- Skill in computer, secretarial and clerical functions.
- Skill in data entry.
- Skill in oral and written communication.
- Skill in organization.
- Ability to pay attention to detail and perform detailed work involving written and numerical documents and data and to make arithmetical calculations rapidly and accurately.
- Ability to follow directions, plan and organize one's time and set priorities using independent judgment under limited supervision.
- Ability to maintain professionalism at all times, while occasionally working under pressure and within time constraints.
- Ability to express ideas clearly, both orally and in writing.
- Ability to maintain the utmost confidentiality of unit activities and information.
- Ability to identify and analyze financial issues and suggest problems and initiate solutions
- Ability to establish and maintain effective working relationships - and resolve conflict - with fellow employees Vendors and Various State Agencies and the public

TOOLS AND EQUIPMENT USED

Computers, calculator, copier, fax machine, phone and other general office equipment.

PHYSICAL REQUIREMENTS

Frequently required to use hands to handle or feel objects, tools, or controls, and reach with hands and arms. Frequently required to sit, talk, and listen. Specific vision requirements include close vision, distance vision, and the ability to adjust focus. Occasionally carries and/or lifts items, weighing no more than 25 pounds. Requires access to other Town departments.

The physical demands listed are representative of those that must be met by the employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions of the job.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Work is primarily performed in a fixed daytime interior office setting occasionally under pressure of time constraints to meet necessary deadlines. This is a multi-tasking environment with frequent interruptions to respond to requests for services from town employees; which requires the ability to function cognitively at a high level and sometimes under stress.

Occasional night meeting attendance is required. Occasional travel to offsite and exterior locations may be required.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of the position, unless such accommodations would pose an undue hardship on the Town.

This Job description does not constitute an employment agreement or contract between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Recommended:

Approved (Name):

Approved (Date):



BOXBOROUGH SELECT BOARD

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Wesley Fowlks, Chair

Leslie Fox, Clerk

John Markiewicz

Jennifer Campbell

Diana Lipari

MEMORANDUM

To: Personnel Board

From: Carter Terenzini, Interim Town Administrator

Subject: Out of Class Pay & Related Items

Date: January 31, 2022

CC: R. Hudson; J. Fair

The current Personnel Administration Plan (the Plan) does not have a provision for paying reduced full time or part-time employees a differential for when they are being stretched beyond the normal and ordinary work that they do (i.e. Out-Of-Class). The only provision is for full-time employees:

Article VI S. 2. b. Any regular full-time employee specifically assigned by the Department Head to a higher hourly rated position for the purpose of fulfilling all of the duties of that position for full shift or more, i.e. temporarily promoted, shall be paid at a rate equal to the rate of the higher position but no more than step 3. However, the employee shall not suffer a reduction in pay.

This has proven problematic of recent when we had a Department Assistant doing the work formerly done by the Treasurer/Collector (payroll) and now again when we have the Lieutenant standing in the stead of the Police Chief. The Lieutenant is a Grade 16 and you have not placed the higher paid positions of Chief (2) and DPW Director on the scale. Additionally, the years of service of the Lieutenant would most likely mean he is forced to do all of the additional work for nothing as it is likely he might be at or above Step 3 of any higher paid grade. Finally, the current provision does not account for the fact that many senior employees – for whom a junior position might stand in for – do take a vacation of up to two weeks in the normal course of events.

We would like to ask you to use your authority under Article VI S 9 to follow the precedent you set for the Department Assistant filling in for the Treasurer/Collector by setting the Out-Of-Class pay at 5% of their current pay for the time after two weeks during which they have stood in the stead of their senior department head.

For the longer term; we would propose the following amendment to the Plan:

“Whenever at the direction of the Town Administrator, or at the direction of the Department Head with the consent of the Town Administrator, an employee is assigned

tasks and responsibilities for a period of more than ten (10) business days which are normally and ordinarily performed by another employee in a higher job classification and which are not among those tasks and responsibilities that the employee would normally and ordinarily be expected to perform under the terms and conditions of the job description for their position, the employee shall be paid an additional five percent (5%) of their base pay for the period of time beyond ten (10) business days that they perform the “Out of Class” tasks and responsibilities provided, however, that in no case shall they be paid more than the top step of the higher grade position which would normally and ordinarily carry out such tasks and responsibilities.”

Additionally, we need to address the issue of reclassification. We need to make sure that employees do not view this provision for “Out-Of-Class” compensation a means of being rewarded for a heavy work load or a means of seeking a “merit” increase or reward for “service”.

Reclassification: There are some entities which set a minimum amount of time an employee must work in a position before they may apply for reclassification. This is to ensure the employee is not going through the process simply because the work-load turned out to be more than they anticipated or they have become dissatisfied with the pay since entry. There are other communities – and in some cases the same communities – which make it crystal clear that reclassification is an available option only when the required skill set has been changed to a higher level of competency, the supervisory role has changed or the like.

Setting of Compensation: In my view, how the compensation is set for a reclassified employee does not have the clarity it requires and would propose the following amendment to the Plan:

Article VI S 2. a. When an employee is promoted, **or the position they hold is reclassified,** to a position in a higher class, the employee's salary shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted **or reclassified** employee shall be increased to the step immediately above the employee's present salary.

There are several other alternative wordings and placements that could affect the same clarification should you want to explore those.