

Personnel Board
March 18, 2013

The Personnel Board met on Monday, March 18, 2013 in Conference Room A in Town Hall, all five Personnel Board are members in attendance.

DPW - AFSCME Grievance

D. Kearns stated that this is a continuation of the last meeting, clarification is needed on the reporting relationship; it needs to be determined if this position reports to the DPW or the Police Department.

Jerry Peckham filed a grievance; he is currently an employee on the Police Department's payroll. He is also paid from the snow and ice accounts with the Department of Public Works. He works for both departments. J. Peckham had previously been an employee of the Department of Public Works; then he transferred to the Police Department. The position at the police station was posted; two people interviewed with the Chief of Police and Jerry Peckham got the job; it was filled internally. The police station position is in the union.

D. Greel, Head of Operations, said that J. Peckham asked what would happen with his snow plowing when he made the move to the police station, because he counted on the money he made from plowing. He was told it wouldn't be a problem; he kept his route and his skilled craftsman pay. The position at the Police station is a 40 hour position with no overtime. He is paid overtime when he works for the DPW because he has already put in his 40 hours for the town at the police station. D. Greel said that Jerry kept his own plow route, but when it comes to snow and ice removal, DPW staff are used so Jerry lost that. D. Greel stated that for snow and ice removal, internal people that can run certain types of equipment are used.

J. King inquired regarding past practice, if an employee had the proper license, would it first be offered to the bargaining unit. He continued that we need to be fair and equitable and with the best interests of the town. He questioned if there is an obligation or priority for someone to work.

J. Parisi stated if someone is needed, town employees are the first choice, however, Jerry Peckham would need to be paid overtime. If overtime is necessary, DPW employees are called first. For instance, the 3/8/13 snow storm started during the day and continued after hours. Jerry started working and received 14 hours of overtime where DPW employees received 6 hours of overtime. The timing of the storm will dictate how much overtime each individual will earn.

J. Peckham said most of the time that he plows is during overtime hours. He stated that he was asked if he was available to work and he was. Because he was asked if he was available, he thought he would be called in and he wasn't. He is asking for pay during that storm even though he did not work. He has calculated that he should have worked 12 hours on 2/10 and 6 hours on 2/11/13, he is looking for 18 hours of overtime pay (\$31.74/hour is the overtime rate). J. Parisi said overtime was paid for all hours on Sunday and part of the hours on Monday. J. Parisi stated that since J. Peckham is not an employee of the DPW, he is not required to come to work if called in by the DPW.

S. Crown stated that over the last two years there's been relatively little snow so this probably hasn't been a problem. She stated that since that time new hires have come on board and the question is what is the right of the Director of the DPW when filling shifts - is there an order of precedence.

The Town Administrator stated that there is nothing in the AFSCME contract about this.

J. Parisi said that J. Peckham is familiar with the trucks he's been driving. He continued that J. Peckham is not part of the DPW crew and DPW employees are utilized first.

Chair Kearns stated that J. Parisi has a preference on calling in staff but there is no policy that he must follow.

T. Delaney stated that Article 15 on overtime states that the department head must be equitable, and a good faith effort to assign hours must be made. He continued that whatever the outcome of this grievance, this won't jeopardize Jerry's position in any way.

J. Peckham stated that he wasn't called in and he expected to be called. He was told he was an outsider. Linda Landry, Union President, was in attendance. L. Landry stated that it may not always be in the best interest of the time to utilize DPW staff first, it may serve the town better to have a larger pool of available staff, town-wide, that can be utilized when needed. She continued that it may be that if a particular employee is not utilized sufficiently, they may not be inclined to respond when the town is really in need.

J. Parisi stated that they filled all equipment before they got to Jerry on the list, so he wasn't called.

Chairman Kearns moved that according to Article 21, Step 3 of the Grievance and Arbitration process, the grievance filed by Jerry Peckham, dated 3/1/13, be denied, for the following reasons: According to Article 15, Section B, as stated, it appears the department head used good faith, Article 3, under Management Rights allowed town management the ability to make decisions given the lack of clarity in the contract, seconded by E. Richter, Vote: 5-0. Motion approved.

Chairman Kearns stated that under Article 21 there is another step. Should the grievance remain unsettled, a meeting with the Board of Selectmen should be requested by the Union within 15 days. The Personnel Board shall get their position, in writing, to the Union within 10 days.

Next meeting: Monday, 4/22/13 at 7:30pm

Revised compensation schedules were distributed, as approved.

Meeting adjourned at 8:03 PM.