



TOWN OF ROCKLAND

Board of Selectmen

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EXECUTIVE SESSION MINUTES of DECEMBER 17, 2012 ² ^{ARK}

Chairman:

Edward F. Kimball
Vice Chairman:
Deborah A. O'Brien

Selectmen:

Lawrence J. Chaffee
Michael P. Johnson
William H. Minahan, Jr.

Town Administrator:

Allan R. Chiocca

Executive Assistant:

Mary B. Stewart

SELECTMEN'S MEETING
Monday December 17, 2012 @ 7 p.m.

H. BERNARD MONAHAN MEMORIAL ROOM
TOWN HALL, 242 UNION STREET
ROCKLAND, MASSACHUSETTS

Present were Selectmen Kimball, O'Brien, Chaffee and Minahan. Also TA Chiocca and Town Counsel Clifford.

EXECUTIVE SESSION

MOTION by Ms. O'Brien, 2nd by Mr. Chaffee to go into Executive Session for the purposes listed not to reconvene passed by Roll Call Vote 4-0.

15. ~Rite Union Step II Grievance

Mr. Kimball called the Executive Session to Order.

TA Chiocca outlined the nature of the grievance filed by the RITE Union regarding the denial of a vacation coverage payment to June Pat Donnelly to the BOS.

BOH Chairman Nelson, RITE Union President June Pat Donnelly and RITE Union Vice President Christine McGuinness were invited into the Executive Session.

Ms. Donnelly presented her grievance. She feels the contract means Holidays and weekends are counted towards the 5 consecutive working days total.

16.3 When an employee is assigned to perform the duties of a higher classification for five (5) consecutive working days, including holidays and weekends, he/she shall be paid at the higher rate from the first day of such assignment.

TA Chiocca felt the grievance should be denied for many reasons:

1. The inclusion on the verbiage was to allow payment for 5 “working days” split by weekends and holidays for example a superior takes off a Wednesday through Tuesday of the following week. Emphasis on working days.

... for five (5) consecutive working days, including holidays and weekends, Health Agent McCarthy was only out 3 “working” days taking the Monday Tuesday and Wednesday before Thanksgiving off.

2. When an employee is assigned to perform the duties of a higher classification.....

There is no higher classification in the RITE Union contract to which Ms. Donnelly could be assigned. And furthermore Ms. Donnelly was not assigned the duties of the Health Agent nor is Ms. Donnelly qualified or certified to perform those duties.

3. he/she shall be paid at the higher rate from the first day of such assignment.

Again Ms. Donnelley received no such assignment. Health Agent McCarthy had left the contact information and notified her Board of the individual to contact prior to taking 3 days off. (See BOH minutes).

4. Ms. Donnelley claims past practice to which TA Chiocca claimed no prior knowledge and cited the contract:

1.2 The failure of the Town or the Union to insist in any one or more incidents, upon performance of any of the terms or conditions of this Agreement shall not be considered as a waiver or relinquishment of the rights of the Town or of the Union to future performance of any such terms or conditions, and the obligations of the Union or of the Town to such performance shall continue in full force and effect.

5. Ms. Donnelly claimed she automatically receives this benefit in the absence of the Health Agent. Her job description reads:

“Functions as the office manager in the absence of the Health Agent.”

It does not read as the "Health Agent" in the absence of the Health Agent. It reads office manager.

6. In addition TA Chiocca produced a previous grievance from 2002 regarding this same matter involving Ms. Donnelly in which she was ultimately paid 50% of the Health Agent difference. Ms. Donnelly claimed no recollection of this previous and documented event.

The RITE Union language has not changed since that time and RITE Union did not produce any document, MOU, letter, BOS vote, side letter or contract indicating a change in policy had been agreed to by both parties. Both the Town and the RITE Union seem to be at a loss as to how this evolved.

The Chairman asked if anyone had anything else to add and indicated the BOS would discuss and get back to Ms. Donnelly.

Ms. Donnelly, Ms. McGuinness and BOH Chairman Nelson left the meeting.

The BOS discussed the grievance and options. They did indicate a willingness to settle if possible. TA Chiocca and Town Counsel Clifford will seek a settlement within parameters if possible.

~MOTION to deny by Ms. O'Brien, 2nd by Mr. Chaffee passed by Roll Call vote 4-0.

16. ~ Management Reimbursement Issue

During the continuing review of benefits, allowances, and contracts a number of issues appeared regarding mileage and benefits for a few positions and the Town Accountant was looking for guidance and approval to pay pending further investigation.

TA Chiocca requested the BOS authorized the continued payment practice of the attached items until all matters can be resolved in the Spring Budget process or by Contractual addendum.

MOTION to approve by Mr. Minahan, 2nd by Mr. Chaffee passed by Roll Call vote 4-0.

MOTION to end of Executive Session and adjourn by Ms. O'Brien, 2nd Mr. Chaffee passed by Roll Call vote 4-0.

Meeting ended at 10:05 PM



Allan R. Chiocca
Town Administrator


Deborah A. O'Brien, Vice Chairman
for the Rockland Board of Selectmen

TOWN OF ROCKLAND
Summary of Contract Issues
For Payroll Processing

M-C
 Roll Call
 H-C

Thomas Ruble, Building Commissioner:

His Contract includes:

	SECTION
Names him Building Commissioner and includes base salary	3 - A
Names him Sealer of Weights and Measures and includes base salary	3 - B
Benefit of three week's vacation	7 - A
Benefit of eleven holidays	7 - B
Benefit of Sick Time, No Accumulation / No Pay Out	7 - C
Benefit of Three Personal Days	7 - E
Benefit of Three days off in the event of the death of a family member	7 - F
Benefit of Reimbursement of Expenses	11
"The Employee shall be reimbursed for mileage for authorized business use of his private automobile, excluding commuting to and from work, at the established Town rate. The Employee will also be reimbursed for other authorized expenses incurred in the conduct of Employer's business."	

Not In Contract:

Education Incentive	\$ 500.00
Auto Allowance as Building Inspector	\$1,529.00
Auto Allowance as Sealer of Weights & Measures	\$ 150.00
(The two Auto Allowances are taxable income unless you want to go to a reimbursement method.)	

Other Inspectors, No Contract:

	AMOUNTS
Gas Inspector, Salary for Department	\$ 5,215.00
Gas Inspector, Auto Allowance for Department	\$ 480.00
Plumbing Inspector, Salary for Department	\$ 8,562.00
Plumbing Inspector, Auto Allowance for Department	\$ 395.00
Wiring Inspector, Salary for Department	\$24,583.00
Wiring Inspector, Call Back Salary for Department	\$ 3,000.00
Wiring Inspector, Auto Allowance for Department	\$ 677.00

Other Positions - Appointed:

Secretary for the Conservation Committee	\$ 500 / Year
Secretary for the Finance Committee	\$ 1,000 / Year
Secretary for the Planning Board	\$ 4,500 / Year
Secretary for the Zoning Board of Appeals	\$ 3,800 / Year

Other Positions - Elected Officials:

Board of Health Commissioners - Auto Allowance \$100/Each	\$ 300 / Year
Highway Commissioner receiving Snow Stipend	\$ 950.00
Highway Commissioner receiving Uniform Stipend	\$ 350.00

