

Shutesbury Select Board Executive Session
March 21, 2017 Shutesbury Town Hall

Select Board members present: Mike Vinskey/Chair, Michael DeChiara, and Melissa Makepeace-O'Neil

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Others present: Police Chief Tom Harding

Vinskey calls the executive session for reason #2/non-union contract negotiations to order at 7:41pm.

Torres: Harding is an exempt employee therefore union non-exempt contract language cannot be used. Torres reads current language relative to holiday pay into the record: "The employee will receive up to ninety-six (96) paid holiday hours within twelve month fiscal year for holidays worked. This section shall be retroactive to the start of the fiscal year 2017, June 30, 2016. These hours cannot be carried over to subsequent fiscal years". Torres: per statute, this language is allowable; the reason for retroactivity is that Harding asked for his contract to be reopened with the Select Board and holiday pay is allowed by statute. Harding: under the "Strong Chief" statute, the chief is paid for holidays worked, however, thus far, he has not asked for this pay and requests the three distinct holiday payment situations be addressed in his contract. Harding: the holidays are listed in the personnel manual, the holiday is earned when it occurs; for working the holiday, full time union staff is paid time and a half, retains the holiday as a future day off, and receives a check for any unused holiday time at the end of the year. Torres: per Town Counsel Donna MacNicol, exempt employees do not receive holiday pay, however, statute allows the Chief to be paid straight time for working on a holiday. Harding: up until now, if he did not use a holiday, he would lose it. Torres: the "Strong Chief" statute does not address holiday pay. Per Harding, Gabe Voelker/Town Treasurer tracks the police staff holiday hours. Harding: the main reason for requesting the language change is to attain equity between the chief's contract and union contract benefits so that at the end of the year, the chief will be paid for any unused holidays. DeChiara: at the start of the year, the employee receives 96 paid holiday hours, these hours decrease for any unworked holiday and whatever is left over by June 30th is paid out to the employee. The Police Chief's current contract expires 6.30.17. Harding: the request for the change to be retroactive is that he asked for his contract to be reopened in May 2016 and the first meeting was not held until December 2016; the only change is the request to receive the same treatment union employees receive: payout for unused holiday hours at the end of the year. Vinskey: the union and non-union police contracts should be negotiated at the same time. Torres: if that were the case, chief input on the union contract would be lost. DeChiara acknowledges the delay in responding to Harding's request to reopen his contract and the need for a timely resolution. Select Board members and Harding agree to resume the discussion during the 4.4.17 Select Board meeting. Harding will provide the Select Board with the details of his holiday time to date.

At 8:37pm, Vinskey makes a motion to adjourn executive session and resume open session; motion is seconded by Makepeace-O'Neil. Roll call vote: Vinskey: aye, DeChiara: aye, and Makepeace-O'Neil: aye.

Documents and Other Items Used at the Meeting:

1. "Contract Between Town of Shutesbury and Thomas E. Harding, Chief of Police" with current holiday language
2. "Contract Between Town of Shutesbury and Thomas E. Harding, Chief of Police" with proposed holiday language

Respectfully submitted,
Linda Avis Scott
Administrative Secretary