

## **BOARD OF SELECTMEN**

### **Executive Session**

**Monday, May 8, 2017**

Chairman Michael L. Champoux called the meeting to order at 6:08 pm for the purpose of discussing collective bargaining strategy with the New England Police Benevolent Association (NEPBA) Local 13 Union (Superior Officers), as discussing the subject in open session would compromise the purpose for which the executive session is being called and further, that upon the conclusion of executive session, the Board will reconvene in open session. By role call vote, it was voted:

Selectman Michael Champoux - yes

Selectman Kevin Caira - yes

Selectman Greg Bendel - yes

Selectman Michael McCoy - yes

Selectman Edward Loud - yes

Also present were Jeffrey M. Hull, Town Manager; Michael R. Begonis Police Chief, and Denise Y. Casey, Assistant Town Manager.

Town Manager Hull stated that the Town has reached a tentative agreement with the Superior's Union and wanted to discuss the provisions of the agreement with the Board.

Selectmen Caira asked if the current provisions of the agreement had been in place prior to the newly negotiated items. Mr. Hull responded that the majority of the language in the current contract has been in place for quite some time.

Selectmen Caira commented that in the future, it would be helpful for the Board to have copies of the collective bargaining agreements ahead of time to compare the changes.

Mr. Hull responded that in the fall, the Town will be getting a request from the Fire fighter's Union, IAFF, to begin successor bargaining. At that time, he plans to schedule an Executive Session with the Board to have a broad discussion about the direction of the contract.

Mr. Hull stated that similar to the Patrol Union, Local 1, the Board is being asked to make a decision with limited options. Mr. Hull stated that when the Town met with the Board on April 24<sup>th</sup>, the Town had already met with Local 13 and came to a tentative agreement. He continued to state the NEPBA Locals 1 and 13 contracts are very similar; negotiated items with Local 1 largely will translate into what Local 13 receives.

Mr. Hull stated one focus for the Town was on maintaining a rank differential percentage between Patrol, Sergeants and Lieutenants and changing the current Longevity payment schedule for future hires.

The Town Manager reviewed each proposal in order for the Board.

Selectmen Caira asked about the change to Longevity pay. Mr. Hull responded that existing employees are grandfathered under the current system. He stated anyone hired before the signing of the agreement retains their longevity amount. Mr. Hull reminded the Board that standard bargaining practice is to make prospective changes and not penalize existing employees.

Mr. Hull explained there is a slight difference in the cost of living adjustments (COLA) between the two (2) bargaining units. He stated the rationale for the difference in COLA is to address the rank differential. The Town Manager reviewed Chart #2.

Mr. Hull explained that, like the Local 1, there would be a change in the salary scale. To maintain the rank differential, the Superior's scale needs to be treated the same as Patrol.

Mr. Hull reviewed the change to Education Incentive. The Superior's will have a \$10,000 incentive for Master's degree, which is more appropriate for this group than the Patrol.

The Town Manager stated that the night differential change is exactly the same as Local 1.

Mr. Hull reported that the Superiors are amenable to Assessment Centers, which is a very important item to the Town. He commented that Assessment Centers demonstrate competency through "real world" exercises versus relying solely on a written exam.

Mr. Hull stated that, after analyzing the cost to replace a Superior Officer who retires with little notice, the Town proposed an Advanced Notice of Retirement. Given the civil service process and the fact that it takes many months to replace an individual, it is desirable to have more notice to replace a command officer. He reported that a Sergeant recently retired on short notice, which has caused a considerable cost in overtime.

Mr. Hull stated that the Vacation proposal is the same as Local 1.

The Town Manager stated that the Superiors wanted the option to use sick leave to care for a family member. Sick leave for this purpose, he advised, will be treated the same as if the employee calls in sick.

The Town Manager stated that the Union will be dropping the \$500.00 clothing allowance and that stipend will be added to the base wage.

Selectmen Cairra asked if that was permissible under State law. He stated the State is very sticky on this issue and rolling it into base. He stated this change increases their pay by \$500 and that increases all the other additional pays.

Mr. Hull reviewed two housekeeping items which were deletion of an obsolete health insurance plan and revision to the Town's flexible spending program to provide for use of a third party vendor.

Mr. Hull explained that the Town has also secured agreement that it has fulfilled its obligations relative to the implementation of the use of Tasers and Narcan. No additional compensation is being provided for these responsibilities.

Mr. Hull stated that the salary adjustment account carries an amount set aside in consideration of unsettled collective bargaining agreements. He reported the salary adjustment account is where the Town will fund the increases.

Chairman Champoux stated this is a fairly generous contract and wanted to know what the Town was receiving in return for this generosity.

Mr. Hull stated that a major goal in negotiations was to chip away at the longevity pay. He reviewed the data on Charts 3b and 3c. Mr. Hull acknowledged that there is no immediate savings, however, trying to make changes to a payment, such as with longevity, which has been in the contracts since the late 1960's, is very difficult. He stated longevity has preserved pay competitiveness with other communities.

Selectmen Bendel asked if the Town had an estimated cost for the contract over three (3) years.

Mr. Hull replied that the cost was approximately \$81,000 in year one and \$35,000 in years 2 and 3.

Selectmen McCoy stated that this contract is long overdue to the officers. He stated that Officers have families, need to pay mortgage and probably cannot afford to live in Wilmington. He reminded the Board that the budget has already been voted and the money comes out of the salary adjustment account.

Selectmen Bendel stated that the increases for this contract place a lot of burden on the taxpayers. He commented that going forward, the Town will be forced to lay off people or cut something.

Selectmen Caira commented that the Town could have settled for less, agreeing to the top step change, but not an additional COLA in year one (1).

Selectmen Bendel stated that, prior to the next round of bargaining, the Board needs to have the previous contract and the comparable community analysis.

Chairman Champoux asked if the Town is in the same situation as it was with the Patrol to settle prior to JLMC.

Mr. Hull stated that the Superior Officers have not filed with JLMC, but if they do not get, at a minimum, the same agreement as the Patrol, they will likely file with the JLMC.

Selectmen Bendel stated his frustration is not with the agreement, but the process and looks forward to a different approach in the future.

Selectmen Champoux commented that, for his time on the Board, he cannot remember a situation like this.

Mr. Hull reported that only public safety Unions are able to file for arbitration with the JLMC. He reported this gives them leverage that other unions do not have.

Selectmen Champoux, Bendel, Loud and McCoy all stated they are in favor of the agreement.

Mr. Hull stated that in the twenty-five (25) years he has been with the Town, this had been the way that contracts have been negotiated. He stated he recognizes that, going forward, he and the Assistant Town Manager need to modify this process.

Selectmen McCoy reported that the former Town Manager, Mike Caira, would come to the Board when a tentative agreement was reached, which is exactly what Mr. Hull did.

Chairman Champoux requested that going forward the Town Manager schedule an Executive Session with the Board at the beginning of negotiations, so that the Manager and Assistant Town Manager can inform the Board of priorities and update the Board during negotiations. Doing so, he stated, would allow the Board to pre-endorse the agreement.

There being no further business to come before the Board, at 7:15 p.m. a motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all to close the executive session and return to open session. The vote was unanimously approved as follows:

Selectman Michael Champoux - yes  
Selectman Kevin Caira - yes  
Selectman Greg Bendel - yes  
Selectman Michael McCoy - yes  
Selectman Edward Loud - yes

By unanimous role call it was voted to adjourn executive session and enter into open session.

Respectfully Submitted,



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Denise Y. Casey, Assistant Town Manager

**Confidential Status Report Board of Selectmen**

NEPBA, Local 13 Superior Officers

May 5, 2017

Three (3) year agreement; Fiscal years 2017, 2018 and 2019

**A. Compensation Offer:**

<b>Fiscal Year</b>	<b>Authorized Base Wage Increase</b>
FY 2017	2.0%
FY 2018 (07/01/2017)	2.0%
FY 2018 (06/30/2018)	0.5%
FY 2019	2.5%

<b>Fiscal Year</b>	<b>Educational Incentive Pay (post 2009 hires)</b>	<b>First Step Sergeant and Lieutenant</b>	<b>Top Step Sergeant and Lieutenant</b>	<b>Detail Pay</b>	<b>Uniforms and Protective Clothing</b>	<b>Night Shift Differential</b>
<i>FY2016 Current Contract</i>	<i>No Educational Incentive</i>	<i>No Change</i>	<i>No Change</i>	<i>\$42/hr</i>	<i>Shoe allowance \$100/yr Cleaning allowance \$425/yr</i>	<i>4:00 pm to 8:00 am \$1.25/hr</i>
FY 2017	No Change	Deleted from the salary table	New top step added to the salary table	Effective 30 days after signing by Board \$44/hr	Delete shoe allowance (\$100.00)  Increase Cleaning allowance to \$500/yr <b><u>NOT added to base</u></b>	Effective after signing by Board 4 pm – 12 am \$1.50/hr 12 am – 8 am \$1.75/hr
FY 2018	AS Degree \$5,000/yr BS Degree \$7,500/yr MS Degree \$10,000/yr	No Change	No Change	01/01/2018 \$46/hr	No Change	No Change
FY 2019	No Change	No Change	No Change	01/01/2019 \$48/hr	No Change	No Change

**B. Language / Contract Changes:**

**1. Substantive Language Changes**

**a. Longevity**

The current longevity schedule will be replaced with a revised longevity schedule.

**Current Table**

Years of Service	Longevity
5 years	3%
10 years	6%
15 years	9%
20 years	12%
25+ years	15%

**New Table**

Years of Service	Longevity
5 years	-----
10 years	3%
15 years	6%
20 years	9%
25+ years	12%

**b. Assessment Centers**

The parties agreed to use Assessment Centers for promotions to the position of Lieutenant.

Assessment Centers are conducted by consultants in accordance with Civil Service regulations. Assessment Centers are a series of "real-world" exercises aimed at capturing a candidate's total skills set and not rely solely on the results of a written exam.

Assessment Centers typically consist of interviews, panel presentations, written exercises and employee meetings.

**c. Advanced Notice of Retirement**

An advanced notice of retirement incentive shall be paid to an employee who, before the last day of the month following their 63<sup>rd</sup> birthday, has completed fifteen (15) years of service and intends to file for regular retirement. The employee must give the Town a minimum of twelve (12) months written notice. The employee shall receive a flat stipend of \$7,500.

**d. Family Illness Days**

Employees shall be allowed to use a maximum of five (5) sick days per year to care for an immediate family member. Use of family illness days shall count as a regular sick day taken by the employee.

**e. Tasers and Narcan**

The Town has fulfilled its bargaining obligations under M.G.L. C. 150E (Collective Bargaining Statute) relative to the implementation of Tasers and Narcan.

**2. Non-Substantive / Housekeeping Language Changes**

**a. Flexible Spending Program**

Superior Officers will be included in the Town's third-party vendor Flexible Spending Program.

**b. Vacation**

Employees may request to use vacation time after December 15<sup>th</sup> of the calendar year. The Chief retains discretion to approve leave.

**c. Master Medical**

Delete the reference to Master Medical health insurance, which is no longer offered to employees.

**Salary Table Change:**

YEAR 2 - Fiscal Year 2016					
EXISTING STEPS	<del>STEP 1</del>	STEP 2	STEP 3	STEP 4	
NEWS STEPS	<del>DELETE</del>	STEP 1	STEP 2	STEP 3	STEP 4
SERGEANT	1,177.69	1,224.80	1,273.79	1,324.74	1,377.73
	61,239.97	63,689.57	66,237.15	68,886.64	71,642.10
EXISTING STEPS	<del>STEP 1</del>	STEP 2	STEP 3	STEP 4	
NEWS STEPS	<del>DELETE</del>	STEP 1	STEP 2	STEP 3	STEP 4
LIEUTENANT	1,354.36	1,408.53	1,464.87	1,523.47	1,584.41
	70,426.58	73,243.64	76,173.39	79,220.32	82,389.14
Effective 7/1/15					

**YEAR 1**  
**FISCAL YEAR 2017**  
**2.0 % COLA EFFECTIVE 07/01/2016**

<b>SERGEANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,249.30	1,299.27	1,351.24	1,405.29
<i>annual</i>	64,963.60	67,562.04	70,264.48	73,075.08
<b>LIEUTENANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,436.70	1,494.17	1,553.94	1,616.09
<i>annual</i>	74,708.40	77,696.84	80,804.88	84,036.68

**YEAR 2**  
**FISCAL YEAR 2018**  
**2.0 % COLA EFFECTIVE 07/01/2017**

<b>SERGEANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,274.28	1,325.25	1,378.26	1,433.39
<i>annual</i>	66,262.56	68,913.00	71,669.52	74,536.28
<b>LIEUTENANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,465.44	1,524.05	1,585.02	1,648.42
<i>annual</i>	76,202.88	79,250.60	82,421.04	85,717.84

**YEAR 2**  
**FISCAL YEAR 2018**  
**0.5 % COLA EFFECTIVE 06/30/2018**

<b>SERGEANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,280.65	1,331.88	1,385.15	1,440.56
<i>annual</i>	66,593.80	69,257.76	72,027.80	74,909.12
<b>LIEUTENANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,472.76	1,531.67	1,592.94	1,656.66
<i>annual</i>	76,583.52	79,646.84	82,832.88	86,146.32



**SALARY SCHEDULE**  
**Fiscal Years 2017 - 2019**

<b>YEAR 3</b> <b>FISCAL YEAR 2019</b> <b>2.5 % COLA EFFECTIVE 07/01/2018</b>				
<b>SERGEANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,312.67	1,365.18	1,419.78	1,476.57
<i>annual</i>	68,258.84	70,989.36	73,828.56	76,781.64
<b>LIEUTENANT</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
<i>weekly</i>	1,509.58	1,569.97	1,632.76	1,698.08
<i>annual</i>	78,498.16	81,638.44	84,903.52	88,300.16

## Rank Differential Between Ranks

## CHART #2

Rank	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018 (1)	Fiscal Year 2019
	Top Step Weekly	Top Step Weekly	Top Step Weekly	Top Step Weekly
PATROLMEN	\$ 1,113.48	\$ 1,181.18	\$ 1,204.80	\$ 1,228.89
SERGEANT	\$ 1,324.74	\$ 1,405.29	\$ 1,440.56	\$ 1,476.57
DIFF \$\$\$	\$ 211.27	\$ 224.11	\$ 235.76	\$ 247.68
DIFF %%%	19%	19%	20%	20%
SERGEANT	\$ 1,324.74	\$ 1,405.29	\$ 1,440.56	\$ 1,476.57
LIEUTENANT	\$ 1,523.47	\$ 1,616.09	\$ 1,656.66	\$ 1,698.08
DIFF \$\$\$	\$ 198.72	\$ 210.81	\$ 216.10	\$ 221.50
DIFF %%%	15%	15%	15%	15%
(1) As of June 30, 2018				

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May 05, 2017

CHART # 3

Impact of Change on Longevity Years and Percentages - Sergeant																
	Year 1	Year 2 (1)	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	TOTAL
Current Employee (2)																
Salary	64,964	68,913	73,103	77,548	79,099	80,681	82,295	83,940	85,619	87,332	89,078	90,860	92,677	94,531	96,421	1,247,061
Longevity	-	-	-	-	2,373	2,420	2,469	2,518	2,569	5,240	5,345	5,452	5,561	5,672	8,678	48,296
New Hire (2) (3)																
Salary	64,964	68,913	73,103	77,548	79,099	80,681	82,295	83,940	85,619	87,332	89,078	90,860	92,677	94,531	96,421	1,247,061
Longevity	-	-	-	-	-	-	-	-	-	2,620	2,672	2,726	2,780	2,836	5,785	19,420
(1) Includes the annual step increase for Years 2 to Year 4 per the CBA.																
(2) Assumes a 2.0% COLA for presentation purposes.																
(3) Employee hired after BOS approval of CBA.																
															DIFF	28,876

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CHART # 3c

Impact of Change on Longevity Years and Percentages - Lieutenant																
	Year 1	Year 2 (1)	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	TOTAL
Current Employee (2)																
Salary	74,708	79,251	84,069	89,181	90,964	92,783	94,639	96,532	98,462	100,432	102,440	104,489	106,579	108,711	110,885	1,434,125
Longevity	-	-	-	-	2,729	2,784	2,839	2,896	2,954	6,026	6,146	6,269	6,395	6,523	9,980	55,540
New Hire (2) (3)																
Salary	74,708	79,251	84,069	89,181	90,964	92,783	94,639	96,532	98,462	100,432	102,440	104,489	106,579	108,711	110,885	1,434,125
Longevity	-	-	-	-	-	-	-	-	-	3,013	3,073	3,135	3,197	3,261	6,653	22,333
(1) Includes the annual step increase for Years 2 to Year 4 per the CBA.																
(2) Assumes a 2.0% COLA for presentation purposes.																
(3) Employee hired after BOS approval of CBA.																
															DIFF	
																33,207

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May 5, 2017