

BOARD OF SELECTMEN
Executive Session Part 1
Monday, April 24, 2017

Acting Chairman Michael L. Champoux called the meeting to order at 6:10 pm for the purpose of discussing collective bargaining strategy with the New England Police Benevolent Association Local 1 Union (Patrol 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.

Mr. Hull stated that the Town has reached a tentative agreement with the Patrol Union and wanted to discuss the provisions of the agreement with the Board.

Mr. Hull gave the Selectmen a recount of the bargaining history, since it had been several months since the Town and Union had a negotiation session.

Mr. Hull stated that the Town and the Union began negotiations in November 2015. The Town's top priorities were; 1) removal of the Union from Civil Service, 2) modifying the longevity payment schedule and 3) revise the hiring process to include an Assessment Center component.

Mr. Hull explained the Union's priorities as follows; 1) increase of night differential on a percentage basis (5% for 8pm-12am and 7% for 12am-8am), 2) Return to a Quinn educational incentive for employees hired post September 2009, 3) Increase of the detail rate to 1.5 times the highest Patrol hourly rate, 4) new 1% stipend each for Narcan and Tasers and 5) Cost of living increases of 4%, 4%, 4%.

Mr. Hull explained that in late summer / early fall of 2016, the Union filed for Arbitration with the Joint Labor Management Commission (JLMC). The JLMC is a body that convenes to hear labor contract disputes between Towns and Unions. The body is comprised of a management representative, union representative and a neutral 3rd party arbitrator. The decision of the arbitrator is binding on all parties.

Mr. Hull explained that the Town and the Union engaged in two (2) mediation sessions. Mediation sessions are required before proceeding to arbitration.

Mr. Hull stated that one of the priorities for the Union was gaining some parity between the starting pay of a Police Officer and that of a Fire Fighter. He reviewed Chart #5.

Mr. Hull reminded the Board that there had been prior conversations regarding the Patrol Union's pay not being competitive with other communities in the region. One of the repercussions of that is that there is some appeal for newer hires to laterally transfer to another community. When that occurs, according to Mr. Hull, the Town spends over \$85,000 in replacement costs including salary, overtime to cover vacancy, clothing, etc.

Selectmen McCoy asked if the Town was proposing to return to the old percentage based Quinn Bill. He stated that giving new employees something relative to education is wise to maintain quality personnel.

Mr. Hull responded that the Town was seeking to institute a flat rate of \$5,000 for an Associate's degree and \$7,500 for a Bachelor's degree. Flat rate stipends do not automatically increase like percentage based stipends do, which saves the Town over time.

Selectmen Bendel asked how this settlement compares to other Unions.

Mr. Hull reviewed Chart #1, COLA History and the Confidential Status Report.

Selectmen Caira asked if the detail rate is the same for public and private details. Chief Begonis responded that "yes" the rate is the same. Selectmen Loud asked how the detail rate compared to other towns. Chief Begonis stated that Wilmington is still lower than neighboring towns, despite the increase.

Mr. Hull reviewed Chart #3, Longevity. Selectmen Caira asked if the change to longevity applied to existing employees or if it was applicable to new hires. Mr. Hull stated the change to longevity was for new hires, as it is nearly impossible to negotiate a reduction in pay for existing staff.

The Assistant Town Manager gave a summary of the Assessment Center process. Chief Begonis commented that the Assessment Center process is a combination of behavior based performance as well as policing knowledge and knowledge of the Department's policies and procedures.

Selectmen Caira asked how this processes complied with Civil Service. Chief Begonis responded that the process is reviewed by Civil Service to ensure compliance.

Mr. Hull reviewed the change to the salary table. Selectman Caira commented that this settlement was considerably higher than others. He stated that it is appropriate to give a COLA increase or new step, but not both. Selectman Caira stated that this is a significant increase resulting in increases to clothing, shift differential, detail pay and educational incentive. He stated the Town is forgetting the previous negotiated arrangement relative to Quinn Bill which provided no educational incentive to new hires. Selectman Caira stated six (6) percent is excessive.

Mr. Hull responded that this contract does benefit officers. However, the Town cannot sustain the current pay and expect to attract and retain quality personnel.

Selectman Champoux stated that the current pay appeared to be at the low end and the Town wants well trained, educated officers who are happy working here. He stated this agreement would put the department in a better place.

Chief Begonis stated that newer officers will potentially change departments, unlike officers of the past. He asked if the Town really wants to pay at the bottom of the pay scale compared to neighboring towns. Chief Begonis gave examples of two (2) recent hires who moved on (Palmer and D'Eon) for more money. He stated his goal is to attract and maintain good staff.

Selectman Bendel asked what the Town is receiving out of this contract. Selectmen McCoy responded that the Town gets stability of staff. Selectman Caira responded that the Town already has stability.

Mr. Hull responded the Town is getting a change to the longevity payment and the institution of Assessment Centers in the hiring process. Mr. Hull further explained that there were other items that the Town rejected or modified to be less costly. He rejected the percentage based Quinn proposal, Narcan and Taser stipends and increase to Union Leave.

Selectman Caira stated that the Union should get 4% in FY2017 and nothing more. He stated the Union is getting everything and the Town nothing.

Mr. Hull stated that the "elephant in the room" is the JLMC process. If the Town rejects the tentative agreement, the Union will then continue to JLMC Arbitration and both sides lose control of the verdict. The Union will show that they are on the low end of the scale and the Town has \$18 million in free cash. An arbitrator is likely to rule in favor of the Union given those statistics.

Selectman Champoux stated that he feels like he is in a corner and that the Selectmen need to say yes, or the next step is JLMC.

Selectman Caira stated that the Town has put the Board in a box and that they did not know what was happening during negotiations. He stated the Board is getting the agreement at the end and the Town should have come to the Selectmen during negotiations.

Mr. Hull stated that once the Town and Union engaged in mediation, the process went rather quickly. The Town was very pleased with the progress made in the second mediation session. Mr. Hull stated that going forward, the Town will periodically meet in Executive Session with the Board and provide updates.

Selectman Champoux stated that the Board has no leverage in this case and it would be nice to have alternatives. He stated he would like periodic updates in the future, so the Board can provide input prior to a tentative agreement being reached.

Mr. Hull stated that going forward, he and the Assistant Town Manager will provide the Board with a presentation when negotiations with any Town Union begins. There will be periodic updates and discussion of the priorities and proposals.

Selectman Caira stated he would like the current collective bargaining agreement and the proposed language items.

Selectman McCoy stated he has all the information he needs and it is about time that the Town give the Police what they are due.

Mr. Hull stated that voting the contract in open session will be on the agenda for the May 8, 2017 meeting.

There being no further business to come before the Board, at 7:15 p.m. a motion was made by Selectman Caira, seconded by Selectman McCoy 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 roll call it was voted to adjourn executive session and enter into open session.

Respectfully Submitted,



Denise Y. Casey, Assistant Town Manager

Confidential Status Report Board of Selectmen
NEPBA, Local 1 Patrol Officers
April 24, 2017

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

A. Compensation Offer:

Fiscal Year	Authorized Base Wage Increase
FY 2017	2.0%
FY 2018	2.0%
FY 2019	2.0%

Fiscal Year	Educational Incentive Pay (post 2009 hires)	First Step Patrol Officer	Top Step Patrol Officer	Detail Pay	Uniforms and Protective Clothing	Night Shift Differential
<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 \$363/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	Increase Shoe allowance to \$175/yr Increase Cleaning allowance to \$500/yr	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	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. Specialists Pay

The positions of "photographer" and "fingerprint specialists" will be removed and the positions of "K-9 Officer", "School Resource Officer" and "Traffic Officer" will be added.

No change to the current \$850/yr stipend.

c. Assessment Centers

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

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.

2. Non-Substantive / Housekeeping Language Changes

a. Vacation

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

Salary Table Change:

NEW TABLE NO COLA FY2016							
OLD	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	
NEW		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
PATROLMEN	915.20	951.80	989.88	1,029.47	1,070.65	1,113.48	1,158.01
	47,590.19	49,493.80	51,473.55	53,532.49	55,673.79	57,900.74	60,216.77

YEAR 1 - FY2017 EFFECTIVE 7/1/16 COLA 2%						
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
PATROLMEN	970.84	1,009.67	1,050.06	1,092.06	1,135.75	1,181.18
	50,483.68	52,503.02	54,603.14	56,787.27	59,058.76	61,421.11

This document and the minutes of this meeting are not to be released until this collective bargaining settlement is reached.

CHART #1

Cost of Living Adjustment (COLA) by Contract

	AFSCME Local 1703		AFSCME Unit 2 (DPW, Professional)		NEPBA Local 101 (Dispatch)	NEPBA Local 1 (Officers) ⁽¹⁾ ⁽²⁾	NEPBA Local 13 (Supervisors) ⁽¹⁾ ⁽²⁾ ⁽³⁾	IAFF Local 1370 (Firefighters)	Non-Union (Management)
	AFSCME Local 1703, Unit 1 (Custodians)								
FY07	2.00%		2.00%		2.00%	2.25%	2.25%	2.00%	
FY08	2.50%		2.25%		2.50%	2.75%	3.25%	2.75%	
FY09	2.75%		2.50%		2.50%	2.75%	3.25%	3.00%	3.00%
FY10	0.00%		0.00%		0.00%	0.00%	0.00%	0.00%	0.00%
FY11	2.50%		2.50%		2.50%	2.50%	2.50%	2.50%	2.50%
FY12	2.50%		2.50%		2.50%	2.50%	1.00%	2.50%	2.50%
FY13	1.50%		2.00%		2.50%	2.50%	2.50%	2.50%	2.00%
FY14	1.50%		2.25%		2.50%	1.00%	0.00%	2.50%	2.25%
FY15	1.50%		2.25%		2.50%	3.00%	3.00%	2.50%	2.25%
FY16	2.25%		2.25%		2.50%	3.00%	3.00%	2.00%	2.25%
FY17	2.00%		2.00%		2.00%	2.00%	2.00%	2.25%	2.50%
FY18	2.25%		2.00%		2.00%	2.00%	2.50%	2.00%	2.00%
FY19					2.00%	2.00%	2.50%		

⁽¹⁾ Indicates a mid-year COLA increase.

⁽²⁾ *Italics* indicates negotiated and awaiting ratification or vote by Board of Selectmen.

⁽³⁾ FY2018 COLA; 2.0% effective 07/01/2017 and 0.5% effective 06/30/2018.

This is an executive session document. This document cannot be shared until bargaining is over and with approval of the Town Manager .

April 24, 2017

CHART # 3

Impact of Change on Longevity Years and Percentages

	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⁾							3%					6%			9%	
Salary	50,484	53,553	56,809	60,263	63,927	67,814	69,170	70,554	71,965	73,404	74,872	76,369	77,897	79,455	81,044	1,027,579
Longevity	-	-	-	-	1,918	2,034	2,075	2,117	2,159	4,404	4,492	4,582	4,674	4,767	7,294	40,517
New Hire ^{(2) (3)}																
Salary	50,484	53,553	56,809	60,263	63,927	67,814	69,170	70,554	71,965	73,404	74,872	76,369	77,897	79,455	81,044	1,027,579
Longevity	-	-	-	-	-	-	-	-	-	2,202	2,246	2,291	2,337	2,384	4,863	16,323
⁽¹⁾ Includes the annual step increase for Years 2 to Year 6 per the CBA.																
⁽²⁾ Assumes a 2.0% COLA for presentation purposes.																
⁽³⁾ Employee hired after BOS approval of CBA.																
															DIFF	24,194

This is an executive session document. This document cannot be shared until bargaining is over and with approval of the Town Manager.

April 24, 2017

CHART #5

Internal Equity Analysis Patrol Officer versus Fire Fighter FY2016 - FY2017

FY	Position	BASE	Ed Inc ⁽¹⁾	Clothing	Holiday	Total	DIFF:	
							Patrol:Fire	% DIFF
FY2016	2016 Patrol Officer New Hire	\$ 47,590	\$ -	\$ 463	\$ 2,013	\$ 50,067		
	2016 Firefighter ⁽²⁾ New Hire	\$ 52,992	\$ 4,500	\$ 700	\$ 2,432	\$ 60,624	\$ (10,557)	-21.09%
FY2017	2017 Patrol Officer New Hire	\$ 50,484	\$ 7,500	\$ 675	\$ 2,670	\$ 61,328		
	2017 Firefighter ⁽²⁾ New Hire	\$ 54,184	\$ 4,500	\$ 700	\$ 2,866	\$ 62,250	\$ (921)	-1.50%

⁽¹⁾ Ed Inc = Bachelor's Degree

⁽²⁾ Firefighter 1 with EMT

This is an executive session document. This document cannot be shared until bargaining is over and with approval of the Town Manager.

April 24, 2017