

**Minutes from 2/12/07 Personnel Board meeting held at the Primrose Fire Station, Providence Pike, North Smithfield, RI**

**The meeting of the North Smithfield Personnel Board commenced at 6:40pm with the following in attendance; Vice-Chair Thomas Furey, Secretary Gary Lapierre, member Renee Rapko. Town Administrator Robert Lowe, NS Town Solicitor Mark Hadden. Finance Director Jill Gemma joined us at 7:00pm. Absent were Chairwoman Sue Bernier and member Michael Naylor.**

**Agenda Item #1- Minutes from the January 8th meeting were approved with a motion from Secretary Lapierre and seconded by member Rapko. Motion passed 3-0.**

**Secretary Lapierre motioned to address items out of order since we are waiting for the Finance Director's arrival, seconded by Vice-Chair Furey. Motioned passed 3-0.**

**Agenda Item #3- Town Solicitor Hadden spoke on the powers and duties of the Personnel Board. Mr. Hadden started by referring to the Personnel Ordinance, Article I. Sec. 13-1. (a) The purpose of these rules is to implement the provisions of the Personnel ordinance and those parts of the town Charter relative to personnel administration. Mr. Hadden also read section (b) These rules may be amended in the same manner as adopted and will apply to all classified employees of the town except as otherwise specified. The rules shall not apply**

where there is conflict with a negotiated labor agreement between the town and employee organizations, or when they are not consistent with pertinent state law. Mr. Hadden did state that the Town Charter with amendments takes precedence over the Personnel section (Chapter 13) of the Ordinance and any Collective Bargaining Agreement (CBA). Secretary Lapierre questioned if there were amendments to the Personnel Ordinance and/or Town Charter and Mr. Hadden stated he thought there were. Member Rapko stated she would contact the Town Clerk and see if we can put them together for the board so we would be updated. TA Lowe agreed the charter changes or anything else should be put together for the board. Member Rapko stated she would also get a copy of the town charter that applies to the Personnel Board, and distribute them accordingly. There was much back and forth discussion relating to the Personnel Ordinance.

Mr. Hadden continued by reading the definition of Appointed officers: Those individuals appointed by the town council, school committee or town administrator who are not in the classified service and are listed in Chapter 2 of the Code. These would include all Department Heads.

Mr. Hadden also read the definition of what Classified service is: All positions or employment in the service of the town whether fulltime or parttime, temporary or permanent, existing or hereafter created, that are specifically listed in this chapter. (See the list starting on

page 983.) Mr. Hadden did state that there are some exceptions such as the fire and police dept., dept. heads and school dept. TA Lowe did question why we did not have jurisdiction for the school employees such as the custodial staff and alike. Mr. Hadden stated it might be because of a separate budget but he wasn't exactly sure.

NS Finance Director, Jill Gemma, arrived at the meeting at 7:00pm.

Member Rapko inquired about vacant town positions and how they are filled. TA Lowe stated that if they are union positions, they get posted internally first, and if no one applies internally, it gets posted outside. This is per the CBA. TA Lowe states there is a vacant position in the Highway dept. because of a recent termination. The effected employee is appealing this and it could take several months to decide the outcome. Mr. Hadden also stated that, besides the union arbitration, this case could reach the Superior Court or even the Supreme Court. TA Lowe stated that he was looking to place someone in the position that filled in when this fired employee was out on a leave-of-absence. This transfer could be temporary. TA Lowe said that he also changed the title from Highway Dispatcher to Public Works Clerk I, and added some duties. Member Rapko questioned if he could do that as it was a union position. TA Lowe stated he can and has done it before.

Member Rapko asked if we are following the correct procedure when Dept. Heads interview candidates. Mr. Hadden noted to look at the

town charter Article XIII, Section 3, (4) that relates to hiring practices. As an example, Finance Director Gemma currently picks the applicants from the resumes received and invites a member of this board to sit in on the interviews. Regarding the initial screening of resumes/applications, Member Rapko stated that the Department Head with the open position knows the requirements of the job more than the Personnel Board does as not all positions have job descriptions, which is a concern. TA Lowe stated a professional firm would create job descriptions and thought this would be happening in the near future. TA Lowe could not recall the name of the firm. After much discussion of the interview/hiring process, and to satisfy the town charter, Member Rapko suggested the following scenario: a member of the Personnel Board would attend interviews and bring the interviewed applications/resumes to the Board, who would certify a maximum of three (3) applicants. That same interviewing Board member, for the sake of continuity, would contact the Department Head with the certified list to insure that the most qualified applicants are at the top of the list. Mr. Hadden stated that this scenario would satisfy the charter. A special Board meeting might have to be called to expedite the hiring process.

Secretary Lapierre asked Finance Director Gemma if there was a section negotiated out of the union contract (highway) that applied to the Personnel Board. Ms. Gemma stated she did not remember. Member Rapko requested copies of the recently approved pay scales from TA Lowe. He stated that he would supply the Board with copies.

**Member Rapko asked if Finance Director Gemma is involved with all the hiring. TA Lowe answered Yes, she is assuming many duties for the town since we lack a formal Personnel Director. Member Rapko asked if the Town used a Disciplinary Action form. Finance Director Gemma stated there was no form but they put discipline in memo form to the employee. Regarding Grievance Procedure, TA Lowe stated the union has an official grievance form This grievance procedure is part of the CBA.**

**Secretary Lapierre asked Solicitor Hadden if we should ever use executive session especially if it involves discipline or involves law suits. Mr. Hadden stated we should. Mr. Hadden also stated Town Clerk Todd has been trying to educate the boards and commissions of proper procedures to follow. Mr. Hadden did comment that he would try to answer any legal questions we had in the future.**

**Agenda Item #2-Ms. Gemma states she deals with many different Personnel issues on a day to day basis, such as grievances, policies, discipline, union negotiations and troubleshoots problems. TA Lowe stated she is a valuable employee for the town.**

**Agenda Item #4-NO Discussion**

**Agenda Item #5-Finance Director stated she is still working on the town website so we could put the town application there.**

**Member Rapko made a motion to adjourn which was seconded by Secretary Lapierre at 8:50PM.**

**Submitted by,**

**Gary R. Lapierre**

**Secretary**

**Approved by the Personnel Board on March 12, 2007**