

PERSONNEL BOARD – TOWN OF CONCORD, MA

MEETING MINUTES

**January 19, 2021**

Location: Video Conference Call

Present from the Board: Ellen Quackenbush (Chair), Nancy Crowley, Bill Mrachek, Jim Richardson

Others Present: Stephen Crane, Town Manager; Amy Foley, Human Resources Director; Stephanie Oliver, Assistant Human Resources Director; Susan Bates, Select Board Liaison; Chris Carmody, Administrative Manager (Zoom Administrator); Mark Howell, Citizen

**1. Call to Order**

Ms. Quackenbush called the meeting to order at 5:03 p.m. and took the Roll Call of Board members present:

Nancy Crowley: here; Jim Richardson: here; Bill Mrachek: present;  
(Jim Richardson was not present at the Roll Call, but joined later)

**2. Review of Remote Meeting Procedures**

Ms. Quackenbush acknowledged that procedures for conducting virtual board meetings were included in the meeting packet.

**3. Approval of Minutes**

December 1, 2020

Ms. Quackenbush presented the minutes for the December 1, 2020 Personnel Board meeting.

**Mr. Mrachek made a motion to accept the minutes of the December 1, 2020 Personnel Board meeting as written.** Ms. Crowley seconded the motion. There was no further discussion.

- Roll Call Vote  
Nancy Crowley: yes; Bill Mrachek: yes; Ellen Quackenbush: yes

December 8, 2020

Ms. Quackenbush presented the minutes for the December 1, 2020 Personnel Board meeting.

**Ms. Crowley made a motion to accept the minutes of the December 8, 2020 Personnel Board meeting as written.** Mr. Mrachek seconded the motion. There was no further discussion.

- Roll Call Vote  
Nancy Crowley: yes; Bill Mrachek: yes; Ellen Quackenbush: yes

### **3. Personnel Board/Personnel Bylaw Structure Review**

Ms. Quackenbush introduced the document “Proposal to Study the Roles and Authority of the Town’s Personnel Board.” She explained that the purpose of the study would be to evaluate and make recommendations on the roles/authority of the Personnel Board in supporting several key objectives, including providing a fair and equitable classification and compensation plan, ensuring efficient use of key resources, recruiting/retaining high quality employees, accountability, and transparency and a grievance process for non-union employees. Ms. Quackenbush asked for comments.

Mr. Mrachek said that input from the Town Manager would be key in determining goals for the Personnel Board function. In his view, recruitment/retention should be a function of the Human Resources (HR) Department and he does not see how the Personnel Board can provide meaningful input in those areas. Ms. Foley commented that the language about recruiting/retaining quality employees has been used in the context of supporting classification and compensation plan updates in presentations at Town Meeting. To date, the Personnel Board has not had a role in recruitment/retention, other than approving classification and compensation plans and certain benefit provisions in the Bylaw. Ms. Foley said that she is willing to explore what the Board’s role could be, but the challenge would be how to provide enough information to Board members. Ms. Foley said that this area currently falls under the Town Manager’s authority, so he would need to approve the Board’s involvement. Ms. Crowley commented that she believes recruitment and retention should be a function of the HR Department and management, not the Personnel Board. As for transparency and grievance issues, Ms. Crowley said that she recalls being involved in a grievance in the past, but is not sure those issues are appropriate roles for the Board. She agreed that input should be sought from the Town Manager and HR Director about how the Board could be helpful.

Ms. Quackenbush clarified that she was not suggesting that the Personnel Board would perform these functions, but that the Board would help to ensure that these objectives are met in the most efficient way. Mr. Mrachek said that the listed objectives all tie in to an equitable classification and compensation plan. Ms. Foley confirmed that when these objectives were discussed in the past it was in the context of talking about the classification and compensation plan. She added that a study could be used to consider whether the Personnel Board’s role needs to change in order to achieve those goals for the Personnel Bylaw; separately, there is also the question of whether a study should be done to identify a new role for the Personnel Board. Ms. Foley said that questions about transparency have come up in the past when there was discussion about changing authority for classification and compensation or other aspects of the Bylaw. During such presentations, citizens inquired how they would learn of such details if not addressed in Town Meeting. The response has been that there are other ways to provide transparency, such as posting on the Town’s website, or through the budget process. It would be difficult, however, to be transparent on some issues like reasons for employee turnover because of privacy issues.

Ms. Quackenbush replied that she was not suggesting that the Personnel Board own these objectives, but rather that the Board would make recommendations on how to achieve them. A discussion followed about whether the proposed objectives represent an appropriate role for the Personnel Board relative to the HR function. Mr. Richardson commented that he is not in favor of an oversight Board to HR. Ms. Crowley noted that she finds personnel matters interesting and is willing to be involved if there is a way the Board can help, but she understands the privacy and legal concerns. Ms. Crowley said she feels the Personnel Board is not the human resource committee, so she is confused about whether the Board has any business being involved in certain things, like grievances. She asked Ms. Foley to speak to

that. Ms. Foley replied that the Town cannot share information about confidential employee matters; however, an employee may raise private matters with the Board via an appeal. Ms. Foley noted that appeals are infrequent and, in the last few decades, have only been cases involving involuntary terminations. Ms. Foley said that she does think an appeals process is needed, but is not sure if it should be a role of the Personnel Board. Personnel Board members have not typically had familiarity with employment law or HR matters, so legal questions could arise. Ms. Quackenbush reiterated that she did not intend for the objectives to be owned by the Personnel Board and asked if language in the proposal should be adjusted to make it more clear that they represent areas of concern from citizens for which the Personnel Board would make recommendations. Ms. Foley suggested that it may be easier to define a study after going through the details of each topic area in order to determine what additional information may be needed. Ms. Quackenbush said that is a possible approach, but also sees value in first taking a big picture look at possible roles of HR, and then deciding which should be assigned to the HR Department, Town Manager, and Personnel Board.

Ms. Quackenbush went over the Research section of the document, which proposes that the Board look at what comparable towns are doing relative to Personnel Board matters, and then engage a consultant to provide recommendations on best practices. Ms. Quackenbush was concerned that it may be too restrictive if the Board went through each item individually, and that she would prefer to have a study to identify best practices and what activities the Board should start and stop. She asked for the Board's input. Mr. Mrachek commented that he did not see the value-add of a study; however, if the Town Manager and Select Board are interested in knowing what other towns are doing and believes gathering information of best practices is a good expenditure of money at this time, then he would support it. Mr. Richardson agreed with Mr. Mrachek and added that the proposed study seems it would be driving the agenda for HR, and may be contrary to what the Town needs or wants. Ms. Crowley also agreed that direction is needed from the Town Manager and HR Director; she wonders if the Board is making too much out of what the Board should do going forward.

Ms. Quackenbush asked what the Board thought the role of the Select Board should be in determining whether a study is conducted. Mr. Mrachek replied that he thinks the Select Board provides oversight on how money is spent, but unless the Town Manager and HR Director really support spending this money based on an identified need, the study does not add any value. Ms. Quackenbush asked for clarification on who would approve a budget line item for a study. Mr. Crane provided an overview of the budget process and explained that a proposal from the Personnel Board would need to be presented to the HR Director for inclusion in the HR Department's budget request, which the Town Manager considers when developing his proposed overall budget. The Chief Financial Officer and Town Manager discuss the recommended budget with the Select Board and Finance Committee, and then it moves on to the Town Meeting Warrant. Mr. Crane noted his appreciation of the Board's discussion of whether this is the time to do a study.

Ms. Quackenbush asked Mr. Crane for his thoughts on whether/how the Personnel Board should be involved in areas other than classification and compensation. Mr. Crane agreed that the classification and compensation role is no longer relevant. He noted the legal, policy, and liability issues with involving a board of volunteers in personnel matters because decisions often include analysis of situations and past cases that cannot be discussed in a public forum. Regarding employee grievances, he said there are outside avenues, such as arbitration or judicial methods, where employees who have been wronged can seek resolution; he noted most are settled there anyway. Mr. Crane explained that the Select Board does not have a primary role in personnel under the Charter; that authority is with the Town Manager, but the Select Board is responsible for holding the Town Manager accountable for legal,

clear and consistent results. He said he thinks that the Bylaw should be modified to transfer authority for approving the classification and compensation plan to the Town administration, and that since the Charter says there has to be a Personnel Board, perhaps the new role could be advisory to the Town Manager. Mr. Crane presented a scenario where the HR Director and Town Manager would present strategies and program ideas to the Board for their input, on topics such as Diversity, Equity & Inclusion or workplace flexibility, for example.

A discussion followed about whether the Personnel Board should be involved with Town policies that impact employees. Ms. Quackenbush clarified that she was not suggesting that individual personnel matters be made public, but she thinks citizens want to be able to weigh in on policies. Mr. Crane responded that he respects the involvement of citizens, but that there is a certain level of complexity and liability with personnel administration and every decision, including policy and hiring decisions, is tied to a wide variety of personnel matters and operational considerations; therefore, Personnel Board involvement in policy decisions might be inefficient and counter-productive. Further, Personnel Board involvement may be contrary to the roles and responsibilities outlined in the Town Charter, which cannot be set aside due to preference of some citizens to have a greater role in personnel. Mr. Crane believes it is up to Town Manager and Select Board to listen to the community, and for the Town Manager to make decisions in keeping with the Select Board's goals for the community.

Ms. Quackenbush suggested that this might be the time to create a vision that acknowledges the voice of Concord, and that having a listening post would make the Town Manager's job easier. Mr. Crane acknowledged that listening is a big part of his job and noted that he is always listening. However, the level of complexity and liability with personnel policy means that there may be reasons the Town needs to go in a different direction than what is expressed by the community, and the Town often can't be fully transparent about why.

Ms. Quackenbush acknowledged that citizens cannot weigh in on risks, and mitigation of risks, but she feels the Board might weigh-in on topics such as work-life balance and workforce strategy; she feels the Town Manager could consider citizen input when constructing the overall compensation and work environment for future employees. Mr. Mrachek commented that he respectfully disagrees with Ms. Quackenbush. He said it sounds like the Town Manager would welcome a citizen group to advise on specific topics related to HR. Mr. Mrachek believes that a citizen committee should not have the ability to unnecessarily influence the administration of the Town's human capital. He thinks the Board needs to be driven by what the Town Manager is looking to accomplish related to human capital, and the Board should only be there to provide advisory external input and feedback. Ms. Quackenbush said she was interested in determining why employees come to work for Concord, particularly young people, and how compensation and other factors of the work environment could be adjusted to attract employees. Mr. Crane replied that he thinks there is a space for getting input like that from citizens, but that the conversation should be initiated by administration based on specific problems that are identified.

Mr. Richardson commented that he agreed that Personnel Board's role should not be to determine the agenda. Ms. Quackenbush said that the consensus seemed to be that the Town Manager and HR Director should suggest ideas for the Personnel Board to address, rather than the reverse. Ms. Crowley confirmed that her preference would be for the HR Director and Town Manager to put together their expectations for the Personnel Board.

Ms. Quackenbush opened the discussion to the public. Mark Howell introduced himself as a Concord resident for over 20 years, who has served on the Finance Committee and as a former Town Department Head (Chief Information Officer). Mr. Howell said that he believes the best ideas the Town has implemented have come from citizens, and that municipal governments are not likely to change or take new action unless there is some outside force, so the impetus for change needs to come from citizens. Mr. Howell agreed that the administration of salary plans is not a good use of citizens' time, but thinks that policy questions should be considered by citizens because policies should reflect the values of the community. He encouraged the Personnel Board to engage with the Select Board about citizens' expectations. Susan Bates commented that she thinks the Personnel Board differs from other boards and committees because of the issue of employee rights. She said she finds it hard to understand how a citizen group could affect policy without serious input from the HR Director and Town Manager, and said that she supports the direction in which the Personnel Board appears to be moving.

Ms. Quackenbush commented that there is a clear consensus that the Personnel Board's transactional function is inefficient, but the question remains about other possible roles. She suggested that the Board continue the conversation at its next meeting as far as next steps, and said she would send an email with questions for consideration. Ms. Foley noted that the Select Board could administratively assign duties to the Personnel Board. Therefore, Ms. Foley wondered if any new role identified for the Personnel Board would need to be addressed by a Bylaw change that goes through Town Meeting, or through a Select Board charge. If not through the Bylaw, she wondered if there is any reason to not move forward with something at Town Meeting to address identified goals. She asked the Board members and Mr. Howell for their thoughts. Mr. Howell replied that he thinks the removal of some of the administrative responsibility already discussed should be addressed in a Bylaw change. He added that he does not think that the Bylaw should limit the Personnel Board's role to be completely advisory, because that would not provide citizen oversight. He suggested that perhaps Town policies related to employment should be approved by the Personnel Board—the Board would not define the policies, but would provide oversight in order to protect citizen and employee interests. Ms. Quackenbush asked the Board members to email their thoughts on what the roles of the Personnel Board should be before the next meeting on January 26<sup>th</sup>. She added that she thinks a data-driven study would be very helpful, but would like the Board members' opinions.

Ms. Quackenbush asked if there were other topics for discussion. Ms. Foley asked if there were any questions or comments on the proposal tracking chart, but it was determined that the discussion would wait until next meeting.

**Mr. Mrachek made a motion to adjourn.** Ms. Crowley seconded the motion.

➤ Roll Call Vote: Ms. Crowley: aye; Mr. Richardson: aye; Mr. Mrachek: aye; Ms. Quackenbush: aye.

The meeting was adjourned at 6:26 pm.

**Documents Used or Referenced at the Meeting:0**

- Chair's Guide for Remote Meeting Procedures
- Draft minutes of 12/1/2020 & 12/8/2020 Personnel Board meetings
- Proposal to Study the Roles and Authority of the Town's Personnel Board

Respectfully submitted by Stephanie Oliver

Minutes approved 1/26/2021