

PERSONNEL BOARD – TOWN OF CONCORD, MA

MEETING MINUTES

January 26, 2021

Location: Video Conference Call

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

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 5:01 p.m. and took the Roll Call of Board members present:

Nancy Crowley: present; Bill Mrachek: present; Ellen Quackenbush: present

2. Approval of Minutes

January 19, 2021

Ms. Quackenbush presented the draft minutes for the January 19, 2021 Personnel Board meeting.

Mr. Mrachek made a motion to accept the minutes of the January 19, 2021 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

3. Personnel Board/Personnel Bylaw Structure Review

Ms. Quackenbush acknowledged that the Board had had several discussions on this topic in past meetings, and suggested that each Board member share their thoughts. She said that she fully supports proposing a revised Article 6 for the June 2021 Town Meeting, which would change the Bylaw to move responsibility for the classification and compensation plan to the Human Resources (HR) Director and Town Manager. Ms. Quackenbush said that she feels this change is long overdue, and especially important post-COVID in order to use Ms. Foley's time more efficiently. She said that the reason she had been pushing for the study is that she had been told that the Town's budget would close sometime in February, meaning that if the Board wanted to secure funding for a study, they would need to propose it now. Ms. Quackenbush said that she does not think that proposing a study is the same as actually doing the study, but her personal belief is that it would be an essential component of a revised Article 6. She said that her view is that the Personnel Board should be a citizen board to provide oversight in governance and complement professional staff, and made an analogy to the Town's

Planning Board and Town Planner. Ms. Quackenbush invited other board members to share their thoughts. Mr. Mrachek shared some thoughts from an email he had sent to Ms. Quackenbush earlier that day in response to her request at the 1/19/21 meeting for Board members to provide three roles for the Personnel Board. Mr. Mrachek said he felt he would need more conversation and information in order to be more specific. Further, Mr. Mrachek said: 1) he believes the Personnel Board should not have involvement in operational or transactional decisions, and should serve only in advisory capacity at the bequest the Town Manager or HR Director; 2) he thinks that the Personnel Board should not initiate anything without the knowledge of the Town Manager or HR Director; 3) he would like to have a conversation on defining what is meant by transparency and the audience that transparency is meant to represent (referring to Mark Howell's comments at the 1/19/21 meeting); 4) continued dialogue with Town Manager and the HR Director is necessary for him to more fully understand the Personnel Board's future; 5) he believes conversations with other communities/towns that have Personnel Boards may give further insight, and is open to developing a set of interview questions and conducting target interviews that the Personnel Board would initiate without any additional cost and, 6) he believes the Board's name should be changed to express its new mission and vision.

Ms. Quackenbush asked for other comments. Ms. Crowley said that she is not sure what the Board should be doing as far as new roles. She said she would like to know what roles could really make a difference to the Town, but expressed concern about getting into areas that should be the responsibility of the HR Department. She said that it would be helpful to know, without going in to great detail or spending a lot of money, what other Personnel Boards do. Ms. Quackenbush asked for Mr. Crane's and Ms. Foley's thoughts.

Ms. Foley said that she had been giving this subject a lot of thought over the years and also particularly intensively over the last several weeks. She said that her understanding is that the Personnel Board was set up in accordance with two laws: one that gave the Town the ability to bring classification and compensation plans to Town Meeting to provide oversight, and another section of law that allows the Town to create a Personnel Bylaw, which includes classification and compensation, and gives the Personnel Board administrative authority for it. She said she has heard for years that Board members do not want to be involved in the classification and compensation plan, but pointed out that it is the business they are in. So, she said, the number one thing the Board could do to help would be to address that issue.

As for a future role for the Personnel Board, Ms. Foley said she thinks it would be helpful to be able to pull resources from the community to assist with particular projects, such as diversity initiatives or marketing materials for benefits or recruiting. She added that while she values citizen input, she is struggling to see what an ongoing future role of the Personnel Board would be. If there is a role, Ms. Foley thinks it should be advisory, but even if so, the amount of time to talk about reasons that go into decisions, and the limits on what can be discussed in public meetings make it difficult. For example, she has found it difficult to speak with the Board on certain topics without impacting union bargaining strategy, or without disclosing confidential personal matters that influence decisions or workplace culture. She said that she thinks the Personnel Board should first focus on, and resolve, what their role and the Town Meeting's role should be in the Personnel Bylaw and the Classification and Compensation plan. Once that is resolved, the Board can focus on new initiatives when identified. Ms. Foley also mentioned that she has heard comments about needing citizen input on HR issues, but that she is not sure how to come up with a solution if a problem has not been identified. If there is a need that the Select Board or Town Manager has heard from citizens, Ms. Foley asked that it be put on the table.

Ms. Quackenbush asked for Mr. Crane's thoughts, and he said that he supports everything Ms. Foley said. He added that in his opinion, the bylaw amendment that had been proposed encapsulates what Ms. Foley laid out. Ms. Quackenbush asked for other thoughts. Ms. Bates said that she thinks the discussion at the last meeting was interesting because three of the four members seemed to be on the same page as far as the Board being advisory and working in partnership with the Town Manager and HR Director. She said that she supports proposing a change to the Bylaw. She said that it will not be interesting for people (to be on the Board) if they feel that they are not contributing or adding value, and added that citizen input can happen in other ways, such as through the Select Board or Town Manager. Ms. Bates said that she likes the idea of a smaller committee that's advisory to the Town Manager and works on specific projects. Regarding the example of diversity initiatives, she said that the school department has been doing a lot of work on this and there may be an opportunity for collaboration.

Ms. Quackenbush asked for citizen input. Mr. Howell said that he would encourage the Board to look a little deeper. He said that the diversity initiative is a good example, because he thinks that Town staff will respond to goals set by the Select Board, but that the Select Board is too small and too busy to drive workforce goals related to things like diversity or what policy changes might be necessary to attract and retain high quality employees. He added that Town staff will generally not have the impetus to drive such goals on their own, unless they are responding to citizen initiatives. Mr. Howell said that the Select Board should be asking the Personnel Board to think more deeply about the workforce goals that the Town is looking to achieve as a community, and that citizens should be more vocal about what is important to them, and consider how they can support and encourage Town staff to achieve those goals.

Ms. Escobedo commented that there seemed to be a desire to learn what other towns are doing with their Personnel Boards, and asked if there was a reason that outreach had not been done. Ms. Quackenbush said the Board has considered doing a study, and that her understanding was that it would have to be presented for budget approval. She added that she, personally, would like to know not only what other towns do currently, but what they might do in the future. Mr. Mrachek responded that he would support a Personnel Board-led study of 5-10 towns and the development of an interview questionnaire, all of which could be done without spending any of the Town's money. Ms. Quackenbush agreed that the Personnel Board could do preliminary research, and then perhaps bring in a consultant. Mr. Mrachek said that after initial phase of preliminary research, the Board should evaluate the information gathered and determine if a phase two is needed, such as engaging a consultant.

Mr. Crane commented that he did not think the Board would find many communities with both a Personnel Board and a strong Town Manager form of government, and that even if the information is found, he is not sure how transferrable it would be. Mr. Crane said that he appreciates Mr. Howell's comments regarding citizen engagement, and echoed Ms. Bates' comments that there are many ways for citizens to provide input besides the Personnel Board. He noted that the community sets expectation through a wide variety of forums and that the Select Board is responsible for representing that vision, setting goals and policies accordingly. The Town Manager also sets goals and policies related to management of the organization in furtherance of the community's vision. Mr. Crane said that there already is citizen engagement wired throughout all of this governance. His observation is that everyone agrees that the Personnel Board is in a business they should not be in, and that disconnect should be addressed. He added that it is a destabilized time right now, especially for this organization. Therefore, while he supports an open dialogue going forward, he suggested that the Board focus on the one

administrative structural problem that is known to be an issue right now: the Classification and Compensation plan.

Ms. Quackenbush agreed, but said she thinks there are some issues about governance. She made a comparison to the Town's Planning Board that works with professional Town staff and has decision making authority. Mr. Crane responded that he feels the Planning Board and ZBA analogy is not apropos because they get their authority from established laws and regulations. There are very specific requirements in terms of what they are required to review, how they make decisions, and how they publicize those decisions. He said that there is no such structure for personnel matters and probably should not be because of privacy issues and the potential for liability. Mr. Crane feels that the principles behind having citizen engagement via a Planning Board do not apply to all arrangements; in determining forms of citizen engagement, the Town needs to consider the subject matter and who is best to manage that. He noted that there was a decision in the 1950s to centralize most of the authority for personnel matters under the Town Manager, and that makes sense given privacy and other factors. He added that citizen engagement and feedback happens every day, and that will continue whether or not there is a Personnel Board. Ms. Quackenbush clarified that she was sharing her opinion and not representing the Board.

Ms. Quackenbush asked if a motion is needed to move forward with Article 6. Mr. Mracek responded that he would like to simplify the discussion because everyone seems to agree, but the conversation goes in circles. He would like to keep the focus on Article 6, but expressed an interest in going further by eliminating the Personnel Board. Subsequently, if it is determined we need a board for a new purpose, it should be called something else. Ms. Quackenbush noted that Article 6 would not eliminate the Personnel Board, just its classification and compensation responsibility. Ms. Foley clarified the issue is really about the entire Personnel Bylaw—not just about the Classification and Compensation Plan. She said that the Personnel Board is specifically listed in the Town Charter, and that the legal opinion in the past has been that the Town could not eliminate the Personnel Board without a charter change. Ms. Foley said that personnel boards have authority under Massachusetts general law, under which a town can create a board and assign to them responsibility for administering a personnel bylaw, including classification and compensation. She noted that some ideas expressed about what Concord's Board might do going forward are not consistent with the general law. Ms. Foley said that she has informally surveyed other towns in the past, and that her sense was that most of the towns that have Personnel Boards have given them an advisory role. She added that she has seen studies that have recommended either that personnel boards be advisory only, or at least not be involved with the kinds of potential roles being discussed. She added that towns are very busy with everything going on in the world right now, and that while she would be happy to send out a general inquiry or a few questions, the Board would need to be clear on priorities and respectful of people's time. Ms. Quackenbush responded that she understood that, but that her impression was that if the Board is ever going to do a study, they need to get it in the budget now, and then could decide whether to act on it later. Ms. Crowley said that she thinks the Board should at least move forward with Article 6, and then consider other issues once that is done. Ms. Quackenbush asked Amy to clarify budget timing. Ms. Foley responded that now is budget planning time, but that does not necessarily mean it is the only time funding can be identified. That being said, Ms. Foley expressed that the Board would need to be very clear on why a study should be a funding priority. Mr. Crane commented that it did not seem that the majority of the Board wants to move forward with a request for a budget appropriation at this time, and that holding off on that for now does not foreclose any future initiative. Ms. Quackenbush asked for a motion regarding Article 6.

Ms. Crowley made a motion to move forward with Article 6 of the 2020 Town Meeting Warrant for the 2021 Town Meeting. Mr. Mrachek seconded the motion.

➤ Roll Call Vote

Nancy Crowley: yes; William Mrachek: yes; Ellen Quackenbush: yes.

Ms. Quackenbush asked if a motion was needed regarding the study, and Mr. Mrachek and Ms. Crowley both said no. Ms. Quackenbush asked if there were any other topics the board would like to discuss. Mr. Crane commented that the Board should discuss the Town Meeting presentation for the warrant article at a future meeting.

4. Town Meeting 2021

The Board discussed the presentation that was prepared last year for the proposed Article 6. Ms. Foley commented that some questions arose at last year's public hearing, and she suggested that the Board consider those questions and be prepared to respond. Mr. Mrachek commented that the Board should think about perspectives like those expressed earlier in the meeting by Mark Howell. Ms. Quackenbush expressed concern that Mr. Mrachek was speaking on Mr. Howell's behalf and a brief discussion followed. Ms. Quackenbush feels the Board needs to be very cognizant of pros, cons, and what citizens might say; she noted that she has heard concerns from many and she feels the Board needs to be very thoughtful about responses. Ms. Crowley suggested that at the next meeting, the Board review what questions were asked about Article 6 in the past, and anticipate what questions might be asked this time, such as what do other personnel boards do?

Mr. Crane commented that the issue of the warrant article continues to get conflated with the discussion of the future role of the Board. He suggested that the Board focus on the warrant article. If questions are raised about the future role of the Personnel Board, Mr. Crane suggested that the response be that it is not the time to take action beyond Article 6, but the Board will continue to work to determine the future for the Personnel Board. Ms. Quackenbush reiterated that her concern was about missing a funding opportunity for the study. Mr. Crane responded that the budget is going to be particularly tight this year and that funding a study like this would likely mean cutting funding from somewhere else; he doesn't think funds for a study are likely this year. Ms. Quackenbush said that she thinks the Board could do this research as individuals without needing Town funds.

Ms. Foley asked that the Board look at Article 6 to make sure the language matches the Board's intent, and consider questions and comments that they have heard from citizens. Ms. Foley said that she is willing to help with the presentation, but that timing is tight and there are many other priorities. There was a discussion to clarify that the article would be moving forward as written. Ms. Foley reviewed the Town Meeting 2021 schedule, which was included in the meeting agenda. She mentioned that the first deadline is February 17th, which is to request to be included in preview meeting agenda. Ms. Foley reviewed the Draft Proposal Tracking Chart and pointed out that the Board needs to be ready to explain details such as why they are proposing to reduce the Board from five members to 3 and why they want to get out of administering the classification and compensation plan. Ms. Quackenbush said that the Board needs to think about why we believe these roles should change, and Ms. Foley added that the Board need to be able to respond to citizen comments. Ms. Quackenbush said that she worries that they will get questions about the future role of the Board if they do not provide an explanation of what the Board will be doing. Ms. Foley responded that the Board may want to think about recommending that the next role for a future Human Resources committee/board should be defined by a Select Board charge, rather than being set in the bylaw. There was no further discussion.

5. Future Meeting Schedule

Ms. Quackenbush asked Ms. Foley to coordinate timing for next meeting. Ms. Foley asked the Board to consider Town Meeting timelines, and the Board agreed to meet in the first or second week of February.

6. Adjournment

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

- Roll Call Vote: Mr. Mrachek: yes; Ms. Crowley: yes; Ms. Quackenbush: yes.

The meeting was adjourned at 6:22 pm.

Documents Used or Referenced at the Meeting:

- Draft minutes of 1/19/21 Personnel Board meeting
- Draft Proposal Tracking Chart
- Article 6 of 2020 Town Meeting Warrant (from Finance Committee Report)

Respectfully submitted by Stephanie Oliver

Minutes approved 3/23/2021