



TOWN OF CONCORD PERSONNEL BOARD Minutes
Wednesday, March 22, 2023 5:15 p.m.

Select Board's Room, Town House & Zoom Video Conference

<https://us02web.zoom.us/j/87635536103?pwd=Zk9FODViNjZlTmZCbHBjdHRpdmcvdz09>

Dial: 833 548 0282 US Toll-free

Meeting ID: 876 3553 6103

Passcode: 456330

Board Attendees: Nancy Crowley, Bill Mrachek (Cochair), Liz Cobbs (Cochair), Joe Emerick, Kate Ryan (all in person)

Other In-Person Attendees: Joellen Cademartori (GovHR Consultant), Amy Foley (HR Director)

Other On-Line Attendees: Kerry Lafleur (Town Manager), Terri Ackerman (Select Board Liaison), Mary Jacobs (GovHR), Kaari Tari (Town Employee), Walter Latta (Town Employee), Pamela Cady (Town Employee), Anita Tekle, and Ned Perry (Citizens)

1. **Call to Order**

Bill Mrachek called the meeting to order at 5:17pm. All members of the Personnel Board in attendance.

2. **Approval of Minutes**

- a **January 4th** meeting minutes: approve with addition of the list of materials to be added at the end of the minutes.
 - i Nancy: I motion to approve these minutes, with added list of documents that were provided at the meeting. Joe: I second the motion.
 - ii Approval by all.
- b **March 8:** Joe moves to approve the minutes with the list of additions that Amy Foley recommended, listing materials at the end of the minutes. Items include: add the list of members present (in person or on line), list of documents that were provided to the Board for that meeting.
 - i Joe made a motion to approve, subject to the additions, Nancy seconded.
 - ii Unanimous vote to approve.

3. **Classification & Compensation Study / ATM Articles 5 & 6**

- **GovHR: Presentation of Final Draft Report with Class & Comp Recommendations**
 - o Joellen Cademartori: You have the full report; the narrative follows the presentation from the last meeting. You have all of the detail now, but we still will keep this as "Final Draft".
 - o The reconsideration process went forward also and most of the requests have been addressed. Some requests have come in after the original due date, but we are working to accommodate these issues. This process is important when there is a study of this size.
 - o 2/21 Presentation to the employees of the town.

- o Grades and Ranges were put together in a way that incorporated internal equity (positions that are similar graded based on internal assessments were put in the same grades) and the compensation piece is finalized after doing a comparison with what we could see on the market, comparable communities. The internal equity also relates to pay equity under the Massachusetts Equal Pay Act, so that those positions that are allocated to the same grade, will fall within the same pay ranges.
- o Reconsideration requests included requests to look at the title change, don't like the grade level, don't agree with the range a position was put in.
 - 55 requests have been received out of 170 people: there were three lines of inquiry: titles were not accepted; grades were not accepted (employees felt they should have been in a higher grade); the third was "I don't like the compensation range". We responded as follows;
 1. Added a grade – moved from 17 to 18 grades (impacted 3 positions)
 2. Increased the % of the pay range (from 35% to 40%) to accommodate the concerns that individuals would be impacted by more limited range.
- These two actions eliminated the majority of the concerns from Town Employees. Additional Concerns included:
 - For those who did not agree with their classification: 14 people were affected. We changed 14 positions re: their classification. That does not mean that their grade necessarily changed, but their range was addressed. Not everyone's grade was changes as we felt they were set correctly.
 - 2 people wanted titles not to change. Adjusted to accommodate.
 - 5 people are looking for a different grade for their role. This leads to a process of review, where managers, HR, Town Manager will be able to look at specific cases, but still use the classification plan that we have outlined. So there is flexibility within the plan as it now stands.
 - The C&C Plan does allow you to look at any changes even after Town Meeting, but the Plan should stand as the foundation of the decisions on Classification and Compensation going forward.

We still have work to do on benefits. That work is outstanding, and we'll get to that next. We put that aside so that we could focus on this work and go forward with it.

Amy: Employees were contacted again to confirm that they are satisfied. We sent out emails to confirm whether or not their issue was resolved.

- 15 people were part of the original request. They are without a recommendation to change based on their request. They are still looking for more information and we've not closed out these reconsideration requests.
- 7 people are not comfortable with the recommendations as they now stand and asked for additional follow up.
- So a total of 22 people have asked for more follow-up. Especially in technical positions. We continue to investigate and engage these employees.

Bill: Am I to understand that they will be responded to in a reasonable timeline. Will they be managed before the Town Meeting? I guess I'm hearing that the commitment is within 45 days their concerns will be addressed. I'd like to understand the timeline.

Amy: we're generally looking to accommodate the requests within 30 days.

Joe: I raised this as the last meeting, but I'm still concerned regarding the Internal Equity piece esp. as related to gender spread across the ranges? Is this possible to manage prior to the Town Meeting? Or, does this kind of issue go into a parking lot to make sure that we are addressing these issues in a reasonable way prior to the Town Meeting?

Bill: Important to identify what Joe is saying---to outline in the minutes what needs to be done --the Parking Lot of issues that require resolution, in a timely manner. It is good to articulate in the Minutes that we as a Board have expressed our intention and our recommendation before the Town Meeting to address the "Parking Lot" Issues in the next steps. This point is important to capture in the Minutes of this meeting.

Nancy: I would like to understand **if there** was there overlap with the 5 people that came before the Personnel Board last summer? Have these 5 people expressed concern with the new C & C Plan? That would also be important.

Amy: No I don't think so. There may have been one, but it was easily resolved.

Liz: I agree with Joe that to outline a set of Parking Lot issues with a time frame for resolution. I would like us here to articulate what the issues are for the Town (not GovHR but the Town)

PARKING LOT ISSUES:

Joe: Before July 1 when the new salaries are confirmed and go forward, I'd like to see where we are from a gender perspective within the ranges before that deadline. Not just the grade and salary ranges, but the actual salary decisions.

Note: Salary decisions would occur after Town Meeting, once the budget is understood (and adopted).

Amy: An official audit under equal pay act --that is a lot more work. How each employee is placed in the new Classification and Compensation plan is work that is done after Town Meeting. In terms of the

Liz: What is the range between an audit vs. a spot check? How do we capture as an action item?

Joe: After Town meeting, how is the new C&C applied? Does everyone simply get the same % salary increase?

Amy: After Town Meeting, there is an implementation plan put forward that adheres to the budget that is accepted at Town Meeting.

Joe: If you end up finding gender equity disparities prior to the July 1st implementation, it seems to me that you will require data to understand that pretty quickly after Town Meeting and you will require budget to be available to rectify these issues. If we are going to manage such a process, then we'd need to have the data 4-6 weeks in advance.

Kate: It seems that an audit could not be done until after July 1st.

Joe: I was thinking that before you allocate salary increases on July 1, you would need to address any gender equity concerns.

Amy: We have done reviews in the past, to understand issues such as title, years of service, pay range, in the context of what we can afford. Sometimes we've taken a multi-year approach to balancing these issues. Going forward, it's important that we also consider gender equity in a longer-term analysis.

Kate: The plan that we have now, it was done blindly—based on the job descriptions and not the individuals in the role. From this perspective, we are in compliance with the Mass Equal Pay Law.

Amy; but how people are paid within the ranges is an important issue.

Bill: To summarize.

- The issue of internal equity in terms of the system (done by GovHR). But the second piece—how are the employees affected by the implementation of the plan will also be important.
- (Joe): Gove HR's plan is well laid out and equitable. The second part, where do people fall in the system—it's important to do that.
- It is recommended by the State that we should do a review (audit?) every three years.

Liz; if I understand correctly, the Plan is acceptable, but how we implement the plan is a different issue.

Joe: The plan—how grades are assessed, etc. is well laid out. But the work to assess how the actual people are put into those roles will require a look to ensure that it is done on an equitable basis and that there are no gaps that leave the Town exposed.

Liz: Is this something that the Town does annually: in the process of the annual review of individuals and new hiring, is it a normal "spot audit" in the annual assessment so that we are clear that gender equity is in compliance with the Mass Equity pay act?

Amy: We do need to look at people's pay now as we implement the new plan to ensure that we are applying equitably across our employees. But this is a recommendation of the Mass state law.

Liz: While I am sure that there is concern taken by you, Amy and the HR department to address these issues. But I take Joe's point that as we look to implement this new C & C Plan, there is an opportunity to step up and be sure that we've addressed the gender equity questions that Joe has raised.

Amy: I agree, but I'm concerned with timing. We don't know how this needs to progress; is it done under counsel—where we have privileged information? While it would be good to go to this work in the next phase in terms of how we go forward with this work, it's not so easy to get it done by July 1st.

Joe: Joellen, do other towns do this kind of work?

Joellen It's not conversations that I've been privy to after the C&C plans are provided

Bill: shall we set up a process, with steps to go forward –Because we do want to understand that this issue will be addressed. I'm worried that if we don't put something down then it may not get addressed.

Liz: Shall we set up a process to understand the steps that are necessary—and shall we put a timeframe on it? If the audit that is not possible by July 1, then perhaps we set up a time frame within which it could be feasible to get this kind of work done?

Kate: I don't think that this is the Personnel Board remit, is it? I think it falls under the Town Manager and the HR Director. We should not be driving the timeline of this work. We can recommend it but isn't that enough?

Nancy: I think Amy should put things together and outline all the work that needs to be done. I agree with Kate, I'm not sure that the goal of the Personnel Board to outline the next steps of work.

Nancy: Amy, I guess you should set the next steps and come back to us. I would think that you might have picked up something along the way to understand the gender inequities. Amy, could you take this on? I think this work should go into Amy's hands because it would sit with you, Amy.

Amy: The next steps are to implement the strategy, which would include allocating salaries. In terms of an audit, I think we'd have to go into next year, as we've not budgeted for this work.

Kerry: I just want to be sure that there are two things going on: the Classification Plan scheduled for Town Meeting. —and then everything else. You are now talking about how we implement the plan. I think we can do a more specific audit (but it's not budgeted, and I wonder about the cost). I like the idea of a memo that Amy puts together to understand the next steps. I know Amy spot checks equity issues for all new hires and people that we've had in the organization for a long time. I want to indicate that Amy is doing more work in this area than we are understanding.

Bill: Let's actually bring up the Town Manager Recommendation. Kerry, why don't we go to the Town Manager Recommendation:

- Town Manager: Recommendations to Personnel Board accept the New Class & Comp Structure
 - o For FY24 Range Adjustments I recommend that the Plan is accepted by the Personnel Board.
 - o I recommend that a 3% adjustment—to meet expectations of employees—as per what has been articulated in the Article 6. I would like to point out that we have to then work on implementation of the class & Comp plan. The reason for the 3% adjustment, in Article 6 we indicated that adjustment would go forward, so we want to accommodate that. I would like to ask that you incorporate this change into the Article 5 for Town Meeting.
 - o **Amy:** to confirm, the 3% adjustment was sent out with the Personnel Board packet for this meeting.
 - o Kerry: I have outlined additional issues that I'd like to address going forward with the Personnel Board.

Kerry: I have not yet worked through all the reconsideration requests--- there is an opportunity to continue to work to fit the outstanding concerns into the plan as it is, hopefully before the Town Meeting.

Bill: Going back to the agenda, we have the duty to decide about the New Classification and Compensation Plan. Also, I'd like to confirm the Parking Lot issues: are there any other issues? We don't have to identify time limits, but we do have to list up what these issues are:

Kate: So we can take a vote on Article 5 to support the new C&C plan?

Joe: I would like

Liz: I don't have issue with the plan itself, but I would like to have in the Parking Lot the Open Range Merit Plan: has to be carefully brought forward. (page 20 of the report). I would like to identify that "Merit" has to be understood uniformly across the Departments. If we accept this recommendation without understand how this can be implemented. With out a deadline, ok, but I feel this is a key issue.

Amy: It would be implemented by the policy as per the Town Meeting.

Liz: My concern is that the performance evaluations have not been implemented in the past several years. If employees are not confident that the merit assessment is uniform, then the recommendation would be well implemented.

Amy: This is a parking lot issue? **Liz:** yes, that is right a parking lot issue. Are you then in agreement that the merit assessment process has been less than adequate? **Amy:** Yes.

Liz: So, here are the parking lot issues.

- Gender Equity Audit.
- Merit Assessment Process Quality.

Joe: I would like to approve it subject to the parking lot issues being addressed. if it is not applied appropriately, then it will be an issue that could negatively impact the Town.

Kerry: you make a good point: the Class & Comp Plan is to be recommended by the Personnel Board and approved at Town Meeting. Then there is an annual planning that will come in front of the Personnel Board, and then there is the merit issue.

Liz: My concern with the Merit Assessment process quality—do we have the capability of implementing the plan well. And Joe, the issue you have raised re: gender equity—if not in our capability to implement well, then we could be in a problematic situation.

Kerry: The plan itself is approved through Town Meeting. Then, there is an implementation policy that is approved by the Personnel Board and I'd like to have more discussion here. Further discussion on the implementation , with the 3% adjustment—that could be all the budget can bear this year. A step plan

is not recommended, but it may warrant more discussion with the Personnel Board. The merit plan—it's changed over time, and there has not been budget allocated to the this kind of plan; and we've not always had as much allocated in the budget to accommodate this work.

Joe: It would be so disappointing for me—for you—if all this work is done but not received well for the town employees. I'd like to make sure that the Town is in a good position to present this plan to the employees and have them receive it well. My comments are made to try to think for the benefit of the Town.

Bill: there is a sense of urgency with the going forward with the work... We are at a point where do we go ahead with the recommendation –but we will have to address the two issues (gender equity and consistent application of merit assessment). At this point, can we go ahead with the recommendation, or do we hold back until we understand these two parking lot issues.

Joe: I there were a commitment to getting the Parking Lot issues done, then I would be more comfortable to go forward.

Nancy: with the Class & Comp. –we just need to approve it. It's well laid out and I feel strongly that we should go forward with it, with the 3% range increases to the plan. As far as the other issues go, I think they are a separate issue. One the Plan is passed, then more time will be available to address the issues raised.

Liz: To Clarify, +3 % is to the ranges for FY 2024. That is above the GovHR recommendation.

Kate: I feel we are talking about two different things. Personnel Board approves the plan, but the HR Director and TM have the responsibility to implement. We can provide guidance, but we should have faith in Town Manager and HR Director to implement well, that is what they have been doing all along. I would

Liz: I understand that we'll go forward –but if the Parking Lot issues have not been going “smooth as silk” –there have been problems. Please recognize that there have been issues –and that the Parking Lot is identified in order to support the Town. It's not an antagonistic set of issues, it is supposed to be in support of the work by town government.

Kate: I just think it is for the Town Manager and the HR Director to do.

Joe: agree- but it does need to get done.

VOTE:

- **Kate:** I make a motion that we approve the Classification Plan as outlined in Section 5 of the GovHR Final Draft Report- plus the 3% ranges applied, to be effective as of July 1 2023 as outlined in the materials for the Town Meeting.

Nancy: I second the motion.

We are confirming approval on the three bullets from Kerry's memo (see attached materials)

All in favor: Bill, Aye, Joe; Aye, Liz: motion.

Bill: I want to be sure that we are also comfortable with “What is our next piece of work”?

The parking lot is an area that should be addressed.

Liz: I think that in our next steps, we do need to take up some of what Kerry has outlined in her memo: the Personnel ByLaw and the Charge for this committee. We are charged to take up work as per the recommendations of the PSTF Report, that was approved by the Select Board. But we spend a lot of time now talking about what we are or are not mandated to do. This will continue to be a difficult position for the Personnel Board until they are resolved.

We must take up the issues for “moving forward” piece from Kerry LaFleur.

Bill: So at our next meeting, we should take up these issues.

Liz: Terri Ackerman is here from the Select Board and there was agreement at the December 5th presentation to the Select Board to some work that the Personnel Board to take up. If there is a helpful role for the Personnel Board in the implementation piece—the Parking Lot issues—that would be helpful, and would hopefully start to address what the PSTF Report and the Select Board have charged us to do.

Bill: I would think we focus first on the Charge and the ByLaw updates. We are here in an advisory capacity—and that in and of itself is meaningful. Let’s move to Public Comments:

Terri: yes, I agree that the Charge is a very important thing that must be worked out—if it had been worked out, it would have made tonight’s discussion much easier.

I have a question: are the reconsideration requests resolved or not? How many are left?

- **Joellen:** There has been additional feedback that has increased the issues outstanding... there were 5 left at the point where the final draft report was written... but subsequently, there was additional feedback (see presentation discussion, pages 1 and 2 of these minutes)
- **Amy:** confirming that 22 people.
- **Terri:** And their issues need to be addressed prior to Town Meeting, in the next 45 days. Are you confident that these will all be addressed and reconciled before Town Meeting?
- **Amy:** that is the goal but cannot guarantee.
- **Terri:** I’d like to get to Town Meeting with a summary report of where the issues were, what has been addressed, what is left out there. I don’t really have confidence that we have all the information in place yet. I would expect that a summary report at the Town Meeting on outstanding concerns would be a good idea.
- **Anita:** I will reiterate Terri’s concern, with 22 employees with issues not resolved before Town Meeting I urge you to get through all of these well before Town Meeting. I did read through the report—a lot of work—but I have some concerns. The work was supposed to be done in December. There was a schedule put out in August 2022. What were the hold ups? It is really last minute for Town Meeting. Is this unusual vs. all the other studies you have done? It’s too bad that the Warrant does not have the information for this Article.

- **Joellen:** it's a complex plan; there was care taken to involve staff and that took time. The reconsideration requests process just took place in February, so there were additional weeks. With such a large plan, I'm comfortable with the time frame and how long it has taken.
- **Amy:** I want to be clear that we will address the majority of concerns.
- **Bill:** 15 need more attention. 7 were not completely comfortable (lesser concerns). The point that is being made is that we need to get down as close to zero as possible before Town Meeting.
- **Joellen:** it could be that individuals are not happy and have to take it anyway. But there is no one going down in salary/range, so it's not a detrimental issue for them.
- **Kerry:** reiterating what Joellen has stated: further follow up with each employee to make sure that nothing is missed and that their jobs are classified appropriately. A few people are looking for bigger jobs. One thing we are looking to do within this plan, is to look for development pathways. This is important, but it is not the focus of the Class & Comp plan, that requires further evaluation.
- **Pamela Cady:** I work at the Light Plant but classified in the "regular town" part of the plan. Are you factoring in the livable wage for the area—how does it factor into the folks who are the lower end of the classification plan.
- **Joellen:** That is an implementation question---if someone is at the low end—they are still put in at the 85th percentile for those positions, so these roles are also above market rate for the role as classified. But to Pamela's point, you will need to look at this issue with the implementation.
- **Pamela:** Grade 1-6—livable wage may well be an issue. Those at higher grades are not concerned with livable wage, but the bottom third of grades will be concerned.
- **Bill:** the point is—that this point would be addressed at the implementation level?
- **Joellen:** I think the plan is still allocated at the 85percentile for those graded jobs.
- **Bill:** Pamela, does that help you to understand the system with the points being made here?
- **Pamela:** Hmm.. my expectation was that we were on hold for several years. . Currently, my new ceiling is only 1.2% above the current (prior to the 3% TM recommendation). Given that the plan has not been updated in 14 years, I was expecting a bigger jump, not just for me , but for all jobs in these lower grades. I was expecting that the jump (that will now be at 4. 2%) would be higher.
- **Amy:** the ranges have been moved within these 14 years on an annual basis, as part of the maintenance of the prior plan. So it's not been in stasis for 14 years. We will always have the situation where people at the max will not have room for salary growth in that role.
- **Bill:** Pamela—is a great opportunity to have more communication with her 1-1 so that Pamela will feel comfortable that she has been understood and heard. It's still possible that we won't agree but would want to follow up. Pamela is a good candidate for better communication to ensure that she is engaged form the Town side. I'm sure that will help Pamela to feel confident that her concerns have been heard.
- **Amy:** I agree and will work to follow up.
- **Bill:** thank you for hanging in here, Pamela. Your concerns are important and applaud you for hanging in there over these two hours. You've demonstrated your
- **Pamela:** I'm in discussion with HR discussion as one of the continuing issues---I'm still surprised that the range increase is so small. Comparing the last new C&C plan was implemented, it was around 20% jump in salary ranges—but now it's so much smaller and that is my concern.

Bill: to confirm, we don't have anything left to vote on?

Liz: we have a Public Hearing to prepare for that will take place on Monday 3./27.

Note that Amy and Liz will work on the slides for the Public Hearing, with Article 5 only being presented on Monday.

Kate: Article 4: how is it impacted by Article 5

Amy: it's not.

Bill: Thank you to Joellen and her team –and GovHR has done a great job.

Joellen: In addition to the team including Kerry and Kellie and Amy, the staff of the Town also did a mountain of work to help this process go forward.

Bill: Shall we entertain a motion to adjourn?

VOTE:

➤ Kate: Motion to Adjourn,

Nancy: Second.

Agreement from all.

Note that the Personnel Board Meeting Materials for March 23, 2023 included:

1. Meeting Agenda
2. Town Manager Recommendation Memo
3. Draft Final Classification & Compensation Study from GovHR (3/16/23)
4. Draft Classification & Compensation Plan Recommendation (based on FY23 data)
5. Draft FY24 Proposed Classification and Compensation Recommendation (including 3% range increases)
6. Draft Minutes for 1/4/23 & 3/8/23

Minutes approved 4/12/2023