



TOWN OF THORNTON BOARD OF SELECTMEN

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Board of Selectmen WORKSESSION Minutes September 28, 2020

2:06 PM Chairwoman Peabody opened the Thornton Board of Selectmen business meeting work session with the Pledge of Allegiance. This meeting was held via Zoom with the link referenced on the posted agenda.

ROLL CALL: Chairwoman Marianne Peabody, Vice-Chairman Brad Benton, Selectman Roy Sabourn, and Selectman Joseph Monti.

ABSENT: Selectman Jack Gaites

STAFF PRESENT: Debra Shepard, Town Administrator, Chief Ken Miller

The Board of Selectmen held a business meeting to review the Town of Thornton personnel policy.

TA Shepard provided an updated personnel policy to the Board for review. The policy was last amended April 2020 and included the Sick Bank Policy and revisions to the FMLA as well as grammatical and punctuation corrections.

The Board discussed the following areas of the personnel policy.

Cover sheet

R. Sabourn asked that the revision history of the policy be included within the policy rather than on the cover sheet. J. Monti suggested that every page that is revised should be in the history and should include initials of the Board or at least the Chair of the Board.

Page 1 – Chain of Command. Chair Peabody does not like the title, Chain of Command. She feels it sounds too military. R. Sabourn suggested changing the title to Organizational Flow Chart. J. Monti recommended “organizational structure”. Discussion followed.

M. Peabody would like the Police Chief to report directly to the Board of Selectmen rather than the Town Administrator.

R. Sabourn disagreed. He explained that he has been on the Board quite a while and has worked with four Police Chiefs. The current chief has been exceptional but there have been past Chiefs that have benefited from having the Town Administrator as their direct supervisor. R. Sabourn further explained that the Police Chief is a department head and does not see any benefit in removing the TA from this position.

M. Peabody believes that there would still be communication. She stated that the Campton Police Chief reports directly to the Board of Selectmen. She explained that a Chief of Police holds a very high position and he/she shouldn't have to fall under the Town Administrator. She does feel that it is important that the two positions continue working together as usual, and she feels that the Chief of Police and the Town Administrator are on the same level and the chart should reflect that.

B. Benton feels that having the Police Chief report to the TA does save meeting time with the Board of Selectmen.

Chief Miller joined the meeting. He explained that the RSA does say that the Police Chief reports to the Board of Selectmen. He has never felt that the TA was his boss but more of a liaison to the Board of Selectmen.

Chief Miller stated that the current situation is not an issue but could become a problem if either the Chief or TA were not in an amicable working relationship.

J. Monti recommended moving the Chief of Police box parallel to the TA, with a dotted line to the TA to show a communication path back and forth between the two positions and have the Police Chief under direct supervision of the Board of Selectmen.

B. Benton does not have a problem with this suggestion but does feel that the Police Chief should continue to discuss with the TA on organizational needs. R. Sabourn agreed with this suggestion.

J. Monti indicated that he does not feel that the Town Clerk should report to the Administrative Assistant. TA Shepard explained that the Town Clerk/Municipal Clerk does report to the Municipal Agent under the duties of the Municipal Clerk.

R. Sabourn agreed that the Town Clerk should have a separate box as that position is an elected position. This change was agreed upon by the Board.

A lengthy discussion followed on the structure of the organization chart/structure.

R. Sabourn strongly suggested that the full board be present to make decisions on changing the personnel policy. J. Monti disagreed and would like to make changes with the current board members present.

Chairwoman Peabody asked TA Shepard to make the changes agreed upon by the Board at this point and the board will review these changes to the organization chart/structure at a later meeting.

R. Sabourn – Americans with Disability Act – second paragraph, he would like to delete “human resources” and add “please notify the Town Administrator”. The board agreed to this change

R. Sabourn – Overtime – second line “all overtime must be approved in advance in writing”. He suggested deleting “in writing” because overtime is approved as needed. The board agreed.

J. Monti asked why employees get overtime after 40 hours and the police receive it after 43 hours. TA Shepard stated that she believed this was a Department of Labor requirement. J. Monti asked if he can receive verification. TA Shepard will provide verification from the department of labor.

Holidays

R. Sabourn suggested removing the last two sentences “if any of the ABOVE holidays” instead add “if any of the holidays BELOW” The board agreed with this change.

J. Monti – full-time holiday pay for employees. He asked if the full-time employee is not scheduled to work on a holiday why should the employee receive holiday pay on a day that they do not work? TA Shepard explained that full time employees are eligible for holiday pay per the personnel policy. Discussion followed relative to flex time, which allows some employees to work 35 or 40 hours in a four-day work week. TA Shepard clarified that holiday pay is only paid in 8-hour increments per the personnel policy.

J. Monti – Part-time holidays. If part timers are regular scheduled to work on a holiday for 8 hours, they only receive 4 hours of holiday pay. Discussion followed on the recently adopted part time holiday pay policy. J. Monti also stated that part-timers don't receive vacation pay. TA Shepard stated that per the personnel policy, part time employees who work at least 30 hours per week are entitled to prorated vacation time each year. Discussion followed. R. Sabourn stated that he is not in favor of changing the amount of vacation or holiday pay for part-timers. Other board members agreed.

J. Monti stated that the part-timers cannot take hours off if needed. TA Shepard explained that if a part time employee is unable to work their regularly scheduled days, they can usually switch days with another staff member to accommodate their needs. The Board agreed not to make any changes for holiday, vacation time or benefits for part time employees at this time.

Vacation Time

R. Sabourn mentioned “employees must submit a request for vacation time for 3 days or more in writing two weeks in advance”. R. Sabourn suggested that two weeks in advance for vacation is excessive and recommended changing this to one-week notice. The Board agreed to change this.

R. Sabourn recommended changing page 14, to include “unpaid leave” rather than FMLA leave.

Sick Leave

R. Sabourn stated that accumulated unused sick time can be carried over 30 days. He suggested using 240 hours instead of 30 days to account for flex time. The Board agreed to this change.

Sick Bank

R. Sabourn – page 18 – “160 hours per donor to be distributed, at a maximum rate equal to a regular week’s pay, recommends adding “for the recipient” to clarify that the recipient receives their own current rate of pay and not that of the donor. The board agreed.

FMLA

R. Sabourn stated that at this time the town does not qualify for FMLA due to having less than 50 employees. He recommended keeping the policy heading and including language that informs employees that town employees do not qualify for FMLA at this time. R. Sabourn recommended having TA Shepard contact Primex for the appropriate wording. The Board agreed.

Personal Leave of Absence

J. Monti suggested changing to, “will be asked to provide a written request for the leave and an expected time of return” removing the rest of the sentence. He explained that the request may not always be medical related. The board agreed.

J. Monti discussed rewriting the language in the last paragraph for personal leave of absences for longer than 30 days, where the same position may not be available. After discussion, the board agreed to have TA Shepard provide some new language for the board’s review.

Military Leave

J. Monti stated that the federal government recently updated their policy on military leave. TA Shepard will check into this.

Jury Duty

J. Monti asked what type of leave is granted for jury duty. He recommended that the town “grants an excused unpaid absence” for jury duty rather than the term “leave”.

Medical Benefit Plan

J. Monti stated that the Town of Thornton provides an option for payment in lieu of insurance. He suggested that the amount of the payment be included in the personnel policy and the amount does not change. R. Sabourn explained that the amounts may change over the years as the costs of medical and dental plans change and that since the town has a separate policy relating to the Payment in Lieu of Insurance, it is not necessary to include in the personnel policy. The Board agreed to only make reference to the Payment in Lieu of Insurance Policy in the personnel policy.

Worker’s Compensation Insurance

R. Sabourn mentioned Page 26 – “Compensation carrier must be contacted prior to seeking medical attention.” He suggested removing this. TA Shepard offered to update this portion to coincide with their internal policy on workers comp reporting. The Board agreed.

Computer use and communication equipment policy

R. Sabourn – page 32 – mentioned a formatting issue.
TA Shepard will fix this.

J. Monti stated that he has a lot of comments on this policy and would like to revisit this discussion. The Board agreed to review this section at a later meeting.

J. Monti also recommended changing the title on page 31 “Confidentiality”. After discussion, TA Shepard will contact Primex for additional wording options.

Personnel Dress code

R. Sabourn discussed page 35, stated that he has received comments and complaints from residents regarding low cut shirts of a staff member. R. Sabourn recommended including amending the dress code policy to include restricting low cut shirts/blouses. After discussion, the Board agreed.

Intoxicants

J. Monti stated that he does not feel the Town Administrator has the authority under this paragraph to require an employee to have a drug or alcohol test. TA Shepard explained that the town has a contracted service which performs testing for Highway Department employees if they are selected as part of random testing. Discussion followed. R. Sabourn stated that this should not be handled solely by the department head, and that the Town Administrator can be an unbiased individual that can determine whether there is probable cause for a drug/alcohol test.

J. Monti feels that unless an employee signs permission to be tested for alcohol/drug use, the Town Administrator should not be able to request testing. B. Benton suggested asking Primex if prior notification of this action is required. The Board agreed.

The Board agreed that testing for cause should be permitted and should extend to Board members as well.

Weapons

The board agreed to have TA Shepard discuss this policy with Primex.

Unsatisfactory Job Performance

J. Monti feels that employee performance needs to be documented.

Insubordination

J. Monti stated that employees should not have the right to be insubordinate to supervisors and would like to add “elected officials”. The board reviewed the definition of insubordination and did not agree that elected officials belongs in this paragraph and did not agree to that change.

Voluntary Dispute resolution

J. Monti added that the Board of Selectmen should be the final option if an employee has followed all other avenues and is still unsatisfied as specified in the policy. The Board agreed. The Board also agreed that the request to meet should be within 15 days.

Performance Appraisals

R. Sabourn stated that performance review is completed daily and weekly during normal operation functions. He does not feel that a written report is necessary in such a small office environment.

M. Peabody agreed with R. Sabourn.

J. Monti stated that without documentation, it is very difficult to terminate an at-will employee. He also explained that the employees that are doing good, would be better if they had feedback.

Discussion continued on how employees are unofficially evaluated. After discussion, J. Monti stated that the board of selectmen should officially evaluate the department heads.

R. Sabourn stated that he has never had a need to do an official evaluation and the Board can meet with department heads if the need arises. R. Sabourn suggested removing the performance appraisal section of the policy.

J. Monti disagreed and insisted on having performance evaluations.

B. Benton agreed that the town office is such a small population, that performance evaluations are not necessary and if there are issues, then the supervisor would write up the issues and address them at that time. B. Benton agreed that this portion of the policy should be removed.

M. Peabody feels that since the office is so small, the department heads will know right away if the employee is not performing. She explained that this evaluation process was tried in the past and it did not work well. M. Peabody is also in favor of removing this from the policy.

R. Sabourn suggested adding language that states that performance appraisals are a continuous activity performed by the department heads and department heads are responsible for advising the Board of Selectmen of the work quality of their staff.

R. Sabourn recommended that the addendum for reviewing resumes and application forms, should be removed from the policy and included in a human resource policy. The board agreed.

J. Monti stated that this would be a great place to end the work session and the board should reconvene at a future work session to continue this discussion.

Chairwoman Peabody excused herself from the meeting.

The Board discussed the transfer station and fire department intergovernmental agreements in preparation for their joint meeting with the Town of Campton and Ellsworth immediately following this work session.

5:11p.m. MOTION: "To adjourn."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Roll Call: Brad Benton – yes, Joseph Monti – yes, Roy Sabourn – yes.

Motion Passes: 3 – Yes, 0 – No

Respectfully submitted,

Jessi Fleury
Board Secretary