

**Special Board of Public Works
Meeting Minutes
March 8, 2018**

A special meeting of the Board of Public Works was held on Thursday, March 8, 2018, at 5:30 p.m. in the Mayor's Conference Room at City Hall, 229 Main Street, Nashua, NH 03060.

Mayor Donchess, Chair, declared the meeting to order at 5:30 p.m. and called the roll.

Members Present:

Mayor James Donchess, Chair
Commissioner Joel Ackerman, Vice Chair
Commissioner Kevin S. Moriarty
Commissioner G. Frank Teas

Members Not Present:

Commissioner Tracy Pappas

Also Present:

Ms. Lisa Fauteux, Director of Public Works

MOTION: Commissioner Ackerman to approve the agenda as presented.

SECONDED: Commissioner Moriarty

MOTION CARRIED: Unanimously

Public Comment

There were none.

Administration Department

Director Fauteux

As you mentioned, Mayor, the only thing on our agenda this evening is the consideration of the UAW Clerical Technical and UAW Professional Agreements. We negotiated a contract for about a year. Attorney Clarke was the lead; also on the team was myself, Sarah Marchant, Community Development Director, Larry Budreau, Human Resources Director and David Fredette, Treasurer. I think this is a fairly reasonable contract and I would like to thank UAW for agreeing to a contract that is both fair to the union and fair to the taxpayers. There are about 126 UAW members, 36 of them are in public works. I also want to point out to you that before you are the grids for the contract cycle, which is fiscal year '18, '19 and '20. There are two grids for Clerical Technical and two grids for Professional. The D grid is for all employees that were hired on or before August 31, 2014 and the D-1 grid is for all employees that were hired after August 31, 2014. The two grids were actually negotiated in the last contract cycle, not this one. The steps were all over the place so they tried to make them a little bit more equitable and closer to 2%. The grids are pretty straightforward; they have a step increase and then in the first year, in fiscal year '18, there is a .1% increase to the grid. In fiscal year '19 and '20, there is a .15% increase to the grid.

Commissioner Teas

Are we the first group that has reviewed this contract?

Director Fauteux

Our Fire Commission has reviewed it and approved it.

Commissioner Teas

Were there any notable comments that came out of that meeting?

Director Fauteux

Not that I am aware of.

Commissioner Teas

I really appreciate Attorney Clarke's two-pages here; it really made the review of this very easy.

Director Fauteux

There are not any major changes. It is pretty straightforward.

Commissioner Ackerman

On page 4, Article I, did the local union number change?

Director Fauteux

No, that was just a misprint so it was corrected.

Commissioner Ackerman

In Article 4, there is a reference to the fact that a condition of employment is that the employee shall pay either union dues or agency fees. Later on, some of the Articles reference "union dues and agency fees."

Director Fauteux

It is either one or the other. People will pay either union dues or agency fees. The union prefers that they pay the union dues but they can legally just pay an agency fee.

Commissioner Ackerman

I have a fundamental understanding that the union dues goes to the union. Where do the agency fees go?

Director Fauteux

The agency fees also go to the union. The agency fees are less than what the union dues would be and I am not really sure why but the union is required to represent the employees regardless of whether they pay agency fees or union dues.

Mayor Donchess

So when you have a collective bargaining agreement and there is a defined group of employees, the union is required to represent not only those employees that are in the bargaining unit on negotiations but even on

disciplinary matters, even though the person is not a member of the union. As long as they are a member of the bargaining unit, the defined group of people, they have to represent the employee. The theory of the agency fee is that the union should be compensated for their negotiation and for representation of the employees. That is why it is a reduced amount. There are other things that the union might do that the agency fee did not pay for.

Commissioner Ackerman

Therefore, not necessarily getting the benefits of the union.

Mayor Donchess

Yes. Agency fees are being litigated in the U.S. Supreme Court. There is a case where someone is contesting the constitutionality of agency fees.

Commissioner Ackerman

In Article 4A, it talks about the grievance procedure step fees that have been eliminated.

Director Fauteux

Yes because it was found not to be legal.

Commissioner Ackerman

The union was passing those fees onto the individual.

Director Fauteux

That is correct and it was found that was not something that they could do, it was illegal to do that so it had to be taken out.

Commissioner Teas

This contract takes us through to another three years.

Director Fauteux

That is correct.

Commissioner Teas

I am a rookie so I think I get a pass here but I do not know when the negotiations started for this contract but suspect it was not a two-week process.

Director Fauteux

It was about one year.

Commissioner Teas

Are the changes that are considered here make the next negotiation a little bit easier because we got past some of the tough points, or do the negotiations for the contracts have to start 18 month from now?

Director Fauteux

They have to start 18 months from now. It is just part of the process. We always have proposals on both sides and they are discussed and accepted or rejected. There were many proposals that the union had and proposals that the city had that were rejected by either side.

This is our management and administrative unit so we really do not have many challenges with this unit. They work pretty well with us.

Commissioner Teas

I had the opportunity to read this and along with your initial comments I do not have any further questions.

Commissioner Ackerman

Regarding the tuition reimbursement, do our public works employees take advantage of that?

Director Fauteux

For the most part no. It is primarily utilized by the Community Development Department people but they certainly have the opportunity to if they want to and they are aware of it.

Commissioner Ackerman

I think more people should use it. I am all for education.

Director Fauteux

If this is approved I will certainly get it out there to them again just as a reminder that this is available.

Commissioner Ackerman

Would it be retroactive to July 1?

Director Fauteux

That is correct.

Commissioner Ackerman

On page 27, it references that anybody that was employed as of that time and had a satisfactory job evaluation then they would get a step increase and that is a reference to this document, is that correct.

Director Fauteux

Yes, to the grid, that is correct.

Commissioner Ackerman

During the course of the three-year contract, if they have a satisfactory evaluation, is it safe to understand that they could potentially go up by three steps during that three-year period of time?

Director Fauteux

That is correct.

Commissioner Ackerman

One thing that we had talked about two or three months ago, and it may have not been specific to the UAW contract that we are talking about there, but some other folks that might be at the top of their step in the course of their career, you had said that alternative things were occurring to maybe take care of that or give them some sort of consideration. That might not be union related.

Mayor Donchess

I think we were talking about so-called “merit” employees which are non-union, middle to upper management people in various departments of city government and a small group of lower-level employees. The grid that the city has been using for merit employees for a long time has got to the point where people reached...we have 35 people at the top of the grid and there were no further steps so every year the Board of Aldermen would basically enact a 2% increase, at least this has been the custom over the last few years. We had a group, the Personnel Advisory Board, review the entire system. The Personnel Advisory Board consists of three appointees, all of whom have a lot of expertise in HR and have surveyed salaries all around the area. It is led by Shelia Cabot and Carol Baldwin and Michelle O’Malley. Shelia is an HR consultant, Michelle O’Malley is the head of Easter Seals and Carol Baldwin is the head of the Adult Learning Center and has some background in HR as well. They have studied this for a year along with Larry Budreau, HR Director, and they came up with legislation, which has just been proposed to the Board of Aldermen and was reviewed by the Personnel Committee and I think it was recommended. That situation will be addressed when this legislation is adopted. Director Fauteux is affected as well as some of the other people at the top of the Public Works Department and also Community Development and the Fire Department; it is scattered throughout city government. Andy and Jon would be affected.

Director Fauteux

Many of the merit employees are at the top of the grid or off the grid.

Commissioner Ackerman

Unless that other methodology that you referred at the Board of Aldermen, unless they were incorporated in that, have not been getting pay increases.

Mayor Donchess

They may have been getting 2% but there is no grid...the grid goes back decades or something so we have a lot of people at the top and there are no more steps. The changes to the Merit System were discussed at Personnel, which is a committee of the Board of Aldermen, on Monday night and I believe they recommended passing it so it will go to the full Board of Aldermen soon; maybe next week.

Are there any other questions or comments? There were none.

A. MOTION: Commissioner Teas to approve the UAW Clerical, Technical and UAW Professional Collective Bargaining Agreements for the period of July 1, 2017 through June 30, 2020.

SECONDED: Commissioner Ackerman

MOTION CARRIED: Unanimously

Adjournment

Commissioner Ackerman made a motion to adjourn.

Meeting adjourned at 5:47 p.m.