

Sutton Special Selectmen's Meeting  
February 20, 2019

Scott called the meeting to order at 3:06PM

Attending: Tim Simpson; Scott Spencer; Joe Solinsky; Danny Jackson; Pat Jackson; Tadd Wheeler; Gail Weed; Dianna Simpson; Mary Gray

The special meeting was called to correct some errors in payroll one being an overtime hourly rate of 1 current employee; to correct an overpayment error for a former employee and an underpayment of 1 current employee. Also, any other business that would come before this board.

The auditors put together charts from 2017 when the error occurred on the over-time rate to the present year of 2019. The error was in Dan's overtime rate where the overpayment during that period totaled \$2,663.31. Tadd was underpaid by \$228.76 during the year 2018. Rick Jackson was overpaid by \$126.91.

Discussion: The personnel policy changed in December of 2017 and at the end of that year all employees were paid for the vacation days owed except for 5 days (40 hours) to carry over to 2018. Pat Jackson stated the vacation allotment was also changed for employees working over 15 years. It went from 5 weeks (200 hours) to 4 weeks (160 hours), so Dan lost a week from the older personnel policy to the new personnel policy adopted on December 7, 2017 and recorded in book 82 pages 408-415 in the Sutton recordings. Pat felt that the older employees should have been grandfathered in and should not have lost benefits when a new personnel policy is adopted. Pat felt that other companies or municipalities would not lose benefits.

Scott stated there was a lot of discussion that went into the personnel policy, but also said that it should be looked at and since this was adopted in 2017, it may be time to revisit this. Scott further said he was not willing to go back to the old personnel policy prior to the December 2017 and be retroactive. Pat said that VLCT would not agree with him.

Mary stated she can only speak for the Clint and VSP. While he was working, at his rank of Lieutenant he was able to get overtime at 1 ½ the hourly rate. The state changed its policy and no longer were the Lieutenants able to receive an overtime rate. This was done with no increase in their salary. Rescue, Inc. also changed their personnel policies that did affect all the employees' long term and short term. In either case there was no grandfather clause.

Tim stated we did modify the old policy as times change and it should always be looked at. We went with a cap on vacation days because the board felt 4 weeks was plenty of vacation time (plus any carryover from the previous year). In 2017 we paid everyone to move forward with a clean slate for everyone (except for the unused 40 hours to be carried over to the next year 2018). Vacation time is for employees to be away and not have to worry about coming into work while on vacation. The board agreed that it's time to revisit the personnel policy. The

board agreed that we are working on the current personnel policy adopted on December 7, 2017.

When the board reviews the personnel policy, they will look at possibility of employees being paid up to 40 hours (5 days) of unused vacation leave. Mary stated that if you do this you need to include this in your budget since when salaries are figured it is based upon a 52-weeks a year (including vacation, sick and holiday hours). By adding up to 5 days (40 hours) for unused vacation days, that needs to be added to their base salary in your budget. Also, you need to budget for your B Team (part-time employees) for covering vacations and sick time.

More discussion: When the highway department can use or not use their vacation time. It is difficult when the highway crew is restricted when they can use their vacation time only between the months of April 1 and November 1. Then the summer months the road crew is doing paving, road construction, and bridge work. It is or can be difficult to schedule time off.

The Select Board stated that in the personnel policy under vacation leave it states: "All vacation leaves must be approved in advance by the Supervisor and the Select Board". The Select board put that in there so arrangements could be made using vacation time. The Select Board stated that maybe that clause of "using vacation time between April 1 and November 1" should be eliminated from the personnel policy and use a B Team (part-time employees) to fill in for vacations/sick time.

Tadd stated that last year Dan was training him (a new employee) and there was little or no opportunity to take all his vacation and leave Tadd by himself. Tadd stated that he appreciated Dan not using all his vacation and leaving him by himself during his training period.

Pat explained that Dan had 40 hours carry over from 2017, then earned 160 hours starting January 1, 2018 totaling 200 hours of vacation time for 2018.

Dan used 92 hours in 2018 leaving 108 hours of vacation time not used because of training. Out of that 108 hours he could carry over 40 hours to 2019 leaving 68 hours of vacation time that he lost in 2018 that could not use because of Dan training Tadd, our new employee. According to the personnel policy you either use it or lose it.

Pat asked if the 68 hours vacation time that he lost, be used towards the \$2,663.31 that was paid as an overpayment to Dan to reduce the monetary pay back to \$1,448.40?

Tim said the former town clerk came to his house and told him that she was responsible for the error. Scott considers this a human error that we just need to fix.

Tim made a motion to forgive the repayment to the town. There was no second, motion failed.

Tim made a motion to take the \$2,663.31 re-payment figure and apply \$1,214.91 against it from 68- hours of vacation time that was not used. Then have Dan pay the balance of \$1,448.40 and figure out a payment plan to pay over time. Scott amended the motion to add: pay Tadd for his \$228.76 that the town owes him. And not bill Rick Jackson for the \$126.91 that

he owes the town for salary overpayment. Tim seconded the amendment. Discussion: Scott said he was derelict of his duty as Chair. Scott should have informed Dan to come before the board with a special request for not being able to use his vacation time because of training a new employee. This part of the personnel policy had not been conveyed to Dan. It was an oversight on Scott's part by not making Dan aware of that section of the personnel policy. Vote taken on the amendment. Majority voted as amendment and majority voted on the original motion. Motion passed

As of today, the Select Board will not update the personnel policy and will schedule a future meeting to work on the personnel policy.

Gail wanted clarification on overtime: The board said the personnel policy stands as it is. Any hours over 40 hours a week will be paid at the overtime rate. The 40 hours can be a combination of holidays, vacation days and sick days.

Payment plan was discussed. Pat and Dan suggested giving back 40 hours of vacation time that was carried over from 2018 to 2019, which is a total of \$852.00 and apply that towards the \$1,214.91 bringing the balance Dan owes back to the town to \$362.91.

Scott made a motion to deduct \$852.00 (40 hours of vacation time from 2018 carryover) from the \$1,214.91 leaving a balance of \$362.91 to pay back to the town treasury with weekly payments of \$25.00. Tim seconded the motion. Motion passed.

The Select Board conducted the Highway Crew yearly review.

Joe wants to know about a time clock and how the employees felt about it. The new time sheets are working well. If there is a time clock are the highway crew responsible to do the calculations and the Select Board members said yes. The highway crew will hand the time cards to the office and if needed the highway crew will help the Treasurer with the calculations. The question arose about leaving the house and determining who to call in, are they on the clock at that point since they are not able to punch the clock? The board stated this was something that would be worked out.

Joe made a motion to approve buying a time clock. Scott seconded the motion. Vote was taken. Tim voted against it. Joe and Scott voted yes. Motion passed.

Scott will look for the time clock.

Tim made a motion to adjourn at 5:26 PM. Scott seconded. Motion passed.

Mary Gray  
Clerk