The Meeting of the Board of Selectmen held on Tuesday, May 26, 2020 began at 5:30 p.m. Remote participation due to COVID-19.

Members Present: Derek DeBarge, Chairman, Antonio Goncalves, William Rosenblum and Manuel Silva

Absent: Carmina Fernandes

First Order of Business: The Pledge of Allegiance

Visitations:

5:35 p.m. – Mike Hastings/DPW – Grievance Hearing

Mr. DeBarge: Attorney Jones could you state your full name for the record please.

Attorney Jones: Sure, it is ....Jones

Mr. DeBarge: Thank you.

Attorney Jones: Sure.

Mr. DeBarge: Keith are you still on the line?

Mr. Hancock: Yes, I am.

Mr. DeBarge: Okay let's see, one second. Keith Hancock, yes.

Mr. Hancock: That's correct, yes.

Mr. DeBarge: Mr. Hancock do you know, is Mike Hastings going to be calling in?

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Mr. Hancock: He is supposed to be.

Mr. Hastings: Yeah, I'm right here Mr. DeBarge.

Mr. DeBarge: Okay sorry Mike, I don't see you on the screen. Okay so we have Mike Hastings here as well.

Mr. Hastings: Yup.

Mr. DeBarge: As the grievant, okay. Attorney Jones, are you representing the Union as well?

Attorney Jones: I represent the Union and Mike as a member of the Union. But Keith will be handling the meeting, I am just here in case there are questions that arise.

Mr. DeBarge: Okay, fair enough. Thank you.

Attorney Jones: Sure.

Mr. DeBarge: Is there anyone else on the line that I can't see on the screen that is here for the grievance? Okay hearing none then we will move forward. Okay I have 5:35 p.m. now. Do we need a motion to open the hearing?

Ms. Villano: I don't think so.

Mr. DeBarge: Alright so we are here for a grievance hearing. The grievance has followed step 1 and 2 and has come to step 3 which is the Board of Selectmen. The statement of the grievance, first of all the grievant name is Mike Hastings, the statement of the grievance is without notice to the Union, the Town of Ludlow stopped payment of wages and changed conditions. Where is, let's see, is this page 2 here

that says leading to grievance? It must be, okay. Let me just go through the grievance form first, which I just read the statement of grievance. It also states see page 2 but I'm assuming the incident leading to grievance is page 2. Discipline imposed on the grievant, wages were stopped and ordered to participate in the rotating work schedule and remedy requested is retro-payment of wages. Incident leading to grievance is in light of COVID-19 pandemic because the grievant lives with his brother, who has a serious immunodeficiency. Whereas others are working one day a week, on March 29, 2020 the grievant was informed that he would be required to participate in the rotating schedule and could use vacation to fill in for his rotation day. This status was changed without notice. There are the facts of the grievance. Why don't we start with, Mr. Hancock do you want to start or do we want to hear from Mr. Hastings himself or do you want to represent him?

Mr. Hancock: I can represent him and Michael can, if we need some facts, to be verified or something he can answer them. But I am certainly capable of explaining what is going on and I can do that right now if you would like.

Mr. DeBarge: Go right ahead sir.

Mr. Hancock: Okay thank you and as you just read the primary thing is Michael was instructed to stay home and without any notice to him, his wages were stopped and that is really the part of the grievance. The week where is wages were stopped, the week prior he was not contacted, asked for any additional documentation or Mike you have to come in next week or you are not going to get paid. He had no communication, no notice and there was certainly none given, I didn't receive this information. I wasn't asked, what can we do with this? It was, I got a phone call from Mike that hey they stopped paying me, what happened and so I had to start making phone calls. I talked to the Director, Mike Suprenant, I called Carrie and yes it seem like in talking to everybody, I hate to say behind the scenes but internally between HR, maybe an extension which is of the Select Board and then the Trustees there was some kind of conversations and requirements but no conclusion at least on the Highway Department's end, the Director's end was made and things continued moving forward right up until Michael did not receive wages. I'm going to step forward and say I believe no direct deposit, you know how come my check is not here and then he had a conversation, that's when he had a conversation with Mike Suprenant. So, prior to that no notice to Mike just a surprise..... that is what we are putting forward for information. I am asking that the week that he wasn't paid for, he gets paid for that because he wasn't given any notice, any opportunities to supply whatever was going to be in the end determined that needed to be supplied to the Town and I believe also since then Mike has to returned to work. Whether that it is a good idea or not, I don't know but I don't think he was left with much choice and the situation changed where he was supposed to stay home.....one day rotation with vacation, sick whatever and ..... no one got a hold of him. There was just an abrupt stop in pay so that is the issue.

Mr. DeBarge: Okay, Mr. Hastings do you have anything else to add?

Mr. Hastings: No, that was basically it, actually there is one thing, when Mike Suprenant did let me know about having to come back, he was under the impression as well that it was going to be for the following week. I believe that he came to our DPW meeting the two days prior on March or April 21st or something and so even he was kind of caught off guard with this and so that's why but at that point, this was on a Wednesday when I spoke to him and then I said that's fine if I need to come back in, I will have to come back in and then the next day when we get paid, I didn't receive a check. I called Mike too, as well as Keith and Mike was like no this was supposed to happen for the following week so we can let you know. So, we were all caught like a little off guard on this but up until that point I had no idea, I could use the vacation time, it was fine with everyone. You know, that's about it.

Mr. DeBarge: Okay, do you actually let me circle back to that. Why don't we, Ms. Ribeiro, why don't you take it from here.

Ms. Ribeiro: Okay, so in regards, I will respond to Michael Hastings comment that he wasn't notified....the following week. I am looking at a letter dated April 21, 2020 from the Town Accountant, Kim Collins sent to Elsa Barros the Town Treasurer, copied on this letter was the Director, Michael Suprenant, myself, Ellie Villano the Town Administrator and Cindy Minie who is the Assistant Town Accounting stating which payroll date Michael Hastings would not be paid for and that was for April 23rd.

So that was put in that memo. Going back to Mr. Hancock's comments that Mr. Hastings wasn't given or notified that he was to submit any documentation to the Town is not what I was hearing on my end. I did not talk directly to Michael Hastings during this issue nor did I talk directly to any other Town employees during this. I was dealing with all of the departments and Managers and handling this COVID issue and when I did talk to Mr. Suprenant, when he decided that it was time to bring his crews back, we talked about how we could do that, you know social distancing, meeting the requirements of the Governor. We also talked about individuals that wouldn't be able to return to work and what the procedures would be for those certain individuals and Mr. Hasting's name did come up and we spoke about his particular situation. At that time, I notified Mr. Suprenant that Mr. Hastings would have to supply documentation, medical documentation, you know that he couldn't come to work. I was never told at that point that the Board told him he did not have to come to work or he was told by the Chairman or the Vice Chairman, according to the notes that we were given on 3/29 I believe the grievance says, that was a Sunday. So, on Sunday, 3/29 he was ordered to stay home and he could use vacation time. That was never relayed to myself, the Town, the Town Accountants, the Town Treasurer. As the weeks went on, I would follow up with Mr. Suprenant on the status of you know this and other issues and I was told that Mr. Suprenant did reach out to Mr. Hastings to ask for the documentation and it was never provided. So, the week before, would have been the week of beginning April 14, 13th, I'm sorry, April 13th I had sent an email to Mr. Suprenant letting him know that if the documentation was not provided by noon time on Tuesday, April 14th that Mr. Hastings would be taken off the payroll as of that week. Mr. Suprenant responded to my email at approximately 12:30 on April 14th stating that the Board of Selectmen, the Town, myself had no jurisdiction over this matter and it was a matter involving that Board of Public Works and they were going to decide this at their meeting, their following meeting. So, at that point is when I spoke to Ms. Villano, Mr. DeBarge and asked for recommendation and support in handling this matter because it became you know a legal question at that point. Do you want me to keep going?

Mr. DeBarge: Sure, I will jump in after.

Ms. Ribeiro: So, Ms. Villano had reached out to our Town Counsel to decide or get some clarification on payroll authority. At that time for that week in question that we are talking about, April 13th, the pay, the pay date of that week would have been the 16th, April 16th; Mr. Hastings was continued, he did get paid that week. This question arose, we felt that it wouldn't be appropriate to not pay him for that week because we really didn't have clarification over this issue. Ms. Villano in emails reached out to or in conversation reached out to Town Counsel, we received the email from Rose Crowley on Friday, April 17th regarding payroll authority that indeed showed that the Board of Selectmen and the Town Accountant have the authority and approval to make changes to the payroll. So, with that being said, I believe and Ms. Villano correct me if I am wrong, I believe the Mr. Suprenant and the Board was notified at that point because I...

Ms. Villano: Yes.

Ms. Ribeiro: Okay. So, at that point the Board of Public Works and Mr. Suprenant were notified of this and a meeting was scheduled the following week to discuss it and it was at that meeting the following week the determination was made not to pay Mr. Hastings because the proper documentation had not been supplied and he didn't meet the criteria that was set forth. I will probably let Mr. DeBarge get into the details of that meeting because I wasn't there.

Mr. DeBarge: Okay, so I do want to bring up a couple of issues for everybody regarding some inconsistencies as far as the notification to Mr. Hastings goes because I did jump into the conference call with the Board of Public Works to try to clarify some of the inconsistencies back in early or mid-March. When it was first mentioned by Director Suprenant on why Mr. Hastings was not at work and the very first reason that I was told was that he was accidentally left off the work roster not that he was told not to come into work that he was accidentally left off the work roster. So, and I did say that at their meeting when I called in because there was another, there was a different reason given on that conference call. After that, there was another reason given that there was a foreman that failed to tell him or that told him that he didn't have to come into work and now in some of these email correspondences another reason was given that Mr. Hastings was told by Director Suprenant and the Chairman of the Board of Public Works that he didn't have to come into work due to the immune-compromised relative that he has living with him. We, at the Board of Selectmen meeting that we had

discussing this issue we brought up the CDC guidelines over someone living with a relative who may be immune-compromised and the steps that you need to follow in order to stay home from work and the criteria that follow the CDC guidelines and how none of those were met in Mr. Hastings situation. Whereas he didn't fall under any of those guidelines, didn't have child with daycare nor the member at home did not fall under any of those guidelines nor did he provide any medical documentation that would have allowed him to stay home. Though we did express to Director Suprenant to communicate with Mr. Hastings that if he brought in a doctor's note then all of this could simply be remedied, which did not come to fruition nor has since then. Also, the issue with the vacation time was explained perfectly to Director Suprenant about a.) the first day, April 3rd a vacation day was not needed because he had already been paid for that week and most importantly the fact that Mr. Hastings did not have enough vacation time to take the pertinent time off that he needed was expressed to Director Suprenant as well and I think and this is for you Mr. Hancock and Mr. Hastings as well, I think the most simplest explanation for the lack of communication to you and to Mr. Hastings goes simply to the Director because the correspondence between our HR Director and Director Suprenant was flowing perfectly, which can be seen through these emails and I just don't think that that information was flowing well enough from the Director to Mr. Hastings or through the Union. But to conclude with my sort of issue with all of this is not only the lack of communication and the, what is the word I want to use, the different type of reasons that we got for Mr. Hastings not being in the rotation; as I said accidentally, it was a foreman that told him and then it was the Director and the Chairman but I just want to direct everybody's attention to the first notice that was put out by the Director of the department of Public Works, Mr. Suprenant when the essential employees were called back to work and the notice simply states DPW essential and critical employees status and safety precautions dated March 3, 2020, I'm not going to read the whole thing but I'm going to read what I highlighted. DPW employees are Federally designated as first responders and also perform critical Government operations. Consequently, all DPW employees, except for two administrative assistants are designated essential employees effective Monday, March 30, 2020 and under the rules to follow on the bottom it says high risk employees as defined by the CDC are not required to report to work, none follow that that are on this call and secondly employees with a high risk person living with them at home may apply for Family Leave and in parenthesis it says ask Human Resources for Family Leave forms. Now none of this was done and again the communication between our HR Director and the DPW Director was fluid, was on time but again for Mr. Hancock and Mr. Hastings I don't think it was fluid from the Director to you two and I think that is why we are here tonight.

Mr. Hancock: Okay.

Mr. DeBarge: As far as your time goes and I will end on this, I think that was explained perfectly from the amount of hours that you had at the time that you requested and then when your vacation time re-upped on the 16th of April when you got your 120 hours back, which didn't cover that one week where the Ms. Collins, our Town Accountant was simply forced to act because that time wasn't covered, which again was discussed in the Board of Selectmen meeting as well and I will end on that note. Before we get into anybody else, Ms. Collins, please if you have anything else to add.

Ms. Collins: Hi sorry about that. Yeah, there is not a lot that I can really add to this, I mean the only thing I would add is that I was also on the call at the DPW meeting. It was one of the last areas where I requesting information because I did make sure that I spoke with Mr. Suprenant, I spoke with Ms. Ribeiro, I spoke with the Board of Selectmen and Ms. Villano and the last thing I did was I wanted to be in on that meeting and during that meeting there wasn't a clear reason as to why Michael Hastings had not been on the schedule and it seemed as though other members of the DPW weren't aware that he wasn't even on the schedule. So, due to the information that I received from Mr. Suprenant and from that meeting and all the other conversations and emails, the only thing that could be done at that point was to remove him from the payroll and when I wrote the letter it stated that he needed to provide doctors information and if that information was provided to the HR Director then the determination could have been made by the HR Director. That's all I have.

Mr. DeBarge: Okay thank you for that. To the Board.

Mr. Goncalves: Mr. Chairman.

Mr. DeBarge: Mr. Goncalves.

Mr. Goncalves: In reading all of this, am I to believe that through this whole grievance matter that it's the understanding of the Union and/or Mr. Hastings that vacation time would be a day for a day. In other words, the one day that Mr. Hastings wouldn't report to work, he could take one vacation day for that because I would think it would be an entire week because being essential, needing to be available and the idea that you only have to work one day. The availability is that one day in my opinion constitutes the week's pay. So, if anything was going to be used, we would be talking about a week not a day, I believe.

Mr. DeBarge: Yes, and I don't want to answer for Mike or for Keith, I will defer to them but I know from hearing from the Director and also the Chairman of Public Works, that was the understanding which is incorrect but to Mr. Hancock or Mr. Hastings go ahead please.

Mr. Hancock: So, I don't doubt that there was quite a bit of communication back and forth and I have to agree with you, I think then the failure was to me or.... The originally sheet is one day a week and I have three employees, three members that were not included in the rotation, Mike Hastings being one of them and it spelled out very clearly that they would rotate and come in one day and I know that it was very clear in his situation and one day of vacation would be used for the one day he couldn't come in. Everybody else worked one day and was paid for the full week. So, he was to use one vacation day and when this all started and we are getting some time away from this but in the beginning when this decision was originally made you know, across the country, across our state employees were encouraged to help stop the spread of COVID-19 and keep people home that needed to be and that was exercised here at the DPW in Ludlow. Mike was told not to come in and while everything else the Carrie talked about and the meetings you had with payroll, I'm sure absolutely took place, those conclusions were never given to Mike or to me first and I could say hey Mike whatever they originally told you, bring the doctors note for this to continue forward. That's a missing piece here. That never happened. I was never told, Mike was never told, until after the fact until after wages were ceased. So, I don't know other than to right a wrong you need to get Mike paid for the scheduled time that he didn't get paid for because prior to that he wasn't given any notice to do something different. He was acting on the last thing that he was told and I certainly wasn't given any notice either. So, to answer one question, yes you are only working one day a week so if you can't then you have to use a vacation day for that one day, not 5 vacation days for the whole week.

Mr. Goncalves: Mr. Hancock if I may.

Mr. Hancock: Sure, please.

Mr. Goncalves: I would think if there was an emergency in Town and somebody needed to go in another day or two days during the week, they would make themselves available as essential and we wouldn't have to pay them extra would we?

Mr. Hancock: No.

Mr. Goncalves: So, that one day constitutes a weeks' worth of pay, a weeks' worth of availability in being on call. Just because it's one day, I don't see it being one day. They need to be available; they are essential. If they were given just that day to work, if they needed to work more, they would have to make themselves available the balance of the time. I can't see the one day for one day thing if we even get to that point.

Mr. Hancock: And I won't disagree or agree. Hindsight is 20/20 but at the time this was implemented it was one day. That was the understanding, that is what was carried forward for an understanding to be fair because prior to this rotation, everybody was home, no one was working. On call, if there is an emergency, to your point but....

Everyone talking over each other.

Mr. Hastings: Mike Suprenant did tell me if there was an emergency that I would have to come in and I agreed to that. I said if there was an emergency and I had to come in, I would come in, in the very beginning. So, I didn't say I wouldn't come in if there was an emergency. To be clear.

Mr. Goncalves: No, Mike I didn't mean that, my comment wasn't referring to anybody saying that they wouldn't come in during an emergency. My point was that you work one day a week but you need to be available for the entire week and if you can't work that one day and don't show up, to me it constitutes a week because if I'm giving you a week's pay for the one day and you don't show up, you want to take that time off or you are taking that time off it constitutes a week in my mind.

Mr. Hastings: Right but I said I would be available for the week if there was an emergency like everyone else. Because everyone was only working one day a week. It's not like I took, I only took 3 days.... I agreed if there was an emergency, I would be available for the week.

Mr. Goncalves: Mike what if was just we want you to go cut grass or we need you to do something else 3 days a week?

Mr. Hastings: If it was only one day a week and I was told that I didn't have to come in....the day I found out that I absolutely had to come in, I came in. I came right in. I am just trying to keep someone in my family safe, that's all. That's all I was doing. When I found out that I had to come in, I came in.

Mr. Hancock: And to be fair, these hypotheticals, we can come up with all kinds of hypotheticals and drift away from what happened okay. Asking Michael, a bunch of hypotheticals if you need to come in, that's not what was implemented. There was a rotation that was implemented, spelled out that you came in for your one day and that's what we have in front of us here and Mike followed what he was told to do and then other people made a change without notifying him or me and that's really why we are here. You know, I just don't want to get off the topic and start coming up with a bunch of hypotheticals this and that and now we are second guessing should it be one day, one week I don't know.

Mr. DeBarge: Mr. Hancock let me just go back to the flyer that your Director put out. I just want to stress this point. The rules to follow again, March 30th when essential employees were called back; The laborers, all the DPW employees were called back on a rotating basis. Employees with high risk person living with them at home may apply for Family Leave and in parenthesis ask Human Resources for Family Leave forms. So, the information was put out for anyone that thought that they may someone at home who may be compromised with the avenue to take the time off. So, the information was given and that's why I kind of don't answer where the lack of information as you are saying was there. I mean I get the part where and I stated too the flow of information may have broken down between the Director and you and the Director and even Mr. Hastings, I get that. But, the initial call back of the employees provided with this statement with this wash your hands, social distancing, sanitize the vehicles, all of that stuff, if your sick, all of that stuff was provided, including the avenue to take if someone was living with someone compromised.

Mr. Hancock: On March 30th when that meeting was held and this information including the rotation schedule was handed out with everything we just talked about.

Mr. DeBarge: Yes.

Mr. Hancock: Mike was not there, told not to come in so he wouldn't be in a group listening to it, further exposing him and Mike was never given this. Okay.

Mr. DeBarge: Yes.

Mr. Hancock: He wasn't at that meeting.

Mr. DeBarge: Okay so...

Mr. Hancock: He never received it and at that meeting on the schedule and I understand clearly what you are saying, on the back page on the last page you have the rotation schedule and Barry Haber, Mike Hastings and Ed Nowak were not included on that rotation.

Mr. DeBarge: Okay so Barry Haber wasn't even employed at that time and,

Mr. Hancock: Probably why he wasn't on rotation.

Mr. DeBarge: Right so that's a moot point and Mr. Nowak had a note so.

Mr. Hancock: Okay, that's fine.

Mr. DeBarge: So, again two employees that one is moot and the other one had a note so again to me it's about communication and protocol.

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Mr. Hastings: Mr. DeBarge can I say something? Not to interrupt.

Mr. DeBarge: Absolutely.

Mr. Hastings: But the note situation since this took place, we were told at the time you only needed a note for sick time, not vacation time. Mike Suprenant said that he called Ellie at the very beginning to confirm and he told me she got back to him, he called me the following day and said that she actually encouraged you to use vacation time. So, to my knowledge I only needed a note for sick time, not vacation time. So, that's why I was using vacation time. I would have come in; I absolutely would have come in and I did come in as soon as I found out, but I didn't find out until April 2nd I believe.....I don't think anyone was really prepared for all of this. You know every day it seemed like something would change like every day or every week. Things kept changing and changing and changing. Everything was fine with vacation time and then out of nowhere it was you need a note no matter what and by that time it was already too late, I didn't get paid for the prior week by the time I found out no matter what you need a note.

Mr. Hancock: And to be fair Mike has the right to rely on what his direct supervision tells him. You know, so again it's communication I'm not going to disagree with you about the communication, but I can't have Mike be the victim though of lack of communication if that is in the end what this is about. Mike did what he was told, followed through. His pay was stopped prior to the 22nd when he had the conversation, you got to get back in here, they changed, you can't use this, you got to have a note. I can understand moving forward, you might say you moving forward you know the decision has been made. There is an internal disagreement between groups, but this is how it's got to be....payroll moving forward you got to make a decision here and he did, he came in. Right or wrong, he came in. The pay that was stopped was backward retro, without notice and that's why I wrote that in the grievance and I hope we can, regardless of all the facts, there was a breakdown, there wasn't communication, yet the wages were stopped. I ask he gets paid, that week he didn't get paid. Especially now since he's returned to work moving forward.

Mr. DeBarge: I understand.

Mr. Rosenblum: Mr. Chairman.

Mr. DeBarge: Mr. Rosenblum.

Mr. Rosenblum: It just seems to me that there just seems to be a whole lot of misinformation in the fact that the Director is not following up. I'm sorry but the information was there, I understand with the note it talks about a note with the Family Leave and Mr. Hastings not getting that paperwork and I don't disagree with you. You know there might have been miscommunication and you might have done what was proper but in the same sense it just seems that that notification could have been mailed or emailed to the household. I mean we did have the discussion in our Selectmen meeting about the guidelines and the note has been talked about on numerous occasions before we got to the payroll issue. It seems the Director is not doing his job, he is not relaying the information, which is hurting you right now.

Mr. Goncalves: Mr. Chairman.

Mr. DeBarge: Mr. Goncalves:

Mr. Goncalves: Just for clarification, the first paycheck when this notice came out back at the end of March, nothing or Mr. Hastings you didn't find out that you hadn't gotten paid until what day in April?

Mr. Hastings: April I believe it was the 23rd, a Thursday. It was for the prior week the 13th through the 17th.

Mr. Goncalves: And then after that,

Mr. Hastings: But Mr. Suprenant thought it was for the 23rd on.

Mr. DeBarge: Say that again Mr. Hastings.

Mr. Hastings: Mr. Suprenant was under the impression it was going to be from the 23rd on, it wasn't going to be from the prior week. Because when he called me, I told him I would go back in if that was the case and I did go back in. I did ask my brother to get a note, but the doctor said I can't give a non-patient a note for being out because it would violate HIPAA laws you know.

Mr. Goncalves: Mr. Chairman, the other two employees that aren't working right now, how is their pay being handled or is there pay?

Mr. DeBarge: The other two that were brought up here?

Mr. Goncalves: Yeah, the two that are in this email here, yeah.

Mr. DeBarge: One of them is no longer employed and actually wasn't an employee at the time and the other one has a proper note to be out.

Talking over each other.

Mr. DeBarge: Guys, guys you got to stop talking. You got to through the Chairman to talk because everybody is talking into each other. So, Mr. Goncalves has the floor just hang on.

Mr. Goncalves: So, two gentlemen, one is no longer employed and the other one who had a note, is he using vacation time, sick time and how is that being handled, a day for a day, a week for a day, a week for a week? What exactly is going on?

Mr. DeBarge: Is he on under the COVID? So, he is just being paid by us? So, the one with the note is under the COVID rules, he is being paid by us.

Mr. Hastings: Can I talk now?

Mr. DeBarge: Yes, Mr. Hastings go ahead.

Mr. Hastings: Alright, the other employee left because I'm sure everyone knows in Town that the DPW is not one.... but the other employee has been coming in and the reason he has been coming in, he is worried about being about going through kind of what I'm going through right now. So, he hasn't been out, he's been coming in. Ever since I had come back in, he came back in because he has been worried that something is going to happen to him as well.

Mr. DeBarge: Okay, so he is back now.

Mr. Rosenblum: Mr. Chairman.

Mr. DeBarge: Mr. Rosenblum.

Mr. Rosenblum: Mr. Hastings, just a clarification on meaning that what would, something would happen. Does it mean that there would be some type of retribution against not coming in?

Mr. Hastings: He is just worried about not getting paid you know. He really....there is a reason that so many guys are leaving the DPW you know.

Mr. Rosenblum: And I understand that but there shouldn't be any kind of repercussions for when you have State and Federal guidelines for the COVID to protect them anyways because he meets the requirements, which is basically the same as you because if you had had the note and the communication was proper we would be sitting here having this discussion. And again, I am not blaming anybody, but I think communication really stunk at the level of DPW and BPW.

Mr. Hastings: Like I said if he wasn't worried about our State having any of these issues, he wouldn't be in....

Mr. Rosenblum: Understandable, thank you.

Mr. Hastings: I'm the one under the gun.

Mr. Hancock: So, Mr. Chairman, Keith Hancock again. I understand there are some side issues here. This is, I'm hoping we can get to a resolution and I am by no means an attorney but from past experience I don't know if they a tripping into violations of the wage act or what but I'm hoping something as a misunderstanding, lack of communication after the fact. The request is to have Mike get his week of pay that was stopped and he has already returned to work and is moving forward and that's what we are looking for to end this.

Mr. DeBarge: I understand what you are saying Mr. Hancock. Any other comments from the Board?

Mr. Goncalves: Mr. Chairman.

Mr. DeBarge: Mr. Goncalves.

Mr. Goncalves: For Mr. Hastings, so from the beginning of this to now where you said you have gone back to work did your situation at home change or did you think it wasn't that big of a deal now versus a month ago?

Mr. Hastings: No, nothing changed. I was pretty much made to go back.

Mr. Goncalves: By Mr. Suprenant or?

Mr. Hastings: By the HR policy, the COVID policy because I asked my brother's doctor, heart doctor if he could write and note for a non-patient, it would violate HIPAA laws. So, that's why I came back, I didn't have a choice. Nothing changed.

Mr. DeBarge: Okay, Ms. Villano go ahead.

Ms. Villano: Mr. Hastings did you ever reach out to the Human Resource Department?

Mr. DeBarge: Mr. Hastings did you hear that?

Mr. Hastings: Hello.

Mr. DeBarge: Ms. Villano asked you if you ever reached out to Human Resources?

Ms. Villano: Through all of this?

Mr. Hastings: For what?

Mr. Hancock: May I ask what time frame are you referring to, after he came back or prior to his wages stopping?

Ms. Villano: Any time during this whole process had he reached out to the Human Resources Department?

Talking over each other.

Mr. Hancock: I mean obviously prior to the wages stopping, he was under the guidance of direct supervision and he was following what he was told to do so there wouldn't be a reason to reach out to HR. I can't speak for Mike about reaching out to HR after he was forced to come back to work or not get paid that question Michael will have to answer.

Mr. Hastings: Yeah, I haven't before like I didn't think I needed to and afterwards I filed the grievance. I've never done this before so I was just under the assumption that this had to go through a grievance process and I don't know how to answer that. I've never done this. I've never been in this position before.

Mr. DeBarge: Anyone else?

Mr. Hancock: And not to....at the very least prior, prior to any of this happening, I shouldn't have been bypassed. The union should have been contacted first and you know this is a serious situation, stopping someone's wages. And not to say we are direct....with the employee by any means but we were certainly changing conditions without contacting me. If Mike hadn't called me, I wouldn't have known this had taken place. That is not proper procedure either and that is stated in the grievance so. No notice to me and no notice to Mike that his wages were going to cease. I really feel like we are tripping into violation of the Wage Act. I can talk to Counsel about it but I'm hoping we can at least get this fixed.

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Mr. Silva: Mr. Chairman.

Mr. DeBarge: Mr. Silva.

Mr. Silva: Yeah, I'm having some trouble when I heard before that Mike was told to stay home because of his situation and yet no one told him that if he did stay home, he was going to be not paid. So, the communication, like Mr. Rosenblum said was really poor there. I can't really understand why such a miscommunication when these are really pressing time and these things should be all spelled out, I am just a little....in that area. That's all.

Mr. DeBarge: Well, I will go back to what I said the first time, we were told that he was not told initially to stay home that he was accidentally left off the off the return to work roster and then two different things after the fact. So, lack of communication, change of stories, there's a lot of factors in this. But I think there's some fault in both parties because again why, I can't help and again for Mr. Hancock and Mr. Hastings I can't help but wonder why a.) an individual employee would not do some of his own checking, especially with the situation that you are in with someone that you believe and again someone that is compromised with health and okay so you didn't get the initial flyer with the statement or what I read twice already about the employee being with a high risk person living with them at home. I just can't help but wonder with someone living at home that is compromised like that, why you wouldn't do your own due-diligence to try to if the doctor wouldn't give you a note because of that why you wouldn't try to work something else out by contacting HR or even going through your own direct supervisor.

Mr. Hancock: And that may very well be but that's after the fact, that's after the fact. When the grievance is about prior to when he was told, he wasn't given the option you know Mike you don't have to come in, he was told you should not come in. He didn't come in. He wasn't put on the roster, whether that was accidental or on purpose. But I would say being told not to come in is on purpose. Okay and yes you could be right, why didn't he look into this after the fact. Worrying about not getting paid is a part of it. But dealing with the situation and the grievance at hand previous to the 21st, he did what he was told. He needs to be able to rely on his boss for that information not second guess it. Geez he told don't come in, so I don't know that can't be right. No, he did what he was told to protect his brother. Go ahead Mike.

Mr. Hastings: In regard to that doctors note, I did that last week because the union lawyer suggested it. I didn't do that weeks ago.

Mr. DeBarge: I'm sorry you just did that last week?

Mr. Hastings: The Union lawyer suggested it. But like Keith just said at the time, I was not under the impression that any of this was even necessary. Everything was fine until it wasn't. Everything was fine until I didn't get paid.

Mr. Goncalves: That was a month, ago right?

Mr. Hastings: A month, a month for what?

Mr. Goncalves: You realized you hadn't gotten paid on April 24th or April 25th.

Mr. Hastings: Right, ugh well for the week of the 13th through the 17th.

Mr. Goncalves: Right.

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Mr. Hastings: And I filed the grievance and I didn't believe I needed to because from what I was told all up until this point that I didn't need a note. I was using vacation time and everything was fine and then the lawyer just suggested it a week ago if I could. I didn't even think I needed to, I did it out of, I did what the lawyer suggested I do why would I not do that. I didn't even think I needed to do that. If you think I don't care about my brother and I wasn't worried about looking into things.

Mr. DeBarge: No, Mr. Hastings I don't think anyone would ever say that you or anyone doesn't care about their relatives. Mr. Hancock for you as a union rep, are you aware that there are other DPW employees with compromised family members at home but weren't told to stay home?

Mr. Hancock: I didn't investigate that. No one came to me. Mike is the only one that came to me. I am aware of Ed Nowak that he has a situation at home with his wife and he is concerned and last time I spoke with him, he said he was just going to move forward and he was not concerned, for me at least, to get involved. Mike Hastings was. I do not interview, I am under the same situation, I can't go and have meetings with people because of the current situation so I am in communication with the Director. The issue at hand is Mike Hastings.

Mr. DeBarge: No, I understand I am just trying to get to you know dot all the I's, cross all the T's. Yup.

Mr. Hancock: That's why Ed was not on the schedule originally either. That's why Ed and Mike Hastings were not on the schedule because they both had issues at home and I agree that Haber was not on there because he wasn't working there anymore. That was mentioned because the comment that he was accidentally not put on the rotation. That's not accurate I don't believe but.

Mr. DeBarge: Okay any other comments from the Board?

Mr. Silva: Mr. Chairman.

Mr. DeBarge: Mr. Silva.

Mr. Silva: I'm just wondering since this is the DPW, why didn't we have a person like the Director or somebody here to kind of go over this a little for us but...

Mr. DeBarge: Didn't um call in.

Mr. Goncalves: Big surprise.

Mr. Silva: Yup, so things DPW wants to run on their own then when it comes down to the nitty gritty it gets left in our hands again. So, at this point we probably want to review this and I don't know if their

looking for a resolution tonight which is kind we are kind of, what's going on, what happened and so on and so forth. So, I think we need a couple of days or a week to look at this and then decide.

Mr. DeBarge: I agree. We do have a right to deliberate over this issue, it doesn't have to be tonight, and I was actually going to ask for the same thing. I completely agree with you. So, I will ask for any closing comments from anyone that is on this call on this issue and then we will wrap it up as we have other business to get to. Attorney Jones please.

Attorney Jones: Thank you. I just wanted to say, and I know Keith made this point a number of times but Mike has an absolute right to rely on the Supervisor who is charged by the Town to Supervise him and is and agent of the Town. His Supervisor....when he did it and relied on the fact that his Supervisor said to him that he needed to use one day of vacation and then he would get paid just like the people that would work one day and get paid for the whole week. He relied on that and he stayed home to take care of his brother, to make sure that his brother didn't get exposed. In Massachusetts wage act it requires that an employee get paid his wages as promised. So, in very simple language he would use a vacation day and he will get rest of his pay because this is COVID-19 pandemic circumstances of course he relied on his boss and his brother's well-being is at stake and he didn't get paid. Vacation time under the wage act is considered.... wages and he has the right to get paid what he was told he would get paid and it could be that his boss has no right to say something like that. That doesn't really matter his boss has ....over his employee but then when they relied on him they have a right to and under the wage act, the wages can result in double down which is three times the amount in wages their owed plus attorney fees and this just seems ridiculous. I totally agree with everybody that this was a communication problem, but it wasn't a communication problem that stemmed from or resulted from any Mike did. Mike had a... one the Union should have been put in touch about this and two Mike should have been in the loop and because he wasn't, he didn't get paid and we are wasting all of this time. So, I know that nothing can.... It is a very simple you know equation and I really hope we don't have to like go and file charges with the ....office and the department of labor relations continue with arbitrations grievance because it really is obviously just a communication error and can be remedied really easily. Thank you for your time.

Mr. DeBarge: Thanks very much Attorney Jones.

Attorney Jones: Certainly.

Mr. DeBarge: Anyone else with closing comments?

Mr. Goncalves: Yes, Mr. Chairman can I just....quick for Mr. Hastings. These notices and all the COVID notices, safety etc. How were those dispersed to you and the other employees?

Mr. Hastings: I can't speak for the other employees they obviously received them differently than I did. I didn't get anything until I already wasn't paid. They had put something in our paycheck, but I didn't get 6 or 7 weeks of paycheck until I was already back, and that paperwork was in there. I did get a letter at some point, but I was just doing what I was told, I don't know what to say. So, everything was fine for me until it wasn't pretty much.

Mr. Goncalves: So, that essential employee status, safety precautions, the schedule etc., you know the symptoms of the coronavirus, everything that was sent out, you didn't get any of those notifications?

Mr. Hancock: Handed out on the 30th, the meeting you were not at.

Mr. Hastings: No, I didn't.

Mr. Goncalves: So, no email communications or anything like that.

Mr. Hastings: No email, no. Like what I said when I was told I have to come in no matter, I came in. And I did agree to come in if was an emergency and they needed me; I did agree to that. If there was an emergency, I would come in, but you know there wasn't an emergency....family. I don't have too many of them left so.

Mr. Goncalves: I'm good Mr. Chairman.

Mr. DeBarge: Thank you Mr. Goncalves. Anyone else with closing comments?

Mr. Rosenblum: I'm all set Mr. Chairman.

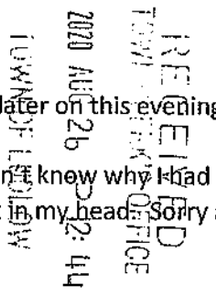
Mr. DeBarge: Okay....thank you everybody. We will deliberate on this issue and Mr. Hancock you will be hearing from us as well as Mr. Hastings. Thanks very much.

Talking over one another.

Mr. DeBarge: We are going to move something up gentlemen. The unfinished business, Board to discuss the FY21 budget.

Ms. Villano: If I might interrupt Mr. Chairman, when are you going to deliberate on this particular issue? Would you be deliberating now or?

Mr. DeBarge: Yeah that's true I got ahead of myself. I apologize.



Ms. Villano: No, that's okay I just didn't know if you had planned to deliberate later on this evening.

Mr. DeBarge: No, I had 6:15 in my head. I'm sorry, yeah let's get into this. I don't know why I had something in my head to move the budget up right away. I guess I have budget in my head. Sorry about that. Alright does somebody want to start? Where did Tony go?

Ms. Villano: I don't know.

Mr. DeBarge: Alright I will start. As soon as Tony gets back I will start. Okay so on this issue I'm going to touch base on some of this issue that actually Attorney Jones brought up because I think there are two issues here in my opinion. I think she is right on the fact that we as the Board of Selectmen have to take responsibility for Department Heads right or wrong when it comes to certain issues. There is no doubt that there is, as we have all said, a lack of communication at some point. I brought up the fact that I had jumped into the meeting, the conference call with the Board of Public Works. There is actually transcribed minutes on one of the statements that I made after the Director had spoken about this issue and I remember Mr. Goncalves making a point to this when I said and also another member of the Board of Public Works when I said this sounds to me like this was preferential treatment and the fact that Mr. Hastings had no vacation time, comp time and all that other stuff but the fact that the Union Rep and Mr. Hastings are both saying he wasn't in the meeting when this flyer was passed out and he wasn't made aware of certain things comes to issue of whether or not the information was disseminated in a different way or if in fact he just absolutely flat out didn't know. I still think what I don't agree with Attorney Jones is the fact that Mr. Hastings has no responsibility in this at all. I believe that any employee, myself having been in the workforce, if I had someone who was immunocompromised at my house, I would be doing my due-diligence to try to figure out how I could best either protect them or protect myself or do whatever I could do to either stay out of work or go into work and do that in a safe way, which I don't think the employee did correctly and I don't think Management did correctly either because we got different stories as to why he wasn't going into work. Accidentally got left off the list, a foreman left him off the list, the Chairman and the Director told him not to come into work, which I even questioned whether they have the authority to do it, tell him not to come in to work because he didn't fall under the COVID rules under the CDC. So, I think we have some issues here in our deliberation and I yield back as they say.

Mr. Silva: Mr. Chairman.

Mr. DeBarge: Mr. Silva go ahead.

Mr. Silva: Yeah, I am just wondering what kind of money are we talking about here?

Mr. DeBarge: It is one week's pay. I don't know the total.

Ms. Collins: Sorry, one week's pay would be $982.80.

Mr. DeBarge: I'm sorry Kim, one more time.

Ms. Collins: $982.80.

Mr. Silva: Is that, one week is that 5 days or 4 days? I thought he was taking a vacation day; did I miss something.

Ms. Collins: You're asking for one week is 40 hours.

Mr. Silva: Yeah, but is he still getting his vacation day and then we are paying him for 4 days or are we going to 5?

Ms. Collins: Well technically, let me find the email because I believe the email stated that he could take 8 hours of vacation time on the 13th and I'm not sure is Carrie still on the line?

Ms. Ribeiro: Yes, yes. If I might Kim, I will explain that because I'm the one that sent the email. So, for we are talking the weeks payroll it would have been for April 20th through the 24th. I was reviewing it, or I was asked to review it by the Treasurer's office because on that week's payroll from the DPW for Mr. Hastings, Mr. Suprenant had him on the schedule using vacation for April 3rd, April 13th and April 21st. Now first of all this was payroll for like I just said the week ending the 24th so he had two prior weeks of payroll in that week, which shouldn't have been there. He said he was getting caught up, but he also had a total of 24 hours that was, they work 8 hours a day at the DPW so that would have been a total of 24 hours of total vacation time. Mr. Hastings only had 9.75 hours to use. He did accrue another 120 hours on April 16th but for the April 3rd and April 13th vacation request dates, he did not have enough time to cover both days. So, I told Mike Suprenant in this email that he would not be able to use vacation time for April 3rd as he was already paid his regular base wages for that week and I believe Mr. DeBarge you had addressed that at the beginning of the meeting. I told him he could use the 8 hours on April 13th and the additional 1.75 hours on the 14th for a total of 9.75 hours that week. And I ask him to adjust the payroll accordingly and resubmit to the Treasurer's office by 4:30 p.m. that day, this email was on Monday, April 27th at 2:45. He responded but never responded and resubmitted the payroll to reflect the hours that Mr. Hastings was able to use that week. So, he could have used vacation time for the 13th and partial payment for the 14th. At the time he did not have enough time, he earned vacation time on the 16th but he can't use that time until he actually earns it. So, he wouldn't be able to use it until the following week. So that is the clarification on that email.

Ms. Collins: So, Carrie can I ask a question about that? So, was he scheduled on the 13th and the 14th that's why he needed to use vacation time on the 14th?

Ms. Ribeiro: I honestly don't know when he was, he wasn't on the schedule. He wasn't on the schedule prior to then.

Ms. Collins: Oh, he wasn't on the schedule.

Ms. Ribeiro: No.

Ms. Collins: So, I guess the question is, if he had the 8 hours of the vacation time for the 13th then does it follow the same rule that if we pay him the 8 hours vacation time for the 13th, he still gets paid for the rest of the week?

Ms. Ribeiro: No, I had talked to Mr. Suprenant about that. We had had that conversation he said a day for a day and I said no, it's not a day for a day. He either reports to work on a scheduled rotation that is set forth and he gets paid by the Town for regular wages like every other employee in Town besides of course Police and Fire that were working our regular hours or he doesn't report to work for whatever reason whether it's COVID related or non COVID related because obviously with what is going on some people just felt uncomfortable and he would have to use his own time. So, we had that conversation.

Ms. Collins: For the full 5 days?

Ms. Ribeiro: Yes, we had that conversation, Mr. Suprenant and myself that he could not use, no one could use a day for a day you would have to use a whole week because like Mr. Goncalves had said in the meeting earlier you are on call, you still have to be available to report to work. It's not like you are just scheduled for April 13th and if we call you on that April 18th to work you can tell us no, no we are paying you to work the whole week, you are expected to be available and be on call. That's what other municipalities are doing, that's what the state is doing, that is what private employers are doing. We understand these are uncertain times but that is the expectation you are getting paid, you come to work on the skeleton crews schedule to adhere to the Governor's orders of social distancing one person per truck that kind of thing at the DPW because again that is what all DPW's were doing. The expectation was you were getting paid for the entire week. You don't just not come in on that day and use a vacation day, that was not the expectation nor was that not communicated to Mr. Suprenant.

Ms. Collins: Okay.

Ms. Villano: Mr. Chairman may I ask a question?

Mr. DeBarge: Wait one sec. Ms. Villano go ahead. One sec Tony.

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Ms. Villano: Carrie are there other employees from other units, from other divisions that have chosen not to come in and what type of pay are they, how are they being paid?

Ms. Ribeiro: We do have one other individual that does not fall under the COVID reasons. This individual is just fearful of contracting COVID, coming to work, a little anxiety about it and that individual is using vacation time and has been allowed to stay home.

Ms. Villano: Okay. So, by choice they are staying home and using their vacation time.

Ms. Ribeiro: Correct and we have had other individuals who do fall under the COVID and been submitted, and they have provided documentation. The documentation is being provided by doctor's offices.

Ms. Villano: Okay, thank you.

Mr. DeBarge: Mr. Goncalves.

Mr. Goncalves: Yeah, thank you Mr. Chairman and I think this part of the conversation while is doesn't, it's not all directed at the Hasting's situation, I think that's something that maybe a memo needs to get out and get very clear with everybody because it would be great to think that you could basically the day after you are on call for six days, come back for that one and collect the weeks' pay for one day of vacation. I think everybody needs to make that and know that every department and again like what you just said if that is what was done with these other people then Mr. Hastings, if we find that there was a lack of communication, he can get paid for that day or whatever but I think it's going to cost him a week's ...

Mr. DeBarge: Ms. Ribeiro.

Ms. Ribeiro: Just real quick, the employees, Mr. Goncalves to your point, employees were notified about in a memo about their options and the language did state that all employees are expected to be available to their managers. That was in an email that went out. It didn't specifically say,

Mr. Goncalves: Right...if it is an emergency, he could come in but it's not an emergency so all of sudden I have a concern I have to stay home. From my standpoint if he wants to take a week's vacation, we pay him for the week. Otherwise, I don't see it, I think we are going to set a real bad precedence and I'm sure that he either sees the people he works with or there were other communications. I can't believe he doesn't have email or a telephone. He obviously has a phone because he called in tonight so and this is serious enough that you would know exactly what your responsibility is, cross your T's, dot your I's. And now all this other confusion with dates and vacation earned or not earned, maybe a lot of this came up afterwards when there was more vacation because he had to make a stink about it, I don't know.

There are just too many moving parts with a lot of different departments and I think we need to send a message here.

Ms. Ribeiro: To that point, yes, the vacation clarification was after the decision was made to not pay him for that week. That's a whole separate issue.

Mr. DeBarge: Anyone else? No one else.

Mr. Goncalves: Come on Bill spit it out.

Mr. Rosenblum: I know, you don't know where to start, it's like a nest in your wheel. I mean the communication is awful. The fact that he is saying, Mr. Hastings is saying that he didn't get any communications it just baffles me and the fact that okay we are going to have a meeting, we are going to have a cup of coffee and you guys go home and you guys go and I am just going to sit at my desk, I don't get it, I really don't get it. On the other side there is got to be some responsibility on the side of Mr. Hastings and now you sit back, and we put it in the Union rep's hands to say you take care of this. I mean at some point people have to be accountable for themselves and I don't know if it was being preferential treatment to send someone home, I don't know if they were having donuts and doing whatever but it's a mess and I don't even know what to think of it. I don't know.

Mr. Goncalves: Well at some point, at some point it was discussed that he wouldn't have to come, or he thought he wouldn't have to come because of his situation at home and I can't believe at that point you just don't air it all out and understand what was going to be happening because this wasn't a three week event. I think everybody knew that back in March. So, why wouldn't you, at the same time that you decided you were not going to come in to protect the family member, you are not going to ask all of the questions that are pertinent about what's going to happen for the next three months, six months, two months whatever time this is going to be and no one is talking about that, just you don't have to come in. Geez great we will deal with the paychecks another month and a half from now when I don't get one.

Mr. Rosenblum: And to your point would be, a doctor that doesn't that won't write a note, but he has to be seeing some kind of doctor that says he has an autoimmune deficiency. There has to be someone there, whether it be medication that someone is prescribing for him or anything to that point. I understand the HIPAA laws but there, we can't just throw it against the wall and say well he's susceptible to COVID19. Well so isn't everyone else but I mean at least the documentation would have been nice to follow up and I think that falls back on the Director not relaying the information that people needed but then again, he could have said it and we no idea what the real truth is.

Mr. DeBarge: I'm not sure how that even violates the HIPAA laws in the first place, to be honest with you. Go ahead Ms. Collins.

Ms. Collins: I'm sorry so I think the thing we are saying there is it's not him who has the issue, it's his brother so they are not going to give him a note for his brother.

Mr. DeBarge: Exactly.

Mr. Goncalves: But why wouldn't his brother get the note and give it to his brother?

Mr. DeBarge: But I don't think it violates the HIPAA laws, is my point.

Ms. Collins: Yeah, I mean if his brother is sharing information, then I can't imagine that it would.

Mr. DeBarge: Right.

Ms. Collins: So, Carrie, I just want to ask just to figure out what the options are. If I were looking at the 13th through the 17th, based on what vacation time he had, he could take 8 hours on the 13th and 1.75 on the 14th, none on the 15th and then 8 on the 16th and 8 on the 17th?

Ms. Ribeiro: I don't believe he would be able to use it on the 16th. I think he has to wait until the following week. That would be an Elsa question. I don't think it's actually in the system and available for him to use.

Ms. Collins: Oh, okay so it will still be zero for all three days and then the 9.75?

Ms. Ribeiro: Well I would have to double check with the treasurer's office on that one to see when the actual vacation was accrued.

Mr. Rosenblum: The 16th falls on a Thursday, right?

Ms. Ribeiro: Right.

Mr. Silva: Mr. Chairman.

Mr. DeBarge: Mr. Silva.

Mr. Silva: Remember a couple of weeks back we said those that did not wish to report to work to stay home and use their vacation time.

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Mr. DeBarge: Correct.

Mr. Silva: That was something that we said right up front so I am not quite understanding why he can't use his vacation time. He's got to use this, so I really don't know. The situation is really unprecedented. We need to think about the situation that's before us, this COVID all the rules have been broken, all rules I don't know what to say. But I think we should allow whatever we can allow to make or have him take the vacation time he has available to him and then supplement the rest. That's the only alternative that I see here because probably Bill and I are the same, the communication was just not right, something is wrong. So that's my feeling, we get him his pay, but a portion of his pay I should say but take the vacation time that he has available.

Mr. Rosenblum: Mr. Chairman and to Mr. Silva's point the fact these guys are feeling that there is retribution for the fact of not coming back to work scares me. That's kind of serious.

Mr. DeBarge: I wouldn't believe that.

Mr. Rosenblum: Well I know but I am just saying if that's a feeling there has to be something there but I'm not saying there is. That's not how you operate a work place.

Mr. DeBarge: Just to touch on your point Mr. Silva, the reason why, the main reason why we are here is the fact that Mr. Hastings didn't have any vacation time except for the 9.75 hours for the week that he didn't come into work. So, that's why he was taken, that week was taken off of the payroll because he was told that he didn't have sick time, vacation time, comp time, personal time to take that week off. So, he was told he needed to come back to work or he wasn't going to get paid and he didn't come back to work. So, that's why,

Mr. Silva: Hold on you just said he was told that he would not get paid. That is not something I heard from Mr. Hastings or the other side at all. I just heard he was told to stay home I did not hear that.

Mr. DeBarge: Communicated through the Director that he needed to come to work or he was going to be left off the payroll.

Mr. Goncalves: And he did say that, he was forced to come back, he had no choice.

Mr. Silva: But that's after.

Mr. Rosenblum: Yes.

Mr. Goncalves: That was around April 25th, April 26th, right?

Mr. DeBarge: But again, the Director of the DPW knew what was going on, the question of course, which I guess is the million-dollar question is whether or not the correspondence between our HR director and the DPW director was relayed to Mr. Hastings at the time this was all going on.

Mr. Goncalves: Didn't he also state that one or two of the Board members or somebody else told him that he could stay home.

Mr. DeBarge: Yeah, the Director of the Board of Public Works, I'm sorry the Chairman of the Board of Public Works and the Director.

Mr. Goncalves: I'd love to hear from them.

Mr. DeBarge: They're in their meeting right now. So, we would probably have to do that at another time.

Mr. Goncalves: He was told, I'm looking at messages right now, he was told during the week of 3/23 he was to abide the Chairman and the Vice Chairman of the Board of Public Works that he could stay home and would not have to participate in rotation. On the morning of 3/30 at 7 am, he remembered the time, the Director of Public Works, Operation's Supervisor, Chairman and Vice Chairman of BPW met with the DPW employees, rotating schedule began the week of 3/30. The rotation schedule did not include 3 members. So, how did he know all that other stuff happened? From the start of rotation until the time he discovered his pay stopped on April 23rd he never received a written request or asked for documentation and he was not informed his wages were stopped. He got no notice leading up to the time that his wages were being suspended.

Mr. Rosenblum: That's follow up.

Mr. Goncalves: But from March 23rd he was told by a bunch of people I guess that he could stay home. So how could hear from somebody else. It just says here that he was told that he could stay home and not have to participate. So, now all of these people no one came tonight, and no one sent a notice of any kind supporting that statement or supporting the Boards position?

Mr. DeBarge: No.

Mr. Goncalves: A little irresponsible. For the second biggest budget in this town.

Mr. Silva: Yeah, that's exactly where I am with it, it's a miscommunication and I am still in favor of giving him his pay without obviously his vacation hours if that's agreeable to them.

Mr. Rosenblum: I have a problem with it because I just feel like that we are going to go through this again.

Mr. Goncalves: I think we have already decided, Carrie correct me if I'm wrong but everybody else is day for day, not day for week. Carrie, Kim?

Ms. Ribeiro: Say that again?

Mr. Goncalves: You just made a statement where I was going at the beginning and you confirmed that everyone that is out is using a week's vacation for a week's pay not a day vacation for a week's pay?

Ms. Ribeiro: Yes, yes.

Mr. Goncalves: So, Manny is saying that we should take that one day and pay him for the week, when everybody else is a week for a week.

Ms. Collins: So, I would think what you would have to do is say that he can go into the negative by the three days at the 8 hours and the one day at the 6.25 until it's accrued the following week. He still has to use his vacation time, but you would basically be telling him he can use it before it's earned if that's how you want to pay him.

Mr. Goncalves: Let him borrow it?

Ms. Collins: Right.

Ms. Ribeiro: Well right and at this point he has earned it and accrued it, it's the end of May. So, that's he wouldn't have to go into the negative because at this point he has earned it but at the time that those 24 hours showed up on the payroll the following week, he didn't have that time in his bank yet. He only had 9.75 hours and the request on the payroll from the DPW was only for the 24 hours. There was no request for the entire week, it was only requesting the day, days that he wasn't working for the previous 3 weeks. So, the vacation time could be a resolution.

Mr. DeBarge: Yup.

Mr. Goncalves: Right, if he is getting a week's vacation time, then pay him the week. I'm fine with that.

Ms. Ribeiro: Right, right.

Mr. Rosenblum: Mr. Chairman and yeah under these circumstances Mr. Silva said, Mr. Goncalves said, you said it yourself the fact that we are in uncertain times and we are in areas that are unprecedented and if we are allowed to go ahead and reach forward to accrue time after the fact, I would say use the vacation time on the 120 he earned on April 16th, pull that time back in.

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Mr. Silva: Make a motion.

Mr. Rosenblum: Make a motion he said.

Ms. Ribeiro: If I might just for clarification, he only had the 9., I don't know we would have to clarify the borrowing. If that doesn't happen, that would be for the 15th and the 14th, that I wouldn't be in agreement with and I don't know about you Kim or the Town Treasurer but we the Town I know doesn't, I don't want to set a precedence by borrowing vacation time. So, would he be available to get paid for the 16th and the 17th, yes it would be in his accruals now and he would get paid 8 hours on the 13th and the 1.75 on the 14th because at that point he is mid-week and his anniversary isn't until Thursday and he is out of vacation time.

Mr. DeBarge: So, do we still need to check and see if he can use vacation for 16 and 17?

Ms. Ribeiro: He can.

Mr. DeBarge: He can.

Ms. Ribeiro: Yes.

Mr. DeBarge: Okay.

Ms. Villano: I would say that, he accrued it...

Mr. DeBarge: Yeah because you can in the Police Department, you can use it the day that you accrue it.

Ms. Ribeiro: Correct.

Mr. DeBarge: Okay, so it would be the 9.75 and then 16 and 17. Full vacation days for 16 and 17 plus the 9.75 for the,

Ms. Ribeiro: It would be a total of 25.75 hours.

Mr. DeBarge: Out of the 25.75 hours out of the 40.

Ms. Ribeiro: Right.

Mr. DeBarge: If that is where the Board wants to go?

Mr. Silva: I agree to that.

Mr. DeBarge: You want to put it in a motion then?

Moved by Mr. Silva, seconded by Mr. Goncalves contact Mr. Hastings that we are agreeable for the week as long as he uses the allotted time for vacation which is 25.75 hours. Vote 4-0. All in favor.

Correspondence:

119. Invoice #291 – Chef Lou's -- Board to abate invoice #291 in the amount of $30.00 for the Common Victualler License as they are not open.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to abate invoice #291 for Chef Lou's Common Victualler License as they are not open. Vote 4-0. All in favor.

120. Rev. Jon and Rev. Margaret Scott -requesting the Board's approval to hold a Portuguese cultural event.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to deny Rev. John and Rev. Margaret Scott's request to hold a Portuguese cultural event that would be live. Vote 4-0. All in favor.

Unfinished Business:

Mr. DeBarge stated that there are 114 positive COVID-19 cases in Town and 2 additional deaths for a total of 6. The Board has received numerous complaints from front line workers in retail, banks, etc. who are being berated for asking patrons to wear a mask and is asking that people try to be kind to one another during this difficult time. Also, to be mindful that some individuals who have health conditions cannot wear a mask. Golf courses can now serve food to go, away from the premises only. This is helpful to allow these businesses to get some revenue.

Board to discuss the FY21 budget. Ms. Villano explained that the budget is being presented to the Board of Selectmen tonight so that the Board of Selectmen can see the direction the Town is going in currently. The DLS has directed the Town to try and get their Annual Town Meeting done and vote on the budget before the end of the Fiscal Year, however, if the Town cannot do this due to COVID or any other event, the Town will need to produce a 1/12 budget to present to the DLS.

Ms. Villano also explained that the Board of Selectmen will need to look at the FY21 Budget and approve it and also come up with a discretionary plan to present to the DLS in the event if something happens and the Town cannot get the budget voted on, the Town will need to go to a 1/12 budget. The Board of Selectmen would then need to present a plan of expenditures to the DLS of which they would approve and then the Town's budget would be 1/12 of the previous Fiscal Year until such time as the budget is voted on.

Ms. Collins the Accountant's office is currently going fund by fund and month by month to get a historical spending amount. Looking at the year 2020, beginning in January the Town had spend $7.6 million and then around $5 million every month after that. We could give the DLS this historical spending with an additional 2% for salaries.

Ms. Collins went over the recap analysis for the level 3 FY21 budget and stated that there is an anticipated deficit for the enterprise fund for golf as they are closed during the COVID pandemic. The Town has the anticipated amount of $152,000 to be taken in one year but it can be changed. Due to the COVID pandemic, the Town is allowed to amortize the payments over three years if necessary. In addition to that, the Town was able to access Free Cash before the tax rate was set so the Town can fund the deficit either way. Celebrate Ludlow was reduced due to it being cancelled this year.

Ms. Collins explained that the trash/recycling program is the largest reduction and the DPW decided that they are not going to go with the purple bags but instead voted on an annual fee. The general fund

income does not allow them to put into a revolving fund to fund future plans for... so the DPW will have to determine that a later date. There is $633,000 anticipated revenue from this and the DPW plans to begin July 1st. State Aide, the Town made the assumption to reduce and at the recommendation of MMA we will reduce just the unrestricted general aide by 14% and then Chapter 70 was flat against prior years as well as all other ...receipt items. MGM casino for $75,000 was removed because of the fact that they have been closed.

Ms. Collins then stated that under local receipts, the Town did a 25% reduction for hotels and meals tax, $300,000 reduction to Medicaid and those are the payments that come in from the school, which she spoke to the school about. There is an additional pilot being added this year for $65,000. Overall, not even a $500,000 decrease there. As far as new growth, the Assessor agrees that a 10% reduction for a 4- year average is reasonable. This leaves $57,359 in excess levy.

Ms. Villano stated that the Town Accountant and herself have tried to give a good and reasonable snapshot of the revenue sources that the Town may be losing for next year based on COVID. Therefore, the budget was adjusted to reflect that loss of revenue.

Mr. Silva explained that the Assessor's office is probably doing a reduction in new growth due to the contractors being stopped during COVID. 10% might be a little light but the Assessor would know best.

Ms. Collins looking at the different departments, we have been looking at employees retiring and not replacing those employees right away in order to take those reductions. Within the Assessor's office, the Treasurer's office and the DPW were the biggest departments with retirements. There were smaller adjustments like $5,000 for Assessors, $5,000 for public buildings, $5,000 for Vets Services, these are areas where we usually have money to give back, but we will need to cut there. There is a positive adjustment for Town Accountant because I was asked to take a reduction that my budget could not handle, I have about $250 to buy items and the rest is salaries and it included a few items for my contract, so I had to increase that budget. The Fire Department and the Ambulance is one area that additions went back into their budget because the Town was underbudgeting the Ambulance revenue and the Fire Department had increased their ambulance rate and it was not factored into our revenue budget for ambulance. We did cut some overtime within the ambulance department. The increase is $14,000. Recreation for before and after school program during COVID and ways to reduce budget and it includes over time there. The largest reduction was in the benefits. Any personnel requests were removed from the budget for FY21.

Ms. Collins went through the free cash items and reminded the Board that the free cash will be available until the tax rate is set due to COVID. $550,000 of free cash went into the stabilization fund for FY21, which is significantly higher than previous years. Some of the items that have been approved are as follows: Dodge Durango for the LPD to be used as a detective vehicle. A Chevy Silverado for the LFD to be used as the inspector's vehicle. Required updated election equipment. A lease for golf carts at Westover Golf Course. $20,000 for prior year bills. Reclassification plan for HR to look at salaries within the Town. Fiber optics for the new senior center and the school. Police overtime expecting to be $100,000. This will leave $191,000 of free cash after the above said items.

Ms. Villano explained that this is where the Town is for the FY21 budget. The finance committee will be meeting May 27th & 28th to start their voting process and make recommendations. Once this is complete, the budget will be presented to the Board of Selectmen for finalization and approval. The plan is to vote the annual budget at the Town meeting. This 1/12 budget is just plan B in the event that anything happens due to the COVID. Ms. Villano also thanked Ms. Collins, Town Accountant for all her hard work and due diligence during this process.

Mr. Goncalves asked what the $141,000 for IT on the budget was for?

Ms. Villano explained that the bulk of this is for the MUNIS accounting licenses.

Moved by Mr. Silva, seconded by Mr. Goncalves to hold the Annual Town Meeting at the Ludlow High School auditorium with overflow in the cafeteria if necessary. Vote 4-0. All in favor.

New Business:

Moved by Mr. Rosenblum, seconded by Mr. Goncalves agree to return the furloughed employees of the Library back to work as they are part of Phase I, effective June 1st. Vote 4-0. All in favor.

Board to schedule the two golf interviews for the Westover Golf vacancy.

Board perused Executive Session Meeting Minutes of March 17, 2020

Closing Comments:

Mr. Goncalves please continue to take this pandemic seriously, even though the Governor loosened up the restrictions a little bit.

Mr. Rosenblum stated that he is going to miss having Festa this year due to the pandemic he understands. Also, stay mindful that the children are having a difficult time not being in school and seeing their friends and try to get out with them even for a hike or something.

Mr. Silva encouraged everyone to stay safe and stay vigilant and we will get through this together.

Mr. DeBarge wanted to comment on the Springfield Water's rate increase which residents have been asking about. The DPW Director had a letter stating that the commission had better than average consumption in April and is reconsidering the rate hike. They met with City Council last week to discuss a lesser increase. This is all the information we currently have but hopefully this increase will be lessened.

Moved by Mr. Goncalves, seconded by Mr. Silva to adjourn this meeting at 8:49 p.m., not return to open session, and to enter Executive Session for the purposes of discussing a non-union contract negotiation. Vote 4-0. All in favor.

Ludlow Board of Selectmen

All related documents can be viewed at the Board of Selectmen's Office during regular business hours.