

COMMITTEE ON HUMAN RESOURCES/INSURANCE

November 16, 2021 at 6:00 PM

Chairman Stewart called the meeting to order.

The Clerk called the roll.

Present: Aldermen Stewart, Hirschmann, Barry, Cavanaugh, Roy

Messrs.: K. Ferguson

1. HR Reports submitted by Kathleen Ferguson, Human Resources Director:

- Position Summary Report
- Vacancy Requisition Requests and Approvals
- Sapphire SmartShopper Report
- Summary of Arbitrations/Grievances

(Note: Provided for informational purposes only; no action is required.)

2. Communication from Kathleen Ferguson, HR Director, informing the committee that 13 interested parties have responded to the RFP for an EAP provider with final proposals due on November 19, 2021.

(Note: Provided for informational purposes only; no action is required.)

Alderman Cavanaugh stated that I know we talked about it and we had the presentation from the gentleman who came in. I have seen it before, when in settings you hire a group that is just a phone call away; it just doesn't work. I have never seen it work. We had a call center over on Holt Avenue. People were nervous about it. I hope we can find someone that the employees can trust who is maybe embedded in the workforce. I know it is unique with Bob but that works. When I was working in our union, people didn't trust the EAP group coming in. They would go somewhere else to someone they trusted. We had to send someone out to Las Vegas for 30 days. There is a great program down in Florida as well. I think you lose a lot and it's a disservice to the city employees if it is just an 800 number you call. I don't know about these 13 groups are coming in but if it is something like that I can't support it. A call center and someone simply looking at a screen won't work.

Kathleen Ferguson, Human Resources Director, stated we sent out 13 but have only had two replies. We asked Bob Kelly if he could recommend somebody who is similar in nature. He replied that nobody does that as it was very specific to Manchester and what he did. He couldn't recommend one person. We will see what they say when they come in. We will ask them to do a presentation and we will ask them if they will physically be in Manchester. If we have crisis management we need someone here physically. These are some of the requirements we will be looking for. It is difficult to replace what we have now. We are open to any ideas.

Alderman Cavanaugh stated it is that trust you build and he's done a great job with that. You don't just walk in and have that. It is a big issue and it is something I've dealt a lot with as a benefits coordinator and representing a big work group.

Alderman Barry stated I agree with Alderman Cavanaugh; it's a hands on effect. You want someone who is actually here physically. People will not only have trust but the chance to build a personal relationship. What happens if they are speaking with someone on the phone at a big outfit and they get disconnected if they are at the first step and having a hard time and are embarrassed? A lot of the employees benefitted because there was a lot of trust. It will be nice when they do come in so we can speak with them to find out how they will be associated with Manchester.

Ms. Ferguson stated when we narrow it down and have them come forward with presentations, I will be happy to invite all of you. If you are interested, we will have the RFP's by end of week and can make them available to you.

Alderman Roy stated I agree with Alderman Cavanaugh. Why change something if it isn't broke? Can you refresh my memory as to why we went forward with this RFP?

Ms. Ferguson stated he is retiring.

Alderman Roy stated he said he could go until June or July I thought.

Ms. Ferguson replied he mentioned that if we do need help on a monthly basis he would be willing to do so because it may take some time to find somebody. Ideally that is not exactly what he wants to do but he is willing to do that. I just feel that this process needs to get in place because it is his intention to retire. He said January 1 but will help if we need it.

3. Communication from the HR Director regarding a planned orientation for newly elected and incumbent aldermen to be held in December.
(Note: Provided for informational purposes only; no action is required.)

Chairman Stewart stated I would like to commend Ms. Ferguson and City Clerk Normand for joining forces to put this together. It is something we all could have benefited from early on to learn how things operate and what is going on. I think it will be great for incoming aldermen and also a good refresher course for those of us that could use it.

4. Communication from the HR Director regarding the City's Drug and Alcohol policy that was approved at the 10/19/21 BMA meeting but referred back to HR to look into testing for all City employees.
(Note: Provided for informational purposes only; no action is required.)

Alderman Roy stated I read the document and it said it is illegal to do a pre-screening. I want to treat all employees the same. I don't think it is fair that some employees are tested and some are not. Let me ask you this Kathy, after they are hired could we have a

policy in the city that would have random drug testing for any of our employees? Any department?

Ms. Ferguson replied that is in some of the collective bargaining agreements. I can defer to Peter Chiesa. What I've been told is it is an invasion of privacy and we cannot require 100% of our employees to have drug testing pre-employment. After the fact, I would have to find out about that. Technically according to the Constitution it is an invasion of privacy. We can do it for safety and CDL licenses.

Alderman Roy stated I get what Attorney Rice said about unconstitutional pre-employment. I'm talking about after the fact. I think we all agree that our most valuable asset is our employees and we want them to be safe and healthy. If they are using drugs, that is not the case. It would benefit us to have random drug testing. If they are on a slippery slope it would help. I would hope in the future that something could be done. I would like them all to be treated the same and protected as well.

Peter Chiesa, Deputy City Solicitor, stated that federal courts have held that you can't have a program that would test people purely randomly. Federal courts have struck down policies in several cases. You can't have a purely random drug test city wide for all employees. You can test, as Kathy summarized, people who have those safety sensitive positions. Those are the two groups of people who can be tested randomly.

Alderman Roy asked what if all the different groups put it in their contracts. Is that something you can do?

Mr. Chiesa replied you could probably bargain it yes but for most of it isn't in there now.

Alderman Roy stated I think we are looking at it the wrong way. I think we can get to that place and protect our employees. If they start using, they will not be safe and healthy.

Alderman Cavanaugh stated I am surprised with that. I don't doubt Attorney Rice as she's always right on. It just amazes me coming from what I've done for work. I just want all of our employees treated the same. If you are digging a ditch you are getting tested. If you want to run a department, well the Constitution says you can't. We have companies right now mandating a vaccine or they will lose their job and I think everyone should get vaccinated. It just amazes me. If we want to hire a superintendent of schools and we ask them that...I am just amazed that it's unconstitutional. It sends a message to all employees that you are all being treated the same. Whether you are a plant manager or collecting garbage bags.

Alderman Hirschmann stated the way I read the letter is pre-employment drug testing is constitutionally tolerated but once you were an employee you can't. Is that true?

Mr. Chiesa stated no it is not. Once hired you can't just randomly test anyone except for those two classes, safety sensitive and CDL.

Alderman Hirschmann stated but your superior said in this letter “pre-employment”.

Mr. Chiesa stated you are asking post-employment.

Ms. Ferguson stated the reason pre-employment is mentioned is because we have a policy on pre-employment. The original policy I brought to your attention at the last meeting stated only Police and Fire have pre-employment testing. I wanted to correct it because according to some collective bargaining agreements as well as CDL we do that testing. I know the policy was incorrect at the time and I wanted to correct it, it was a housekeeping issue. That was the policy regarding pre-employment.

Alderman Hirschmann stated if we passed this, it says safety sensitive so is there a number or list of these positions.

Mr. Chiesa stated those types of positions are police as they are required to carry a firearm, emergency people, firefighters, transit employees and bus drivers are all the general types of positions that are safety sensitive.

Ms. Ferguson stated the policy was already approved at the last meeting.

Alderman Hirschmann replied so it’s a very small number of employees from my view.

5. Communication from the HR Director regarding the NH Retirement System Audit and recommending that a committee or group be formed to research and develop new programs and policies regarding long-term disability and workers' compensation with a report back to the HR Committee.

Alderman Barry moved to approve the request. Alderman Roy duly seconded the motion.

Alderman Hirschmann asked could this be done in-house instead of going somewhere else.

Ms. Ferguson stated that was the plan. We have not decided who would make up the HR Committee but I would think our Risk Manager would be on the committee and possibly someone from HR and Finance as well. It needs to be addressed because the audit came out that we were reporting incorrectly on a couple of items. It will have some implications on how we pay the pensions going forward.

Alderman Cavanaugh asked are Police, Fire and teachers the only groups in the State system now.

Ms. Ferguson replied no not for the City of Manchester. They have a separate...

Alderman Cavanaugh asked well who is on the State system.

Ms. Ferguson replied Police and Fire.

Alderman Hirshmann interjected teachers.

Ms. Ferguson replied not for the City of Manchester. They have a separate HR Department that is not a part of the City of Manchester. We do not keep track for any of their teachers. The HR department does keep track of Police and Fire though.

Chairman Stewart called for a vote. *There being none opposed, the motion carried.*

6. Communication from the HR Director requesting the reclassification of an Administrative Services Manager, grade 16, to an Administrative Services Manager II, grade 17.

On motion by Alderman Cavanaugh, duly seconded by Alderman Barry, it was voted to approve.

7. Communication from the HR Director requesting that department heads be authorized to hire new candidates between steps 1-5 within the grade provided they have the funding in their current budget to cover the increase.

On motion by Alderman Barry, duly seconded by Alderman Cavanaugh, it was voted to approve.

8. Communication from the HR Director regarding a new policy for Sexual Misconduct, Domestic Violence and Dating Violence.

Alderman Roy moved to approve. **Alderman Barry** duly seconded the motion.

Alderman Hirschmann stated after reading through some of this, some of these things are already protected such as whistle blower protection. Isn't that a federal thing?

Ms. Ferguson replied we did this because we have a couple of grants that require this policy. This is why we added it. We also have a work place violence policy as well as a harassment policy. It is just extra protection for our coworkers.

Alderman Hirschmann stated this was more comprehensive then. I don't know if this all pertains to the workplace. Some of it seems like it is outside of the workplace. I'm not saying I am opposed to it.

Chairman Stewart called for a vote. *There being none opposed, the motion carried.*

9. Communication from Phil Croasdale, Water Works Director, requesting a reorganization of the Treatment and Supply Division as follows:

Add:

- One (1) WTP Laboratory Manager, grade 21;
- One (1) WTP Operations and Maintenance Manager, grade 21;

- One (1) Instrument Technician I, grade 18; and
- Two (2) WTP Plant Operator II's, grade 17

Reclassify:

- One (1) Laboratory Technician I, grade 17, to one (1) WTP Laboratory Technician I, grade 17; and
- One (1) Laboratory Technician II, grade 19, to one (1) WTP Laboratory Technician II, grade 19

*On motion by **Alderman Barry**, duly seconded by **Chairman Stewart**, it was voted to approve.*

- 10.** Communication from Timothy Clougherty, Deputy Public Works Director, requesting a class specification change to the Drop Off Facility Supervisor position to allow for a six-month period upon hiring to obtain the required certifications and licenses.

*On motion by **Alderman Hirschmann**, duly seconded by **Alderman Barry**, it was voted to approve.*

TABLED ITEM

- 11.** Communication from Alderman Roy recommending the hiring of an independent firm to evaluate the Fire Department.
(Note: Tabled 1/5/2021; referred to the HR Committee by the BMA on 12/15/2020).

This item remained on the table

*There being no further business, on motion by **Alderman Roy**, duly seconded by **Alderman Cavanaugh**, it was voted to adjourn.*

A True Record. Attest.



Clerk of Committee