

Reading Municipal Light Department (RMLD) Board of Commissioners

Policy Committee Minutes

Tuesday, January 31, 2017

General Manager's Conference Room

Start Time: 6:50 p.m.

End Time: 7:30 p.m.

Attendees:

Committee Members: Messrs. Hennessey, Pacino, and Talbot

Board Members: Chairman O'Rourke and Mr. Stempeck

RMLD Staff: Mses. O'Brien, Parenteau, and Schultz; Mr. Jaffari

Attorney Christopher Pollart

Call Meeting to Order

Chairman Hennessey, Chair of the Policy Committee, called the meeting to order at 6:50 p.m.

Attorney Pollart began by stating that there are five policies with updates; a memo, dated January 26, 2017, summarizing all the changes was circulated. Each Committee member should also have a marked and cumulative draft of each policy.

RMLD Policy No. 1 Community Relations

Attorney Pollart began by explaining that the changes to Policy 1, Section 1 were not substantive. Elements of the existing policy were rearranged.

Mr. Hennessey and Mr. Pacino stated that they had no issues with any of the changes, and that they were good with the whole policy.

Attorney Pollart asked if there were any questions.

Mr. Talbot asked, looking objectively, is this an opportunity to communicate about peak load programs and establish benchmarks, to which Mr. Pacino replied that would be more operational.

Chairman O'Rourke stated you could if goals were stated, but cautioned against getting too specific, since programs and goals will change from year to year.

Mr. Talbot referenced 1.1E, "To provide services and information that support customers' needs and concerns."

Mr. Hennessey replied that defining services and information would be more strategy than policy and concluded that the policy should be left general.

RMLD Policy No. 3 Safety Review

Attorney Pollart stated that one of the benefits of having Ms. O'Brien as a General Manager is that she is one of the most well-versed general managers in the state in terms of safety issues. Attorney Pollart's office worked closely with Ms. O'Brien, who in turn worked closely with Mr. Jaffari, to revise the policy to be consistent. From an operational standpoint, the revised policy leaves it to the General Manager to set up the nuts and bolts of the safety programs that protect RMLD workers, the public, and RMLD assets. Attorney Pollart then asked if there were any questions

Chairman O'Rourke asked if the policy should include any information on the rotation of the Safety Committee.

Ms. O'Brien stated that the policy establishes a safety review team as an element of the safety program. The internal procedure will get into the specifics. There will be a general committee and an operations committee.

Chairman O'Rourke questioned whether you need to include the terms.

RMLD Policy No. 3 Safety Review

Attorney Pollart answered that the policy is meant to give the General Manager maximum flexibility, including who is on the committee and for how long. A minimum of one person per division needs to sit on the team at all times.

Ms. O'Brien explained that sometimes issues come up that take longer than a year to resolve and you wouldn't want to change out committee members during investigations or research. The term could be annual or two years based on what is going on. Ms. O'Brien added that RMLD should be able to submit for an insurance rebate.

Mr. Hennessy asked if there were any more questions, of which there were none.

RMLD Policy No. 15 Sexual Harassment

Attorney Pollart explained that RMLD's existing policy was consistent with the Massachusetts Commission Against Discrimination (MCAD) model, but these new updates now provide guidance about what is allowed and what is not, and provide direction on what to do if an employee violates those guidelines. Attorney Pollart's office worked with Ms. O'Brien and Ms. O'Brien circulated the policy changes internally, so the draft reflects updates from both Attorney Pollart's office, internal staff, and Ms. O'Brien.

Chairman O'Rourke asked about including bullying and broadening the policy to harassment in general.

Attorney Pollart agreed that it makes sense to address sexual harassment and bullying, however, both should be separate policies because there are separate laws and procedures that apply, to which Mr. Hennessy asked if that meant that a new policy is needed for bullying. Attorney Pollart stated that was correct.

Chairman O'Rourke said that his company has a compliance officer role and has a third-party line and is not sure if that is needed or not, but sometimes people aren't comfortable going to Human Resources.

Mr. Hennessy asked if he meant something like an ombudsman.

Chairman O'Rourke replied that his company has an independent online service and it's something to consider, to which Attorney Pollart added that there is no right or wrong legal answer.

Ms. O'Brien suggested that bullying could be integrated into the violence prevention policy. Mr. Hennessy pointed out that bullying can be nonviolent.

Chairman O'Rourke asked if employees need to annually sign off that they have read the policy.

Ms. O'Brien answered that it is a part of each employee's Career Development Plan. The employee must sign that he or she has read all division policies and procedures, and then it gets put onto SharePoint.

Chairman O'Rourke asked if every employee has a Career Development Plan, and Ms. O'Brien answered in the affirmative. Chairman O'Rourke then wondered if the Career Development Plan was the right place for the sign off, since that placement makes it seem optional.

Attorney Pollart stated that it is a great idea, legally, to have it in writing that employees have read the policy.

Chairman O'Rourke agreed but restated his concern about including it in the Career Development Plan. Ms. O'Brien explained that it is placed within the Career Development Plan because the employee does not receive his or her step raise until the policies are reviewed; it puts the onus on the employee. Ms. O'Brien added that she has spoken to Human Resources about bringing in an Occupational Safety and Health Administration (OSHA) trainer to provide training on sexual harassment, bullying, and violence. Ms. O'Brien stated that the reason she wants employees to receive formal training on this instead of just signing off on the policy is because bullying can be subtle and difficult to quantify. Victims need to be trained to identify that they are being bullied.

RMLD Policy No. 15 Sexual Harassment

Mr. Hennessy asked if the harassment policy could be used against a manager and stated that they need to be careful with the language, to which Attorney Pollart agreed.

Ms. O'Brien asked Attorney Pollart if a conduct policy addressing harassment and bullying should be drafted, to which Attorney Pollart replied that there should be two separate policies.

Mr. Pacino asked for clarification on what is meant in Section 5, D5 of the Sexual Harassment policy, that states "The General Manager shall request that the elected or appointed official remove him/herself from all committees until the investigation is completed and a determination has been made." D4 and D5 talks about Commissioner sexually harassing an employee

Ms. O'Brien remarked that the policy is unclear in regards to who conducts the investigation.

Mr. Pacino agreed that it seems unclear what happens and referred to a previous incident where the General Manager hired an outside individual to investigate.

Attorney Pollart read from the policy, Section 5, C, which details investigation procedures: "All allegations of sexual harassment and retaliation will be investigated in a fair and expeditious manner. The Human Resources manager shall commence the investigation..." There is a process.

Mr. Pacino asked to add "subject to the process detailed above" to Section 5, D. Mr. Pacino then wondered who would investigate a CAB member.

Attorney Pollart explained that if the harassment occurs at RMLD then RMLD has an obligation to investigate.

Mr. Pacino returned to the section of the policy that states "remove...from all committees" and asked if that meant that they could throw the Commissioner off the Board. Ms. O'Brien offered that the Commissioner would be placed on administrative leave pending findings of investigation. Mr. Stempeck added that, if the accusations were proven to be true, other members of Board should vote the Commissioner off the Board.

Mr. Pacino explained that there would need to be a recall, since the Commission members are elected individuals.

Attorney Pollart stated the Board can kick a Commissioner off committees.

Attorney Pollart clarified that the updates to the policy should make specific reference to the investigatory procedure and should add an obligation for the Board to hold a meeting to vote the individual off committees to Section 5, D5. Attorney Pollart reiterated that a Commissioner can't be voted off the Board but can be voted off committees.

The Committee agreed.

RMLD Policy No. 16 Violence Prevention in the Workplace

Mr. Pacino no issues. Mr. Hennessy none asked any discussion. Mr. Talbot answered no.

RMLD Policy No. 19 Board of Commissioners

Mr. Pacino stated that the only issue he had was that it doesn't state that Commissioners cannot be indemnified if the RMLD is sued, and asked if that should that be included. There's an Agreement that the Department cannot indemnify Board. Mr. Stempeck agreed that there is and clarified that the Board additionally has Errors and Omission insurance.

Mr. Pollart if there is an Indemnification Agreement then it should be referenced. Ms. O'Brien stated would check with Ms. Foti.

RMLD Policy No. 19 Board of Commissioners

Mr. Hennessey clarified that the Board would vote on the policies at the General Meeting. Mr. Stempeck answered that first the Committee must vote to accept the changes.

Ms. O'Brien explained that the Policy Committee votes on the policies and then recommends the changes to the Board.

Chairman O'Rourke asked which policies do not have any changes.

Mr. Pacino stated that Policy No. 1, Policy No. 3, and Policy No. 16 did not have any changes. Policy No. 16 and Policy No. 19 will be changed.

Mr. Hennessy made a motion, seconded by Mr. Pacino, to recommend that the revisions to Policy No. 1 be adopted by the Board of Commissioners.

Motion carried 3:0:0.

Mr. Hennessy made a motion, seconded by Mr. Pacino, to recommend that the revisions to Policy No. 3 be adopted by the Board of Commissioners.

Motion carried 3:0:0.

Mr. Hennessy made a motion, seconded by Mr. Pacino, to recommend that the revisions to Policy No. 15, as corrected, be adopted by the Board of Commissioners.

Motion carried 3:0:0.

Mr. Hennessy made a motion, seconded by Mr. Pacino, to recommend that the revisions to Policy No. 16 be adopted by the Board of Commissioners.

Motion carried 3:0:0.

Mr. Hennessy made a motion, seconded by Mr. Pacino, to recommend that the revisions to Policy No. 19, as corrected, be adopted by the Board of Commissioners.

Motion carried 3:0:0.

Chairman O'Rourke asked if RMLD has an ethical conduct policy

Motion to Adjourn

At 7:30 p.m. Mr. Pacino made a motion, seconded by Mr. Hennessey, to adjourn the meeting.

Motion carried 3:0:0.