

Reading Municipal Light Department (RMLD) Board of Commissioners

Policy Committee Agenda

Thursday, September 22, 2016

6:30 p.m.

R&C Conference Room

1. Call Meeting to Order
2. Continued Review of Board Policies ACTION ITEM
3. Approval of Policy Committee Minutes ACTION ITEM  
June 30, 2016  
July 28, 2016
4. Discussion
5. Schedule Next Meeting
6. Motion to Adjourn

Reading Municipal Light Department (RMLD) Board of Commissioners

Policy Committee Minutes

Thursday, June 30, 2016

General Manager's Conference Room

Start Time: 6:30 p.m.

End Time: 7:30 p.m.

Attendees:

Committee Members: Messrs. Hennessy, Pacino and Talbot

Board Members: Mr. O'Rourke, RMLD Board Chairman and Mr. Stempeck, Commissioner

RMLD Staff: Mses. O'Brien and Foti

Guest: Chris Pollart, Rubin and Rudman

**Call Meeting to Order**

Chairman Hennessy, Chair of the Policy Committee called the meeting to order at 6:30 pm.

**Continued Review of Board Policies**

Ms. O'Brien reported that the policies need to be addressed, to ascertain what was the original intent, what is the current intent and then to change the policy language to conform to current rules, regulations and laws.

**RMLD Policy 6 Drug and Alcohol Free Workplace**

Ms. O'Brien stated that there will be two policies presented. RMLD Policy 6 Drug and Alcohol Free Workplace. Ms. O'Brien provided an overview stating that the RMLD is a drug and alcohol free workplace and that is the intent. RMLD Policy 26, Commercial Driver Licensee's Alcohol and Drug Testing, the regulations for CDL drivers are covered in this policy. Before she came to the RMLD, Policy 26 was put in the union contracts.

Mr. Hennessy asked how often the testing is performed. Ms. O'Brien responded the testing is random of a sample monthly. Ms. O'Brien said that she is tested as well. Policy 26 is proposed to be changed to include non CDL and management.

Mr. Pollart reported that in Policy 6 the following changes were made:

**PURPOSE**

This has been revised to clarify that the policy is intended to comply with the Drug Free Workplace Act regardless of whether or not it applies to the RMLD.

**RESPONSIBILITIES**

This clarifies that the General Manager has the authority to employ the services of professionals that can facilitate compliance and enforcement of the policy. Mr. O'Rourke asked if this change is new and what does it mean. Mr. Pollart responded that it means if the General Manager wants to hire someone for training, she has the authority to do this, but the policy clarifies this. This is if you need to bring someone in to perform an investigation. Ms. O'Brien pointed out that for DOT a requisite amount of supervisors need to be trained in order that they can differentiate between someone with a medical condition versus someone under the influence of drugs. Standards need to be maintained and laws followed.

The Human Resources Manager's role in providing notice and overall administration of the revised policy has been clarified.

The revised policy clarifies for procurement purposes that provisions requiring compliance with the Drug Free Workplace Act be contained in all bid documents.

**DEFINITIONS**

Changes made were to clarify and complete the policy to put RMLD employees and other persons' subject to the policy on notice on exactly what conduct is prohibited.

### **Continued Review of Board Policies**

#### **RMLD Policy 6 Drug and Alcohol Free Workplace**

##### **IV PROHIBITED CONDUCT**

Mr. Pollart said that a provision to address the possession, use and distribution of alcohol, which could impair the ability of employees to perform their jobs and safety issues, was added. The last sentence in Section A is to be deleted. Controlled substances were specifically segregated and dealt with separately.

The policy will apply to all employees and not be limited to safety sensitive workers. There was discussion on over-the-counter medications for non-safety sensitive workers that may impair jobs. Mr. Pollart said that the policy changes are as follows: take out the wording, safety-sensitive. No employee may use certain prescription drugs that impair the ability to do their job. Then add cautionary language relative to nonprescription drugs.

Mr. Pollart reported that in 2013, the Commonwealth of Massachusetts made medical marijuana legal, but medical marijuana does not have to be allowed in the workplace. Ms. O'Brien pointed out that marijuana stays in one's system for thirty days. If an employee were drug tested, then tested positive, they would have to stay out of work for the thirty-day timeframe. Mr. Pollart said that the policy is drafted in the context that medical marijuana is an impairment when on duty. Ms. O'Brien said that the DOT will not allow a marijuana user back until clean. It does not matter the amount because the DOT does not have a THC test set, it is yes/no.

Mr. Pacino pointed out that recreational marijuana will be coming up for the ballot in the fall, suggesting that the policy address this in advance if possible.

Discussion followed on the use of medical marijuana when undergoing treatment involving chemotherapy. Mr. Pollart said that he will check into this. Mr. Pollart commented that there is a clear relationship with the DOT and CDL.

Mr. Talbot asked if other policies exist at other utilities and investor owned utilities. Mr. Pollart explained that RMLD is out front in addressing new issues via policy. Mr. Talbot asked what the consequences of them not doing this is. Mr. Talbot said that it is not up to RMLD. Ms. O'Brien said that the RMLD will stick with the DOT. Mr. O'Rourke clarified medical marijuana. Ms. O'Brien said that she will have Mr. Pollart look into this.

Mr. Stempeck said that other considerations would be if someone has a pacemaker they should not be near high magnetic fields.

Ms. O'Brien asked Mr. Pollart to look at the DOT. Ms. O'Brien said that the policy is going to be reviewed every three years, but if this change in the marijuana law come to effect, the policy may need to be revisited. Mr. O'Rourke said that he would like the medical use of marijuana looked at. Mr. Pollart stated that he will look into this. Mr. Pollart said that he will check into what police departments as well as dispatchers to see if that issue is addressed.

##### **PROCEDURES**

Mr. Pollart said that there are minor changes to this policy. Also to be included, is that FMLA leave and sick leave will run concurrently which is consistent with Policy 26.

#### **RMLD Policy 13 Facility Use Policy Procedures and Requirements**

Ms. O'Brien explained that facilities use was less restricted and due to the Career Development Plans, etc. RMLD's rooms are required for internal use. The public library is an open public building. Ms. O'Brien said that governmental agencies can use RMLD's conference rooms and AV room. The Cafeteria will be used for nonprofit organizations with certificates of liability insurance similar to the town. Ms. O'Brien said the RMLD would need to charge for use of the rooms.

The Control Room operators although in the station cannot patrol the activities of outside groups. This also includes RMLD's outside areas in which bike swaps have taken place.

### **RMLD Policy 13 Facility Use Policy Procedures and Requirements**

Ms. O'Brien said that the RMLD would need to charge to cover the cost of having staff present. Mr. Pacino said that when this building was built, the idea was the meeting rooms would be available for government purposes, only governmental. However, nonprofits came in after the fact. Ms. O'Brien said that the RMLD wants to be a good neighbor. Mr. Stempeck said that for companies that are for profit he found it difficult to find space to rent to meet with clients.

Mr. Pollart said that the changes involved three areas: RMLD's authority to rent the space and issue permits. The RMLD has all the powers the legislature specifically delegates to you and everything that is necessarily applied therefrom. The RMLD does not have the authority to rent, but revised the policy to allow the facility to be used, but charging fees to cover the cost of use.

Mr. Pollart noted that the old policy had language in there about content, what could be done, who could use it, what they could talk about. Once a public space is opened for the public to use, you lose the ability to control the content. Ms. O'Brien said that educational is pretty broad. Mr. Pollart commented that it is pretty broad, but the policy can be interpreted and it is a matter of discretion. Mr. Talbot said that the Reading High School auditorium is rented out to private groups and religious groups. Mr. Stempeck said that there could be language at the discretion of the General Manager. Ms. O'Brien cautioned this can be construed by discriminatory on her behalf. Mr. Talbot said, why allow groups in to use RMLD's facility as a counter argument. Mr. Stempeck said that it is good being a good citizen of the four towns to open up use of the facility, it is an admirable thing to do. There has to be common sense applied. Mr. Hennessy added if there is something weird that happens then the policy can be readdressed. Ms. O'Brien said that the RMLD has experienced vandalism with an outside group. Mr. O'Rourke asked about the vandalism, what RMLD would do. Ms. O'Brien responded that they would receive a bill for damages. Mr. O'Rourke said that it is a nice public service effort.

Ms. O'Brien stated that there is misconception that the RMLD rooms are available. Many of the rooms are being used. Ms. O'Brien said that there are permitting rules. Items such as donuts and coffee being brought in require food permits.

Mr. Pollart said that within the policy it needs to better define the classes and groups of individuals that have access to the Cafeteria. As well, further investigation into fees and job descriptions is needed to cover staffing as required.

### **Schedule Next Meeting**

Policy Committee meeting none dates were scheduled.

### **Motion to Adjourn**

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

**Motion carried 3:0:0.**

Reading Municipal Light Department (RMLD) Board of Commissioners

Policy Committee Minutes

Thursday, July 28, 2016

R&C Conference Room

Start Time: 6:45 p.m.

End Time: 7:10 p.m.

Attendees:

Committee Members: Messrs. Hennessy, Chairman, Pacino, and Talbot

RMLD Staff: Mses. O'Brien and Foti

**Call Meeting to Order**

Chairman Hennessy, Chair of the Policy Committee called the meeting to order at 6:45 pm.

**Continued Review of Board Policies**

**Policy 13 Facilities Use Policy**

Ms. O'Brien said that from a union perspective, the RMLD does not have employees that fulfill the custodial duties required for an outside group to use RMLD's facilities. Ms. O'Brien explained that it is easier not to rent out the Cafeteria. From a security perspective, the new NERC regulations for the Control Room demonstrate that, RMLD as a utility is not an open public building. Mr. Stempeck was in agreement with this. Ms. O'Brien said that as a utility she was trying to capture the cost of the Cafeteria in the draft policy the committee has seen in the past. Also, there was vandalism with one outside group. The few nonprofits that have used the Cafeteria have moved on. Any of the four town agencies that use RMLD's facilities there is no charge, their liability is covered under the town's certificate. Ms. O'Brien said that the policy will be revised to reflect that the RMLD will not rent out the Cafeteria. Mr. Talbot asked if the room use could be at the discretion of the General Manager. Ms. O'Brien said that she does not want to use "at the discretion of the General Manager." The next time the committee meets there will be no discussion, it will be revised to reflect the changes that RMLD will only allow the four town agencies to use its facilities.

**Policy 6 Drug Free Workplace**

Ms. O'Brien said that the changes in Policy 6 are that it is more comprehensive to address the use of alcohol use, prescription drugs and certain nonprescription drugs, medical marijuana and other drug related activities and uses that could pose safety and/or operational changes. Consistent with the expansion of the policy, we changed the title to indicate that the policy applies to alcohol as well as drugs. The proposed changes clarify that the policy is intended to comply with the Drug Free Workplace Act regardless of whether the Drug Free Workplace technically applies to the RMLD. Also, the changes clarify the authority of the General Manager to employ the services of professionals to facilitate compliance and enforcement. The policy contains language that clarifies that the use of medical marijuana, even if prescribed for medical purposes, is a prohibited activity under the policy. The policy also covers all RMLD officers, consultants and contractors, not just employees. The Massachusetts Department of Transportation has no standards for the medical use of marijuana.

Mr. Hennessy made a motion seconded by Mr. Talbot to approve Policy 6, Drug Free Workplace Act as presented.

**Motion carried 3:0:0.**

Ms. O'Brien then addressed the ICMA contribution: the policy needs to change where it is capped at \$5,000. She would like to increase the amount for nonunion employees to \$7,000. Ms. O'Brien will send the policy to the Board.

**Discussion**

There was no additional discussion.

**Schedule Next Meeting**

No date scheduled.

**Motion to Adjourn**

At 7:10 p.m. Mr. Hennessy made a motion seconded by Mr. Talbot to adjourn.

**Motion carried 3:0:0.**