

Special Meeting of the
Hillsborough County Board of Commissioners
January 13, 2009
Bouchard Building, Goffstown, NH

Minutes of the Public Session
(Not Official Until Approved by the Board and signed by the Clerk.)

Present: Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, B. Moorehead, C. Kirby, M. Rusch, G. Wenger, and L. Stonner.

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:08 a.m., followed by the Pledge to the Flag led by L. Stonner.

2. Deliberations Re NH AFSME Grievance Matters

The Board met to discuss grievances. The following motions were offered and discussion occurred.

Grievance 0564 – Betsy Raczkowski

Motion: To support the Grievance. By Comm. Clemons, second by Comm. Pappas for the purpose of discussion.

There was discussion relative to whether the Grievant provided notification of continuing to be out on leave as required, and the fax she claimed to have sent, as well as to whether any of the facts could be verified. There was general agreement that the Grievant was ill. The Board further discussed the Grievant's responsibility to provide the required notification. The Board agreed that it would be appropriate to continue its discussion in Non-Public session with Attorney Kirby.

Motion: To go into Non-Public Session with Attorney Kirby under RSA 91-A:3 II (c). By Comm. Clemons, second by Comm. Pappas. Pappas-yes, Clemons-yes, Holden-no. Motion carried.

The Board entered Non-Public Session at 9:27 a.m.

The Board discussed the pending grievances with Counsel. The Commissioners agreed to address any decisions upon return to Public Session.

The Board returned to Public Session at 9:45 a.m.

Motion: To return to Public Session. By Comm. Clemons, second by Comm. Holden. Motion carried.

Comm. Clemons was recognized and he withdrew his motion relative to Grievance 0564. Comm. Pappas agreed to withdraw her second.

The Board decided it needed further deliberation and it would re-convene on Thursday.

Motion: To recess the meeting and re-convene on Thursday, January 15, 2009, at 2:00 p.m. By Comm. Holden, second by Comm. Clemons. Motion carried.

The meeting recessed at 9:46 a.m.

January 15, 2009 – Meeting Re-convened

Those present Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, C. Kirby, H. Bernier, K. Covert, G. Wenger, and L. Stonner.

Comm. Pappas noted that she would entertain a motion to re-convene.

Motion: To come out of recess. By Comm. Clemons, second by Comm. Holden. Motion carried.

The January 13, 2009 Special Board meeting reconvened at 2:06 p.m. on January 15, 2009.

2. Pledge to the Flag

Mr. Wenger led the pledge to the flag.

Comm. Pappas inquired if the Commissioners were prepared to offer any motions relative to the pending grievances. The following motions were considered.

Grievance PM 0561 – Cindy Casey

Motion: To grant the grievance in part and deny the grievance in part as follows: grant the employee missed overtime pay of 10.10 hours for the period after she signed the overtime roster and was not awarded overtime, but deny the grievance to the extent it seeks the creation of a separate overtime roster for unit aides. By Comm. Clemons, second by Comm. Pappas for the purpose of discussion. There being no further discussion, the motion carried unanimously.

Grievance PM 0564 – Betsy Raczkowski

Motion: To grant the grievance in part and deny the grievance in part as follows: grant the grievance to the extent that the employee is reinstated to her position effective immediately, but deny the grievance to the extent that the employee is “made whole” for back pay, benefits, etc., since both the employee and the Union failed to produce the required doctor’s note contrary to Article 10.2 and at Step 1 or Step 2 of the grievance process thereby not resolving this grievance at its lowest level or mitigating any damages. By Comm. Clemons, second by Comm. Pappas. Commissioners Clemons and Pappas voted in the affirmative and Comm. Holden voted against the motion. Motion carried.

Grievance PM 0557 – Donna Triconi

Motion: To deny the grievance. By Comm. Clemons, second by Comm. Pappas. Motion carried unanimously.

Grievance PM 0567 – Jodi Lamy

Motion: To deny the grievance. The grievance was filed on September 14, 2008 when, consistent with Article 7.1, the position was being filled temporarily by the Administrator until there was a permanent assignment to the job. A permanent assignment to the position occurred on November 3, 2008. Therefore, the administrator exercised his rights under the CBA and the grievance was not ripe under Article 7. (A subsequent grievance could have been filed after November 3, 2008 alleging violations of Article 7). By Comm. Clemons, second by Comm. Holden. Commissioners Pappas and Holden voted in the affirmative and Comm. Clemons voted against the motion. Motion carried.

Grievance PM 0565 – Pauline McMaster

Motion: To deny the grievance but, the Commissioners in acknowledging that the Grievant claims not to have received notice of the error in the pay rate until after she worked as a supervisor for approximately 3 days, directs the administrator to pay the employee a pay adjustment of the difference between what she received on, and the amount she anticipated for those hours worked as a supervisor prior to the notice in August, 2008. By Comm. Clemons, second by Comm. Pappas. Commissioners Pappas and Clemons voted in the affirmative and Comm. Holden voted against the motion. Motion carried.

4. Old/New Business

Comm. Holden informed the Board that there will be a Supreme Court ruling tomorrow morning relative to the NH Association of Counties un-funded mandate litigation.

Mr. Wenger informed the Board that he received a grievance from the Nursing Home AFSME group regarding Inge Ducharme, who raises an issue with respect to dues deduction. He noted that he has reviewed Article 4 of the collective bargaining agreement, which provides that the Union shall defend and hold the Commissioners harmless in any such dispute. He recommended that the Board authorize him to forward a letter to the Union that will in effect, advise them of such, and that the Commissioners demand that the Union defend and hold the Commissioners harmless on this dues deduction matter.

Motion: To authorize Mr. Wenger to send a letter to the Union. The letter shall serve as a request that the Union shall defend and hold the Commissioners harmless in the dues deduction matter. Motion carried. By Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Clemons requested that the Board finalize its Committee assignments. The Board discussed the matter and agreed upon the following:

- Comm. Holden will serve on the UNH Cooperative Extension Advisory Board.
- Comm. Clemons will serve on the NH Association of Counties Certification Board.
- Comm. Holden will serve on the County/State Finance Committee.
- Comm. Pappas will serve on the NH Association of Counties Legislative Committee.
- Comm. Pappas will serve on the Pandemic Planning Committee.
- Comm. Holden will serve on the All Hazards Planning Committee.
- Comm. Pappas will serve on the NH Association of Counties Awards Committee.
- Commissioners Pappas, by virtue of her position with the Association, Comm. Clemons and Comm. Holden will serve on the NH Association of Counties Executive Committee.
- Comm. Holden is willing to continue on the Master Planning Committee, subject to further discussion about the Board's decision relative to the committee, and its plans going forward.

The next meeting of Association of Counties will be held on Friday, February 6 at 10:00 a.m. at the Primex building.

Mr. Wenger informed the Board that the County received a letter from the Census Bureau and asked the Board if it had knowledge of Hillsborough County, as an entity, having any non-sheltered, outdoor locations where people who experience homelessness may be as of March 31, 2010. The Board responded that it had no knowledge of any such situation or location.

5. Adjourn

There being no further business before the Board, it moved to Adjourn.

Motion: To adjourn. By Comm. Clemons, second by Comm. Clemons. Motion carried.

The meeting adjourned at 2:25 p.m.

(SIGNED 1/21/09)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date