

## COMMITTEE ON HUMAN RESOURCES/INSURANCE

**May 8, 2000**

**5:30 PM**

Chairman Lopez called the meeting to order.

The Clerk called the roll.

**Present:** Aldermen Lopez, Sysyn, Shea, Vaillancourt, O'Neil

**Messrs:** T. Giovagnoli, M. Hobson, D. Muller, D. Hodgen, S. Tellier

Chairman Lopez stated in reference to Item 3, I was called around 5 PM by the Chief of Police and Mark and they asked if I would pull this off of the agenda.

Report of Committee on Human Resources regarding Yarger, Decker and McDonald recommendations for the Business Services Officer of the Police Department, which was referred back to Committee for further review.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to table this item.

Chairman Lopez stated I would like to move to #5 to get this particular item out of the way instead of having the individual wait.

Communication from Thomas J. Giovagnoli requesting a leave of absence from the Highway Department for family reasons.

Chairman Lopez asked does anyone have any questions to ask of Tom.

Alderman O'Neil asked is there a new letter from the director. I thought there was a new letter.

Chairman Lopez answered I don't have a new letter.

Mr. Hobson stated I want to make sure, if I could ask the City Clerk Leo Bernier, this letter was sent over by Frank Thomas. Frank has been on a...we called Frank when we received Mr. Giovagnoli's request and Frank was out of the office for five business days. He apologizes for that. He sent this over this morning. Did we get it distributed?

Clerk Bernier replied we have it downstairs. I will go and get it.

Chairman Lopez stated I think what we will do if it is okay with the members is we will give Tom an opportunity to explain his request.

Mr. Giovagnoli stated I gave an original request to Frank asking for a leave of absence and I assume you have all of the paperwork on that and his original denial. Again, I wrote a letter to you people and gave another letter to Frank for that same request. The reason I am asking for that is I am a single parent and I have three boys. I am divorced obviously. I had a lot of my family helping me babysat my children. Two of my sisters were babysitting with my mother. My two sisters are now working full-time so all I have is my mother to help baby-sit. My mother is 73 years old and she really can't do it. What I was hoping was that if I could have some time off for the summer because with such short notice I don't think I can get a babysitter to watch all three of my children until the kids start school in September. In September, my youngest will be old enough to go to school full-time so that will alleviate some of the babysitting problems. I spoke with Frank this morning about it and he says you should be able to find a babysitter to do this sort of thing. I have custody of my children but I don't get any financial aid from my ex-wife at all. I did, today, make some phone calls and called babysitting services and most of the childcare is for pre-school and kindergarten. The older children have childcare like they send them to camps and stuff and I found that most of the camps are full. Even if they were to go to camp, most of them start at...the YMCA costs \$360 a week plus membership fees the manning services have application fees of \$150 and placement fees of \$400 and you are still talking \$8-\$10 an hour so it is \$400 or \$500 a week for that. I am working full-time and I can't even put my kids in daycare. To me, if I am going to do all of that, the only explanation to me is to take time off until this fall when I can send the kids back to school and hopefully by next summer I will be able to line something up.

Alderman Shea asked isn't there a Federal law that allows people to get a certain amount of...if it were a woman wouldn't she get to take time off.

Chairman Lopez stated I wanted to ask Mark that. There is a Family Leave Act that the President signs. Would he qualify?

Mr. Hobson replied management has the right to accept an FMLA application or to place a person on FMLA. This would be a gray area under that particular issue from our perspective we would have the right to deny it or not accept an application. In this particular case, the department head did not choose to accept this as FMLA and send it to Human Resources as an FMLA request. The department head is also denying the appeal or I should say the request for leave of absence as well.

Chairman Lopez asked are the employees aware of the FMLA.

Mr. Hobson answered we have it in the employee handbook now and it is posted in all departments. We have also done FMLA training in all of the departments. Is every employee aware of the details of the FMLA? I don't know, but I think we have done a pretty good job of getting the information out. It is also included in all of the contracts.

Alderman Vaillancourt asked so this is unpaid.

Mr. Giovagnoli answered yes.

Alderman Vaillancourt stated you are not using any sick leave or vacation time during this period.

Mr. Giovagnoli replied no.

Alderman Vaillancourt asked and it is not six months any longer it is only four months – May, June, July and August.

Mr. Giovagnoli answered even if until the kids get out of school because then I will have all three of them full-time then I am really going to be in a bind.

Alderman Vaillancourt asked so it would be for four months basically.

Mr. Giovagnoli answered three I guess.

Alderman Shea asked it is for two months, isn't it. From June until the kids start back in school.

Mr. Giovagnoli answered the first of September. June, July and August. If that is asking too much, I could probably get by and take the rest of my vacation time or whatever until the kids get out of school.

Alderman Shea asked when would you like to curtail your employment.

Mr. Giovagnoli answered effective immediately would be nice. I don't want to overstep my bounds.

Alderman Shea stated so in other words you are willing to work how long then.

Mr. Giovagnoli answered until the kids get out of school.

Alderman Shea replied they get out of school on June 11 or thereabouts. So, you would like to have your leave after June 11 and they are starting back to school after Labor Day so roughly it is eight weeks.

Alderman Gatsas stated I think that the City should take a long, hard look at the FMLA because I believe that according to Federal standards you can't refuse an employee family leave. From what I understand, according to the negotiations that are in the contract and I don't know just because you put something in a contract whether that takes away from the employee's rights but I would ask legal counsel where you folks are with FMLA and if you have checked it on a Federal level because I think that supercedes even though it goes back to the scenario that just because somebody says they are going to work at \$200/week even though they may want to work 70 hours and they sign a document to that effect, that doesn't allow you to do it.

Mr. Hobson replied may I add one piece. Just so we know, the FMLA and again the original request was for six months I believe, the FMLA only covers 12 weeks out of that particular cycle or a particular year.

Chairman Lopez stated just as a point, I think the employee if I heard right is asking for any combination whatsoever to help him with this problem. Can I ask the City Solicitor about this opinion?

Mr. Muller replied with respect to this particular request of the FMLA, I would have to actually review the statute. I have recently reviewed the things dealing with leaves for a serious medical condition for a child or spouse and there are also provisions in there for birth. I would have to look at it though with respect to this particular situation where it is essentially a childcare issue. That I would have to look at.

Mr. Hobson stated I was going to ask you if you would like to hear from the Chief Negotiator who is here.

Mr. Hodgen stated I would defer to Dan Muller from the City Solicitor's Office, but my understanding is there are certain conditions that have to be met in order to qualify for the Family Medical Leave Act and probably the key word there is medical so employees can take time to attend to medical conditions of their spouse or their children or a parent or a blood relative or a ward residing in the household and employees can take time in the event of childbirth or adoption or personal illness, but there is no provision to my knowledge in the Family Medical Leave Act for childcare or babysitting or things of that nature. That is not a permitted use under the FMLA so, therefore, as I understand it this request has been made under a City Ordinance which allows the Board of Mayor and Aldermen to grant leave for the reasons that are cited in that particular section of the City Ordinance and it seems to me that is the question for the Committee. Are the uses that are listed in that section of the Ordinance applicable in this instance or not.

Alderman Shea asked what if he said that because of the fact that he has no one to care for the children it is a very serious emotional problem on his part. What happens then, David? Are we talking about the terminology? Here he is. He has a serious problem. He is going to worry about his kids all day long. He is not going to be able to focus on his work. He has emotional concerns here. If he changed the wording would that make a difference, David?

Mr. Hodgen answered in my opinion if an employee has a medical condition or an emotional condition that would need to be certified by a medical provider, a doctor.

Alderman Shea asked so if he went to the doctor and the doctor said that because of the stress you are under because of the three children and the fact that you have no babysitters for the summer and you are concerned and you can't get them into any kind of daycare center because of the expense involved and he brought a note back that would qualify him for that.

Mr. Hodgen answered if a doctor or a medical provider would certify to that effect and the City would accept that, I think that would cure the problem but there are provisions in the Family Medical Leave Act where if there is a difference of opinion that the opinion of a second medical provider can be obtained and if the two of them are split then even a third medical provider would give his or her opinion and that one is supposed to be final and binding if I recall. Now I know Dan Muller is quite conversant on the FMLA too so to the extent that he thinks I am far off, I would invite him to correct me.

Alderman Shea asked has there been any precedent in this area at all. Have we ever granted any kind of leave for any City employee?

Mr. Hodgen answered yes. We have granted leave under the Ordinance for City employees to attend schooling in one instance that I am aware of and that was Brian Mitchell who attended Harvard College for negotiations purposes a few years ago. I think it is a relatively rare occasion that leave is granted under this section of the Human Resources Ordinance.

Alderman Shea asked so there hasn't been any precedent in that regard to your knowledge.

Mr. Hodgen answered to the best of my knowledge, it has not been granted for what I call childcare purposes. It might have been and I might not have been aware of it, but I don't remember that.

Alderman Shea asked in other words there has been no female City employee who has ever been granted a leave in order to cope with family problems relating directly or indirectly to childcare.

Mr. Hodgen answered we have to be careful about our terms. If we are talking about maternity, in other words, a new baby is born then clearly that qualifies under the FMLA and in fact it would for the father as well. As I understand this situation, we don't have a new baby and we don't have an adopted child and I don't believe that the FMLA applies in this instance.

Alderman O'Neil stated in the three or four letters that I have from either Mr. Giovagnoli or Mr. Thomas, there is no indication of the FMLA so I don't know why we are even there. There is a provision in the Ordinance that allows the Board to grant a leave of absence and I think we are kind of losing focus on this thing.

Mr. Hobson stated I want to echo the fact that David is correct. From my experience, the issue that Alderman Shea described generally comes about as a result of a pregnancy or an adoption situation. There have been situations within the department where the department head and the Mayor has the right to give up to two weeks or 10 days, but to come to the Committee in this nature in the way Alderman Shea described, I cannot recall anything.

Alderman Vaillancourt stated I agree with Alderman O'Neil that we shouldn't get hung up on what we must do and should consider what we should do. I guess the only question there would be this isn't a department where there are only one or two people. The Highway Department has many, many people and I assume that it wouldn't be impossible to hire somebody on a part-time basis and maybe even save money. Is anybody from the Highway Department here?

Chairman Lopez asked, Mark, how would that work.

Mr. Hobson answered you have probably seen the letter that was passed out by the City Clerk. The concern of Mr. Thomas is that they are slim on mechanics and he had talked to me at one point in time about whether or not he could hire a temporary laborer and then promote somebody on a temporary basis internally and he could not necessarily find...he did not want to do that and perhaps because he could not find anyone to do that. Also, he is concerned about the precedent in his department because it has never been done and finally he is concerned about the fact that he has said no, Mr. Thomas has said no to other employees in the past in similar situations. Mr. Thomas is pretty adamant that he doesn't want this to be approved by the Committee.

Chairman Lopez asked, Tom, do you have a crisis right now.

Mr. Giovagnoli answered I have one that is building sort to speak. Right now, my mother is with my kids and that is all I have for a babysitter and she just can't do it. Once the kids are out of school and they are home full-time, then the problem is going to be exploded.

Alderman Sysyn replied I have been there and done it. I had four kids and I agree with you. How old are your kids?

Mr. Giovagnoli stated I have one that is 5, 10 and 11.

Alderman Sysyn replied he has to stay home.

Chairman Lopez stated the request is for six months.

Mr. Giovagnoli replied I think in the original one that is what I wrote.

Chairman Lopez asked what are you asking for now so we are clear.

Mr. Giovagnoli answered it would be July and August I guess.

Chairman Lopez stated so that means you would be working every day up until July.

Mr. Giovagnoli replied well let's say June 11 until the kids go back to school.

Chairman Lopez asked what action are you going to take in between now and then to take care of them. Are you going to make arrangements for taking care of them when they go back to school?

Mr. Giovagnoli answered once the kids go back to school all of my children will be in full-time come September. Right now, my little one is still only in school part-time so he is in for a couple of hours and then I have somebody go and get him. Once September comes, all three of them will be in school full-time so that we alleviate a lot of my babysitting problems.

Chairman Lopez asked are there any question that anybody else has.

Alderman Shea stated we spend a lot of money in terms of helping out non-profits and others. Are there any City services available to him so that he might get some direction? Here is a guy that has a problem.

Mr. Hobson replied I would be happy to have someone in our office sit down with him and go over those particular options. We have done that in the past for employees as a matter of course.

Alderman Shea asked isn't Tom Jordan somebody he can talk to. Shouldn't we try to help him? He is out on a limb. We are supposed to be people who are compassionate towards our employees and do what we can. Here is a guy that couldn't even get a raise. There were six of them that came and he was making so little and he couldn't get a raise and he is so important now? I don't get it. We couldn't even give him \$1.15 more an hour and now we are complaining about how important he is. You must be the most important guy in that garage. I have no pity for Frank Thomas or anyone else.

Alderman Shea moved to grant the request for leave of absence from the end of the public school term until the beginning of the public school term. Alderman Vaillancourt duly seconded the motion.

Mr. Hobson stated my response to Alderman Shea is I am going on what the department head has requested. I would be happy to help him.

Alderman O'Neil stated this issue that Tom has many of your large, successful employers provide daycare on-site. It is somewhat tough in Manchester but this is an issue for our employees and maybe it is something that we need to take a look at.

Chairman Lopez stated each case is different.

Alderman Sysyn stated in the fall they have after school programs so the kids can probably go to the Boy's Club or the Y that is not overly expensive and that will carry him through until next year but the kids will be older and by that time he should be able to find something.

Chairman Lopez called for a vote on the motion. There being none opposed, the motion carried.

Chairman Lopez addressed Item 4 of the agenda:

Report of Committee on Human Resources regarding Yarger, Decker and McDonald recommendations for the Assessors, which was referred back to the Committee for further review.

Chairman Lopez stated before we get into questions, I surely don't want this to get into personalities. We are here, in my opinion, for what is good for the City and that is the only reason and to look at the Yarger Decker. In my opinion, as I made the motion at the full Board it was not to hurt any Assessor in their present position. This is for the future in looking at Yarger Decker. The recommendation that Decker made, in my opinion, was good for the City. Looking over the information that we have received we asked for some resumes to compare and understand and other information that I provided to the Committee so that they could understand the whole situation about the Assessors. I

didn't receive any information from you Steve, or Tom, through Personnel. Were you contacted by the Human Resources Department to provide that information?

Mr. Tellier replied I was asked for that information on Friday and regretfully I had already made plans to take Friday afternoon off. The request was the CNHA certification requirements and the DRA certification requirements. I was also asked to submit a resume for myself and Assessor Tom Nichols. At that time, it was pretty late in the process. I haven't had to update mine for a number of years. I came on Board September 6, 1994.

Alderman Vaillancourt stated point of order. If we don't want this to be personal why are we asking for resumes.

Chairman Lopez replied the resumes were asked for to see the comparison between the State and City Assessors to see what the qualifications were to provide information to the Committee. I asked Human Resources to provide that information to the Board so they can do comparisons. Not do comparisons as far as anything to do with the three Assessors and saying whether or not they were qualified, but look at what the State was doing.

Alderman Sysyn stated but these aren't new employees. These aren't people just coming to City Hall to work.

Chairman Lopez replied I totally agree with you. To get to the bottom of this, what I am trying to do here is to look at...we spent a lot of money for Yarger Decker to come in here and do an evaluation on the City Assessors. Some of the different questions that came up...I don't know what the right answers are in reading the report because I hear so many different things. If you look at Item A and I am sure you have read the report, do you agree with the statement that the market pays more for commercial appraisers than residential appraisers. Steve, you being the department head do you agree with that statement?

Mr. Tellier replied I have prepared a letter today for this Committee in answer to many of those questions. It addresses the commercial and residential and it also addresses the issue that you brought up, Alderman, which is the additional implementation in the position classification of the certification of CNHA and the DRA. I also, for clarification, there is a number of inconsistencies that I personally find in Floyd Decker's report that I address in that letter. If it pleases this Committee, I will share that letter. Again, a lot of these requests came at the last minute. It was just last Tuesday that this went to the Board. It was remanded to the Committee.

Chairman Lopez asked do you have a letter that you want to give to us.

Mr. Tellier answered yes.

Chairman Lopez asked for a copy of the letter. Again, before I go to any questions I want to make sure for the record that I have some information on the record. Do you believe that in the future people should be well qualified for City Assessors and provide the necessary information to come forward under Yarger Decker?

Mr. Tellier answered absolutely. I also agree with the recommendation of adding those certifications in our classification.

Chairman Lopez asked does it cost more to do commercial appraisal or residential appraisal.

Mr. Tellier answered I think in my letter I do make it clear that in the industry there is often times a higher salary granted to a commercial appraiser, especially a fee appraiser in the substance of commercial assessors versus residential assessors. We, in Manchester, are unique in as much as we share the burden as a Board. In Massachusetts and in other communities throughout New England here are varying circumstances surrounding that and in working five years for the City of Nashua where they had a part-time Board where they paid them \$1,500 a year to make decisions that clearly affected a multi-million dollar overlay, they got what they paid for. They really exceeded their overlay account and they didn't have the type of qualified individuals that they have here in Manchester on their Board of Assessors.

Chairman Lopez asked all three of you are certified Assessors under the State of NH.

Mr. Tellier answered no. Mr. Porter and myself are but Tom is not. It is important to note that there is no State statute requiring certification as an Assessor.

Chairman Lopez asked how much experience do you have in commercial or industrial.

Mr. Tellier answered I think it is very clear in the outline that I provided under the CNHA outline and the Department of Revenue outline. I have copies of that. I shared it with you, Alderman, but I am not sure if you have copies to share with the Committee members but I do have copies with me that I can hand out also.

Chairman Lopez stated in testimony that you gave you said that everybody would be redlined if they were grandfathered in. What did you mean by that?

Mr. Tellier replied I don't believe I am qualified to answer that. That was just a personal observation. You have the HR Director right here. I am sure he could answer that question depending on what is being proposed.

Chairman Lopez asked, Mark, is it true that they would be redlined if they want to Grade 24, 25 and 26.

Mr. Hobson answered no. Depending on the person, all three of them would have room to grow within those salary grades.

Chairman Lopez stated under a Grade 24 you would be able to go four different steps according to the chart that is in this document. Grade 25 and 26 would have two additional steps to go to.

Mr. Hobson replied I believe that is correct. I can recall that there is certainly room to grow.

Mr. Tellier stated I would like to make a comment on the rate of pay in the packet between Concord and Portsmouth and the qualifications of the State. Noticing the rate of pay in Concord and Portsmouth it is way below but the qualifications for education and experience are higher than ours. Again, I would certainly recommend and as my colleagues have stated and come out and said to Floyd Decker during the several hours that we met with him that it would clearly benefit the City to have that additional criteria put in a classification for a Board of Assessors member. Clearly I think that would benefit the City. It should be noted that there was a position change in Portsmouth and that position has had an appeal going for his salary every year since he got there. There was a small change that I am aware of and there are still appeals. I have been informed of that by the individual who holds that office.

Chairman Lopez replied I want to make it clear that this hurts neither of you at Grade 26 whatsoever. If one of you retires, the stipulation of those qualifications in my opinion should be put there because you hold a very, very important position. What you tell the Mayor and Board of Aldermen, that is how we set the tax rate. It is very, very important.

Alderman O'Neil stated I want to begin by saying this is my ninth year of serving as an Alderman and although Mr. Nichols and Mr. Tellier have been here for awhile, Mr. Porter was here in my previous go so I have experience before and with the present group. I have to say in my nine years that our system works here and I don't like to compare it to other communities. I know in my nine years I have received very few complaints about how they have been treated by the Board of Assessors and I think that the three of you should be commended for that. One of the biggest problems I have is that in the original report that Floyd recommended to us, there was no recommendation for a change in grade so I have a problem where he now goes back to look at that one issue. I personally believe and I have spoken in detail with Paul and with Steve and I haven't spoken with Tom but although they do different jobs in their office, I tried to come up with a good example and I think this is somewhat on target. We have police

officers. Some do patrol duty, some are detectives, some serve in the traffic division. They all play different roles within the Police Department, but the bottom line is they are all paid the same grade. I think it is a good example. I certainly believe and I have indicated this to both Paul and Steve that if they have certain certification they should be given A-STEPS for that if they are not already getting those. I absolutely have no problem and both Paul and Steve were clear to me on this, that they both support the new requirements going forward for any new people coming into the position. I go back with...I think the current system where they are all paid the same grade I believe the Chairman, if I am correct Steve, gets two steps or something. Is that correct?

Mr. Tellier replied that is correct, Alderman.

Alderman O'Neil asked that is what differentiates you between the other two Assessors.

Mr. Tellier answered that is correct.

Alderman O'Neil stated I don't think the system is broken and I will end with that.

Alderman Sysyn moved to leave the labor grades as Grade 26 and put the new requirements as recommended by Yarger Decker for new people coming in.

Alderman O'Neil asked, Mr. Hobson, if Paul and Steve are not currently getting A-STEPS for their certifications shouldn't they be.

Mr. Hobson answered most likely, yet we have to lay out...as you know for every position in the City we are laying out the A-STEPS and those have to be done by June 30 to be in place for July 1 for anyone who would qualify.

Alderman O'Neil stated so neither of them currently are getting A-STEPS for your certification.

Mr. Tellier answered no.

Alderman O'Neil asked will that be looked at.

Mr. Hobson answered per the regulations that you accepted every department has to get their A-STEPS in place for the documentation by June 30. We have given A-STEPS previous to June 30 through the appeals process and I believe in some contracts. I beg your pardon; the contracts go into place on July 1. That is why we pulled back on the A-STEPS until July 1 to make it fair and consistent for both affiliated and non-affiliated employees.

Chairman Lopez stated so come July 1 they will be able to submit a request for A-  
STEPS.

Mr. Hobson answered yes.

Alderman Shea asked, Mark, can you review with me what Yarger Decker recommended for this situation.

Mr. Hobson answered he recommended what I would consider to be three positions at two and a half positions. He recommended that we create a residential appraiser position, a residential assessor. We shouldn't call it an appraiser. We should call it the industry name in public management, which is Assessor. He recommended a residential assessor, a commercial assessor and then the department head who should have both commercial and residential background and be certified. He also stated that we should have certifications for residential, that the commercial appraiser should have both certifications, residential and commercial, and that the Chairman should have that and he specifically talked about a college degree and college experience. We also have to be sensitive to the fact that Decker was not hired to look at any person's particular background. I know you know all of that, but I just want to be clear that he said to us on several occasions that whoever is in the position, they are in the position. It is up to you going forward as a Board and as a Mayor to make decisions about those people in those positions.

Alderman Shea asked how does that differ from what they want. What do they want that Yarger Decker has said...is it a matter of salary or grading? Where is the differentiation?

Mr. Hobson answered what they are requesting is to leave the original plan in place, which was Grade 26 for all three Assessors, the requirements of those position classifications were not as heavy duty as the recommendations are, but they have said that they don't have a problem with making the requirements bulkier and also the Chairman gets two steps within his grade during the time that they hold the Chairmanship which is more than what they get now. If I was on Step E, I am an Assessor and I am on Step E, you would give me to Step G as long as I was the Chair.

Alderman Shea stated in terms of the Assessors, you are saying that they want to stay as 26. Is Decker saying that one should be 24, one should be 25 and one should be 26? Is that what he is saying?

Mr. Hobson replied yes. Residential would be Grade 24, commercial would be Grade 25 and the Chair would be Grade 26.

Alderman Shea asked he recommends that they are going to be grandfathered in, correct, meaning that they would stay at the same pay that they are now. There wouldn't be a drop in pay for say one...I am not quite sure exactly...

Mr. Hobson interjected if I understand Mr. Decker right, when they would leave their positions the new people would get the new grade but he recommended that the current people get the certifications.

Alderman Shea stated in other words there are two certified and one isn't certified and he is recommending that the one that is not certified should get the certification somehow. Is that correct?

Mr. Hobson replied that is correct, but there were two certifications that he talked about. One was the Department of Revenue Administration, which has a particular name that escapes me at the minute and the other one was the certification for assessment, which I believe is a NH concept.

Alderman O'Neil stated that is CNHA.

Alderman Shea asked is there a time limit to this. Did he say that this could be in a year or two years or five years?

Mr. Hobson asked to get the certification.

Alderman Shea answered yes.

Chairman Lopez stated he doesn't recommend a time limit. This is something that would have to be done with HR and the department head would have to insure that it is complied with. If we accept that, then the department head would have to realize that he has to get the certification in that period of time. Technically, like Mary said it is not hurting these people. We don't want to hurt these people. In the future, we want the people to have good qualifications coming in.

Alderman Shea asked why would they be concerned if it is not hurting them.

Chairman Lopez answered I am just pointing that out.

Alderman Vaillancourt stated now I am confused. Do I hear that this is grandfathered in but the one that doesn't have certification is going to have to get it?

Mr. Hobson replied yes.

Alderman Vaillancourt stated so you are hurting that person.

Chairman Lopez replied well he has to get it.

Alderman Vaillancourt responded well you are hurting him then. You are not grandfathering it.

Chairman Lopez stated we are grandfathering the Grade 26 and also in doing that he has to get certified so what is the problem with that. Do you want qualified people or not?

Alderman Vaillancourt replied I think if he is doing the job now he is probably qualified.

Alderman Sysyn stated he has been doing the job for quite a while.

Alderman O'Neil stated this was not Mr. Decker's original recommendation that we paid for in the big study. This was something that he decided to revisit. I just want to make sure that I am clear. I thought that we were leaving everybody at a Grade 26 and I thought that the certification didn't affect any of the current incumbents in the positions until new people are hired and if a couple of the members are certified in either one or the other or both that they should be compensated through the A-STEP process for that. I didn't know that we were forcing...

Mr. Hobson interjected just so we are clear on how we used Mr. Decker's time, the reason he became involved in this was because of the appeal that was filed.

Chairman Lopez stated let's deal with the one issue here. A comment was made that the individual would have to...if we were going to keep everyone at a Grade 26 and not do anything and use a new system when somebody leaves or retires, the question was that the one individual would have to get certified as an Assessor with the State of NH. Is that right?

Alderman Vaillancourt stated we don't want that.

Chairman Lopez stated that is part of this recommendation.

Alderman O'Neil asked where. Where does it say that? The person coming in after should have it. I didn't read that.

Chairman Lopez answered after. That is what I am saying. His recommendation is after but the question came up somewhere that the employee...I would think that he would want to get it but do we want to look at it as directing that he get it. That is what the point is. He doesn't have to get it because he was grandfathered in. He was hired as an Assessor and that was it. That is what you are saying.

Alderman Sysyn replied right.

Alderman Gatsas stated maybe you can help me with this. I am under the understanding that the three of them elect who the Chairman is going to be.

Alderman Sysyn replied no. He is a department head now. There is no more Chairman for the Assessors Office.

Chairman Lopez stated the way a Chairman is picked is when the Board of Mayor and Aldermen appoint one. We elect the Chairman or rather the department head. Once he becomes a department head, he is also the Chairman under the City charter.

Alderman Gatsas stated what you are saying now is that process is eliminated. Let me give you an example of why I am broaching this question. Let's assume that Mr. Porter retires and you bring in a new Assessor and he meets only the residential standards. Let's assume that Mr. Tellier retires or decides to leave and you bring in a residential Assessor. Explain to me how we are going to pick the Chairman or the department head if none of them have the certification that this recommendation is calling for.

Chairman Lopez responded I think that is a very important question because for the future if we accept the recommendation of Yarger Decker all of the qualifications would be there so when the Board of Mayor and Aldermen appoint a Chairman they are going to have to go by the qualifications. They are not just going to take somebody from the street. That is what is important. If you are accepting the Decker report, as an Assessor there will be a differential between commercial and residential. I think the certification has to be in place and everything has to be in place with the qualifications so if an Alderman brings somebody in that does not have these qualifications, he can't be.

Alderman Gatsas replied you are not following my trend of thought.

Mr. Hobson stated I do understand what he is saying. What he is saying is that if we go with Decker's concept of creating "three positions" the person who has to have both certifications under Decker's proposal is the Chair/department head. That is the person who has to have it. Let's say that is Mr. Tellier and he has both and he leaves and let's say that Mr. Porter who is the current commercial person leaves and if in the hiring process people were hired only with residential backgrounds then what Alderman Gatsas is saying is that the City could be at a disadvantage. I think where he is coming from or what we could think about and I believe that is what I heard the Assessors say they do is that they would all get certified to have both. Perhaps we need to look at whoever we hire in any of the positions to have that certification in the future.

Chairman Lopez stated I totally agree with what you are saying. I think it is very important to realize that it is upward mobility for the other two assessors to get those qualifications in the event that somebody leaves. If Tom Nichols gets the qualifications and Steve Tellier leaves, at least he has the inside track of moving up to department head. There are a lot of people out there and in looking at the qualifications of Assessors around the State I am sure that there would be a line for people wanting to work here for the amount that we pay compared to other cities. I really think it is a mute problem.

Alderman Gatsas stated all I am saying is that if you don't hire...obviously looking at the age of these gentlemen, I would say that Mr. Porter is probably the first that would depart so if you hired a residential Assessor tomorrow to replace him which they have the ability to do.

Chairman Lopez replied they don't have that ability. It is the Board of Mayor and Aldermen's appointment and we would have to tell the department head what we are looking for.

Alderman Gatsas asked are you saying that we could only appoint a commercial appraiser.

Chairman Lopez answered if the other two were not commercial appraisers, yes.

Mr. Hobson stated you would need to know that basically based on the application process.

Mr. Tellier asked do the colleagues on the Committee have the CNHA and the DRA certification sheets.

Chairman Lopez answered yes they do.

Mr. Tellier stated it is important to note, for example on Page 5 of the DRA sheet real estate appraiser has a number of criteria, including no less than four years of experience in the appraisal of all types of real estate – residential, mobile homes, commercial, industrial, condominiums and time-share units. If I may bring your attention to the criteria on the CNHA, that is also mimicked but it goes further in IAA courses, mass appraisal courses of residential, commercial and income producing properties. It also encompasses a four hour, very comprehensive test in all types of properties – residential, condominium, income producing properties, all types of properties so when you add this type of criteria to that job classification that is going to answer the questions that you folks have been discussing for some time. Anybody who passes that CNHA exam must have been exposed to all classes of property and have the ability to understand the appraisal process for all types of property. That is going to answer that question by adding that criteria.

Chairman Lopez asked would you agree that the others working in your department, it is in their best interest to get these certifications if they don't have them.

Mr. Tellier answered absolutely. I think it is always incumbent and I, as a department head, along with my colleagues all share that education furthers the City service. Absolutely and we do that as a normal route of our department.

Alderman O'Neil duly seconded the motion to leave the Assessor's labor grades at 26 and to adopt the Yarger Decker recommendations regarding certification for any new hires.

Alderman Vaillancourt stated the motion was stated incorrectly. Didn't you say that any new people would come into Yarger Decker?

Chairman Lopez replied these are grandfathered in.

Alderman Vaillancourt asked and the new ones are going to do what.

Chairman Lopez answered come under Yarger Decker.

Alderman Vaillancourt stated which means that they are going to Grade 24 and Grade 25 and Grade 26 or not.

Alderman O'Neil stated that is not her motion. Everybody stays at a Grade 26, both present and future. The new hires would come under the certification qualifications that Yarger Decker recommended.

Chairman Lopez stated I think we are a little confused here.

Mr. Tellier stated when you added the blanket word Yarger Decker recommendations, he made a number of recommendations. Some that are inconsistent with how we operate internally. In my letter I was very specific that the criteria submitted to you to have both certifications, one under the Department of Revenue Administration and one under our State Professional Association, which also has an umbrella organization called the International Association. I was alluding specifically to that criteria and not the additional recommendations that Floyd Decker, through Yarger Decker, submitted. My request to this Committee is to keep the Grade 26 and absolutely recommend adoption of the certification of the CNHA and the DRA's real estate appraisal and not any of the other recommendations. One was that the Chairman allocate work and there were a number of other recommendations.

Chairman Lopez asked so you are just picking out two.

Mr. Tellier answered yes.

Mr. Hobson stated I would like us to make the current positions right now, since we have investigated this, I would like to make the current positions have all of the certifications necessary to do both commercial and residential so that whatever these people have they would go back and get whatever they need to be both.

Alderman Vaillancourt asked the current people.

Mr. Hobson answered yes.

Alderman Vaillancourt stated we are not going to do that. We are grandfathering the current people.

Mr. Hobson replied I understand that. I am saying that I think we have a sense of urgency and I think the Chairman of their department is saying that they are willing to do that and I think we should get them to go get certification.

Alderman Vaillancourt responded I don't think that is what he is saying.

Mr. Hobson stated I am misinterpreting then. I am sorry.

Alderman O'Neil stated let's move this question. We are beating this thing up and we are creating issues that don't exist. The motion was made by Alderman Sysyn for them to remain at a Grade 26 and the new requirements for certification would apply to any new hires.

Alderman Vaillancourt stated I just want to be sure that none of the current people are going to be required to get any certification. That has to be crystal clear.

Chairman Lopez called for a vote on the motion. There being none opposed, the motion carried.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to take up an item of new business.

Letter dated May 4 from several department's Business Service Officers.

Alderman O'Neil moved to receive and file the item. Alderman Sysyn duly seconded the motion. Chairman Lopez called for a vote. There being none opposed, the motion carried.

## **TABLED ITEMS**

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to remove item 6 from the table.

Item 13 of the Final Appeal Recommendations/Report regarding pay grade increase for some Police Sergeants.

Mr. Hodgen stated the Committee may recall that this issue came up a few meetings ago and there was a motion to refer it to staff members to see if it could be resolved. Following that meeting, Mark Hobson, Howard Tawney and Dan Muller from the City Solicitor's Office and I met and discussed that. As a result of those discussions, Atty. Muller drafted a recommendation to the Committee. I am not certain whether the Committee has received that this evening or not. It was scheduled to come to you at your last meeting, but at the last meeting it was decided to deal with the Decker recommendations. You may recall that this issue came up as one of Mr. Decker's recommendations, Item 13, and I suggested to you at that meeting that it should be tabled and you did vote to do that. I think that we have copies of Atty. Muller's recommendation here this evening.

Alderman O'Neil moved to put the item back on the table. Alderman Sysyn duly seconded the motion. Chairman Lopez called for a vote. There being none opposed, the motion carried.

Alderman Vaillancourt stated I have one question before we adjourn. We have this document...I guess these are minutes from the April 17 meeting. Are these minutes done at every meeting we have?

Clerk Bernier replied it was requested by the Chairman of HR to submit the minutes of the last meeting to the Committee.

Alderman Vaillancourt asked if no one requests these do you go through and do these anyway.

Alderman Sysyn answered no.

Alderman Vaillancourt stated so we paid a considerable amount of money for these minutes to be done and I wonder why.

Chairman Lopez replied they have to do them anyway.

Alderman Vaillancourt stated that was my question. Do you do these anyway or not?

Clerk Bernier asked what is your question? Is it pertaining to what you received this evening or do we transcribe...we transcribe all minutes.

Alderman Vaillancourt asked so these would have been done anyway.

Clerk Bernier answered that is correct.

Alderman Vaillancourt asked we just wouldn't have received them.

Clerk Bernier answered that is correct.

Alderman Vaillancourt asked where would they have gone.

Clerk Bernier answered they are stored in archives. We have minutes from 1846.

Alderman O'Neil stated about that issue, does the letter have to do with the longevity or does it address both issues.

Mr. Hodgen replied it basically just addresses the Police Sergeant issue. I think that both Atty. Muller and I believe that it has applicability to both issues but I think the straight answer is it was...

Alderman O'Neil interjected can someone get us that letter as soon as possible if it has been around for two weeks or a month.

Mr. Hodgen replied I think there are copies here this evening.

Chairman Lopez asked Mark to make sure that the Committee members get the letter.

Mr. Hobson answered it was sent to the Clerk's Office, but we have copies here.

Alderman O'Neil asked is the letter from Atty. Muller going to be brought up at a future meeting or something.

Chairman Lopez answered yes.

Mr. Hobson stated I did not receive those in our office today.

7. Item 18 of the Final Appeal Recommendations/Report regarding longevity steps for some members of the Highway Department.

This item remained on the table.

There being no further business to come before the Committee, on motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee