Selectboard Meeting Minutes March 9, 2021 3:00 pm via Zoom

**Call to Order**: Andrew Baker, Chair called the meeting to order. Others in attendance included Bob Manners, Margaret Payne, and Town Administrator, Terry Narkewicz.

**Acceptance of Minutes**: Margaret presented a motion to accept the minutes with a few minor corrections. Bob Manners seconded the motion. The motion carried unanimously.

**Appointments**:

**Mark Shippee, Highway Superintendent RE: Overtime Policy** – Andrew Baker requested the meeting to discuss changes to the overtime policy that were implemented in 2019. In its present state, overtime is paid for “any time worked outside of the crews regularly scheduled hours (6:30 am -2:30 pm)” further, vacation, sick, personal, bereavement, and Holidays are considered as time worked. Since the changes were implemented, Andrew has had an opportunity to review the Highway Department’s use of vacation, sick, personal and Holiday time to meet the required 40 hour work week since the policy changes were enacted. He stated that he has become increasingly uncomfortable. Andrew would like the Board to consider reverting back to a policy that is more in keeping with the Fair Labor Standards Act. In addition, before scheduling the meeting, Andrew sought the opinion of Attorney Donna MacNicol. Donna indicated that the Town’s current policy is flawed in that it defines overtime in opposition to the federal and state statutes and more importantly, the revision leaves the town with little or no control over the wages budget. She believe that there are numerous ways to compensate employees for their valuable work (competitive wages, clothing allowances, etc.). She recommends that the Selectboard revise the Town’s overtime policy to be more in keeping with the Fair Labor Standards Act (FLSA).

Mark Shippee indicated that he spoke with a representative from the U.S. Department of Labor. He was told that municipalities are not required to abide by the FLSA. Mark indicated that he wants to protect his crew’s overtime. He would prefer that his employees take vacation throughout the year rather than wait until the road construction season is upon them and, he would rather that employees not report to work when they are sick. If an employee is at risk of losing his/her overtime due to illness, no doubt the employee will report to work.

Bob argued that he is concerned for the safety of the employees after having been behind a wheel for 12+ hours. If they can’t go home to rest up after a long day/night without potentially losing their overtime, they will be more prone to accidents.

Andrew does not believe that many other towns have strayed from the FLSA. He feels that the policy in its present state is overly generous and not used appropriately. If safety is of concern, he suggested that Shelburne follow Buckland’s lead and send the employees home to rest in anticipation of a storm.

Bob disagreed. He stated that the Town has a very cohesive and capable crew. Competitive wages and a flexible overtime policy is a means of retaining good employees and preventing “poaching” from other neighboring communities.

Bob had to leave the meeting at 3:31 pm

Margaret admitted that the discussion was new territory for her and would like more time to think about all that was presented. She would like to “tighten” things up a little and make some sort of allowances if a big storm is coming. Although she was not prepared to vote on the matter, she indicated that she was leaning towards Andrew’s rationale.

Andrew stated that he would much rather “compete” with competitive wages than to offer an overtime policy that is far reaching and a financial detriment to the Town. The Board will schedule a follow-up meeting in the near future. In the meantime, Terry will survey other Towns to see what their overtime policies look like.

**Adjournment**: Margaret presented a motion to adjourn at 3:53 pm. Andrew seconded the motion. The motion passed unanimously.

Respectfully submitted,

Terry Narkewicz

Town Administrator