

**Board of Health  
Executive Session  
Meeting Minutes  
July 23, 2012**

Members Present:

Tom Kinzer, Co-Chair  
Bea Brunkhorst, Co-Chair  
Sarah Thompson  
Kevin Wormstead  
Anita Raj

Staff Present:

Heidi Porter, Director  
Mary Firestone, Recording Secretary

Also Attending:

Richard Reed, Town Manager

The meeting was called to order at 7:03 P.M. Mr. Kinzer chaired.

Mr. Wormstead moved to enter executive session to discuss the upcoming contract negotiations with the school nurses. Dr. Brunkhorst seconded the motion. Mr. Kinzer voted, Aye; Dr. Brunkhorst voted, Aye; Ms. Thompson voted, Aye; Mr. Wormstead voted, Aye; Ms. Raj voted, Aye. Vote count: 5-0

The Executive Session opened at 7:13 P.M.

Ms. Heidi Porter asked Mr. Reed to present background information.

The town's previous official offer was rejected. Mr. Reed said that due to a misunderstanding about an initial off-the-record offer, the nurses had backed off from their consideration of it. In the recent meeting, the school nurses were united in respect to their wishes on the financial level they wish to reach, though it might take two contract periods. They want the top step to reach \$68,000 by the end of the new 3-year contract period. They are not interested in negotiation relative to salary. The nurses have requested that a mediator be called in. If the mediator declares an impasse, a fact finder would come in and report whether the nurses are underpaid. Mr. Reed discussed the stress on the town budget. He said that there is no sympathy shown by the mediator or the nurses. They feel that if the town can come up with the funding for the teachers' increases, they can also provide funding for the nurses. Their next meeting will be delayed due to both Mr. Reed and the mediator being away. There was a discussion with the mediator on whether the nurses should continue to be under the Board of Health. Previously, the nurses worked as public health nurses all year. This changed when a Board of Health community nurse position was created. If the nurses are transferred to the School Department, then funds for them would have to be transferred to the School Department's budget. Dr. Brunkhorst said she remembered hearing the nurses say that it made sense for them to be under the Board of Health.

Mr. Reed said the nurses pointed out that the town is now saving money on employee health insurance. The question is whether the Board of Health and the Selectmen are willing to go to \$68,000 in the final year of the contract. He said that he had done some number crunching and he distributed spreadsheets. He said that the numbers presented were not an outright rejection of restructuring of other costs as previously noted at the July 11 meeting. He said that the schools provide step increases all the time. Perhaps the School Committee and the Board of Health should discuss whether to put the nursing expense in the school budget. Another possible outcome would be that the school may not want the nurses in their department. The Board of Health could lay off all the nurses. The school would be

forced to consider hiring nurses, which the law requires them to have. Mr. Wormstead asked whether the School Department could fund the nurses but the Board of Health still have some oversight. Ms. Porter said that the schools do control the nurses. Mr. Reed said that just as with the custodian, who is under the facilities director, the employee can be directed by the school principal. He said that we may decide just to pay the money and keep the current arrangement.

Dr. Brunkhorst said that the Board should contact the School Committee, perhaps as two task forces instead of as full boards. Mr. Reed said that the School Committee is not planning to meet again soon. If one person from each board or committee could meet, it would not come under the open meeting law or be part of the collective bargaining process. He said that he had spoken briefly to the school superintendent today.

Mr. Kinzer asked Mr. Porter for her opinion. Ms. Porter replied that without a Community Health Nurse, having the school nurses be also public health nurses had made sense for the Board of Health. She said that she has a great relationship with the nurses, and that relationship would continue if they moved over to the School Department. At present, the nurses have great autonomy. It makes sense for them to be under the School Department.

Mr. Reed said that they would need to figure out the supervision --- under each principal or under one lead nurse. Dr. Brunkhorst said we need to start talking --- hard budget talks. Mr. Wormstead raised the issue of cutting services such as restaurant inspections to fund the nurses. Ms. Raj said that the schools have a better handle on student needs.

Ms. Thompson asked what percentage of the Board of Health's budget is represented by the school nurses' contract. Ms. Porter said, "Over half." Mr. Kinzer asked Mr. Reed, "What are your thoughts?" Mr. Reed said, "They may accept an offer." Mr. Kinzer asked whether there would be trouble getting the Finance Committee to agree. Mr. Reed said that the agreement would not be final and binding until approved by Town Meeting. There is an obligation to present Town meeting with a recommendation. Mr. Kinzer asked whether the negotiation will go to impasse. Mr. Reed said that it would if the best offer, as shown in the spreadsheet he presented, is not accepted. That could lead to disharmony in the work environment. Mr. Wormstead asked whether it is necessary to get permission from Town Meeting to move the nurses to the School Department. Mr. Reed said that he is not sure; it would probably be treated as just a budget amendment, since this is not a usual situation. Mr. Kinzer asked whether the nurses would then join the union in the school instead of continuing to be represented by the Massachusetts Nursing Association. Mr. Reed said that it would probably be decided over several years; the nurses have a right to decide who will represent them. Dr. Brunkhorst asked how it is done in other towns, and Mr. Reed replied that both ways are seen in different towns.

Dr. Brunkhorst said that talks with the School Committee should be started now even if the change of supervision and/or budget is not for this contract period. Mr. Reed said that he would let the nurses know. Financially, he thinks the town is going to end up spending more money. Mr. Kinzer asked about the other town unions. He asked whether we have an argument that we can make at Town Meeting that our nurses are not getting what other school nurses are getting.

Ms. Thompson asked whether it would be possible to negotiate a short term contract because of the possible changeover; Mr. Reed said that he doesn't think they would accept. Mr. Kinzer said that it would be interesting to discuss the situation with the School Committee.

Ms. Porter asked, "What if we didn't sign a contract?" Mr. Reed replied that he hadn't gone through anything like that. Ms. Porter suggested putting it off while discussing it with the School Committee.

Ms. Raj asked when the nurses were given the current offer and Mr. Reed replied, "Today." Ms. Porter said that they have been meeting with the nurses since April. Mr. Reed said that if a contract is not signed, the nurses will be paid retroactively when the contract is signed. He said that after negotiating for 3 months, it would cause thorny issues. Dr. Brunkhorst asked if there is a possible scenario in which the contract could be signed and then the school could take it over. Mr. Reed said, "Yes." Ms. Thompson asked if the possibility of the changeover could be included in the contract terms. Mr. Reed said, "It would be best to be silent. The schools would be happy with a certainty." Dr. Brunkhorst said, "Start the process." Mr. Reed said that it would be best to think of what's best for overall town operations. Mr. Wormstead said, "Then talk to the School Committee." Mr. Kinzer said, "The contract is with the town, not with the Board of Health." Ms. Porter said that the Selectmen sign the contract. Mr. Reed said, "After the contract is signed, start talking to the nurses and discuss the impact. Get a short agreement: wherever the contract says 'town', put 'school'; wherever 'Board of Health', put 'principal'. He said that the teachers' retirement system is different from the town system. There followed a brief discussion of the rights of schools to discharge employees, which is different from the town's rights.

Dr. Brunkhorst said, "Go forward with this offer". Mr. Reed said that would be smoothest and least risky. Ms. Thompson suggested consulting the town counsel; Mr. Reed replied that there is a labor counsel. Ms. Thompson asked when to begin talks with the School Committee, and whether it is necessary to wait to the end of the three year contract. Mr. Kinzer said that if the contract is signed, the nurses will then negotiate the next contract with the School Committee. Ms. Wormstead said that trying to change over before signing the contract would take too long; the change could be made later if both parties are amenable.

Mr. Reed said that once the contract is signed, there is a requirement to pay them if they are working, but they can be laid off; when the guidelines for the next budget are discussed with FinCom, we should try to get more leeway. Dr. Brunkhorst said the best thing is to go forward with our offer, and then hone points to present to the School Committee. Mr. Wormstead said that it would make sense that the School Committee would want to have control since the nurses are in the schools.

Ms. Porter said, "That number is what they wanted; they're getting what they asked for." Ms. Thompson suggested proposing a 2-year contract; Mr. Reed said, "They would probably accept." Dr. Brunkhorst said, "It is more responsible of us to keep the 3-year contract."

Ms. Porter asked what would happen if a fact finder is brought in. Mr. Reed said that the fact finder's, public report would likely be that the nurses are underpaid as compared to other school professionals. Mr. Wormstead said, "We don't want unsigned nurses going into flu season."

Mr. Kinzer asked those present if there is a consensus, if they feel comfortable. Mr. Porter and Mr. Reed said, "Yes" and the Board indicated the same.

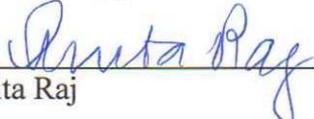
Ms. Thompson moved to close the executive session and return to Open Meeting; Mr. Wormstead seconded the motion. Mr. Kinzer voted, Aye; Dr. Brunkhorst voted, Aye; Ms. Thompson voted, Aye; Mr. Wormstead voted, Aye; Ms. Raj voted, Aye. Vote count: 5-0

The next regular meeting of the Board will take place on September 10, 2012.

  
Bea Brunkhorst, Co-Chair

  
Sarah Thompson

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Tom Kinzer, Co-Chair

  
Anita Raj

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Kevin Wormstead