

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON WAIVERS OF RESIDENCY
DATE: MAY 20, 2020
TIME: 7:01 P.M.
PLACE: REMOTELY HELD IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A

PRESENT: COUNCILLORS LINDA MORAD, CHAIRPERSON; NAOMI CARNEY, VICE-CHAIRPERSON; BRIAN GOMES; JOSEPH LOPES AND WILLIAM BRAD MARKEY

ABSENT: NO ONE

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Councillor Morad called the Committee on Waivers of Residency Meeting to order and took attendance. everyone was present.

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Notice, City Clerk of reference of AN ORDINANCE. Council President Morad, submitting an ORDINANCE. Relative to Employee Residency (To be Referred to the Committee on Ordinances.) (Ref'd 11/26/19) (1/23/20 - Ordinance Committee Discharged from Further Consideration) (1/23/20 - Referred to the Committee on Waivers of Residency) (1/29/2020 Tabled to 2/11/2020; 2/11/2020 Tabled) was removed from the table by Councillor Lopes and seconded by Councillor Markey. (1)

Notice, City Clerk of reference of a WRITTEN MOTION. Council President Lopes, requesting that the Special Committee on Waivers of Residency review all current and existing Residency Waivers and consider granting them as permanent waivers and establish conditions, if needed, for revocation of any permanent waivers (3/11/2020 Tabled) was removed from the table by Councillor Lopes and seconded by Councillor Markey. (2)

Councillor Morad gave a review of what was discussed at the last meeting as it relates to suggestions on what residency requirements would be allocated as a part of the proposal. They included, the number of years you would be required to live in the city before you could move out, it was ten (10). Current employees living out of the city would be grandfathered; however, if they moved for example from Acushnet to Fairhaven their residency waiver would become null and void. Year eleven (11) the salary would remain the same if you left the city to live elsewhere. If you were hired by the city and chose not to live in the city, then your salary/pay would be reduced by a certain percentage. This percentage has yet to be determined.

City Solicitor Mikaela McDermott confirmed that an employee could be granted a waiver to live out of the city for approved reasons, for a total of twelve (12) consecutive

months or two six-month periods at separate times. Once you were given such a waiver a total of twelve months could only be given within the ten-year period. No additional grants of waiver within that ten-year period would be allowed.

It was discussed and determined that the ten (10) years did not have to be consecutive service. For example, if you worked for the city for five (5) years, left to work elsewhere, returned to work in the city prior years served would be allowed to the accumulation of additional years. Much like what happens now with city employees.

The Committee discussed what the percentage should be and should it be applied across the board. It was decided that putting different percentages for different jobs would become cumbersome; that it would be best for example to put a 10% less figure on all salaries across the board.

Chief Financial Officer Ari Sky agreed the across the board option would be best.

There was some discussion as to whether the Administration could circumvent the process by hiring a new hire at a higher step. At the end of the discussion it was decided that it would not because you would still be penalized a certain percentage even in that step you were hired into.

The goal would be to incorporate this change to all the city's positions.

Solicitor McDermott reminded the Committee that some positions like Fire, Police and AFSCME are contract negotiated.

It was discussed that this would not be an issue for Fire and Police for their contract already has the ten-year language within it.

On motion by Councillor Gomes and seconded by Councillor Markey, the Committee VOTED: To receive and place on file the Communication from City Solicitor McDermott to Councillor Morad regarding which Unit C positions under the City Code explicitly require residency and which do not.

There was a discussion to add the Board of Health Director, City Planner, Planning Board Members, City Clerk, City Solicitor, Assistant City Solicitors, DFFM Director, DPI Commissioner, Fire Chief and Police Chief should all be required to live in the city while they serve in these positions. They should be added to the residency requirement.

Solicitor McDermott said moving forward this would need to be made clear in the City Code. She did say that the Fire Chief position followed Civil Service guidelines.

Councillor Markey expressed concern that if you did this for the positions being discussed that you could lose the best person for the job.

Councillor Lopes asked that the Committee secure from Personnel the following:

- a. A list of all the Unit C employees, their steps and their current salary as of 7/1/20.
- b. The average salary for all city employees as of 7/1/20.

The clerk said he would have the office secure this information.

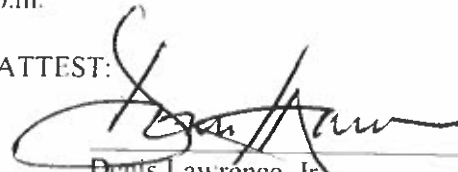
Councillor Morad stated the Personnel Director would be invited to the next meeting. The Committee decided on June 8, 2020 at 7 pm as their next meeting.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To table items one (1) and two (2) at this time. This motion passed on a voice vote.

Councillor Gomes made a motion to adjourn, which was seconded by Councillor Markey.

This meeting adjourned @ 8:08 p.m.

ATTEST:



Denis Lawrence, Jr.
Clerk of Committees