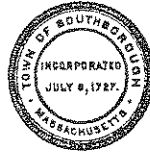


TOWN OF SOUTHBOROUGH



BOARD OF SELECTMEN

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November 2, 2015

Ms. Kristen Lepore, Secretary
Executive Office for Administration & Finance
State House, Room 373
Boston MA, 02133

Good Afternoon-

Thank you to the Baker-Polito administration for scheduling these listening sessions, and of course for coming to Shrewsbury. My name is Vanessa Hale and for 15 years I have served as the Assistant Town Administrator and Personnel Director for the Town of Southborough. I am also the Vice-Chair of the Massachusetts Municipal Personnel Association. Thus, I have a keen interest in employee relations at the local government level.

Just a few quick comments on CMR 430 [Seasonal Employment] and CMR 804 [Discrimination in Employment].

Under CMR 430, a seasonal employee may be eligible to collect unemployment if that person works more than 16 weeks. However, in many municipalities there are varying circumstances that will require hiring an individual for a short-term assignment, sometimes to fill an emergency need. These might include:

- A Part-Time Police Dispatcher filling in for a FT employee on medical or military leave;
- An administrative assistant substituting for another employee on an emergency basis until a new employee can be recruited;
- A summer employee in DPW brought in earlier in the season, say prior to Memorial Day.


Consequently, the situation will differ by department or situation. I would encourage the Administration to revisit the 16 week rule. In the smaller municipalities, the 16-week timeframe is not one size fits all, and the unemployment costs are breaking these budgets. The job classification and the circumstances in some of these departments, especially those with a public safety role, require further analysis.

In CMR 804 [Discrimination in Employment], there are a number of phrases that jump out when reviewing these regulations, primarily the definition of protected class. There is a phrase that states "qualified handicap persons shall be deemed as members of a protected class." I have not seen that

phrase before and am confident some municipalities have not written their policies to include that language. If that is still in fact the legal definition of protected class, I think it needs to be stronger and publicized more by the pertinent state agencies.

Lastly, under 804 CMR [Discrimination in Employment], there is absolutely no language protecting all the Commonwealth's public employees from bullying in the workplace. The Healthy Workplace bill was originally filed in 2011, where it lingered until 2013. In 2015, it resurfaced as H1771, and is currently in third reading. In a state that made landmark decisions on gay marriage, it is disturbing that we do not protect our employees from being bullied by their supervisors, their peers, vendors or the appointed and elected officials they work for. It is important to note that 94% of targets suffer anxiety and 40% of those bullied quit their job. CMR 804 has very distinct language relating to sexual harassment which is critically important. However, bullying is a dangerous and volatile form of harassment and this chapter needs to be updated to include it. I'll take this opportunity to also echo the need for passing the Healthy Workplace Bill in the very near future.

Sincerely

A handwritten signature in black ink, appearing to read "Vanessa D. Hale". The signature is fluid and cursive, with a prominent flourish at the end.

Vanessa D. Hale
Assistant Town Administrator
Town of Southborough

Cc: Katie McCue, Massachusetts Municipal Association