

In the Matter of TOWN OF FALMOUTH
and

AFSCME COUNCIL 93, AFL-CIO

Case No. CAS-12-1936

27.31	clarification
34.2	community of interest
34.82	clarification
35.2	confidential employees
35.7	supervisory and managerial employees

June 24, 2013

Marjorie F. Wittner, Chair
Elizabeth Neumeier, Board Member
Harris Freeman, Board Member

Tim D. Norris, Esq. Representing the Town of
Falmouth
Maureen R. Medeiros, Esq. Representing AFSCME,
Council 93

DECISION

Summary

On June 18, 2012, the Town of Falmouth (Town or Employer) filed the above-captioned petition for unit clarification with the Department of Labor Relations (DLR) seeking to clarify the composition of a single bargaining unit represented by AFSCME Council 93, (Union) by creating two separate units, one of rank and file employees (Unit A), and the other of supervisory titles (Unit B). The Union does not oppose creating two separate units, but disagrees with the Town over their respective composition. The Union contends that Unit B should only contain bargaining unit members in the "M" wage classification (M titles), discussed below. The Town contends that Unit B should include the M titles and ten other positions that it claims also have supervisory authority and share a greater community of interest with the M titles than with rest of proposed Unit A. The parties have agreed to resolve this dispute through the DLR's unit clarification process.

The Town also seeks to remove three Principal Office Assistants working as secretaries to the Police Chief, Fire Chief, and Director of the Department of Public Works from the Union's bargaining unit. The Town contends that these secretaries are confidential employees within the meaning of Section 1 of MGL c. 150E (the Law) and therefore excluded from the Law's coverage.¹ The Union disagrees.

1. The Town originally petitioned to remove "several positions" from the bargaining unit "including" the Director of Veterans' Services and the Director of Assessing. Based on the Town's post-conference statement, it would appear that the Town no longer seeks to exclude these two titles but, alternatively, seeks to exclude the secretarial titles listed above. The Union objected to the Town's changed position, and, in its December 10, 2012 position statement, reserved its right to file additional documentation on the three secretaries. The Union did not provide any additional information.

The DLR held an informal conference on August 6, 2012. The parties submitted position statements and supporting documents, including affidavits, before and after the conference. Because it did not appear that there were any material facts in dispute, on February 27, 2013, the DLR issued a letter asking the parties to show cause why the Commonwealth Employment Relations Board (Board) should not resolve the unit placement issue based on the information contained in the letter. In response, the Town provided two additional job descriptions but did not dispute any of the material facts contained in the show cause letter. The Union did not file a response. Based on these submissions, and for the reasons set forth below, the Board concludes that the ten disputed titles should remain in Unit A. The Board further concludes that the Police and Fire Chief's secretary should be excluded as confidential employees. It makes no determination as to the DPW secretary because that title is vacant.

Bargaining Unit History

Initial Certification

On January 10, 1979, after a secret ballot election,² the DLR³ certified the Union as the exclusive representative of the following two bargaining units:

Unit 1: Shellfish Warden, Conservation Officer, Natural Resource Assistants, Recreation Building Manager, Assistant Recreation Director, Harbor Master, Assistant Harbor Master, Dog Officer, Civil Engineering Technician, Veteran's Agent, Health Inspector, Wiring Inspector, Gas/Plumbing Inspector, Assistant Building Inspector, Assistant Assessor.

Unit 2: All secretaries, clerks, clerk typists, custodians (including library), Assistant Town Treasurer, Administrative Assistant Water Department, and Switchboard Operator. Excluding Town Accountant, Building Commissioner, Recreation Director, Secretary to the Personnel Board, librarians, assistant librarians, secretaries located at the library and all other employees.

At some point after this certification, for reasons not clear from the record, the parties began bargaining in a single bargaining unit. The parties' most recent collective bargaining agreement, (2007-2010), reflects the Town's recognition of AFSCME Council 93, Local 1636 (Local 1636) as the exclusive representative of a bargaining unit comprised of 43 separate clerical, administrative, trades and director titles, including Administrative Clerk, Assistant Town Accountant, Bus Driver, Custodian, Director of Assessing, Program Assistant, Health Agent, Town Surveyor and Zoning Administrator, but specifically excluding the Administrative Clerk to the Board of Selectmen, Sealer of Weights and Measures and all confidential managerial, casual, temporary, seasonal and all other employees."⁴

2. The election for Unit 1 included a separate ballot question for professional employees. The certification reflects that the professionals, the "Civil Engineer" and the "Supervising Civil Engineer" voted not to be represented for purposes of collective bargaining.

3. References to the DLR include the former Labor Relations Commission.

4. The full text of the recognition clause is reprinted in Appendix A.

The "M" Titles and 2003 Side Agreement

The salaries for certain Town employees are classified under the Town's "Technical Administrative and Management" (TAM) classification schedule. These are two TAM classifications: the "M" schedule and the numerical pay grade schedule. AFSCME numerical pay grades range from Grade 3 to Grade 13. In 2003, the parties entered into a Side Letter agreement to their 2001-2004 CBA that reclassified the following AFSCME titles under the "M" pay schedule:

- 1) Veterans' Agent - Title changed to Director of Veterans' Services - M-5
- 2) Facilities Maintenance Coordinator - M-6
- 3) Zoning Coordinator - M-6
- 4) Shellfish Warden - Title changed to Shellfish Constable/Assistant - M-7
- 5) Director of Natural Resources - M-7
- 6) Chief Harbormaster - M-9
- 7) Director of Assessing - M-9
- 8) Health Agent - M-9

As noted above, both parties agree that these titles have supervisory responsibility, including disciplinary authority that warrant their inclusion in a separate unit from other bargaining unit members.⁵ Descriptions of these "M" titles, as well as the other bargaining unit titles that the Town seeks to place in Unit B (disputed titles) are set forth below.

2012

In or around late spring/early summer 2012, Local 1636 filed internal union charges against three bargaining unit members. According to documents the Town provided, Local 1636 leadership charged two members with "M" titles, Facilities Maintenance Coordinator Shardell Newton (Newton) and Zoning Board of Appeals Administrator Sari Budrow (Budrow), and one disputed title, Assistant Assessor Patricia Favulli (Favulli), with "Acting in collusion with management to the detriment of the welfare of the union or its membership" in violation of Article X, Section 2D of AFSCME's International Constitution. The charges alleged that, in or around January 2012, Newton, Budrow and Favulli intended to or did share Union meeting proceedings with the Town Manager.⁶

"M" Title Descriptions⁷

1) Zoning Administrator

5. When certain issues raised by the representation or unit clarification petition are resolved by the parties' stipulations, the Board will adopt the stipulations if they do not conflict with the Law or established Board policy. *Town of Hopedale*, 20 MLC 1059, 1067 (1993) (citing *Board of Trustees, State Colleges*, 4 MLC 1427, 1428 (1977)). The parties' agreement that the M titles should be placed in Unit B based on their supervisory authority does not appear to conflict with the Law or with established Board policy or precedent. Thus, we adopt this agreement.

6. The Town, through Assistant Town Manager Heather Harper's affidavit, asserts that Local 1636 also filed internal union charges against two other "M" class bar-

Job Duties, Generally - The incumbent in this title assists the Zoning Board of Appeals (ZBA) in discharging its statutory duties. Specific duties include implementing the ZBA's goals and policies; presenting the ZBA's position in conferences with other Town officials; and providing technical zoning information for residents, realtors, attorneys and the public.

Supervision Received and Exercised - The Town's organization chart and job description indicate that this title reports directly to the Town Manager. The organization chart also reflects one AFSCME Senior Office Assistant reporting to this title. As is the case for all "M" class titles, the job description contains a separate "Supervisory Responsibilities" (SR) heading. For the Zoning Administrator, this heading indicates that this title supervises one full-time employee.⁸ An affidavit from Assistant Town Manager Heather Harper (Harper) indicates that this title's supervisory responsibilities include making disciplinary action recommendations to the Town Manager concerning the Senior Office Assistant.

Requirements - The requirements for the position are an associate's degree in Paralegal Studies, land use planning, public administration, or a related field, with a bachelor's degree in similar studies desirable.

Other Information - The job description indicates that this title has access to department-oriented confidential information, including personnel files and legal proceedings. As described above, Local 1636 filed internal union charges against the incumbent in this title.

2) Shellfish Constable/Assistant Director of Natural Resources

Job Duties, Generally - The Shellfish Constable provides ecological and environmental protection of the Town's natural resources, particularly those related to the shellfish and herring population.

Supervision Received and Exercised - This title works under the general direction of the Director of Resources, an AFSCME "M" title. The organization chart shows that there are three other AFSCME titles in the Natural Resources department: two Natural Resource Officers, a Senior Animal Control Officer and an Animal Control Officer. The job description's SR section states that this title "supervises four full-time employees, one seasonal employee and approximately twelve volunteers." The Harper affidavit indicates that this title has disciplinary authority and has testified on behalf of management in numerous proceedings, including at the DLR.

gaining unit members, Chief Harbormaster Greg Fraiser and Acting Director of Natural Resources Chuck Martenson. The Town did not provide any details regarding the nature or timing of these charges.

7. The summary descriptions of the M and disputed job titles are based on the information the Town provided in the form of job descriptions, organization charts and Heather Harper's affidavit. The Union did not provide affidavits, but contends that none of the disputed titles have the authority to discipline bargaining unit members and should therefore not be placed in Unit B.

8. The words "part-time" are crossed out.

Requirements - The position requires a bachelor's degree in a related field and three years of experience in a related position, in addition to First Responder Certification and police academy training.

3) Facilities Maintenance Coordinator

Job Duties, Generally - This title provides "supervisory and planning work to provide the coordination of maintenance operations for all municipal building and to plan and train volunteers for natural emergencies."

Supervision Received and Exercised - The organization chart and job description reflect that this title reports directly to the Director of Public Works, an unrepresented title. The organization chart shows four AFSCME titles reporting directly or indirectly to this title: Working Foreman (a disputed title discussed below); Town Carpenter/Crew Leader (same); Town Electrician; and eight custodians reporting to the Working Foreman and Town Carpenter (four to the Working Foreman, four to the Town Carpenter). The first job duty on the job description states: "Supervises the custodial and maintenance staff at the Town Hall and other town buildings. Develops work schedules and plans assignments."⁹ The SR section of the job description states that this title supervises more than five full-time employees, two seasonal employees, and up to thirty volunteers during a natural emergency.

Requirements - Requirements include an associate's degree in a related field, five years of experience in the building trades (including three with supervisory responsibility), and a Massachusetts Construction Supervisor's License.

Other Information - The job description states that this title has access to department-oriented confidential information, including personnel records, legal proceedings and bid documents. As noted above, in June 2012, Local 1636 leadership filed internal union charges against the incumbent in this title.

4) Chief Harbor Master

Job Duties, Generally - The Chief Harbor Master is responsible for the effective and efficient operation of the Harbor Master Department. The incumbent supervises activities relating to the management of approximately three thousand moorings.

Supervision Received and Exercised - This title works under the administrative direction of the Town Manager. The organization chart shows two AFSCME titles reporting directly to the Chief Harbor Master, the Deputy Harbor Master and an Administrative Clerk. Under the SR heading, the job description states that this title is responsible for the hiring, training and supervision of the department.

Requirements - Requirements include a bachelor's degree in a related field, three years of experience in a related position (including supervisory responsibilities), completion of the MA Reserve/intermittent Police Academy Program and Harbor Master

Academy, CORI Certification, CPR/first aid, and an OSHA lift truck certificate.

Other Information - The job description states that this title has access to confidential information.

5) Director of Assessing

Job Duties, Generally - This title assists the Board of Assessors in the assessment of real property through the Town and implementing the Board's policies.

Supervision Exercised and Received - This title works under the administrative direction of the Town Administrator but functions independently, consulting with and advising the Board of Assessors when clarification or interpretation of the General Laws is required. The Assessing Department organization chart reflects that three AFSCME titles report directly to the Director: the Assistant Assessor/Appraisal (a disputed title), the Assistant Assessor/Administration (a disputed title), and the Assistant to the Assessor. The organization chart reflects that two AFSCME Administrative Clerks report to the Assistant Assessor and the Assistant Assessor/Administration.

Requirements - The position requires a bachelor's degree in a related field, five years of experience in a related position (with one year including supervisory duties), and a Massachusetts Accredited Assessor Certificate.

6) Director of Natural Resources

Job Duties, Generally - This title performs technical, administrative and supervisory work related to providing ecological and environmental protection within the Town, including directing law enforcement relating to hunting, fishing, shell fishing and animal control, and prosecuting pollution and illegal dumping violations.

Supervision Received and Exercised - This title works under the Town Administrator's administrative direction. The job description reflects that this title provides direction to the Animal Control Division staff. The organization chart reflects that four AFSCME titles report to the incumbent in the position: Shellfish Constable/Assistant Director (another "M" title discussed below), two Natural Resource Officers, Senior Animal Control Officer, and the Animal Control Officer.

Requirements - This title requires a bachelor's degree in a related field, two years of experience in a related field, a Class A pistol permit, annual completion of MA Criminal Justice Firearms course, First Responder certification, police academy training, and successful completion of investigations required for a police appointment, and supervisory and planning skills.

Other information - The employee has access to department-related confidential information such as personnel files and information relating to criminal investigations and legal proceedings.

9. This fact has been added for the sake of completeness.

7) Health Agent

Job Duties, Generally - This title provides administrative, technical and inspection work in planning and implementing the Town's public health program. This position has the ability to recommend to the Board of Health a declaration of public health emergency and plays a key role in coordinating emergency response efforts.

Supervision Received and Exercised - The title works under the administrative direction of the Town Manager and consults with the Board of Health when clarification or interpretation of policy or procedure is required. The organization chart shows two AFSCME titles reporting to this position, the Assistant Health Agent and a Principal Office Assistant.

Requirements - Requirements for the job include bachelor's and master's degrees in related fields, three years of experience in a related position, registration as a Sanitarian in MA, CORI certification, Title 5 Soil Evaluator License, and Title 5 System Inspector License. Under "Skills," the job description states that this title must have the ability to supervise and evaluate staff.

8) Director of Veterans' Services

Job Duties, Generally - This title administers benefits to veterans and their dependents under state and federal law.

Supervision Received and Exercised - This title works under the Town Manager's administrative direction, but performs duties independently in conformance with state and federal law. The job description and organization chart reflect that this title supervises an AFSCME Principal Office Assistant. The Town asserts that this title's supervisory duties include making recommendations to the Town Manager concerning pay and discipline.

Requirements - Requirements for the position include an associate's degree in a related field, three years of experience in a related field, veteran status, CORI certification, and continual learning in applicable law and procedure through attendance at relevant programming events.

Other information - The Veterans Agent is required to maintain a high degree of confidentiality in medical case management, legal proceedings and military personnel records.

Proposed Unit B Disputed Titles ¹⁰

1) Assistant Town Accountant (ATA) - Grade 9

Job Duties, Generally - As reflected in the job description, this title is responsible for performing accounting and data entry work to assist the Town Accountant in maintaining the Town's fiscal records and systems. Duties include maintaining the general ledger,

assisting the Town Accountant in closing the fiscal years, processing weekly payroll, processing accounts receivable for special duty (detail) performed by the Police Department, recording articles voted at Town meeting, coordinating and responding to requests for information from other departments.

Supervision Exercised and Received - The ATA reports to the Town Accountant, an unrepresented title who reports directly to the Finance Director, the head of the Finance Department.¹¹

The Accounting Office has one AFSCME Senior Office Assistant, who reports to both the ATA and the Town Accountant.¹² According to the job description, the ATA "supervises and trains clerical support staff; plans, schedules and coordinates work operations to meet schedules, deadlines and priorities, revises work schedules to meet any changes in work load; and makes recommendations regarding the organization of work, work methods or assignments."

Requirements - High school diploma with courses in bookkeeping and accounting; associate's degree in accounting desirable. Thorough knowledge of municipal fund accounting, theory, principles and practices.

Other information - According to the job description, this title is responsible for "routine administration of the office in Town Accountant's absence." This title has access to department related "confidential" fiscal and payroll information.

2) Assistant Town Clerk (ATC) - Grade 9

Job Duties, Generally - As reflected in the job description, this title performs, supervisory, administrative, technical and clerical work assisting the Town Clerk in keeping official municipal records, issuing licenses and official documents and in providing information to the general public and town departments.

Supervision Exercised and Received - The Assistant Town Clerk reports to the Town Clerk, an elected position. The Town Clerk's office is comprised of two AFSCME titles, a Senior Office Assistant and the Principal Office Assistant/Board of Registrars, and temporary election workers. The organization chart shows the Senior Office Assistant reporting directly to the Assistant Town Clerk and the Principal Office Assistant/Board of Registrars reporting to the Town Clerk.¹³ The ATC job description states that this title provides "immediate supervision over the equivalent of five or fewer full-time employees." It describes that supervision as "providing work assignments to department staff, reviewing work and checking on progress and completion."

Requirements - The position requires a high school diploma and additional coursework in a related field, two years of experience in a related position, certification as a Notary Public, becoming bonded, and up-to-date certification as a Town Clerk.

10. A complete list of the titles that the parties agree to place in proposed Unit A is set forth in Appendix B.

11. Three other titles report directly to the Finance Director: the Town Collector, the Town Treasurer, the Director of Assessing and the Town Accountant. Of these three titles, only the Director of Assessing is represented for purposes of collective bargaining.

12. The job description for the Senior Office Assistant, Town Accountant's office states that this title works under the "general supervision of the Town Accountant and the ATA."

13. This is consistent with the Principal Office Assistant/Board of Registrars' job description, which states that this title works "under the general direction of the Board of Registrars and the Town Clerk."

Other information - The title assumes the Town Clerk's responsibilities when the Town Clerk is absent and serves as the clerk to the Board of Registrars. According to the job description, this title has "access to department-related confidential and discretionary information which, if disclosed could have legal or financial repercussions."

3) Carpenter/Crew Leader - Grade 9

The Carpenter/Crew Leader works in the Town's Department of Public Works (DPW). This title reports to the Facilities Maintenance Manager, an "M" position described above, who reports directly to the DPW Director, an unrepresented title. The DPW organization chart shows that four AFSCME Custodians report to the Carpenter/Crew Leader.¹⁴ The custodian job descriptions, however, state that they report to the department head or designee.

Job Duties, Generally - According to the job description, this title performs "Supervisory and field work in the direction of construction, maintenance and custodial crews and skilled manual work in the performance of complex construction and maintenance activities for municipal buildings." Specific duties include performing construction and maintenance projects; operating Town vehicles; snow and ice removal; and additional general maintenance activities such as painting, sanding walkways and stairs.

Supervision Received and Exercised - The Carpenter/Crew Leader works in the Town's Department of Public Works (DPW). This title reports to the Facilities Maintenance Manager, one of AFSCME's "M" positions described above. The DPW organization chart shows that four AFSCME Custodians report to the Carpenter/Crew Leader. The Carpenter/Crew Leader's job description states that this title "supervises the equivalent of five or fewer full-time employees in a crew and describes those duties as training new employees in custodial and general maintenance practices, assigns duties and ensures proper completion of work in the absence of the Working Foreman and department head."

Requirements - The position requires a high school diploma with five years of experience in skilled carpentry work (including two years of custodial/maintenance work). Supervisory experience is helpful.

Other information - The job description states that this title has access to "limited confidential information." According to the Assistant Town Manager Heather Harper's affidavit, the incumbent in the position, Peter Urban, has testified on behalf of management at a DLR proceeding concerning the discipline of a fellow bargaining unit member.

4) Working Foreman - Grade 9

Job Duties, Generally - The job description states that the Working Foreman performs "supervisory and manual work performing maintenance of public buildings and construction activities; direct-

ing work crews on maintenance projects while acting as a working foreman of a working party." Specific duties include performing routine maintenance duties requiring moderate measures of responsibility and judgment in operating HVAC equipment, making repairs and purchasing supplies and maintaining equipment.

Supervision Received and Exercised - The Working Foreman also works in the DPW and is on the same organization chart level as the Carpenter/Crew Leader, reporting directly to the Facilities Maintenance Manager. The DPW organization chart shows four AFSCME custodians reporting directly to the Working Foreman.

Under "Distinguishing Characteristics," the job description states that this title "supervises the equivalent of more than five but less than ten full-time employees" Under "Essential Functions," the job description states that this title, "Trains and supervises employees in custodial and general maintenance practices. Assigns duties and insures work is properly performed in conformance with Department Objectives." Harper's affidavit states that this title makes recommendations to the Facilities Coordinator concerning employee discipline.¹⁵

Requirements - The position requires a high school graduate, five years of experience in a related position (at least two in a supervisory capacity), a MA Class C Motor Vehicle operator's license, and a MA hoisting engineer's license.

Other Information - The job description states that this title has "access to a limited amount of confidential information such as personnel information and bid proposals." According to Harper's affidavit, the current Working Foreman, Danny Moniz, has testified on behalf of management in a disciplinary proceeding involving another bargaining unit member.

5) Assistant Assessor/Administration (AAD) - Grade 10

Job Duties, Generally - The job description summarizes this position as "administrative, supervisory, technical and clerical work assisting the Director of Assessing with municipal tax assessment activities." Specific assessing functions include assisting the Director of Assessing in maintaining timely and accurate property records and uniform full market value assessment of all real and personal property and providing general assistance to the public. This title also works with the Engineering Department to ensure maps are current by creating or deleting lots.

Supervision Received and Exercised - The AAD works in the Town's Finance Department, under the Director of Assessing, an AFSCME "M" title described above. The AAD appears on the same level of the Assessment Department's organization chart as two other AFSCME titles, the Assistant Assessor /Appraisal, a disputed title discussed below, and the Assistant to the Assessor, whose placement in Unit A is not in dispute.¹⁶ Two AFSCME Administrative Clerks report to both the Assistant Assessor/

14. The Custodian job descriptions state that these titles report to the "Department Head or his/her designee."

15. The Board has added this fact for the sake of completeness.

16. According to its job description, the Assistant to the Assessor performs "Technical and clerical work in assisting the Director of Assessing with municipal tax assessment activities." The position requires a high school education with two years college-level math.

praisal and Assistant Assessor/Administration, but not to the Assistant to the Assessor. The job description for the Assessing Department's Administrative Clerk indicates that this title "works under the general direction of the Director of Assessing or its designee."

The AAD's job description states that this title "supervises the equivalent of five or fewer full-time employees." The first "Essential Function" listed on the job description is "oversees the daily operations of the department's clerical support staff; reviews the work of subordinates; ensures efficient operations of the office." Under "Knowledge, Ability and Skill," the job description states that this title must have the ability to supervise and train others in related work and to assign and review work." Harper's affidavit states that this title is a professional title that shares responsibility for supervising the two administrative clerks.

Requirements - The AAD requires an associate's degree with related coursework, three years of experience in office support (with one year involving supervision), and valid and continuing certification as a MA Accredited Assessor within 36 months of hire, with experience managing a legal office seen as helpful.

Other Information - The incumbent in the position has frequent contact with other Town departments and boards. The incumbent also has access to the State Registrar of Motor Vehicle confidential information. The job description states that duties require "complete confidentiality concerning the financial and personal details of taxpayers. Forms can only be released on court order." As described above, in or around June 2012, Local 1636 leadership brought internal union charges against the incumbent in this title.

6) Assistant Assessor /Appraisal (AAA) -Grade 12

Job Duties, Generally: According to the job description, this title performs "administrative, supervisory, technical inspection work and statistical analysis work in assisting the Director of Assessing." Specific duties include administering recertification-evaluation; submitting reassessment plan; reporting property tax base growth and all changes in valuation; and determining whether changes are allowable. The AAA receives applications for abatement of taxes and makes adjustment as necessary according to assessment principals.

Supervision Received and Exercised - This title works in the Finance Department, on the same organizational level as the AAD. As noted above, two AFSCME administrative clerks report both to this title and to the AAD. Under "Distinguishing Characteristics," the job description states that this title "supervises the equivalent of five or fewer full-time employees." Under "Essential functions," the job description states that this title "Assigns and reviews work of the field appraisers."¹⁷ Under "Knowledge, Ability and Skill," states "Ability to organize the work of subordinates and instruct and supervise them as needed."

According to Harper, this position oversees the daily operations of the department's clerical support staff, reviews the work of subordinates and ensures efficient operations of the department.

Requirements - The position requires an associate's degree in a related field, and the ability to become certified as a MA Accredited Assessor within twelve months of employment, with three years of experience in a related position desirable.

Other Information - Like the AAD, this title has access to certain confidential information including information concerning the financial and personal details of taxpayers. The forms used by the incumbent in this position can only be released on court order. This position also makes frequent contact with other Town departments and boards. This position assumes duties relating to valuation in the absence of the Director of Assessing.

7) Assistant Collector/Assistant Parking Clerk (AC) - Grade 10

Job Duties, Generally - According to the job description, this Finance Department title provides administrative and supervisory support work in assisting the Town Collector to discharge the duties of the office. Specific duties include performing all collection duties, such as processing payments for real estate, personal property, motor vehicle excise, boat excise mooring bills, water and sewer bills, parking tickets; preparing deposits; posting payments and abatements. This title works with the police department to schedule hearings and pursue out-of-state offenders. The incumbent acts as the Assistant Security Administrator for access codes with the Office of Management and Information Systems and Registry of Motor Vehicles computers.

Supervision Received and Exercised - This title works under the administrative direction of the Town Collector, an unrepresented title who reports directly to the Finance Director. Two AFSCME Principal Office Assistants work under the general direction of both the Assistant Town Collector and Town Collector.¹⁸

The ATC's job description states that the ATC is responsible for ensuring that "department work is delegated among staff." This title is also responsible for processing department payroll and maintaining attendance records. Under "Ability," the job description requires the incumbent to be able to "train and supervise subordinate personnel."

Requirements - The position requires a high school diploma with courses in related areas and four years of progressively responsible experience in office work, and the ability to pass Registry of Motor Vehicles security clearance, with additional business training desirable.

Other Information - The job description states that this title has access to department-oriented confidential information including employee records and legal matters.

17. The materials submitted by the parties contain no other reference to the title "field appraisers" and thus, it is not clear if this title still exists, is vacant, or has never been filled.

18. Although the Finance Department's organization chart shows the two Principal Office Assistants reporting directly to the AC, the Principal Office Assistant's job description states that this title works under the general direction of both the AC and the Town Collector.

8) Staff Engineer- Grade 13

Job Duties, Generally - According to the job description, this DPW title performs “professional and technical work designing, preparing plans, specifications and contract documents for town engineering projects.” Specific duties include preparing engineering designs, plans and specifications, cost estimates and contract documents for Town engineering projects, performing a variety of engineering activities, including solid waste management, architect/engineer review, and traffic engineering projects. The incumbent is responsible for assisting property owners, contractors and engineers with technical engineering questions relative to Town requirements for roadway drainage and traffic designs.

Supervision Exercised and Received - The Staff Engineer works under the general direction of the Town Engineer, who reports to the DPW Director. The DPW organization chart reflects that there are three AFSCME titles beneath the Staff Engineer: the Civil Engineering Technician, the Construction Inspector and the Principal Office Assistant.¹⁹ The job descriptions for both the Principal Office Assistant and Construction Inspector state that these titles work “under the administrative direction of the Town Engineer.” The Civil Engineering Technician’s job description states that this title reports to the Town Surveyor. The Staff Engineer’s job description states that this title “provides immediate supervision with time spent assigning and reviewing work of fewer than the equivalent of five full time employees” and that supervisory experience is desirable.

Requirements - This position requires a bachelor’s degree in Civil Engineering with five years of progressively responsible civil engineering experience.

Other Information - The job description states that this title has no access to confidential information.

9) Assistant Town Treasurer (ATT) - Grade 9²⁰

Job Duties, Generally - The job description states that this title Harper’s affidavit states that the ATT is responsible for assisting in the preparation of the Town’s budget and supervising the Payroll Coordinator. The ATT acts as Town Treasurer when the Town Treasurer is unavailable.

Supervision Received and Exercised - The ATT reports to the Town Treasurer, an unrepresented title that reports to the Finance Director. The organization chart shows the Payroll Coordinator directly beneath the ATT. However, the Payroll Coordinator’s job description indicates that the Payroll Coordinator reports directly

to the Town Treasurer.²¹ The ATT’s job description contains no description or requirement for supervisory duties. It states only that the ATT assumes responsibilities of other office staff in their absence, such as payroll, and performs the Town Treasurer’s essential duties in her absence.

Requirements - The ATT must possess an associate’s degree in accounting or business administration or a related field, with four years’ experience.

10) Assistant Director of Recreation²²

Job Duties, Generally - This title plans recreation programs in accordance with the Director of Recreation and the Recreation Committee. This title also performs maintenance of equipment and recreational facilities, organizes, teaches and supervises varied recreation programs, makes budgetary and policy recommendations to the Director of Recreation and performs clerical duties for the department as needed.

Supervision Received and Exercised - The Assistant Director of Recreation reports to the Director of Recreation, an unrepresented title. The organization chart reflects that two AFSCME titles report to this position: one Senior Office Assistant and two Program Directors²³ and seasonal titles. The job description states only that this title supervises approximately 20 seasonal part-time employees, but specifies that this title must have the ability to supervise subordinate personnel effectively. Harper’s affidavit indicates that this title “supervises” all of these titles but does not reflect the nature of the supervision.

Requirements - Bachelor’s degree in recreation management, leisure studies, physical education and two years’ experience.

Other Disputed Titles - Principal Office Assistants - Fire, Police, DPW

The Town asserts that the following three titles should be excluded from either AFSCME unit on grounds that they are confidential employees within the meaning of Section 1 of the Law.

Principal Office Assistant to the Police Chief - The incumbent in this title is Melinda Rebelo (Rebelo). Rebelo has served as the Police Chief’s POA since 1995. Former Police Chief Anthony Riello (Chief Riello) served as police chief from 2007 - 2012. As the title suggests, Rebelo performs administrative, secretarial and support work to the Police Chief, including correspondence, purchasing and payroll functions and serving as a liaison between the Chief, the general public, and other Town officials and employees.

19. Harper’s affidavit states that, in addition to these titles, the Staff Engineer supervises the Assistant Town Engineer, but record does not contain a job description for this title, nor does it appear on the organization chart.

20. These facts have been supplemented to add information from the ATT’s job description, which the Employer provided after the Show Cause letter issued.

21. The Town submitted the Payroll Coordinator’s job description in its response to the Show Cause letter. The Payroll Coordinator’s job description, like that of the Assistant Town Treasurer, states that this title performs “administrative and technical work of more than ordinary difficulty in the processing of very complex and de-

tailed financial records, accounting and transactions.” These facts have been modified to reflect this new information.

22. A description of this title was inadvertently omitted from the Show Cause letter. As with the other disputed titles, the information about this position is taken from Harper’s affidavit and the job description.

23. The Program Directors’ job description indicates that this title works under Director of Recreation’s or the Assistant Director’s general direction. The Senior Office Assistant’s job description states that she works under the general direction of the Director of Recreation or his/her designee.

The job description states that the POA has “access to and maintains confidential information including all employee personnel records, labor relations matters and department-oriented legal information.”

Riello’s and Rebelo’s affidavits state that Rebelo corresponds with legal counsel’s office to provide information for counsel’s use in advising the Chief on grievance responses, disciplinary matters, and to prepare for arbitration hearings and matters before the DLR and the Civil Service Commission. Rebelo states she is responsible for keeping track of grievances received by the Police Department. She also assists the Chief in responding to Step 1 grievances, concerning disciplinary matters including researching and preparing responses. Rebelo states that because she has served during three police chiefs’ terms, the Chief relies on her knowledge of past grievances, disciplinary actions and settlements to prepare for and respond to hearings and grievances. Rebelo opens the Chief’s mail, including mail marked “confidential.” With respect to collective bargaining, both Riello’s and Rebelo’s affidavits state that Rebelo is involved in cost analyses of bargaining proposals and has access to management’s proposals before the unions.²⁴

Rebelo works right outside of the Chief’s office and can overhear his conversations when the door is open.

Principal Office Assistant - DPW administration²⁵ - The job description for this title reflects that this title has administrative, secretarial, and clerical duties to assist the Director of Public Works. With respect to confidential matters, the job description states that the incumbent in the position has access to and maintains confidential department-oriented information including employee personnel records, legal matters and bid information. The job description contains specific reference to labor relations matters.

The Director of the DPW is Raymond Jack (Jack). Jack has served as Director for six years. Jack states that the POA processes correspondence and provides information on grievances, disciplinary matters and contract negotiations. According to Jack, the POA also forwards grievances received by the DPW, schedules grievances and sends out grievance answers. According to Jack, the POA also provides information to legal counsel for arbitration and DLR hearings.

Principal Office Assistant - Fire Rescue Department - Kimberlee Strohm (Strohm) has served as the POA to the Town’s Fire Chief since May 2005. Fire Chief Mark Sullivan (Chief Sullivan) has served as Chief since October 2010 and has worked as a Deputy Fire Chief since 1997. The POA’s job description states that the incumbent in the position has access to confidential information, including employee personnel records, labor relations matters, and department-oriented legal information. The job description also

states that this incumbent performs confidential background and research for the department’s labor issues.

According to Strohm’s and Chief Sullivan’s affidavit, Strohm performs confidential duties on a daily basis. Strohm states she is “integrally involved” in contract negotiations, with access to management’s proposals before they are presented to the union. She states that she often participates in meetings with labor counsel and/or Town administrators to discuss collective bargaining strategy. She is regularly involved in cost analyses of all bargaining proposals for contract negotiations. As of December 2012, she was involved in collecting and analyzing benefits of comparable communities in preparation for upcoming interest arbitration with the Firefighters Union. Strohm researches grievances and compiles documents in connection with upcoming Civil Service, DLR and arbitration hearings. She also maintains payroll and department personnel records.

Undisputed A titles²⁶

The Town provided job descriptions for the 28 undisputed Unit A titles listed in Appendix B. Of these titles, which range from Grade 3 to Grade 11, 22 require a high school degree, with some, like the Deputy Harbormaster, Construction Inspector and Civil Engineering requiring additional advanced or college level courses. Of the remaining six titles, two require associate’s degrees and four require bachelor’s degrees. Some of these titles have supervisory duties as well. For example, the job description for the Engineering Technician states that it provides functional supervision over one temporary employee; the Senior Animal Control Officer’s job description states that it provides function supervision over the Animal Control Officer and the Local Inspector’s Job description states that it supervises the equivalent of two full time clerical employees for specific tasks and projects. Similarly, the Program Director in the Recreation Department assists in interviewing, training and evaluating teen recreation program instructors and is required to have a bachelor’s degree in a recreation management or leisure studies as well as supervisory experience. The Principal Office/Assistant Board of Registrar’s job description states that this title supervises the equivalent of one full-time employee by assigning and verifying work. Finally, several undisputed Unit A titles, including the Engineering Technician (Utilities), Construction Inspector, Assistant Health Agent, and Conservation Agent require specialized training or coursework, and the exercise of either “considerable” or “independent” judgment in the exercise of their duties.

Opinion²⁷

A CAS petition is appropriate if the “outcome sought by the petition is clearly supported by an apparent deficiency in the scope of the existing unit and must be, at least arguably, within the realm of what the parties intended when the unit was first formulated.”

24. Riello’s affidavit asserts that the Town seeks to remove the POA from the AFSCME’s bargaining because the POA’s duties have changed, but does not indicate which of her duties have changed or when they did so.

25. This position is vacant.

26. The show cause letter has been supplemented with this information for the sake of completeness and analysis.

27. The Board’s jurisdiction is not contested.

Sheriff of Worcester County, 30 MLC 132, 136 (2004). Here, both parties have agreed to restore the two-unit structure in which they were originally certified by separating rank and file employees from supervisors. The parties agree on where all but the ten bargaining unit members described above belong and have asked the Board to determine the disputed titles' unit placement. We do so consistent with our authority under Section 3 of the Law to determine appropriate bargaining units that are consistent with the purpose of providing for stable and continuing labor relations while giving due regard to the following considerations: 1) community of interest; 2) efficiency of operations and effective dealings; and 3) safeguarding the rights of employees to effective representation. *City of Everett*, 27 MLC 147, 150-151 (2001); *Town of Bolton*, 25 MLC 62, 65 (1998).

To determine whether employees share a community of interest, the Board considers factors like similarity of skills and functions, similarity of pay and working conditions, common supervision, work contact and similarity of training and experience. *Waltham School Committee*, 25 MLC 137, 139 (1999). No single factor is outcome determinative. *Town of Ludlow*, 27 MLC 34, 36 (2000). Where a position shares a community of interest with more than one bargaining unit, the Board places the position in the unit with which it shares the greater community of interest. *Board of Trustees, University of Massachusetts*, 31 MLC 209, 215 (2005).

The Town believes that the ten disputed titles should be included in Unit B with the M titles because they supervise other rank and file members and because that is the unit with which they share the greater community of interest. The Union contends that only the M titles should be in the separate supervisory unit because only they have the authority to discipline employees and are otherwise "imbued with supervisory authority." The Union further claims that the M titles have a distinct community of interest based on their M wage class status and because they report to high-ranking managerial titles, like the Town Manager or other non-bargaining unit titles. Both parties agree, however, that all of the M titles described above should be placed in a separate bargaining unit because they make employment decisions regarding hiring and disciplinary matters.

Integral to the community of interest analysis in the present case is whether the ten disputed titles exercise significant supervisory authority over other employees in Unit A. Applying the criteria set forth in Section 3 of the Law, the Board generally establishes separate bargaining units for supervisory employees and the employees they supervise. *Sheriff of Worcester County*, 30 MLC at 137 (additional citations omitted). This policy is rooted in the judgment that individuals who possess significant supervisory authority owe their allegiance to their employer, particularly in the areas of employee discipline and productivity. *Town of Bolton*, 25 MLC 62 at 67. Supervisors and the employees they direct have different obligations to the employer in personnel and policy matters, therefore to retain them in the same bargaining unit would likely lead to a conflict of interest within the bargaining unit. *City of Chicopee*, 1 MLC 1195, 1197-1198 (1974).

To determine whether an employee is a supervisor, the Board distinguishes between a true supervisor and an employee who pos-

sesses more limited supervisory authority. "A true supervisor has independent authority to make, or the power to effectively recommend, personnel decisions such as whether to hire, transfer, suspend, promote or discharge employees or to resolve grievances." *Greater New Bedford Regional Vocational School Committee*, 15 MLC 1040, 1045 (1988) (citing *Board of Trustees, University of Massachusetts*, 3 MLC 1179, 1205 (1976)).

Here, there is evidence that all ten disputed titles, to some degree, assign, direct or review the work of one or more Unit A employees. However, except for the Working Foreman, the Town has provided no evidence that any of the disputed titles have the independent authority to make major personnel decisions like hiring, transfers, promotion, discipline or discharge or the effective ability to recommend such personnel decisions. Nor is there evidence that these titles adjust grievances or assign overtime or conduct evaluations that impact on Unit A members' wages or advancement opportunities. *Compare Town of Seekonk*, 30 MLC 121, 125 (2004) (senior librarians and customer service/inventory supervisory are supervisory employees where they evaluate employees and their evaluations determine whether subordinate employees advance to the next step on salary scale) to *City of Springfield*, 34 MLC 46, 50 (2007) (Evaluations performed by Assistant Assessor I's do not establish supervisory status where evaluations did not directly impact wages). And, although the Working Foreman's job description indicates that this title makes recommendations concerning bargaining unit member discipline to the Facilities Maintenance Manager, there is no evidence that these recommendations were followed or resulted in discipline. This fact distinguishes the Facilities Maintenance Manager from the Supervisor of Custodians in *Somerville School Committee*, 6 MLC 2092 (1980), whom the Board determined should belong to a separate supervisory unit where, in addition to overseeing the work performed by the senior and junior custodians on a frequent and regular basis, he effectively recommended the termination of a probationary employee and the suspension of a permanent one. *Id.* at 2093-2094. *See also Town of Pepperell*, 33 MLC 72, 74-75 (2006) (placing Cemetery Park Manager in a separate supervisory unit because he interviewed, hired and recruited all cemetery employees and carried out reprimands and suspensions, and distinguishing him from the transfer station operator and highway department foremen, who, despite scheduling and directing subordinates' daily work, played no role in hiring or disciplinary process).

Thus, standing alone, the disputed titles' level of supervisory authority is insufficient to warrant placing them in Unit B. *See City of Springfield*, 34 MLC at 50. The limited evidence that the Town has presented regarding conflicts within Unit A does not persuade us otherwise.

Thus, the fact that the Carpenter Crew leader may have testified on management's behalf at a DLR proceeding does not reflect anything other than the fact that the employer either requested or compelled such testimony. In any event, the parties agree that the Facilities Maintenance Managers should be placed in Unit B. Therefore, placing the Carpenter/Crew Leader and Working Foreman in the same unit as the Facilities Maintenance Manager would simply perpetuate the problem the Town seeks to avoid by creat-

ing the separate unit, especially since the Facilities Maintenance Manager has actual disciplinary authority that the Carpenter/Crew Leader and Working Foreman lack. Thus, given the Board's general reluctance to create more than one supervisory unit, see *Sheriff of Worcester County*, 30 MLC at 138, it makes sense to place only those employees who are true supervisors in a separate unit. Similarly, the fact that the Union filed internal union charges against the AAD as evidence of intra-union conflicts does not warrant its removal from Unit A, where there is no evidence that the Union ever found merit to the charges against this title and there is no evidence that the AAD has actual or recommendatory hiring or disciplinary authority.²⁸

We therefore turn to examine whether the ten disputed titles share a greater community of interest with Unit A or Unit B. The Town argues that the disputed titles share a greater community of interest with the M titles in Unit B because they have at least some supervisory authority and exercise independent judgment. However, as noted above, Unit A also contains employees whose job descriptions indicate similar, limited responsibilities over bargaining unit members and the exercise of independent judgment. Thus, these factors alone do not persuade us that the disputed titles share a greater community of interest with Unit B.

Regarding other community of interest criteria, none of the disputed titles share common reporting authority with the M titles. Further, all ten disputed titles report to the same individual as one of more of the titles that they purportedly supervise. They also share many of the same duties, skills and level of experience as one or more of the AFSCME titles whom they purportedly supervise. For example, like the AFSCME Senior Office Assistant in the Accounting Office, the Assistant Town Accountant requires a high school education and performs technical and clerical duties to assist the Town Accountant. The Assistant Recreation Director and the two Program Assistants require the same level of education (bachelor's degree in recreation management or leisure studies and supervisory experience), plan Recreation Department programs, and have some supervisory responsibilities. Both the Assistant Town Treasurer and the Payroll Coordinator report to the Town Treasurer, require an associate's degree, and perform "administrative and technical work of more than ordinary difficulty in the processing of very complex and detailed financial records, accounting and transactions." Based on the undisputed facts set forth above, similar statements can be made about each of the ten disputed titles and one or more of the undisputed Unit A titles in their respective departments.

In sum, we agree with the Union that only the M titles should be placed in a separate supervisory unit. While all of the disputed titles exercise some degree of oversight over other Unit A members, there is no evidence to indicate that they exercise a substantial de-

gree of discretionary decision-making in relation to these employees so as to warrant their separate unit placement. This limited supervisory authority is also insufficient to outweigh the clear community of interest that exists between the disputed titles and the other Unit A titles in terms of common supervision, job duties, skills and education.

Confidential Secretaries

The Town seeks to exclude three principal office assistants from the unit on grounds that they are confidential employees within the meaning of Section 1 of the Law.²⁹ Section 1 of the Law defines confidential employees as those who "directly assist and act in a confidential capacity to a person or persons otherwise excluded from coverage" under the Law. To be regarded as confidential, an employee must have a substantial relationship with a managerial employee "so that there is a legitimate expectation of confidentiality in their routine and recurrent dealings." *Town of Provincetown*, 31 MLC 55, 59 (2004) (citing *Framingham Public Schools*, 17 MLC 1233, 1236 (1990)). Employees who have significant access or exposure to confidential information concerning labor relations matters, management's position on personnel matters, or advance knowledge of the employer's collective bargaining proposals are excluded as confidential. *City of Everett*, 27 MC at 150. The Board has construed exceptions to the definition of confidential employee narrowly to preclude excluding as few employees as possible from collective bargaining while not unduly hampering an employer's ability to manage the operations of the enterprise. *Town of Provincetown*, 31 MLC at 59.

*Principal Office Assistant to the Police Chief*³⁰

The evidence shows that the incumbent corresponds with legal counsel regarding grievance responses, disciplinary matters and preparations for arbitration hearings. She also helps the Police Chief to prepare responses to Step 1 grievances, and opens his mail marked "Confidential. She is involved in cost analyses of bargaining proposals and has access to management proposals before the unions do. Her other labor relations duties tend to show that she has a substantial relationship with a management employee who has a legitimate expectation of confidentiality in their routine and recurrent dealing. These facts, coupled with her participation in costing out bargaining proposals and access to management's proposals before the Union establish that this position should be excluded from Unit A as a confidential employee. See *Id.* (citing *Fall River School Committee*, 27 MLC 37, 40 (2004) and further citing *Silver Lake Regional School Committee*, 1 MLC 1240, 1243 (1975) (employees who type bargaining unit proposals should be excluded from unit as confidential)).

28. There is evidence showing that the Union issued a formal warning against the Facilities Maintenance Manager, which is an undisputed Unit B title.

29. The Town has not provided evidence that these titles have changed since recognition or certification. The Board will nevertheless entertain a unit clarification petition seeking to remove a position from an established bargaining unit, even where the duties of the positions have not changed since recognition or certification, if the evidence shows that the disputed title is statutorily excluded from collective bar-

gaining as a managerial or confidential employee. *Town of Tyngsborough*, 38 MLC 140, 143 (2011) (citing *Town of Athol*, 32 MLC at 50, 52 (2005); *Fall River School Committee*, 27 MLC 37, 40 (2000)).

30. For purposes of this analysis, we shall assume, and no parties dispute that, the Police Chief and the Fire Chief are managerial positions excluded from collective bargaining rights under the Law.

Principal Office Assistant - Fire Rescue Department

Like the Police Chief's assistant, the incumbent in this title has access to management proposals before they are presented to the Union. She also participates in meetings with labor counsel or Town administrators to discuss collective bargaining strategy and is regularly involved in cost analyses of all bargaining proposals. As such, she meets the criteria for confidential employee set forth in the cases cited above, and should be excluded from Unit A.

Principal Office Assistant -DPW Administration.

This position is vacant. The Board generally does not consider unit clarification petitions for positions that are unfilled unless the parties to the petition can stipulate as to the job duties of the position that are material to the questions raised in the petition. *Town of Athol*, 36 MLC 188, 190 n. 5 (citing *Upper Cape Cod Regional Vocational-Technical School Committee*, 9 MLC 1503, 1506-1508 (1982)). There are no such stipulations before us.³¹

Conclusion

For the foregoing reasons, we amend the Union's certification as follows. There shall be a supervisory Unit B consisting of: Zoning Administrator, Shellfish Constable/Assistant Director of Natural Resources, Facilities Maintenance Coordinator, Chief Harbor Master, Director of Assessing, Director of Natural Resources, Health Agent, Director of Veterans Services and excluding all managerial, confidential and casual employees and all other Town employees, including all Unit A employees.

Unit A shall consist of the titles listed in Appendix A, but excluding all Unit B titles, the Principal Office Assistant - Police Chief and Principal Office Assistant - Fire Rescue Department, and the other exclusions listed in the parties' existing recognition clause, as set forth in Appendix A.

Appendix A

Recognition Clause of 2007-2010 CBA

Article I - Recognition

The town recognizes the Union as the exclusive representative for the purposes of collective bargaining relative to wages, hours and other conditions of employment for the positions of:

Administrative Clerk;
Administrative Clerk-Utilities Billing Coordinator;
Animal Control Officer; Assistant Assessor;
Assistant to the Assessor;
Assistant Collector;
Assistant Director of Recreation;
Assistant Health Agent;
Assistant Town Accountant;

Assistant Town Clerk;
Assistant Zoning Enforcement Officer;
Bus driver;
Chief Harbor Master;
Civil Engineering Technician;
Civilian Dispatcher;
Clerical Assistant;
Conservation Agent;
Construction Inspector;
Custodian;
Deputy Harbor Master;
Director of Assessing;
Director of Natural Resources;
Director of Veterans' Services;
Electrical Inspector;
Engineering Technician;
Facilities Maintenance Coordinator;
Health Agent;
Local Inspector;
Natural Resource Officer;
Office Assistant;
Parking Control Officer;
Parking Mechanic;
Plumbing & Gas Inspector;
Principal Office Assistant;
Program Assistant;
Senior Animal Control Officer;
Senior Office Assistant;
Shellfish Warden;
Switchboard Operator/Receptionist;
Town Electrician;
Town Maintenance Worker;
Town Surveyor;
Town Carpenter/Crew Leader;
Working Foreman-Facilities Maintenance;
Zoning Administrator;

In addition, excluding the Administrative Clerk-Board of Selectman (now entitled Administrative Assistant-Licensing) and Sealer of Weights and Measures and all confidential, managerial, casual, temporary, seasonal and all other employees.

31. Should the title be filled in the future, the Town is free to file a CAS petition regarding the title.

Appendix B

List of Undisputed Unit A titles

Parking Meter Mechanic - Grade 3
Parking Control Officer - Grade 4
Office Assistant - Grade 5
Switchboard Operator/Receptionist - Grade 5
Civilian Dispatcher - Grade 6
Custodian - Grade 6
Mini Bus Driver, Council on Aging - Grade 6
Senior Office Assistant - Grade 6
Administrative Clerk - Grade 7
Animal Control Officer - Grade 7
Deputy Harbormaster - Grade 7
Assistant to the Assessor - Grade 8
Assistant Zoning Enforcement Officer - Grade 8
Conservation Agent - Grade 8
Principal Office Assistant³² - Grade 8
Program Director, Recreation - Grade 8
Senior Animal Control Officer - Natural Resources - Grade 8
Administrative Assistant - Grade 9
Construction Inspector - Grade 9
Engineering Technician - Grade 9
Natural Resource Officer - Grade 9
Town Payroll Coordinator - Grade 9
Civil Engineering Technician - Grade 10
Town Electrician - Facilities Maintenance - Grade 10
Assistant Health Agent - Grade 11
Electrical Inspector - Grade 11
Local Inspector - Grade 11
Plumbing and Gas Inspector - Grade 11

* * * * *

32. Excluding the three Principal Office Assistant acting as Secretaries to the Police Chief, Fire Chief, and DPW Director, described above.