

**TOWN OF DIGHTON
BOARDS OF SELECTMEN
JANUARY 21, 2014**

Chairman Dean V. Cronin called the meeting to order at 10:05AM.

At the request of Stephen Alvarez, the meeting remained in open session.

Present: Stephen Alvarez, Chris Ready, Dan Wilbur, Thomas Medeiros and Fire Chief Antone Roderick, Jr.

Review/Discuss/Act: Respond to Fire Union Grievance

The purpose of the meeting was to discuss a fire union grievance filed by Stephen Alvarez received on January 7, 2014. On December 24, 2013, Mr. Alvarez worked a mandated overtime shift (Fire Union Contract Article 10.06) to perform the duty of another employee who was absent on Christmas day (Fire Union Contract Article 12.04), in a week for which he was scheduled for forty-eight (48) non-holiday hours (Fire Union Contract Article 10.02).

Mr. Alvarez provided his paystub that reflected he worked sixty (60) hours that week. It was Mr. Alvarez's intent to be paid forty-eight (48) hours of regular pay, twelve (12) hours of holiday pay, twelve (12) hours of overtime pay and reserve holiday leave (consisting of twenty-four (24) hours) to be used at another time (Fire Union Contract Article 12.02). According to Mr. Alvarez and Chief Roderick, Town Accountant Jen Luiz would not allow the reserve holiday leave consisting of twenty-four (24) hours, only twelve (12) hours because of the extra days pay. It is Mr. Alvarez's interpretation that he is owed an addition six (6) hours of straight pay.

Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to take the matter under advisement for further clarification and a written decision will be provided.

Vote: UNANIMOUS

Subsequent memorandum of decision is attached hereto as Attachment A.

Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to adjourn at 11:04 AM.

Vote: UNANIMOUS

Respectfully submitted,
Boards of Selectmen
Kerrie J Easterday, Administrative Assistant

Approved by:





**TOWN OF DIGHTON
BOARD OF SELECTMEN
979 SOMERSET AVENUE
DIGHTON, MA 02715
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MEMO

TO: Stephen P. Alvarez, Emergency Medical Technician (EMT)

**cc: Susana Medeiros, Town Clerk
Antone P. Roderick, Jr., Fire Chief
Jennifer Luiz, Town Accountant**

FROM: Board of Selectmen/Health

DATE: January 23, 2014

RE: Grievance of Stephen P. Alvarez filed on January 7, 2014

When a firefighter/EMT works his or her duty on Christmas Day, under Section 12.04 of the current collective bargaining agreement, he or she must be compensated at two (2) times the employee's regular rate of pay. This is the regular rate of pay for Christmas Day.

It is settled that when an employee works mandated overtime performing the duty of another employee who is absent, he or she must be compensated at one and one half times the regular rate of pay for the day worked.

On 24 December 2013 the grievant, EMT-P Stephen P. Alvarez, worked a mandated overtime shift, in a week for which he was scheduled for forty-eight (48) non-holiday hours, and specifically required to work an additional twelve (12) hours to perform the duty of another employee who was absent on Christmas day.

The Board of Selectmen has found that he was incorrectly compensated at his regular rate of pay and agrees that this incorrect compensation violated Section 10.6 of Article 10 of the current collective bargaining agreement. For the twelve (12) hours at which he was incorrectly undercompensated, he is owed in effect six (6) hours of pay at his regular rate of \$22.87.

The Board of Selectmen sustains the grievance filed by EMT Alvarez on 7 January 2014, and the settlement therein stated will be implemented.

Dean V. Cronin
Chairman

Thomas J. Pires
Member

Patrick W. Menges
Clerk