

FINANCE SUBCOMMITTEE MEETING MINUTES

January 29, 2018

5:30 p.m.

Morton Middle School Community Room

1135 North Main Street

Fall River, MA 02720

A roll call at 5:34 p.m. showed:

Mr. Coogan: Present

Mr. Martins: Present

Mr. Costa: Present

Also present were Superintendent Malone, Kevin Almeida, Ken Pacheco, and Tom Rose

Mr. Costa read the Open Meeting Law.

A salute to the flag followed.

1. **Discussion:** Overtime Account

MOTION: Mr. Martins-Mr. Coogan: To refer the discussion of the Overtime Account for School Resource Officers and Custodians to the full School Committee.

Discussion:

Superintendent Malone stated that it has come to his attention that the Overtime account, particularly regarding School Resource Officers (SROs), is something that concerns him. He is bringing it to the subcommittee to figure out what to do and how to move forward in order to provide the level of service that they have but also balance their expenses and ensure that they are protecting the budget. They're presenting all of the overtime accounts because the subject of overtime came up at the last School Committee meeting. He is looking for solutions that they can employ and make the best possible use of limited funds.

Mr. Almeida stated that he drafted an overtime memo explaining the different areas of overtime. The areas of overtime are: custodial, maintenance, security staff, clerical, and School Resource Officers. He tried to provide the totals for the last three years of all the overtime accounts. Recently the SROs overtime was brought to him through billings within the last couple of weeks so he just gave an update of what those billings are to date in that area. Mr. Coogan asked why the SRO overtime has gone down since last year. Mr. Almeida explained that last year they had the incident at Durfee in November or December which caused the additional overtime. Mr. Coogan asked if most of the other overtime is contractually obligated. Mr. Almeida stated that custodial overtime is for coverage for other custodians who are out sick or on vacation. Mr. Coogan said that he read the memos regarding the incident at Durfee and the former superintendent referred to weekly meetings with Durfee administration but that never happened. He knows about the fight she referred to but he doesn't recall - as a member of Durfee

administration – going to any weekly meetings with her. He talked to other administrators who confirmed that there were no weekly meetings.

Mr. Martins asked what kind of flexibility they had to move custodians around. Mr. Almeida stated that custodians are currently assigned to designated areas. Whenever there is an area of overtime open, that's when overtime gets created. Mr. Martins asked if they have the flexibility to have custodians just empty waste paper baskets instead of a full cleaning job when they are short staffed. Mr. Almeida said that, contractually, they have to pay the custodians overtime to work any area that they are not designated to. Mr. Martins said that he thinks that's a point for collective bargaining. If a person was going to be out for several days, he would agree to bringing in a temporary custodian to cover the area. He said that he was very disappointed in that fact that he didn't realize that SROs were being paid overtime. He was told in past meetings that they do a lot of extra stuff apart from their salary but now it looks like they're getting paid overtime. He wondered if the memorandum that was approved considered all of the issues so he's disappointed with the negotiations. Superintendent Malone said that these are two separate issues. This is for the overtime detail that's been in place but this wasn't part of those conversations because it's not part of the shared cost agreement. Mr. Martins said that it was stated at those meetings that the SROs do a lot more than what's in their job description such as traffic control which he thought was part of the job but apparently it's not. There were some recommendations listed on how to utilize the SROs such as rescheduling. He wouldn't want to cut back on the traffic control especially at the beginning of the day. He wouldn't want to jeopardize student safety for the cost of SROs if that's part of the overtime.

Superintendent Malone explained that the issue is that the SROs work eight hour days from 8:00am-4:00pm. The problem is that there are additional transportation traffic duties needed before 8:00am. There are five buildings that have an additional hour of coverage: Durfee, Kuss, Morton, Henry Lord, and Letourneau. Because of extended learning time, the days are longer than eight hours. If they go from 7:00am-3:00pm, at the end of the day, he won't have coverage at Kuss or Morton because they get out at 3:45pm. They have a couple of situations where they have extended schools without shifting the work hours of the SROs. Maybe a solution is a flex start or split shift. He knows that there will be a time where there is no supervision but he suggested that the Committee direct him to go to the police department and to the City and let them know that this isn't working for them. It's cost prohibitive and they have a mutual need to make sure students are safe. Crossing guards aren't part of net school spending but this cost is above and beyond their agreement. Because this is needed, they might be able to do a charge back rather than a bill they pay out of operating funds. He doesn't think he's in a position to request that they stop this because they got used to having traffic details in the morning and in the afternoon to make sure that students get to and from school safely. Through negotiations, perhaps the City could pick up part of the expense as an obligation. He let the chief and the sergeant know that this is something that they'd be talking about so they expect more discussion as a result of today's meeting.

Mr. Martins said that he noticed a couple of years ago at Henry Lord a cruiser would pull up in the morning at the start of school and monitor the traffic and controlled the traffic and then the cruiser would leave. At the end of the day, the cruiser came back and stayed until the last bus left. Mr. Coogan asked if they paid for that person. Mr. Costa stated that they did not. In the absence of a crossing guard, the police department would send a sector car over for a period of time in the morning to make sure that the students got inside safely. Then that cruiser would do its routine neighborhood rounds. In the afternoon,

they would get sent back for student pickup but that was in the absence of a school crossing guard. The School Department was not paying those people. They were just doing their normal routine rounds. The school crossing guards fall under the Fall River Police Department not the School Department. So when a crossing guard calls out sick, they call the Police Department and tell them what section they normally work then dispatch would send a cruiser out to cover that area. Mr. Martins asked if there was also a cruiser at Letourneau at the beginning and the end of the day. Mr. Pacheco stated that there is no SRO assigned to Letourneau but there is a crossing guard. They also get assistance from the parking control division who sends parking control officers to all their schools on a rotating basis.

Mr. Martins said that the option of having overtime as net school spending only increases the City's commitment for net school spending and decreases the amount of money for the educational process. Mr. Costa said as long they are over 100% of net school spending. If the City wants to fund it at 102% and it's eligible, that's fine. The only time it becomes a problem is if they haven't met their burden for 100% net school spending and this is taking away from something that should have been spent in the classrooms. If they want to spend overtime money on something out of schools, they only have to meet their obligation for 100%. Superintendent Malone asked if it was better to do it that way or the way they're currently doing it where they're spending operating dollars that could be spent on other things. He needs guidance from the Committee as far as how they want him to fix the situation.

Mr. Martins said that he could understand how it's necessary to have a police officer on Elsbree Street because it's a heavy traffic area with Durfee, Bristol Community College, and Bishop Connolly in the area. He isn't sure what the traffic issue is at Morton. Mr. Almeida said there is a lot of traffic trying to get into and out of the school. They do get a lot of congestion on North Main Street. Mr. Costa stated that, when he drops his son off and goes down the hill, he has to go right because Officer Jackson is usually at the bottom because it's usually impeding traffic going south on North Main Street and bottles up at the light. She directs the cars to the north. It's pretty dangerous. He thinks that she recently got clipped. He asked if SROs are net school eligible. Mr. Almeida confirmed that they are. Mr. Costa said that he thinks that they need to look at the total cost including overtime. When they're building the budget, they need to find out if the City is willing to fund that. It's coming at an expense to the City. He would rather see the extra expense going to classrooms but, by law, if they met net school spending, anything above that is at their discretion.

In reference to the memo regarding the Durfee incident and SRO overtime, Mr. Costa said that he thought that it was just addressing an issue from February to the end of the school year. It's projected out that it's going to cost them \$8,106 for overtime for the two officers for the remainder of the year. If it was the intention of the School Department to continue paying it, he asked why it wasn't built into future budgets. He pointed out where it stated in the memo that "The SROs are arriving one hour earlier and we are paying the FRPD their overtime... x 2 officers for the remainder of the school year." He asked if this was built into the budget and how the SROs were being paid overtime in the past. Mr. Almeida said that they were paid as a billing through overtime. Mr. Costa asked if they have been paying overtime since they've had SROs. Superintendent Malone said since 2012. Mr. Costa said that in those years the money was coming out of a cost share agreement they had with the City for SROs. Mr. Almeida said that the School Department was funding part of that work back then but 2015 is when the bump happened because of the Durfee incident. Mr. Costa said that he was okay with the \$8,000 needed for the two officers at the time

but it doesn't indicate in that memo that they plan on building this into their budget for the future. This only indicated that it was for the end of the year. He asked why this wasn't built into the budget. Superintendent Malone said that it probably was and they just increased the overtime line. Mr. Costa asked why this wasn't in the account to pay them. He added that the overtime account is for them to cover what wasn't in the account. This should have been addressed in the SRO account. Superintendent Malone said that this was work above and beyond the SRO salaries. This is an additional agreement for one hour of details. Mr. Costa asked where this agreement was and who entered into it. Superintendent Malone said that he didn't think there was a written agreement. He thinks there was just a discussion with the chief. Mr. Costa said the School Committee has fiduciary responsibilities by law and not a penny is to be spent or donated without School Committee approval. If there was a side agreement that they would pay their officers for extra acts, he asked where the agreement was and who signed and authorized it. Superintendent Malone said that he doesn't have any documents. Mr. Coogan asked who signed the one from 2012. Mr. Almeida said that there is no written agreement.

Superintendent Malone said that all he can do is figure out the direction they want to go now and try to broker through negotiations or account for the money and decide to spend x amount of dollars and only have this at two locations instead of five. Mr. Costa said that, when people become accustomed to the service this is being provided, the School Committee does not want to be responsible for determining which area is in need of a traffic detail. Superintendent Malone said that they can cap the spending at a certain figure and ask the police department which area makes more sense. Mr. Costa stated that the police department would not want this responsibility of choosing either in the event that something happens at one of the schools. Superintendent Malone said that if they did a split shift, they could save some money. Mr. Costa said that, although it's a service to the surrounding communities, it's also a service of public safety and the police department is responsible for public safety. Superintendent Malone asked if the Committee could advise him to go back to the chief and city administrator to have more conversations on this. Mr. Costa said that they are only three members of a larger body. He's in the purview to have a conversation with the chief. Before any decision is made, the School Committee will need to vote on that. He knows that the police department is doing all that they can to make sure that there are police details on duty. They may need to involve the city administrator to let them know that they need to increase the police department's budget or the School Department's budget because it's a needed service. If they can't afford it, the School Department will just need to make decisions based on the resources that they have. They don't have an infinite amount of overtime money. Mr. Martins said that they have a responsibility for students' safety but the police department also has a responsibility for safety at the end of the school day.

Mr. Coogan said that this is the second time that they have come across an issue where there was no written agreement in place. He'd rather know about these things and he hopes that the Superintendent is going to clean this up. Mr. Costa said that the School Committee is going to rely on the Superintendent and his financial team to look at those line items carefully and, if something is off, figure out how to make it better. Regarding custodial overtime, he has heard that it's not uncommon for one custodian to take a sick day so that his partner gets overtime to clean his area then a week or two later, the other custodian takes a day off to reciprocate and give the other custodian overtime. He asked the School Department to watch to see if that is happening in any of the buildings.

All were in favor

None were opposed

Motion passed

MOTION: Mr. Martins-Mr. Coogan: To adjourn.

No discussion

All were in favor

None were opposed

Motion passed (6:21 p.m.)

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'J. J.', is written over a light blue rectangular background.

Administrative Assistant

Documents Referred to:

- Memo re: Overtime Account

ADA Coordinator: Gary P. Howayeck, Esq.- 508.324.2650

Please note: A videotape/DVD of this meeting is on file in the School Committee Office and is available for review by contacting the Administrative Assistant for the School Committee Services