



# PUBLIC SAFETY COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

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Tuesday, December 17, 2019

3:00 PM

Sullivan Chamber

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**The Public Safety Committee will conduct a public hearing to discuss restrictions and opportunities the City has when working with bargaining units to implement new policies.**



**PUBLIC SAFETY COMMITTEE - DECEMBER 17, 2019**

TRANSCRIPT OF PROCEEDINGS

**Craig Kelley:** All right. A uh, a quorum of the Public Safety Committee being present we'll start this Meeting. Um, and the call of the Meeting the Public Safety Committee will conduct a Public Hearing to discuss restrictions and opportunities the City has when working with bargaining units to implement new policies. The City has a presentation they will give. We will ask clarifying questions. We'll open it up to Public Comment. When Public Comment is over, we'll turn it back to discussion. Uh, I'm joined by Councillor Siddiqui, Vice Mayor Devereux, Councillor Toomey, Councillor Zondervan, and a variety of City staff who I can't see without my glasses on. Um, but introduce yourself if you speak, thanks. Um, this Committee Meeting for a variety of reasons has been a long time in the making and the point is really just to establish some kind of base document for people to look at to realize the City functions as an organization with both management and professional staff and also with union staff and sometime there is an overlap. But you can't simply tell people to do stuff under any circumstances. And often if there is a bargaining unit/unit involved you can't tell them to do things that are outside of their particular work rules, without talking about those work rules, we've seen that with, for example, keeping the main library open on Sundays in the summer. We had that issue come up when we're talking about police officers carrying oxycontin. Um, we're gonna talk about it a little bit with the new stop signs that the traffic control officers carry at the crosswalks for schools. Um, and that hopefully will give us all kind of a grounding in how as a City we can address new things whether it's technological safety and taking the online, this one I didn't ask you ahead of time Louis by the way. But, you know, we have an 80%, I think, taking online course rate and given this is for a secure computer security, um, you know, given the the hacking of uh, New Orleans and Pensacola and stuff and how we manage this changing work environment with work rules is kind of foundational to this discussion. So with that said thank you all for coming and I will turn it over to the City Manager and his staff. Thank you.

**Louis A. DePasquale:** Thank you. So I think what we might do is...

**Craig Kelley:** And this Meeting is being recorded.

**Louis A. DePasquale:** ...is maybe let the City Team just all introduced themselves and I'm going to make some opening remarks and we're going to have a presentation if that's okay with you, Mr. Chair. So why don't we start with David and we'll go right around.

**David Kale:** David Kale, Finance Director.

**Jamie Matthews:** Jamie Matthews, Deputy Director of the Personnel Department.

**Sheila Kitty Rosson:** Sheila Kitty Rosson, Personnel Director.

**Louis A. DePasquale:** Louis A. DePasquale, City Manager.

**Lisa Peterson:** Lisa Peterson, Deputy City Manager.

**Nancy Glowa:** Nancy Glowa, City Solicitor.

**Lee Gianetti:** And Lee Gianetti {Inaudible}.

**Louis A. DePasquale:** So I think what I really want to start off by is talking about our workforce for one second. I, I believe that the number one thing that government must do is provide outstanding customer service. If we can't do that for our residents, then everything else almost becomes secondary. And we have a great group of department heads and we have a great group of supervisors who really understand the importance of making sure that all residents feel that the City is sending the right message. But the reality is for almost every resident, their first line of contact is with probably a unionized employee. Because if you think about it, Police, Fire, Traffic supervisors, uh, out in the street, Public Works employees, they're unionized. And I think the message that they send in this City is something we all can be very proud of. I think the unionized staff in this City do an incredibly good job recognizing the importance of customer service and it's something I'm very proud of and it's something that I feel very confident in saying because they know how important it is to me but more importantly how important it is to them. I mean we always say that it's not a job, it's a passion for a lot of our union people, it's that. When you see them deal with the public, it is exceptional. I think the other thing that we've done incredibly well is recognize the fact that often it's up to us to make sure the people who need the service the most are the ones that we're trying to reach out to. And again, I think our unionized staff has recognized that and really has tried to say how can we give voices to people who might not necessarily realize they have them or necessarily realized it would be a plus to have them. So I want to state- start off by saying that. Now obviously if I continue to say that and we are an incredibly wealthy City, then when we come to bargaining, shame on me if I run from that and I will not. Uh, we have a very successful bargaining team led by Sheila, but we recognize the ability and the effort of our employees. However, we also understand the importance of taxes and I think we have done an incredibly good job making our employees realize how much we respect them, how much we understand they do. Letting them recognize we're not going to run from the fact that we are an incredibly strong financial City and the key is really getting the mix when it comes to benefits and salary. When you think about taxes and you look at the budget, it truly is based on our salaries and our benefits. So it's important to have that correlation and I think we've been able to do that. So I think I just want to start off with that and I think one of the things that I'm incredibly proud of is that in my three years as City Manager, this year here will be one of- this fiscal year be one of the first fiscal years in decades that every union is settled in the year the budget's done. And I think that's a tribute to all of us. It's a tribute to the Council. It's a tribute to the employees. It's a tribute that this works. And it will continue to work and it's not because we're extra generous or it's not because, you know, they're conceding benefits because we understand it's a team approach. And I think that's something that is important to continue with today. And when things come up, we take them on and we say and we try to figure out how we can do what's best for the residents of the City. And if there's a change, we work with the unions to address them. And obviously if it

means compensation, we have those discussions. But I really want to say that the system we have is something that works incredibly well. And it works incredibly well because we're all in it together from the top to the bottom in terms of everyone working for what's best for the employees and what's best for the residents of the City. So I just wanted to start off with that and then I'm going to turn it over to Sheila. One last thing that I would say again about our employees. I think if you come, you know, you see them every day, but if you come to the City Manager's Recognition Annual Awards, you see the passion that they have for their jobs. If you go to a human service graduation or human service program or learning center graduation, it's just- it's a special workforce and again, I, I, I, I just can't tell you how proud I am of the team and also the working relationship we have with the union. Uh, people who are in charge of the unions, the union presidents is something. We've not- we welcome the conversations. They know our doors are open and I think that's an important message that we've sent to them as well. So I'm not gonna have Sheila kind of go over, you know, the whole collective bargaining picture. But I just wanted to bring home that before we started that. So, Shelia.

**Sheila Kitty Rosson:** So, thank you and good afternoon. Um, we have put together a presentation today, um, hopefully going over some of the sort of basics of collective bargaining 101. So, first off, what is collective bargaining? And it's the obligation of employee and employer representatives to meet and confer in good faith with respects to wages, hours, standards of productivity and performance and other terms and conditions of employment. So, when we think about negotiating good faith, what that means is that both parties are engaged in the process and are genuinely attempting to reach agreement. So, it means, you know, scheduling regular meetings. It doesn't mean that we have to agree on everything, but it does mean that we should be having some give and take, that we should be having conversations and trying to understand the position of the other. Municipal employees are governed by Mass General Law Chapter 150E. The oversight for public sector um, employee unions is the Department of Labor Relations, which we affectionately call DLR. And if you are absolutely fascinated by this topic, the Guide to Massachusetts Public Employee Collective Bargaining Law is available on their website and it is the um, major source document for collective bargaining in the public sector in Massachusetts. So what is a collective bargaining unit? It's a group of employees that have organized a union or a collective bargaining unit around what's called a shared community of interest. So community of interest is a group that has similar working conditions and interests that would lead to like topics in negotiations. So typically they have, you know, similar supervision. The skills and functions of the employees in the union have similarity and the working conditions have similarity. Currently, the City has 12 collective bargaining agreements. And as the City Manager said, um, for the first time in almost a decade, all of the City's collective bargaining agreements are- all the collec- the City's collective bargaining units are in- under agreement. We have about fifteen hundred benefits eligible employees on the City-side and over a thousand of those employees are covered by a collective bargaining agreement. So, 66% of our benefits eligible employees are in a union position. These

numbers don't include the school department. Um, on their side they do have eight collective bargaining agreements. Um, the largest of which is their teachers union which has over nine hundred members. And um, in a rarity as well, all of the school department collective bargaining agreements are also actually settled for this current fiscal year as well. So, this gives you a sense of on the City-side what our collective bargaining agreement array looks like. So, you can see that some of them are quite large. Others are small. The largest unit we have is what we call the Teamsters Local 25 Big Unit. And it's actually an unusual unit because it doesn't fall under what I stated earlier in terms of having a single community of interest. It's a legacy unit, so it's been in existence for many, many years. It used to be an independent local 195. Um, so, it has almost four or five community inter- groups of community- communities of interest in it. So the DPW and the Traffic um, laboring employees are in it. The dispatchers at ECC are in it. The Parking Control officers are in it. The electricians and the water treatment plant officers are in it. And several of our clerical employees are in it as well. Um, as you can see several of our unions do have state and national union affiliations. Um, so Teamsters Local 25 it has the Big Unit. It has Emergency Communications supervisors which have their own collective bargaining agreement. It also has Public Work supervisors which are um, a mid-level um, group of managers. The um, United Auto Workers represent our childk- childcare workers. Um, the International Association of Firefighters inter- represent our Firefighters and they also represent our Fire mechanics. And our inspectors are represented by what we call the Area Trades Council and it's actually an umbrella group of several trades councils in the Boston area. Police has both a P- police Patrol Unit and a Police Superior Officers Unit. They aren't um, technically affiliated with any state or national um, group but they are involved in state and national organizations. So, there isn't a set rule about, sort of generally speaking, what positions are union versus non-union. Really every municipality is different. So this is what the landscape is in Cambridge at this time. So, right now in Cambridge department heads and most senior managers are non-union. Many of our positions that involve um, a particular technical or educational expertise or confidential information are nonunion. So, for example, our engineers, um, our planners over at CDD, our attorneys, most temporary seasonal and part-time positions are also nonunion. Um, we do have some part-time positions in the Library Unit and also our Crossing Guards, also known as Traffic Supervisors, are part-time as well. In terms of who negotiates the City's collective bargaining agreements on the union side, they typically have a business agent or attorney that is a professional negotiator or an experienced negotiator, which um, comes from their entity or that they've hired if they're a local. Um, and then they typically have City employees who are designated by the union or the union membership as representatives. Um, and all of the union's bargaining team are determined by the union and um, we do not have any control or say in that matter. On the City side, the City Manager is technically the lead of the City's team and he um, typically has designees. I'm often um, the person at the table along with Jamie, the Deputy Director. Um, when we're dealing with specific unions, the department heads and the senior managers in those departments are often with us at the table. And occasionally we

do have outside counsel with us as well. Typically um, when we're dealing with the Public Safety Units because those contracts tend to be pretty complicated. Each team is usually identified at the first bargaining session. So, what must be negotiated? Sort of a simple answer is anything that impacts the terms and conditions of employment. So, typical examples include things like wages. If there are other pay categories in a group. So, if there's incentive pay, or clothing allowances, hours and sometimes locations of work benefits. So things like health insurance contributions, how time off is accrued, um, what holidays are celebrated, tuition reimbursement, sick leave incentives, grievance and arbitration procedures are typically laid out. The promotional process for the unit would be laid out. The discipline and discharge process, the use of outside contractors, layoff and recall, and the provisions can vary greatly um, in terms of each collective bargaining agreement. And it really is dependent on the nature of the work and what the unit's priority is. So, what may be important to one group may matter less to another. And often the provisions of collective bargaining unit agreements deal with operational issues for that specific group. If- once the c- collective bargaining agreement has been entered into, neither party to the agreement can demand that the party negotiate about an issue that is the subject of mandatory bargaining that's been agreed to in the collective bargaining agreement. So, what that means is if we've come to an agreement, we can't arbitrarily just say we're not going to go along with that agreement or not- or demand to change that agreement. So, what are the rules that apply to negotiations? And when I'm talking about these negotiations, I am talking about the negotiations that lead to the collective bargaining agreements. So, negotiations are not public. The goal is to build trust and to have honest dialogue on both sides and to establish relationships. And sometimes these conversations are um, a little animated, and so it, in fact, feels it is better to have those negotiations in an area where we can build trust. We um, have ground rules with each group as we start negotiations. Um, typically, those ground rules involve things like what- how long typical sessions are going to go. Um, they allow for off-the-record discussions. Um, sometimes they have limitations on the introduction of new topics. So, it might be that we say after the fourth meeting, what- all the topics that we're going to be discussing have been identified. And so we're not throwing new topics into the mix unless there is some type of legislative or regulatory change that, that forces that. Typically, collective bargaining agreements last three years. They can be less, but they can't be more. Management or the City team cannot negotiate, negotiate directly with the union membership only with the bargaining team. So, we can't prior to negotiations survey the members of an employee group that we're going to be negotiating with and ask them how they feel about a particular issue. This is done sort of in- it's done with the teams and the teams are representing their members. Once a tentative agreement is reached by the bargaining teams, the union membership votes on ratification. So, impact bargaining. This is one where an employer is not required to bargain over a core decision, but it may still have an obligation to bargain over the impact of the core decision on it's union members, particularly as it relates to wages, hours and other terms and conditions of employment. So, examples might be if we have a new or revised City Policy

that comes into play. If there is a change in a law that we need to work with our employees on, or if there's a major change in how work is going to be accomplished. So, one of the things that I find myself saying frequently is we need to talk to the union and that ideally is not supposed to sound ominous. Um, these conversations we view as an opportunity to explore alternate ways to meet operational goals. The discussion may involve adjusting current or long term policies or practices. Often the dialogue is designed to seek creative and flexible solutions. Many of these meetings are actually done on the department level. So this is after a collective bargaining agreement has been reached when we're in the rest of the time period. And these department level meetings often happen through joint labor management meetings. We find that these meetings are particularly helpful when we are thinking about changes and adjustments because oftentimes, you know, the folks that are doing the work are the ones that know how things can be done most efficiently. So, there have been many times in which we've brought um, changes to a unit, said we're thinking about perhaps a particular staffing type of change in terms of hours. We've had something in mind and they've pointed out that, in fact, what we're thinking won't solve problem X or Y and it might be better done another way. And that has in fact ended up being the way that we've gone. So, the current state of collective bargaining in Cambridge is, as I mentioned for the first time in almost a decade, all of the collective bargaining units currently have agreements in place with the City, which we feel reflects the City's commitment to working collaboratively to foster wage and labor stability and also to foster positive workplace relationships with our employees. We feel um, that it's constant, continuous discussion and conversation to work on these relationships. The agreements across the board don't happen all that often. So, it is something that we are very proud of at this particular time. Um, that said, we do, as you saw the chart earlier, do have several agreements that will be up in the coming, coming next fiscal year. And so, um, once the holidays are over, we'll be starting to think about what those strategies need to look like.

**Craig Kelley:** Thank you. That was super interesting. Uh, any clarifying questions? Okay, no clarifying questions. We'll open- oh, Councillor Toomey.

**Tim Toomey:** Thank you, through uh, you Mr. Chair. On the uh, impact bargaining, can you cite an example, maybe a recent one that, that- or even in general, just an example.

**Sheila Kitty Rosson:** So um, the Narcan um, cans or the Narcan pieces at the Police Department. Um, it was necessary to um, or we wanted to have Narcan in the cars or carried by officers. And so, they met with the officers, talked through what the Policies and Procedures would be. Um, and now I believe most officers are carrying Narcan in their ca- cars or on their people.

**Craig Kelley:** Can I follow up on that then? And I know Quinton has a question, but so, to go back to the Narcan thing, does that thing get written down as part of the existing contract that is part of the renegotiation when it comes up for being uh, renegotiated?



**Sheila Kitty Rosson:** So, it would depend on what the issue is. There are some things that wouldn't need to go in a Collective Bargaining Agreement they're that granular, and they belong more in the Policies and Procedures and Protocols of a Department. Um, if it was something like we were changing um, you know, a, a shift, so, if we have shifts defined in particular contracts. So, if we sort of midstream had reached agreement with a unit to come up with a new shift. So, the hours instead of being, you know, 8:30 to 5:00, we're going to be 9:00 to 6:00. That type of thing would go in the contract.

**Craig Kelley:** So, if something is a Policy and Procedure, it's incorporated by reference into the Policy. And if there's a material change to that, then it becomes a contract question.

**Sheila Kitty Rosson:** It really determined- it really is depends on the unit and sort of what the traditional Collective Bargaining Agreement has been for that unit, and what the Policies and Procedures have been in the Department. So, each, as I said, each Collective Bargaining Agreement and each sort of Department operates a little bit differently in terms of how those things work.

**Craig Kelley:** Thank you. And I didn't mean to cut you off, Quinton, but there was a follow-up. You had a question?

**Quinton Zondervan:** Yes, thank you Mr. Chair and through you, and thanks for this very interesting presentation. So, you mentioned that all the um, bargaining units are under agreement. But in this chart it looks like all but four expired June 30th of next year. So, I'm, I'm just wondering what that looks like for you logistically because you- when you start negotiating those.

**Louis A. DePasquale:** I'll turn it over to Sheila, but I think pending, you know, how- when settlements happen, this is not that unusual to have a lot coming up at the same time. Uh, we have been very fortunate that we've pretty much had a standard amount of money that we've given for raises, a standard amount we've given for benefits. So, it gets the discussion rolling, but it's almost like an ongoing discussion. So, it gets us a little ahead of the game. And obviously I think, as I said, because of the relationship we've had, I really think for the most part there's an ability to try to say let's get this done. But I'm gonna have Sheila talk about the specifics.

**Sheila Kitty Rosson:** So, we'll be most likely starting with our units in the late winter, early spring. Um, and, and once more, it sort of depends upon what the issues are on the table, and what we're trying to accomplish on both sides. At the first meeting, both sides will bring their initial proposals or their wish list. Um, we've had situations in which, you know, we've settled a contract in one meeting or two. And then we've had situations in which it's taken a lot more than that. Particularly um, in the larger groups or groups that are more complex. Um, so you just sort of never know in a lot of ways. Um, but um, we um, plan on spending a good bit of time working on our strategies and sort of getting ideas from our department heads and managers um, in the winter and spring and hitting the ground running probably starting in March or April.

**Quinton Zondervan:** Great. Thank you.

**Craig Kelley:** Other questions. Vice Mayor.

**Jan Devereux:** Um, thank you. It's not really a question so much as an observation that this is my last Committee Hearing and I'm- this is good information to have- might have been useful, I don't know, four years ago. So, maybe it should be added to the Onboarding Curriculum for new Councillors so that they're aware of this for people who haven't. I mean, one of the new Councillors has been on the School Committee, so presumably she's very familiar with union things, but the other one may not be.

**Louis A. DePasquale:** Through you, Mr. Chair. And I think some of this is also incorporated in the rating agency presentation as and if we do have that, that we could work some of this into that presentation as well working with the Finance Chair. I think that's a great point.

**Craig Kelley:** Thank you. Other questions? Okay. Public Comment is- if you could come to the microphone and um...

**John Hawkinson:** Thank you, Mr. Chair.

**Craig Kelley:** ...introduce yourself, and you have five minutes.

**John Hawkinson:** John Hawkinson. Uh, I also appreciated the presentation, but I did find myself uh, curious. Uh, it's interesting to see it represented that all of these agreements are, are currently operating. But it makes me wonder about the role of litigation. Since as far as I'm aware there's two cases regarding collective bargaining uh, in federal court involving the City. Uh, Martinetti versus City of Cambridge and Love versus the City of Cambridge. I don't really know their status, and I haven't been following them closely. But I do wonder how- what the interplay is between litigation uh, regarding collective bargaining and these things. And that might be something you might want to inquire into. Uh, and I also think about what Councillor Zondervan asked about whether it's wise to have them all expire at the same time, and whether it's more desirable to have them staggered somehow. Thanks very much.

**Craig Kelley:** Thank you very much. Does anyone else want to speak? Seeing none, I'll entertain a Motion to close Public Comment. So moved. Um, so actually without uh, whatever, prejudicing the City's case or anything like that, I think that's a interesting question. When someone like me reads litigation and suing it means bad things, but maybe you could explain what it really does mean.

**Nancy Glowa:** Um, thank you Mr. Chair. I'm not sure, I mean, it often means bad things. I mean it often means there's a real controversy or uh, conflict. And uh, in the Martinetti case this is a uh, group of Police Patrol Officers who have brought a claim regarding um, pay um, equity issues under the Fair Labor Standards Act and Massachusetts state law. I can't really say anything more about the case at this time. Um, I don't believe that the issues had been raised in bargaining beforehand and Shelia seems to be agreeing with that. So, that case followed a case uh,

brought um, in Somerville involving the Somerville Police Department and there may have been another department. So- and I know the Somerville Department was represented by the same lawyer who represents the plaintiffs in the Cambridge action. So uh, it appears that there may have been some movement on the part of various police officers around the state to sort of explore this type of claim. But um, beyond that I can only say that the case is fairly early in, in the process and we are exploring being able to file Motions for Summary Judgment. There are a number of legal issues that um, we have identified; both parties will be briefing. And in fact, in the Somerville case uh, there were- there were Motions for Summary Judgment and some of them resolved in one party's favor and some of the other parties favor, but it helped clarify what some of the legal issues were in that case. The Christopher Love case, to the best of my knowledge, is not a collective bargaining case. This is a uh, a so-called police misconduct case. It has to do with an arrest and a person who feels aggrieved by the arrest. And again, I, I don't really feel I can comment on it beyond that.

**Craig Kelley:** Okay, that's super interesting and I- so, we, we can be sued. The City can be sued by any of its bargaining units because they feel the contract has been broken or- to me it's hard to imagine people suing other people without some base-level of a fractured relationship. But I'm understanding you to say that's not the case. And it sounds more like this is just a different way of negotiating. But I don't really know.

**Nancy Glowa:** I don't- I don't feel I can draw those kinds of conclusions. Uh, I would say that it's not the entire union membership that has brought the case. It's, it's quite a few people, but not the entire union. And as Sheila just confirmed, this is not- it doesn't relate to issues that had been previously bargained. So, I can't really answer why the plaintiffs chose to proceed in this fashion.

**Craig Kelley:** Okay. Um, so I have a few- this was- Shelia, you answered pretty much all the questions as I wrote them down. But I had a, a couple and one is if you have a job that could have you be in a union, is this a place- is the City a place where you have to then be in a union? It's like if you are a Police officer, if you're a Patrolman, you have to be part of the Police Officers/Patrolman union?

**Sheila Kitty Rosson:** So, positions that are covered under the collective bargaining agreements, so, for example, Police Officer are covered by the collective bargaining agreement. There have been some recent changes on the federal level. Um, you may have heard of the Janus decision. So, it used to be that um, if you were an employee in a position that was covered by a collective bargaining agreement and you didn't want to join the union and pay union dues, you could pay what- which- what was called an agency service fee. And the idea of the agency service fee was that it went to the union towards the cost of administering the collective bargaining agreement but didn't go to any of the other um, expenses that the union might have like political activity or um, their own administration. Janus um, the Janus decision which came out about a year ago um, eliminated for public sector employees the idea of an agency service fee. So, unions can no longer charge an agency service fee of an employee who does not

wish to contribute union dues. However, my understanding is they are in fact still covered by the collective bargaining agreement.

**Craig Kelley:** So, if they don't want to be a member of the union, they don't have to be.

**Sheila Kitty Rosson:** They don't have to pay union dues, but they're still going to be covered by the collective bargaining agreement is my understanding. This is all still fairly new.

**Craig Kelley:** Okay, um, another question I had is when you- some jobs like, uh, say, your clerical position at DPW that's covered under the, I guess, the UAW, which is the union for clerical workers, the first- the big bargaining unit. So, you can have multiple people in multiple departments in the same union. They may never even go into the buildings that other people work in.

**Sheila Kitty Rosson:** Yes. So, you do- you can have um, unions that go across a variety of departments. Um, many of our unions are in fact more department specific. Um, but the Teamsters' big unit, which as I said, was a legacy um, unit, does go across departments and many unions sort of outside of Cambridge that have um, clerical units, in particular, do cut across various departments.

**Craig Kelley:** Thank you. And then the work product part, and I think maybe this is an interesting time to explore the, the whole uh, stop sign holding Traffic Control officers, which I've seen that elsewhere and I kept meaning to bring it up and then all of a sudden on Monday I'm like holy cow they're here. And I was talking to one of the Crossing Guards and it turns out that she says the the paddle's heavy, and the thing's probably about two square feet. So it's probably difficult to hold in the wind and kind of the list goes on. So, how, how does something like that happen?

**Sheila Kitty Rosson:** So, um, that particular situation is a um, classic example of new regulations that come into play. So, for a long time it was optional for our Traffic Supervisors to hold the stop signs. In part because of um, the issues that some of our employees had carrying the signs or they didn't feel like that was the most effective way. However, new regulations have come out that say that those types of stop signs do need to be carried. Um, the department, um, did what they were supposed to do in terms of they contacted the Traffic Supervi- supervisor union president, spoke with him, spoke with several of the union members, um, purchased stop signs. Um, there was no pushback from the union once the regulations were showed and um, the stop signs are now being distributed. Um, and as with any of these situations in which we're buying equipment, um, sometimes the equipment doesn't work for everyone. So, I do know that there are a few of our Traffic Supervisors that are finding these particular signs that we purchased difficult. And so, we will be going back and looking at um, purchasing or looking at some other types of signs as well.

**Craig Kelley:** And that was a state or federal regulation that changed or City one?

**Sheila Kitty Rosson:** It was either state or federal. It wasn't a City, City regulation.

**Craig Kelley:** Can the City change things with, with- if we had just decided to pass a regulation that said all Traffic Control officers need to have these stop sign paddles? Is, is that something that is different because we are the City, and we're also the bargaining units um, counterpart?

**Nancy Glowa:** Um, again as with other matters that we've discussed periodically, it depends on whether the state has indicated an intent to occupy the field and preempt local legislation. We can typically do things that are not more restrictive or imposing additional requir- requirements um, or different requirements than the state. But we do have some leeway in certain respects.

**Craig Kelley:** But does that- w- does that open up the negotiation requirement- to I guess, maybe we could look at crosswalks. Say, say the City Council passed an Ordinance that said the City government is going to be responsible for clearing access to crosswalks all throughout Cambridge. And then all of a sudden we tell DPW that's, that's now something that's a regulatory requirement and they say, well, we don't have people that want to shovel the snow. I don't know exactly how that conversation would go.

**Sheila Kitty Rosson:** We would definitely have to talk to the unions about the impact of additional work.

**Nancy Glowa:** Although I would add that, that's a sort of a legal question that I don't know the answer to as to whether if the City um, chooses to enact a law, whether that has the uh, same effect as other laws that the City doesn't choose to enact. So, that's something I don't really think we can address off the top of our heads.

**Craig Kelley:** Okay, Jan...

**Sheila Kitty Rosson:** I think- I'm sorry. Um, I think when you're thinking about changing work for employees, um, a lot of what we'd be looking at is, is it a minimal change or is it a substantial change in terms of our bar- bargaining obligations with um, the folks in a- in a unit? Um, or if it's a change that is the same type of work but just an extension of the same type of work. So, every case is a little bit different and we need to look at it in that way.

**Louis A. DePasquale:** I just think it's important that we continue to have discussions. And I think that's why it works so well because we're open to discussions and we want to work together and I think that's a clear message that we want to continue to send.

**Craig Kelley:** And Jan, you had a question?

**Jan Devereux:** Well, this brought to mind um, our attempt to perhaps ban leaf blowers and that would have an impact on unionized DPW workers who might be asked to stop using blowers and to rake. So, I don't know if that was one of the

considerations that DPW was factoring into, whether that would be feasible. You don't have to comment on it. Just made me think of leaf blowers.

**Jamie Matthews:** Um, through you Mr. Chair. I would just say in that particular situation I think because it already- well they can use leaf blows in certain times and they can't use them in other times and because rakes are al- raking is already a part of their job we didn't have to bargain that impact. We can just say these are the times and how you would use a leaf- when you could use a leaf blower and this is when you need to use a rake because it was already a part of their job descriptions.

**Craig Kelley:** And, and that job description is not a union contract negotiation. It's the, the Policies and Procedures part of things?

**Sheila Kitty Rosson:** So different collective bargaining agreements have um, different provisions about job descriptions and changing job descriptions. So, it varies from unit to unit.

**Craig Kelley:** Okay. And I know we don't want to get into much in the way of specifics, but the, the face of labor seems to be changing literally as we're sitting here. Um, and trying to figure out how to adapt to those changes while honoring past agreements and work skills and legacy investments and stuff like that, I find super interesting and probably really challenging from your point of view, which brings me up to the IT security training. Uh, we've touched on it before in other meetings. Uh, one of the places where municipalities tend to be very vulnerable is employees not doing what they're supposed to do with attachments. And that's how the DNC got hacked um, for starters. So, we have something like an 80% completion rate for the online security courses that people are going to take. And I always wonder why that's not 100 and why we couldn't require that as part of your job performance or not yours, but one's job performance.

**Lee Gianetti:** I think we've used the strategy of having a campaign in an educational process and to make people want to take the online training and to want to be educated um, as opposed to making it punitive. Um, so, I think the rate we have is fine. Some folks, to be honest, who don't use computers and don't ever be in a position in their job where they would need to. Not saying they shouldn't be aware of it, but are, are less apt to be in a position where they would make a mistake. So, I think that again, the strategy has been to make it a campaign, to be encouraging, and to make it, for lack of a better word, a fun event so that you can learn. Um, but you're never going to get 100% of people partaking just for a variety of reasons. And rather than being punitive for people who don't take it, you just keep on encouraging people to get educated.

**Craig Kelley:** But in theory could, and I'm not disagreeing, although I do, but I'm not right now disagreeing with that Policy. But could we require that as, as a- on January 1st your computer won't access unless you take these three online courses that you're supposed to have taken in December. I think we underestimate the threat to- Pensacola just got hacked and New Orleans is in a state of emergency because they got hacked and um, Marc lost his ID, or is {Inaudible}. This is

something that is going on and is going to get more and more and more so. So, making sure that we have employees that are essentially pulling their weight I think is hugely important and I'm not sure this is the best thing to do voluntarily.

**Louis A. DePasquale:** Uh, I would say a lot of these are non-union employees which they would take it. I think we stress that they take it. We've not made it mandatory, uh, primarily because I'm not sure what we would do if they didn't take it. If we could talk to them, but as we certainly stress the fact that they should. And I think to make it mandatory, I want to know if they didn't- what that would truly mean before I decided to do something like that. But it's certainly worth the discussion. Same thing in the union side. I think as a percentage it's very high to what we get. But I think in that percentage, there are a lot of people who truly just don't use computers. And I think, you know, I remember way back when I first started as Finance Director, we really made a move as we transitioned to create new positions for employees who were going to be much more familiar with the use and how we could move forward and try to continue to work with the staff we had to find duties that would be less related to that. And I think we've done a really good job transitioning but we certainly could take a look at the fact. What it would mean to make uh, mandatory first. I'd start with non-unions to be honest and see how that worked out and be happy to have that discussion with this team to see if it's something we think is worthwhile.

**Craig Kelley:** Thank you. Councillor Zondervan.

**Quinton Zondervan:** Thank you, Mr. Chair. I think this is a very interesting and relevant um, discussion and I'm not a computer security expert, but I am a computer scientist and I think it is important to make a distinction between kind of general purpose training around passwords and basic um, computer security and specific job skills that people need in order to do their, their job. And so rather than just thinking about, you know, should this training be mandatory or not? I think we really need to look at, you know, if somebody's in- has the keys to our bank account, so to speak, what skills and procedures need to be in place so that those are protected um, from a cybersecurity point of view. And, and that's not so much a question of, you know, are they trained? It's like this is the job requirement and you need to have those skills.

**Louis A. DePasquale:** I agree 100% and David may want to follow up with that but I do think that is where we will make sure that it happens.

**Lee Gianetti:** So, for example in the Finance Treasury Department all documents that we believe are sensitive are now being encrypted before we send them to anybody. And we do a lot of cross-informational transfers to different financial institutions. That is all- it was always encrypted. Now it's using our Microsoft um, Suite to also encrypt it. So, there's another layer of protection. So, you are absolutely correct. We focus on areas that we need to make sure that we're as diligent as we possibly can knowing that regardless how diligent we are. We're always being hit with people who are trying to hack into our systems. But I think so it's multiple levels. It's the technological piece to make sure that you can't get behind the firewall. But it's also making sure that we train employees so that they

don't do something to let somebody in without their knowledge. So, I think we're well aware of it and I think we've started this program a few years back to sort of emphasize that, and I think we've had increasing participation. And I think also department heads are aware of that also um, so that they make sure their employees are concerned about it and I think that's why we've seen a better participation rate, so.

**Craig Kelley:** Okay, thank you.

**Quinton Zondervan:** Thank you. Just to follow on to that. Many of these hacks that, that are happening are really um, what we call sociological hacks, right? They're people making a phone call and talking someone into doing something that they shouldn't be doing. And so again, there need to be policies and procedures in place, you know, in, in, in our personal lives as well, right? So, like just a simple policy of saying you never give people money over the phone, right? So, if somebody calls you and says, oh, you know, this bill is due, then you look up that company. If you have a relationship with them and then, you know, you inquire with them, do I have a bill due, right? So, um, just very specific um, policies around those types of interactions um, would be really important as well.

**Louis A. DePasquale:** Through you, Mr. Chair. I think the City has come a long way in that. I mean government has been slow to get into all these areas. We were paper organization, but the time spent to really move into this has been something that's been a priority. And it might be helpful if David works with IT that at some point we could send the Council what we're doing in this area. We really not- don't usually have those type of discussions but I'd be happy to let you know what we have because I know we've really worked hard to, to get into those areas.

**Craig Kelley:** Any other questions or comments? All right. So, this was very interesting. I think uh, as a side note to have five Councillors here at 4:00 on a rainy, snowy Tuesday afternoon indicates a, a very different level of Council-ing than when I came 14 years ago. So, um, I wish you all the best and thank you for... Quinton.

**Quinton Zondervan:** Thank you, Mr. Chair. One, one more question. I don't know if this is on the Agenda or not, but I, I know that we had some discussion about police details and as it relates to these bargaining agreements, what kind of flexibility do we have there to make sure that we can have more police details at, at construction sites?

**Sheila Kitty Rosson:** Um, so police details um, are an area in which we have made um, some sort of opening strides in the past several years. Um, for a l- very long time um, our collective bargaining agreements um, stated that details could only be done by current sworn Cambridge Police officers. Um, and incrementally um, through the past several years that has opened up. So, now um, we do have some um, mutual agreements with some surrounding towns to provide um, detailed coverage because Cambridge has um, so many details. Um, we've also structured agreements with Harvard and MIT about the details on their sites um, in conjunction with um, both the Police Patrol and Superior Officers union. And



um, in the past couple of years um, working with them we have um, through the Council um, put forth the Home Rule Petition that allows retired police officers um, who um, are, are retired in good standing um, who are now able to perform police details as well. So it's given us um, a broader pool of coverage.

**Louis A. DePasquale:** I think the addition of the Cambridge retirees to the detail has been a major factor. Cambridge Police know how to do it the Cambridge way. And be able to get retired Cambridge Police on details I felt was very important. And I think it's been successful. And actually getting more we're than we originally come back and do it. {Inaudible} thought So, there's a presence when they're on a street that also (leaves) a presence of security and safety. And I think police have that, that type of presence, even retirees. So, I think it's been successful, and it's, it's growing.

**Quinton Zondervan:** Thank you. I, I just- I do want to say the- I, I think it's great that we're getting more, um, more uh, people who are available to do it. And I still feel like it's not enough. So, I, I don't know if there's anything that you could do to make sure that we can have more. Because we have so much construction going on and, you know, it seems like we can't have enough details.

**Louis A. DePasquale:** It is clearly a problem that we'll continue on. working I think one of the things that they've really done a good job with is making sure what was called a priority detail gets funded. And I don't fully know the definitions of what- I do know when we get asked and, you know, recently Councillor Devereux called me on something and I went by it and thought of the same thing. I wasn't happy that I hadn't already made the call be Councillor Devereux called me. But it wasn't rated as a priority and it should have been. And once we did that, we had details available. So, trying to get that balance. But once- we have had success if it's been determined to be a priority detail to get that covered. I, I know Inman Square came up as well. And we we're able to do that. But, you're right. There's a lot going on. We're trying to get the right balance.

**Craig Kelley:** Okay on that note, I'll entertain a Motion to adjourn. Thank you all so much. Louis the wasn't so painful was it. {Inaudible} Thank you.

## **CERTIFICATION**

I, Casey Kern, a transcriber for Intellectix, do hereby certify that said proceedings were listened to and transcribed by me and were prepared using standard electronic transcription equipment under my direction and supervision; and I hereby certify that the foregoing transcript of the proceedings is a full, true, and accurate transcript to the best of my ability.

In witness whereof, I have hereunto subscribed my name this 30th day of September 2024.

*Casey Kern*

**Discussion**

1. A presentation was received from City Manager Louie DePasquale, regarding the Collective Bargaining Overview.