

CITY OF NORWALK PERSONNEL COMMITTEE MINUTES

JUNE 20, 2005

ATTENDANCE: Mr. Douglas Sutton, Chairman; Mr. Matthew Miklave, Mr. Fred Bondi, Ms. Betsy Bain

STAFF: Ms. Sara LeTourneau, Director of Personnel and Labor

OTHERS: Mr. Dave Davidson, Ms. Teri Tylo, Mr. Ed Prescott, Ms. Diane Lauricello, Ms. Barbara Amodio, Mr. George Bolton.

CALL TO ORDER

Chairman Sutton called the meeting to order at 8:06 pm. After welcoming the attendees, he went on to state that according to the City Charter, the Mayor makes his recommendations to the Commission regarding the salary adjustment for the people on the ordinance list. The public hearing is conducted to allow the Commission to hear what the public has to say on this matter.

REVIEW/APPROVAL OF MINUTES FROM MEETING MAY 25, 2005

Mr. Miklave suggested that Commission move directly to the public hearing portion of the meeting. All were in concurrence.

PROPOSAL FOR ORDINANCE LIST INCREASE

a. Public Hearing

Chairman Sutton invited the first speaker, Mr. David Davidson to address the Commission.

Mr. Davidson stated, "I made the following comments to the Common Council Personnel Committee at the public hearing on December 9, 2004. 'I urge the Common Council Personnel Committee to reject the ordinance before it relative to the salary adjustments proposed for the City officials. As I urged at the 2003 Personnel Committee Public Hearing on the same subject, I believe that across the board increases for the management and senior staff group is inappropriate. Last year, the across the board increases were justified on the basis of a new performance system, now that you have had an additional year's experience, it would seem appropriate to use these evaluations to differential salary adjustments based on achievement of goals and other measures of performance. Treating the management group similarly to a union is diametrically opposed to oft stated 'smart government' objective. Salary adjustment is one means of evaluation and

motivating. It is easier to provide an across the board adjustments and often leaders, unwilling to face the criticism that goes with taking public positions, use such devices. I urge you to fulfill your obligations to the City and reject such across the board increases and demand the submission of salary adjustment tied to the performance evaluation.’ My recommendation was ignored, as it had been the previous year. Subsequent to the meeting, Mayor Knopp was quoted in the Advocate as follows: ‘ Judging a small group of managers based on evaluation while the vast majority of others get fixed raises would create a standard that over time might allow middle level supervisors getting fixed, union backed pay hikes, to surpass their bosses performance based salaries’. Unions, by their very nature, reject merit as a basis for compensation. They want employees to be treated like commodities, interchangeable parts. But top managers are not interchangeable parts. They have the keys to successful leadership in the affairs in the City of Norwalk. I do not have any problem with the dollar impact involved in a 3/5% increase or even a dollar impact in a 4% increase. But for the sake of good government, I urge you to reject this proposal and demand that the Mayor submit recommendations based on performance, demand he stepped down as the boss of the ordinance list union and start acting as the Mayor of the City of Norwalk. Thank you.”

Chairman Sutton invited Ms. Teri Tylo to speak next.

Ms. Tylo said, “I agree with Mr. Davidson about across the board increases for these salaried positions and I am against a raise in salary for the Personnel Director, Sara LeTourneau. And I will tell you why. I really think she be segregated from the ordinance list and given a separate investigation and evaluation.

- 1.) The Mayor’s Committee on Historic Preservation found that proper procedures were not followed in the hiring of the Curator of the Norwalk Museum. It is understood that there were other applicants who resumes were not acknowledged nor were they forwarded to the Historical Commission, who were not given the opportunity to review them. Why was this procedure not followed? According to the Personnel regulations, Section 4-1, Resumes and/or applications will be pre-screened for qualifications at Personnel and forwarded to the Department Head.
- 2.) The Department Head and/or Board or Commission will review the applications and advise Personnel as to whom he/she/they wish to interview and when. Ms. LeTourneau, an attorney, did not uphold Norwalk City Ordinance 57A creating the Historical Commission, nor the Curator’s job description, clearly states that the Curator receives “direction and supervision from the Chair of the Historical Commission”.
- 3.) It is requested that you investigate why the Personnel regulations of the City of Norwalk that were approved by the Common Council were not being followed.
- 4.) The Personnel Director needs to replace her unsatisfactory explanation with satisfactory explanations as to why she hasn’t been able to supervisor the Curator. She has been receiving an executive level salary on the backs of the tax payers and this requires executive level professionalism and speed, not excuses. The result has placed the

collection left to the citizens of Norwalk in the areas only public museum in grave danger.

5.) She should be called to explain why she has failed to take disciplinary action or actively pursue and follow up on complaints regarding the hours of the Curator, the grave condition of the Museum and the tampering of the Friends of the Norwalk Museums mail and records and why she had ignored the many substantive complains lodged against the Curator from the NHC and from the Friends Boards.

6.) Ms. LeTourneau has demonstrated an inability and less than executive performance in keeping track of the Curator's hours and the closing of the Norwalk Museum. The stopping of City services from being delivered to its citizens is grounds for firing according to the Norwalk Personnel Regulations.

7.) Ms. LeTourneau should confirm that she will pursue the HC resolution made at their special meeting and specify the date that this will begin. Thank you.”

Chairman Sutton asked if anyone would like to submit copies for the record. The third person on the list, Mr. Ed Prescott was introduced.

Mr. Prescott said, “Good evening, Mr. Chairman, Council Members. I am here tonight. I'm a member of Local 830, the Fireman's Union, speaking for myself, not necessarily for the Union at this time and also as a tax payer. My first question is were the evaluations done and obviously you are not answering it at this point in time. And my concern is the 3.5% raises for these ordinance employees when most unions in the town are receiving 3% raises. That includes the police officers, and what is tentatively offered to the Fire Department at this time. So that is a half a percent more. The explanation in today's paper stated that it was a 2.9% raise. I think maybe they should re-state the unions who receive 3% raises with the cost sharing in there for the medical expenses. It is kinda like a little bit of a spin the way that I read it.

The Personnel Director of Labor Relations, Ms. LeTourneau, is a lawyer and that concerns me because we have paid over \$329,000 in attorney fees to negotiate labor contracts with unions excluding the Board of Education over the last three years. I am just wondering why we can't do that in-house if she is an attorney and she's dealing with fire fighters, police officers or public workers. I think it is an exorbitant amount of money to spend on attorney fees. I am also concerned that the City itself has spent over - well, roughly \$500,000, but don't quote me on that amount - on consultants. Many people on the ordinance list use these consultants and I just wonder what they get paid for if they have consultants to advise them throughout the year. We don't have consultants in the Fire Department advising us on the scene of an emergency that we have to make split second decision. If we did, obviously, we wouldn't do the great job that we do. So, my question is why are we paying these extra high salaries, why do they get a 1/2% more than most union workers. Is the City able to afford money for certain people at the Mayor's recommendation? It is just, seems to me, a double standard, which is a word we've heard tonight already. That about all I ought to say. Thank you.”

Chairman Sutton called Ms. Diane Lauricella to address the Committee.

Ms. Lauricella began, "Good evening. For at least the last, I'd say, five to six years, I've come before the Personnel Committee and this administration and the last for the purpose of trying to find some way a reasonable professional evaluations in writing of our senior staff, many of whom are on the ordinance list. I, again, echo that I am disappointed and feel that this standard, which is the minimum standard that should be all senior professionals should be held to and any business, and this City, which is a business, these taxpayers would expect that there is a reasonable way of effectuating and giving people positive goals, congratulating them on where they are doing well and reminding them and at times, showing them when they are not doing well. I was a public worker with the State of Connecticut and we had a very fair minded system of written evaluations of all the workers, be they senior staff or rank and file and if there were any disputes or problems with those evaluations, there was a mechanism by which that person could defend themselves. That is done throughout the country. In this City, it seems to be something that we just still have not achieved in a satisfactory way. And because of that, I ask at this particular time, once again when we are voting on whether we should put together across the board raises, I won't repeat what was said so well by Dave Davidson, a former member of the Board of Estimate. I agree that at this stage, especially since this administration and City Council men and women have attempted a small amount of checks and balances in the form of evaluations. I agree with Mr. Davidson that we should not, we should reject, you should reject as City Council Personnel Committee and then pass that recommendation on to your full Council that you do not lump the entire group in almost as if it was organized as a union. Everyone who is on this list knows the deal. It is well known, it is in our charter, it is part and parcel of working in a government. Of course we expect fully that all these professionals be treated fairly. However, if one reads the ordinance and I hope that all of you have read it - I am sure that you have - members of the audience and the press, they serve at the pleasure of the Mayor. And it should be based on goals and performance.

Because of that, I again echo what I have said before that unless and until the Director of Personnel shows even a tiny amount of enthusiasm about written evaluations that once again, that we waive this person's cost of living increase because I do not feel they have deserved it. But this year, especially, I have a list of reasons why I really feel that this should be the case where we do not allow, and that is because of the following:

We know that the budget is tight. I read the budget. I know what other departments are not getting because of lots of money being spent on settlements of Personnel problems and I will list just some that come to mind since all of you became Council people:

First, the Susan Gunn or Historical Curator situation has gone on from before most of you came on board in your terms of office. So over three years there have been a Personnel problem with this seat. Now, a lot of it came into being because of an appointment issue, some of it may be deemed as political, but the thing is that this person is professional and the thing that they need to be dealt with in a professional way. And what has occurred because of the lack of intervention of the Personnel Director, even if they have to stick

their neck because politics is getting in the way, their job - and if they don't like their job then they should file their resignation - and that is their job is to make sure fairness be the ultimate goal of how personnel and labor dispute issues are handled. The Susan Gunn affair is one of the most shameful situation - and I am not taking sides on this, I just think it should not take any employee having to hire their own attorney. All of these problems with the Volunteer Chair of the previous administration, these are all known in the press for years and nothing was done. Intervention were not done and now this City is very well probably going to be sued by this employee, probably will be settled and we're going to talk tens of thousands of dollars that won't be put in to additional staff or books or the school buildings, and that is a waste of our money. And it all could have been nipped in the bud if professional personnel intervention had taken place. That's only one.

Secondly, about two to three years ago, there was a problem in the Town Clerk's office. Some of it stemmed from fragrance, allergies. And it was well documented in the press. It went on for weeks and weeks. The thing is, again, almost to the point where there was a potential lawsuit. I don't know if that suit was filed. Again, there were actually statements in the paper where the Personnel Director, the head of the department, said they really didn't understand or know what to do, that they were going to pursue the matter. Yet the problem continued, continued and continued.

The Registrar of Voters issue. Even though these folks are voted in, they are getting tax payer dollars to vote. We all are well aware, in both the Advocate and the Hour, of weeks and months worth of problems between those two people. Even though it is a separate entity, they're still drawing a salary from our coffers and any Personnel Department worth its salt would offer resolution, intervention, mediation. It goes on and it is still continuing, so much so that one of the Registrars had to or considered taking out a harassment order against the other. Again, embarrassing to the Council, the Mayor and it goes on and on.

Lastly, the Fire Department. Currently, I know for a fact that professionally that this Fire Department is operating in non-compliance with the Federal OSHA laws on many blood borne pathogen issues. Again, I have done my homework and this department should insist that at the very least, that we are in compliance with basis rights that these employees deserve. Again, not happening. It's going to cost us alot of money. It's already cost us alot of money with legal intervention from Shipman and Goodwin. I, as a taxpayer and others, want an accounting of how much money Shipman and Goodwin is costing and I would ask this Committee to prepare such a list because it is about time we really understand what we are not getting out of our Personnel Department professional and what we aren't getting in extra costs.

Also, the Fire Department contract, I do know that it has been passed around to different hands and it is not totally the fault of this Personnel Department nor the Director. However, this contract has gone on and on for three years. Prior to this new this new administration coming on, this Fire Department was treated with less than the respect they were due. Some of it was due to politics, some of it was due to poor management internally. I know that this administration properly has hired a very professional person to

head it up - we need to give him time, Dennis McCarthy - however, the treatment of this staff incites people to be angry because of the way that they are treated and that can be thumped right on the lap of our Personnel Director.

So because of that, I do believe that this particular - you do have the right, by right of your Charter, to take different people on this ordinance list and decide. It is brave if you were to do so. I have seen a less than brave city council not do so and this administration. The previous administration did pick and choose because they tried. They were very frustrated with lack of input by this same Personnel Director and they attempted to try and do their duty by the Charter. I ask you now to do the same.

Lastly, I do think indeed we do need evaluation forms and we need your input and your view of the following people's performance:

Pam Stark with grants. Have you felt that this person has been able to put the time in and gotten grants enough to make the combination of two jobs into one worth it? I don't think it is fair for that person, but the City has agreed to combine two jobs into one and it is very difficult for any human to do the job of two people.

The Director of Health, I believe currently, until and unless there is a better memo of understanding in the merger talks that are being discussed with the Health Department, I think may need a review of his work because I have not heard that all the information has been given to you Council people in a timely fashion. I would have totally have left the Director of Health out, except I am very concerned at the misrepresentation by his office that is being filtered up to you, as City Council people. So I ask that you reconsider his increase as well.

So I thank you for your time and I would also like to know, do you have all the write up that you requested of your ordinance list. If not, I feel that you should table this until the Mayor does his job, which he did not do last year. He waived his obligations and I don't think we should allow that anymore. Thank you very much."

Chairman Sutton recognized Ms. Amodio.

Ms. Amodio began by explaining to the Chairman how her name was pronounced and stated that " In a moment of levity, after all these grave statements, Amodio means 'I love one God' as my grandfather explained, 'the same one for everyone'. I rather like that. He didn't say much, but a few things he said that I remember.

Anyway, Distinguished Committee Chair and other Council Members, it has been my pleasure to work with you many times in the past and tonight I am here, I could say many things actually from the purview of my own position but at the present moment I shall exercise my Constitutional right to refrain from speaking on these matters. Also in the interest of focus, I work with many of you, so it is with difficulty that I say what I have to say, but I have thought it through very carefully. And in the interest of focus and also

with the understanding that a father's heart is as deep as an ocean, I do wish to underline the remarks of Ms. Tylo representing the Board of the Friends of the Norwalk Museum.”

Ms. Tylo explained, “I’m here as a citizen.”

Ms. Amodio continued, “I’m sorry, I stand corrected. Ms. Tylo informs me she is here as a citizen and not in her capacity, or several capacities. I do also feel that there should be a segregation on this list at this time. I say it with heavy heart, but it is my studied opinion that this, certain matter, particularly with the Museum - there is no greater treasury than the City’s public history and its arts. And I really believe that it has gotten to be as bad as it has because it has been neglected for so long and that is a pattern. I also wish to say that, what was my other thought,? I don’t have a prepared remarks tonight and I came from another task force meeting right before this but, I would like to go on record as saying that I think that Mr. Hal Alvord is an outstanding employee and deserves every raise that he could be entitled to. Most other members of the list, but especially I feel very strongly that Mr. Alvord is entitled to additional pay. And he represents some outstanding professionalism which I must say, I have found to date, sorely lacking in the Personnel Department. And I will re-exercise my Constitutional right at this time to refrain from speaking about two other individuals on that list. But I do believe at this time, in the interest of focus, that Ms. LeTourneau should be segregated from the list pending investigation and possibly it should be the only legitimate ethics investigation should be of her. And she is a member of the bar and of course, all of the citizens are sworn to uphold the truth and as Aristotle once pointed out, ‘Only people who are of good character are able to give testimony anyway.’ And I stand in his footsteps and I shall insist upon - to my last breathe -, but in the interest of focus, I couldn’t agree more with Ms. Tylo’s very well considered remarks that have had five years to ferment on the back of the tax payers. Thank you very much and I hope those of you who I care about and will continue to work with will understand how much thought has gone into this. I do thank you.”

Chairman Sutton asked if anyone else would like to speak and recognized Mr. Bolton.

Mr. Bolton said, “My name is George Bolton and in the past I have contacted Sara LeTouneau for different answers about how different City policies worked, about who to make statement to about job performance and things. I’ve never had an adequate response from her. In fact I thought perhaps that she was a clerk or something because her responses were so poor that I received. And I was reading about the job review situation and I realized that in the twenty years that I worked where we did reviews with people, in a private business she would never have survived with the performance that she has given. So I would like to go on record with this statement.”

Chairman Sutton thanked Mr. Bolton and asked if anyone else would like to speak. He thanked all the citizens for their input and coming out to do their citizen’s duty to make sure that the affairs of the City are appropriately and according to the City’s ordinances.

** MR. BONDI MOTIONED THAT THE PUBLIC HEARING BE ADJOURNED.

** MR. MIKLAVE SECONDED

** THE MOTION PASSED UNANIMOUSLY.

The public hearing was adjourned at 8:35 pm by the Chair.

REVIEW/APPROVAL OF MINUTES FROM MEETING OF MAY 25, 2005

The following corrections were noted:

Page 1, second to last paragraph, beginning with “Mr. McQuade”, change to “Mr. Miklave”.

Page 1, last paragraph, beginning with “Ms. Bain spoke briefly on how there is a philosophical difference” change to “Ms. Bain spoke briefly on how there are philosophical differences.” After “some chose to tie their consideration of salary” while others choose to separate the two.” Insert the words “to evaluations” between the words “salary” and “while”.

Page 1, last paragraph, second line, “...are related to maintaining a differential between those

who are being supervised from those who are supervised.” Delete the word “were” and change “supervised” to “supervise.”

** MR. SUTTON MOVED TO ACCEPT THE MINUTES AS AMENDED.

** THE MOTION WAS PASSED UNANIMOUSLY.

PROPOSAL FOR ORDINANCE LIST INCREASES

Mr. Miklave made a point of order, by pointing out that if any individual’s performance under the ordinance list that it have to be conducted in executive session, absence of the individual’s consent according to State and City requirements.

Mr. Bondi stated that as President of the Council, he was asked to separate the names on the ordinance list, to be taken up individually rather than as a package.

** MR. BONDI MOVED TO SEPARATE THE NAMES ON THE ORDINANCE LIST.

Ms. Bain stated that the Mayor was engaged otherwise and that Ms. LeTourneau was going to make some comments on the Mayor’s position.

Ms. LeTourneau stated that the Mayor had indicated that any questions where he is in the evaluation process, he wanted to make the Committee that he has, in fact, met with a number of the Department heads to conduct the goal setting portion of the evaluation. The remainder of them are scheduled to take place in the coming week. It was his

impression that submission of an additional evaluation of the ordinance list employees, given that the Committee was supplied with one in January in connections with the retroactive increases, would be less than completely productive at this point. He has focused his attention on the goal setting portion of the reviews at this point in time.

Ms. Bain reiterated her position that it is important that there is an appropriate differential between the those that are supervised and those that supervise. The evaluation system should be used more in terms of establishing the agreed upon objectives for which one is evaluated and that there are other mechanism for dealing with the issue of performance, in regards to giving extra, such as Barbara was suggesting, for the Director of DPW deserving extra. Ms. Bain could not recall receiving the evaluations.

Ms LeTourneau responded that the evaluations have been available since the last meeting.

Reviewing the evaluation in executive session was being discussed. She said that copies were available in her office.

Mr. Sutton said that the Committee might want to look at them in light of the comments that were made in the hearing.

Mr. Miklave mentioned that there was a pending motion to separate out individuals to vote on one at a time. Mr. Miklave opposed this. It goes back to the evaluation system which the Personnel Committee spent a great amount of time working on and the Council adopted in 2002. There is a tremendous value that any City gets out of a performance appraisal system, he feels, particularly when they are well thought out and implemented. The current evaluation which the Committee put together, is one of the best tools Mr. Miklave has seen in his twenty years of practicing law. Because it was such a radical change, the Committee knew that it would take some time before being fully implemented. Using such a system not only guarantees fairness to the employee, but also in terms of team building make sure senior staff is on the same page with the political decisions of the City. However, it is only one tool in the toolbox, it is not the only tool or even necessarily the preferential tool for dealing with allegations or instances of abuse, conduct or deficiency. It is a way to deal with performance issues, and nothing else.

Although Mr. Miklave is a believer in personnel performance systems and a great proponent of pay for performance, he also recognizes that it is the Mayor's prerogative to decided how that system is going to be implemented for senior staff and how he wishes to manage his senior staff. Mr. Miklave does not believe that he is in a position to fairly and impartially evaluate the senior staff on the ordinance list because he does not see them on a day to day basis or work with them directly. In no other sector of government does a Board of Directors evaluate senior staff. Those who advocate that the Common Council make individual decisions about performance, corporate America hires managers to do. In Mr. Miklave's view, that is the job of the Mayor in the first instance and the Council should hold the Mayor accountable as the ultimate decision maker. A true pay for performance system would include substantial bonuses for senior staff that performs above the call of duty and not the cost of living increase that are being considered. On the

basis of what has been reported tonight, Mr. Miklave would support substantial bonuses for some and others who would not merit these.

Mr. Miklave stated he was against Mr. Bondi's motion to separate the list and declared that he was in favor of sending this on to the Council.

Quite a few of the Council members do know the Department heads, Mr. Bondi replied. He was in agreement with some of Mr. Miklave's statements and disagreed with others. The Council members would like to voice their opinions of the senior staff that they deal with on a regular basis, which is why they wished to view, in executive session, the ordinance to decide whether to increase or in some instances, decrease, the salaries. Working in the private sector, Mr. Bondi remarked that evaluation were done every year and an employee was given a raise depending on the employee's ability. Cost of living meant nothing, raises were connected to performance. If this Committee does not move to separate the list, it will go to the full Council and be voted there.

Ms. Bain felt it might be unfair to the individuals who have not been given a chance to respond. Therefore she is not in favor of separating the list. She also noted that in the Mayor's cover letter, the 3.5% was consistent with the raise given to the NASA union. She also questioned as to whether the Council had the right to separate the list out.

Mr. Miklave stated that he believe that any given Council member could make a motion to separate out any individual, which has been done in the past. The Council is a political institution with political objectives in mind. Having politicians holding individuals accountable allegedly on the ground of 'misfeasance' when in fact what is really happening is that the individual was advocating a political position that was disfavored by some of the Council members would be wrong. It is a dangerous road. In other places, individuals took positions because they did not like the policies that were being put forth. It has been use as retribution by others in other communities in the past. The Mayor is responsible for the Departments. He has these tools to use, or not use.

Mr. Bondi reminded the Committee that Norwalk has a strong Council and a weak Mayor. Council members are answerable to their constituents. Complains about certain departments from constituents need answers. This is why some Council members want the list separated, so they can discuss it in executive session. Mr. Bondi asked for confirmation that all the evaluations were done and all the goal set by the departments.

Ms. LeTourneau reiterated that all the evaluations were completed except for Mayor's and he provided the Committee with evaluation in January of this year. A significant portion of the goal setting portion of the process are coming in. She fully expect that they will all be in place by July 1st.

A technical question was raised about Personnel issues being discussed in Executive Session regarding the subject of the discussion being present. Ms. LeTourneau explained that the employee has a right to be in the Executive session if they wish to be, or they

have the right to have a public session. There was a discussion about the procedural details regarding this issue.

** THE MOTION TO SEPARATE THE ORDINANCE LIST WAS DEFEATED WITH THREE AGAINST (BAIN, SUTTON AND MIKLAVE) AND ONE IN FAVOR (BONDI).

** MR. MIKLAVE MOVED TO SEND THE ORDINANCE TO THE FULL COUNCIL FOR CONSIDERATION.

** THE MOTION PASSED WITH THREE IN FAVOR (BAIN, SUTTON AND MIKLAVE) AND ONE AGAINST (BONDI).

The next committee meeting is scheduled for July 28th.

** MR. MIKLAVE MOVED TO ADJOURN THE MEETING.

** MR. BONDI SECONDED

** THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:10 pm

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services.

