

TOWN OF GREENWICH  
BOARD OF ESTIMATE AND TAXATION  
REGULAR MEETING HUMAN RESOURCES COMMITTEE  
MINUTES Town Hall Meeting Room

Tuesday, September 13, 2016

Committee

Present: Nancy Weissler, Chairman; Leslie Moriarty, Jill Oberlander  
Absent: William Drake

Staff: Peter Mynarski, Comptroller; Mary Pepe, Director Human Resources; Erica Mahoney, Assistant Director of Human Resources; Alison Graham, Employee Benefits Manager; J.W. Fox, Town Attorney; Valerie Maze Keeney, Assistant Town Attorney; Melissa Brown, Senior Business Analyst; Al Cava, Director, Labor Relations; Tom Klein, Director, IT Department

Selectmen: Peter Tesei, First Selectman

Board: Michael Mason, Mary Lee Kiernan

Other: Laura Erickson, BOE Chairman; Barbara O'Neill, BOE Vice Chairman; Jennifer Dayton, BOE Member; Robert Stacy, BOE Human Resource Director

The meeting was called to order at 3:02 P.M.

Ms. Weissler welcomed the HR Committee and attendees.

**1. Approval of BET HR Committee Meeting Minutes July 6, 2016**

Upon a motion by Ms. Weissler, seconded by Ms. Moriarty, the Committee voted 3-0 to approve the Minutes of the July 6, 2016, Regular Human Resources Committee Meeting as amended.

**2. Healthcare Insurance Update**

**EXECUTIVE SESSION – Update of Labor Contract Negotiations**

Ms. Weissler called for an Executive Session to discuss labor contract negotiations at 3:03 P.M.

Upon a motion by Ms. Weissler, seconded by Ms. Moriarty, the Committee voted 3-0 to enter Executive Session at 3:03 P.M.

**The Committee exited Executive Session at 3:14 P.M.**

The Committee voted 3-0 to end the Executive Session at 3:14 P.M.

Ms. Graham noted that under our health insurance plan with CIGNA rates are expected to increase slightly less than 14% for calendar 2017, which would take into account a reduction in the broker's commission and lower expenditures for wellness. If the teachers decide to migrate to the State Health Partnership Plan, CIGNA would increase the rates for the remaining Town employees by an additional 13%.

### **3. Presentation on Town and BOE hostile workplace issues and training**

#### **EXECUTIVE SESSION: Litigation Review**

The Committee and the Town Attorney agreed that the Executive Session would follow the discussion of the hostile workplace issues and training.

Mr. Fox described the legal standard required to establish a plaintiff's experience of a hostile work environment. He noted that it was difficult to prove that the environment was sufficiently pervasive or severe. Ms. Keeney continued the presentation describing the Federal and State definitions of hostile work environment and each "protected class" covered by the statutes. A handout of a previous litigation's Jury Instruction defining parameters of a "protected class" and itemizing characteristics cited in the Federal Title 7 statute such as race, age, disability, color, religion, sex and national origin that could adversely affect the terms and conditions of employment was distributed. Ms. Keeney then described the legal guidelines to "test" for disability discrimination found in the Federal American Disability Act guidelines through another Jury Instruction handout that cited trial standards for a hostile environment based on disability: circumstances that were severe, pervasive, environmental-related changes, repetitive, derogatory, threatening, and obstacles to performance of employment. Ms. Keeney noted that the CT Fair Employment Act added sexual orientation as a characteristic for receiving protection under the State statute.

Ms. Pepe comment that the HR Department was responsible for posting all employee policies including those concerned with discrimination. She noted that nearly all employees and supervisors have participated in harassment training sessions since 2014 and that additional sessions are offered each year for new employees. She anticipates that refresher training will be offered about every three years. She noted that the HR Director or Assistant Director investigate any complaints except in the case of severe complaints for which an outside investigator is hired (there have been two instances of that in the past few years). She provided examples of hostile work environment claims including: employee versus supervisor; employee versus employee; group versus department management; and claims arising from terminations. Ms. Moriarty asked if the frequency of discriminatory complaints signified the need for additional training. Ms. Pepe responded that through their investigation process, the HR Department thoroughly reviews all claims with the goal of resolving them without escalation. She added that the Leadership Institute, which is an ongoing program for supervisors, is providing additional training in this area.

Ms. Weissler and Ms. Oberlander asked about whether the Town has policies that restrict romantic relationships for those employees that have direct reporting relationships. Ms. Pepe noted that there are such restrictions among employees who cohabitate; however, Ms. Oberlander noted that there were many relationships that could fall outside of the scope of that restriction. Ms. Pepe noted that since union rules govern promotions and salary increases, that there are fewer opportunities for personal favoritism. The Committee, however, asked the HR Department to come back at a future meeting to present how other municipalities and the private sector address this issue.

Ms. Weissler asked Ms. Pepe to explore how other CT towns handled discriminatory complaints and the frequency being experienced. Mr. Fox suggested that there would be reluctance to share this information and statistics. Mr. Stacy commented that BOE employees typically filed complaints through their union representatives rather than going directly to BOE HR or the Town's HR Department. He then listed the specific steps and procedures followed by the BOE for their certified staff including: coordinating with the Town Law Department on outstanding cases; implementing established investigation procedures; staying in touch with external counsel; offering harassment and Title 9 training; working with administrators on dealing with staff; offering training to new teachers during summers to reduce risk and liability; offering programs as part of teacher certification; and referring to the Code of Professional Responsibility highlights and teachers' ethics in BOE HR Department emails.

#### **EXECUTIVE SESSION – Review of Litigation**

Ms. Weissler called for an Executive Session to discuss pending litigation at 4:13 P.M.

Upon a motion by Ms. Weissler, seconded by Ms. Moriarty, the Committee voted 3-0 to enter Executive Session at 4:13 P.M.

**The Committee exited Executive Session at 4:37 P.M.**

The Committee voted 3-0 to end the Executive Session at 4:37 P.M.

#### **4. 2016 HR Reports**

● **Workers' Compensation Expense Report** – Mr. Mynarski reported that 10 weeks into the new fiscal year workers' compensation claims were resulting in a favorable variance to budget. However, three serious claims had been filed during the summer and their costs would be reflected in the next month's report. Ms. Navarro would be providing an update at the next Safety Committee meeting and Mr. Clemens, the Safety Analyst, was currently investigating the circumstances of the claims. More information would be forwarded to the HR Committee Meeting prior to its next meeting.

● **Vacant and Posted Positions** – Ms. Pepe reviewed the Vacant Position listings, commenting that several of the vacant positions' job descriptions were being reviewed for updating.

Update on Hiring Freeze: Effective July 1, a committee consisting of Mr. Branyan, Ms. Pepe, and Ms. Mahoney reviews all position requests prior to posting to assess the rationale for the position and to determine if there is another way to address the staffing need. Since July 1, the Committee has approved 45 requests to post positions.

● **Unemployment Expense Report** – In reviewing the fiscal 2016 report, it was noted that BOE, HR, and Parks & Recreation unemployment claims were down significantly over the previous year.

#### **5. Quarterly Update on HRIS System**

Ms. Pepe commented that the HR Department was considering a change to a different ADP platform; the new platform could potentially be more efficient and less expensive. Ms. McEvoy, the System Consultant who previously assisted the HR Department during the conversion to the ADP payroll system, would be providing an analysis of the costs and benefits of changing to the new ADP platform, which was being necessitated by a newer version of JAVA coming online that did not support the current ADP payroll platform. If recommended, this would be included in HR's FY18 budget request.

**6. Items for Future Discussion**

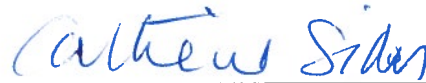
- Workers' Compensation: quarterly review and presentation by the Safety Analyst
- BOE: enrollment and staffing update
- BOE: review of Cabinet salary increases in fiscal 2016 and framework for fiscal 2017
- M&C Salary Increases for fiscal 2017: initial discussion of framework and questions

**7. Adjournment**

Upon a motion by Ms. Weissler, seconded by Ms. Moriarty, the Committee voted 3-0 to adjourn at 4:57 P.M.

The next regular Human Resource Committee meeting is scheduled for October 13, 2016 at 3:00 P.M. in the Cone Room.

Respectfully submitted,



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Catherine Sidor, Recording Secretary



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Nancy Weissler, HR Committee Chairman