

Date: December 29, 2022
To: Board of Selectmen, Town of New Canaan
Cc: Cheryl Jones, Personnel Director
Mimi Pitt, Special Projects Administrator
From: Kathleen A. Corbet, Selectman, Town of New Canaan
Subject: Board of Selectmen Approval Process for Town Employees

Pursuant to a review of the New Canaan Town Charter, the Town’s Code of Ordinances, and the approval process related to all employees of the Town, we respectfully bring before the Board of Selectmen (BOS) the following items for consideration and approval:

1. Town Charter and Ordinance review;
2. Current positions by employment status - Full Time, Part Time, Seasonal and Temporary employees;
3. Review and proposed Resolution of a codified policy on the approval process for Town employees; and
4. Approval of positions that have yet to be approved at the January 3, 2023 BOS meeting.

Town Charter and Code of Ordinances Review

This memo addresses the **policy and procedures** required to operate under the New Canaan Town Charter and the Code of Ordinances which clearly identify the Board of Selectmen as the ultimate authority to approve appointments and dismissals recommended by department heads and the Human Resources director.

Specifically, pursuant to the **New Canaan Town Charter, Article XIV Town Employees and Ethics Board**, section 1 (C14-1), the **appointment of personnel is under jurisdiction of Selectmen**, whereby, "[t]he appointment and dismissal of *all employees* of the Town except those who are elected or are under the jurisdiction of the Board of Education, the Fire Commission, or the Police Commission, *shall be made by the Selectmen*" (*emphasis added*).

In addition, section C-14-1 further states that “[B]efore the *appointment or dismissal* of any paid employee, the Selectmen shall consult with the board, commission, committee, officer, department or individual to whom the services of such employee are to be or have been rendered.

Under the **Town’s Code of Ordinances "Personnel Rules and Regulations"** (Chapter 44), the BOS is identified as the ultimate authority to approve hires recommended by department heads. The purpose of the ordinance is to give effect to the provisions of the New Canaan Town Charter providing for the **establishment of rules and regulations** and a plan of classification and compensation for all Town employees.

A **Town Employee** is defined under Ch. 44 as all salaried officials or employees of the Town whose appointment or dismissal is under the jurisdiction of the Board of Selectmen or the Police Commission.

Both the Town Charter and the Code do not make a distinction between full and part time employees, nor “salaried” versus “hourly” employees. While the Code specifically mentions “salaried *officials*” it also includes “or employees of the Town under the jurisdiction of the BOS or Police Commission”.

In other words, whether one is a salaried official or a full or part time employee, the Code considers them *all* to be *Town Employees*. Further, under the Code of Ethics (C17-1), an **Employee** is defined as “any person employed full- or part-time by the Town or by any Board, including the Board of Education” and such employees are subject to the clear standards of ethical conduct for all who serve the Town of New Canaan.

In an example for budget purposes, the Board of Selectmen shall from time to time make comparative studies of all the factors affecting the level of pay ranges - such as pay range comparisons, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, current costs of living, the financial conditions of the Town and other relevant factors - and will recommend to the Board of Finance such changes in pay ranges as appear to be pertinent.

Another example is for compensation other than salary or hourly rates, including benefits, food, lodging and other compensation in kind, such compensation shall be evaluated on an equitable basis determined by the Board of Selectmen, and such values shall be deducted from the cash pay of employees receiving such allowances (e.g. Part Time Waveny Wedding Planner position).

Finally, the Charter and the Code give further examples of the Selectmen’s duties/roles with respect to vacancy, transfers, the appointment and dismissal of assistant Town clerks and assistant registrars of vital statistics, compensation changes, promotions, dismissals, and grievance procedures, which are followed with respect to policy administration by the director of Human Resources.

Current Positions by Employment Status

Data provided by the Town Human Resources Department (following a FOIA request) indicates that there are four classifications of employment status - Full Time, Part Time, Seasonal and Temporary employees.

While all positions in these status groups are *employees* (i.e. they are not 1099 workers, they are eligible for Workers’ Compensation under CIRMA, they are subject to full background checks, and their hours are subject to Department of Labor employment guidelines), BOS approval of employment recently has not been consistently applied as required under the Charter and Code.

This document will serve as a review of the current practices and will make recommendations for BOS approval regarding status positions which should require BOS approval and those positions which will be proposed to not be required.

Employment Status	Definition	# Currently Employed	# Approved previously by BOS
a. Full Time	Employed to work for 35 hours; eligible for health and pension benefits. Includes union and non-union positions. e.g.: Town CFO, Grant writer, Emergency Management Director.	183	183
b. Part Time	Eligible for sick time and the 457/401a defined contribution plan. If work hours are >1500 hours per year, these employees are eligible for health benefits under the Affordable Care Act. e.g.: Waveny Wedding Coordinator, Administrative Assistants, Special Projects Staff.	18	7
c. Seasonal	Not eligible for benefits. Positions as a group by department should be approved by the BOS at beginning of each season. e.g.: Lapham instructors, Tennis attendant, lifeguards, camp staff. All subject to background checks like other new hires.	25	0
d. Temporary	Not eligible for benefits. If <20 hours per week, suggest that no BOS approval required. e.g.: Poll workers; consultants; Get About (conducts their own background checks for drivers)	14	N/A

Review and adoption of a codified Town Employee approval policy and process

The review and approval by the Board of Selectmen of proposed new hires - full time, part-time and some seasonal (Park & Rec department) and temporary employees (poll workers) - have been a consistent past practice in accordance with section C14-1 of the Town Charter and chapter 44 of the Town Code. In addition, albeit less frequently, is the Board’s approval of the dismissal of Town employees as also referenced under the Charter.

Accordingly, and subject to further public discussion of the process at the upcoming BOS meeting, for the consistent application of such approval policy and procedures by current and future management and Selectmen, the following Resolution is proposed for consideration and vote by the Board of Selectmen on January 3, 2023.

RESOLUTION BY THE BOARD OF SELECTMEN OF THE TOWN OF NEW CANAAN

TOWN EMPLOYEE EMPLOYMENT APPROVAL BY THE BOARD OF SELECTMEN

Whereas, the TOWN CHARTER (Article XIV Section C14-1) - **Personnel under jurisdiction of Selectmen** - states that [t]he appointment and dismissal of *all employees* of the Town except those who are elected or are under the jurisdiction of the Board of Education, the Fire Commission, or the Police Commission, *shall be made by the Selectmen, and*

Whereas, the TOWN CODE OF ORDINANCES - **Personnel Rules and Regulations** (Chapter 44), the Board of Selectmen is identified as the ultimate authority to approve hires recommended by department heads; and

Whereas, the purpose of the ordinance is to give effect to the provisions of the New Canaan Town Charter providing for the **establishment of rules and regulations** and a plan of classification and compensation for all Town employees; and

Whereas, the Selectmen have previously reviewed and approved employment positions brought before the Board; and

Whereas, according to the Town's attorneys, past practice and interpretation is a valid method to ascertain the intent of local law; and

Whereas, there are **four classifications of employment status for Town employees** including: *Full Time, Part Time, Seasonal and Temporary employees*; and

Whereas, the Board of Selectmen and management wish to implement a **consistent and codified process for seeking Selectmen approval of new hires, promotions, transfers and dismissals**;

Be it therefore *RESOLVED*, that

- Subject to the provisions outlined in the Town Charter, the appointment and dismissal of all new **Full Time and Part Time employees** will be subject to the approval by the Board of Selectmen; and
- Generally, on a quarterly basis, a review and appointment of groups of **Seasonal employees** - such as camp counselors, lifeguards, Lapham instructors - will be brought before the Board of Selectmen for approval; and
- The hiring of **Temporary employees** - such as poll workers, consultants, GetAbout drivers/dispatchers and any employees expected to provide less than 20 hours per week of employment service - will not require appointment by the Board of Selectmen; and
- When positions are brought before the Board of Selectmen, the director of Human Resources will review and attest to followed employment policies and practices, and any exceptions, for job postings, interviews, background checks, salary ranges, benefits for positions being proposed, and whether the position(s) is/are budgeted or unbudgeted; and
- On January 3, 2023, the Board of Selectmen will retroactively approve a current list of specific Part Time and Seasonal employees that have not been previously approved by the Board.

I look forward to the discussion and commitment to the appointment policies and procedures on January 3, 2023.

Respectfully submitted,

Kathleen A. Corbet, Selectman

Attachment: List of current Town Employees not previously approved by the Board of Selectmen

Attachment: For Approval by the Board of Selectman – Town Employees not previously approved

Department Description	Job Title	Employee Name	EE Type
<u>Part Time Positions - Requiring BOS Approval</u>			
10054131 Assessor	Administrative Assistant	Besser, Eileen	Part Time
10054117 Finance	Special Projects Staff	Mantilia, Robert R	Part Time
10054151 Land Use	Administrative Assistant	Birck, Karen	Part Time
10054151 Land Use	Part-time Land Use Records Manager	Soljour, Shawn Kelley	Part Time
10054151 Land Use	PT - Land Use Consultant	Laux, Christopher R	Part Time
10054151 Land Use	Town Planner - Part Time	Kleppin, Steven P.	Part Time
10054524 Lapham Center	Administrative Assistant	Stiles, Stephanie	Part Time
10054201 Police	Crossing Guard	Bianco, Nick	Part Time
10054201 Police	Crossing Guard	Cross, John J	Part Time
10054147 Town Clerk	Administrative Assistant	Wynter, Sharon	Part Time
10054521 Waveny	Waveny Wedding Coordinator	Knowles, Phoebe D	Part Time
<u>Seasonal Positions - Requiring BOS Approval</u>			
10054524 Lapham Center	Lapham Teacher	Albertson, Mark W.	Seasonal
10054524 Lapham Center	Lapham Teacher	Cardamone, Debra J.	Seasonal
10054524 Lapham Center	Lapham Teacher	Ericsson, Althea	Seasonal
10054524 Lapham Center	Lapham Teacher	Generoso, Joyce A.	Seasonal
10054524 Lapham Center	Lapham Teacher	Hess, Michael	Seasonal
10054524 Lapham Center	Lapham Teacher	Lee, Jae Kyung	Seasonal
10054524 Lapham Center	Lapham Teacher	Lehnert, Georgia A	Seasonal
10054524 Lapham Center	Lapham Teacher	Malagoli, Lisetta	Seasonal
10054524 Lapham Center	Lapham Teacher	McKay, Tiffany L	Seasonal
10054524 Lapham Center	Lapham Teacher	Mednick, Nelly	Seasonal
10054524 Lapham Center	Lapham Teacher	Pradella, Ellen	Seasonal
10054524 Lapham Center	Lapham Teacher	Rasmussen, Helen D	Seasonal
10054524 Lapham Center	Lapham Teacher	Rhoades, Geri	Seasonal
10054524 Lapham Center	Lapham Teacher	Watson-Stribula, Mary	Seasonal
10054524 Lapham Center	Lapham Teacher	Williams, Suzan	Seasonal
10054524 Lapham Center	Lapham Teacher	Zaccagnino, Peter W	Seasonal
10054522 Paddle Tennis	Tennis Attendant	Festo, Margaret	Seasonal
10054522 Paddle Tennis	Tennis Attendant	Landeck, Manning A	Seasonal
10054522 Paddle Tennis	Tennis Attendant	Morley, Abigail C	Seasonal
10054522 Paddle Tennis	Tennis Attendant	Morley, Edward	Seasonal
10054520 Rec Admin	Administrative Assistant	Aguilar Heger, Adriana A	Seasonal
10054520 Rec Admin	Administrative Assistant	Serena, Lauren	Seasonal
10054520 Rec Admin	After School Monitor	Steigler, Hannah	Seasonal
10054520 Rec Admin	BASF - After School Enrichment	Riter, Adrienne D	Seasonal
10054520 Rec Admin	Paddle Attendant	Heibeck, Fred	Seasonal

Temporary Positions - Not Requiring BOS Approval

10054401 Health	Part Time Nurse	Ballard, Aimee A	Temporary
10054401 Health	Part Time Administrative Assistant	Esposito, Jenny	Temporary
10054401 Health	Part Time Health Dept	Jossem, Nicholas B	Temporary
10054401 Health	Part Time Administrative Assistant	Kaiser, Laryssa T	Temporary
10054401 Health	Temp Employee	Samai, Ellen	Temporary
10054149 Registrar	Election Worker TEMP	Gerety, Philip C	Temporary
10054149 Registrar	Poll Worker	Bubrosky, Suzanne E	Temporary
10054149 Registrar	Poll Worker	DiMeglio, Angie A	Temporary
10054149 Registrar	Poll Worker	Doelger, Sally R	Temporary
10054149 Registrar	Poll Worker	Ferri, Rita	Temporary
10054149 Registrar	Poll Worker	Lobashov, Pavel	Temporary
10054149 Registrar	Poll Worker	Lurie, Richard C	Temporary
10054149 Registrar	Poll Worker	Noel Bentley, Marian H	Temporary
10054149 Registrar	Poll Worker	Stichter, Eliza M	Temporary