



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Personnel Sub-Committee

Regular Meeting

Thursday, January 14, 2021

Virtual Meeting Broadcast Live via SCTV

MINUTES – Adopted

Members Present: Eric Wellman, Wendy Mackstutis, Sean Askham

Staff Present: Maria Capriola, Melissa Appleby

Others Present: Michael Harrington (Town labor attorney), Andrew Socha (staff representative, Union), Anita Schwager (retired employee)

The meeting was called to order at 8:02am.

1) Approval of Minutes

a) December 10, 2020

The minutes of December 10, 2020 were approved as presented by consensus.

2) Step 4 Grievance Hearing, Grievant: Anita Schwager – Represented by CSEA Secretarial, Clerical and Librarian Bargaining Unit

Mr. Wellman made introductions between the parties and explained how the agenda would proceed.

Ms. Capriola presented management's position in this matter. She said that Ms. Schwager received the wages that were negotiated and set forth in the collective bargaining agreement. At the Union's request, she was offered a pay upgrade prior to her retirement to which she was not entitled, which amounted to an increase of approximately 5% as provided for in the collective bargaining agreement, and consistent with recent past practice for comparable situations when positions were upgraded. She said that the estimated difference in pay for Ms. Schwager's final five weeks of employment that was sent to the union was calculated incorrectly during the expedited process; she did in fact receive an increase equivalent to approximately 5%. There was no violation of the contract.

Mr. Socha presented the union's position in this matter. He said that Ms. Schwager has been an ideal employee of the Town since 1990, and provided an overview of her employment history with the Town. He said that Ms. Schwager met the qualifications for the revised Assistant Town Clerk II job description that was approved by the Board of Selectmen in October 2020. He said that the Town recognized the need to do a market adjustment for this position, and that he asked for it to be made effective before Ms. Schwager retired. He said that the contract states that the increase in salary should be at least 5%, and that the Town could have made it more than that.

Mr. Wellman asked clarifying questions regarding the change in rate of pay, and asked for confirmation that Ms. Schwager was paid the correct rate both before the adjustment and after. Discussion ensued regarding the need to upgrade the job descriptions for the Assistant Town Clerk I and II positions, and the timing of those changes. Mr. Askham noted that the Town was not required to make these changes based on the contract, and asked what contract language is being debated.

Mr. Socha read the email from Ms. Capriola that included an estimated increase that Ms. Schwager would receive based on these changes. Discussion ensued regarding this estimate, whether the union verified it, and the need for the change to be approved by the Board of Selectmen. Mr. Askham noted that the Board of Selectmen approves the classification, not an estimated dollar impact. Mr. Harrington said that the personnel action form reflected the Town's understanding, and that the union did not have to sign it. He said that both parties agree there was a mistake.

Mr. Wellman noted that the request from the union was only made for the Assistant Town Clerk II, and that the Town offered to move up the timing of the adjustment for the Assistant Town Clerk I as well. Ms. Mackstutis said the only issue is that the estimate was too high, and asked whether the union would have asked the Town to correct the mistake if it had been too low. She clarified that the email from Ms. Capriola provided an estimated dollar amount, and did not reference the grade and step.

Ms. Mackstutis made motion to move to executive session at 8:47am. The motion was seconded by Mr. Askham. All were in favor and the motion passed unanimously.

3) Executive Session – Personnel – Step 4 Grievance Deliberations, Grievant: Anita Schwager – Represented by CSEA Secretarial, Clerical and Librarian Bargaining Unit AFSCME

Mr. Wellman, Mr. Askham, Ms. Mackstutis, and Mr. Harrington met in executive session. The Personnel Sub-Committee and Mr. Harrington left executive session at 8:56am.

4) Step 4 Grievance Decision, Grievant: Anita Schwager – Represented by CSEA Secretarial, Clerical and Librarian Bargaining Unit

Mr. Wellman said that there was no violation of the collective bargaining agreement. The Town had no obligation to implement the pay grade change ahead of schedule that benefited Ms. Schwager. Mr. Askham made a motion to deny the grievance. The motion was seconded by Ms. Mackstutis. All were in favor and the motion passed unanimously.

Mr. Askham made motion to adjourn at 8:58am. Ms. Mackstutis seconded the motion. All were in favor and the motion passed unanimously.

Respectfully Submitted,
Melissa Appleby
Deputy Town Manager