



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Personnel Sub-Committee

December 12, 2019

7:30AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

REGULAR MEETING AGENDA

Call to Order

- 1) Vacancies and Reappointments to Boards, Commissions and Committees for Personnel Sub-Committee Review
- 2) Board of Selectmen Rules of Procedure
- 3) Draft Anti-Harassment Policy
- 4) 2020 Meeting Schedule
- 5) Approval of Minutes
 - a) November 25, 2019

Adjournment

Board /Commission		Expiration Date	First Name	Last Name	Party
AQUIFER PROTECTION AGENCY		2019-12-02	Joseph	Campolietta	D
AQUIFER PROTECTION AGENCY		2019-12-02	Thomas	Frank	D
AQUIFER PROTECTION AGENCY		2019-12-02	Donna	Beinstein	D
AQUIFER PROTECTION AGENCY		2019-12-02	David	Ryan	D
AQUIFER PROTECTION AGENCY		2019-12-02	Gavin	Schwarz	R
AQUIFER PROTECTION AGENCY		2019-12-02	Gerald	Post	R
BOARD OF ASSESSMENT APPEALS	ALTERNATE-VACANT U	2019-12-02			U
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Sally	Rieger	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Candace	Brohinsky	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Rebecca	Rosenthal	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Chris	Kelly	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Gene	Ott	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Heather	Mudano	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Hannah	Reynolds	D
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Cheryl	Cook	R
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Nancy	Scheetz	R
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Richard	Holden	U
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Marc	Lehman	U
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Thomas	Steen	U
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Karen	Gallagher	U
COMMUNITY FOR CARE COMMITTEE		2019-12-02	Sarah	Gwinn	U
FLOOD & EROSION CONTROL BOARD		2019-12-02	Chris	Kelly	D
FLOOD & EROSION CONTROL BOARD		2019-12-02	Eric	Wellman	D
FLOOD & EROSION CONTROL BOARD		2019-12-02	Chris	Peterson	D
FLOOD & EROSION CONTROL BOARD		2019-12-02	Cheryl	Cook	R
FLOOD & EROSION CONTROL BOARD		2019-12-02	Mike	Paine	R
FLOOD & EROSION CONTROL BOARD		2019-12-02	Sean	Askham	R
HEARING OFFICERS	SEAT 1	2019-12-02	Robert	Moran Jr	U
HEARING OFFICERS	SEAT 2	2019-12-02	Stephen	McDonnell	U
HEARING OFFICERS	SEAT 3	2019-12-02	Donald	Kipetz	U
HOMETOWN HERO SELECTION	PREVIOUS HOMETOWN HERO	2019-12-02	T.J.	Donohue	D
HOMETOWN HERO SELECTION	BUSINESS LEADER	2019-12-02	Thomas	Horan	D
HOMETOWN HERO SELECTION	HISTORICAL SOCIETY	2019-12-02	Elaine	Lang	D
HOMETOWN HERO SELECTION	FIRST SELECTMAN	2019-12-02	Eric	Wellman	D
HOMETOWN HERO SELECTION	VETERANS GROUP	2019-12-02	Leonard	Lanza	U
HOMETOWN HERO SELECTION COMMITTEE	BOARD OF SELECTMEN	2019-12-02	Mike	Paine	R
OPEN SPACE COMMITTEE	FIRST SELECTMAN	2019-12-02	Eric	Wellman	D
OPEN SPACE COMMITTEE	AT-LARGE	2019-12-02	Helen	Peterson	D
OPEN SPACE COMMITTEE	ZONING COMMISSION	2019-12-02	David	Ryan	D
OPEN SPACE COMMITTEE	PLANNING COMMISSION	2019-12-02	William	Rice	R
OPEN SPACE COMMITTEE	CONSERVATION COMMISSION	2019-12-02	Margery	Winters	R
OPEN SPACE COMMITTEE	CULTURE, PARKS & REC	2019-12-02	David	Bush	R
OPEN SPACE COMMITTEE	AT-LARGE	2019-12-02	Timothy	Walczak	R
OPEN SPACE COMMITTEE	AT-LARGE	2019-12-02	Susan	Masino	U
TECHNOLOGY TASK FORCE		2019-12-02	Lawrence	DiSciacca	D
TECHNOLOGY TASK FORCE		2019-12-02	Ramon	Rosati	D
TECHNOLOGY TASK FORCE		2019-12-02	Mark	Orenstein	D
TECHNOLOGY TASK FORCE	FILLED VACANCY-APPT 6/24/19	2019-12-02	Paul	Kelley	R
TECHNOLOGY TASK FORCE		2019-12-02	Michael	Doyle	R
TECHNOLOGY TASK FORCE		2019-12-02	Elizabeth	Peterson	R
TECHNOLOGY TASK FORCE		2019-12-02	Harald	Bender	U
TECHNOLOGY TASK FORCE		2019-12-02	John	Jahne	U
TECHNOLOGY TASK FORCE		2019-12-02	Jeremy	Wallman	U
TECHNOLOGY TASK FORCE		2019-12-02	William	Rucci	U
TECHNOLOGY TASK FORCE		2019-12-02	Evan	Marks	U



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BOARD OF SELECTMEN RULES OF PROCEDURE

§A162-1. Adoption of standards. The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

§A162-2. Inclusion of items on agenda; distribution of agenda. When possible, the agenda along with relevant resource material will be distributed to the Board members four (4) days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than two hours after the beginning of the meeting. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

§A162-3. Placement of items on agenda by Board member. A member of the Board may have an item placed on the agenda by contacting the First Selectman or Town Manager at least seven days prior to the meeting.

§A162-4. State of the Town Message. The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.

§A162-5. Public participation. One period of not less than twenty minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify himself/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.

Board of Selectmen

Telephone (860) 658-3230
Facsimile (860) 658-9467

www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

Rules of Procedure

§A162-6. Time placement of agenda items. When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

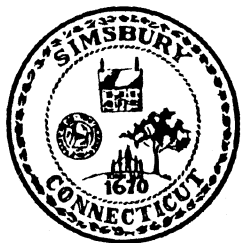
§A162-7. Routine agenda items. All other items of a routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

§A162-8. Executive session. The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

§A162-9. Votes and minutes of Board of Selectmen. In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled Freedom of Information Act, the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within forty-eight hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's Office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's web-site when available.

§A162-10. Completion of meetings. It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

§A162-11. Expiration. These Rules of Procedure will be in effect until the end of the Board's term on December 6, 2021.



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TOWN OF SIMSBURY

Anti-Harassment Policy

Adopted by the Board of Selectmen on [month] [day], [year]

I. Purpose

The Town of Simsbury (Town) is committed to providing and maintaining a work environment in which everyone is treated fairly and with respect and dignity. The Town strictly prohibits sexual harassment and harassment towards anyone, including, but not limited to, legally recognized and protected classes based on race, religion, age, sex, marital status, sexual orientation, gender identity or expression, genetic information, national origin, ancestry, military service, veteran status, or disability except in the case of, bona fide occupational qualification or business necessity. All Town officials and employees are expected to comply with this policy. The principles and complaint procedures set forth in this policy apply to sexual harassment and all other forms of harassment involving agency employees.

The Town of Simsbury will not tolerate a hostile work environment or harassment in any form. Management will not use its authority to harass employees, take or fail to take personnel action as a reprisal against an employee for resisting or reporting any act of harassment, or tolerate any harassment, verbal or physical, of an employee towards another employee. Anyone who engages in such conduct will be subject to discipline up to and including immediate discharge. All supervisory staff members are responsible for regularly reminding employees of this policy, and all are responsible for seeing that our workplace is free of harassment.

A. Sexual Harassment. As the prevention of sexual harassment deserves special attention, some sections of this policy focus directly on sexual harassment. The policy establishes a zero tolerance standard for all forms of sexual harassment towards any employee.

B. Other Forms of Harassment. This policy is also applicable to the harassment of members of a legally protected class and other harassment visited upon a Town employee, as such behavior is not only unfair, but also may impede the Town's service to the public.

II. Prohibited Conduct

The Town of Simsbury will not tolerate harassment as defined in this policy by anyone, including any supervisor, co-worker, vendor, citizen, resident, client or customer, whether in the workplace, at assignments outside the workplace, at Town-sponsored (social) functions.

III. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

IV. Definition

A. **“Sexual harassment”** is a form of sex discrimination, prohibited by both state and federal law (see C.G.S. § 46a-60(a)(8) and Title VII of the Civil Rights Act of 1964).

“Sexual harassment” means any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the person; or
3. such conduct interferes with a person’s work performance or creates an intimidating, hostile or offensive working environment.

The offender or the victim of harassment may be either a man or a woman. Also, harassment can involve people of the same or the opposite sex.

B. **“Harassment”** is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or unduly annoys or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person’s work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance and/or discourage negative behavior or performance.

V. Examples of Harassment

While it is not possible to list all circumstances that may constitute harassment, the following are some examples of conduct which, if unwelcome, may constitute harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness.

A. Sexual Harassment Examples

- Unwanted sexual advances and explicit sexual proposals;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Suggestive comments, sexually oriented teasing or practical jokes;
- Foul or obscene body language or gestures;
- Display of printed or visual material that is foul, obscene or offensive;
- Sending or viewing jokes, pictures or other information by e-mail or the internet where the information is sexually-explicit, or where it ridicules a person’s ethnicity, religion, sexual-orientation or other unchangeable characteristics;

- Physical contact, such as touching, patting, pinching or brushing against another's body.

B. Other Forms of Harassment Examples

- Jokes about ethnicity, religious beliefs or practices, accents or gender-specific traits;
- Repeated, unscheduled demands for attention and time regarding matters of a non-urgent nature that interfere with an employee's ability to perform his or her routine job duties in a timely and effective manner;
- Any communication or action that is demeaning, rude or inflammatory or otherwise incites anger, hurt, fear or embarrassment in the receiver of the communication or action;
- Unwanted questions or comments pertaining to any aspect of an employee's person or personal life;
- Unwanted contact at an employee's home or in public when an employee is off duty. Examples of unwanted contact may include but are not limited to: calling an employee at their personal cell phone or land line; emailing an employee at their personal email address; and physically approaching and/or berating employees about work matters when the employee is off duty.

VI. Reporting Harassment

A. Victims of Harassment. If you believe that you are being harassed, you should clearly and promptly tell the offender that you want them to stop the behavior. If for any reason you do not wish to confront the offender directly or if confrontation does not successfully end the harassment, you shall immediately report the harassment to any one of the following people:

- Your supervisor or manager; or
- The Human Resources Coordinator; or
- The Deputy Town Manager; or
- The Town Manager

Any employee who believes that he or she has been harassed in the workplace in violation of this policy may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, Capitol Region Office, 450 Columbus Boulevard, Hartford, CT 06031. (TELEPHONE NUMBER 860-566-7710; TDD NUMBER 860-566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (TELEPHONE NUMBER 617-565-2300; TDD NUMBER 617-565-3204). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 300 days of the date when the alleged harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

B. Employees Who Witness Harassment. Any employee who witnesses harassment or becomes aware that another employee has been subjected to prohibited harassment is urged to immediately report the conduct to one of the individuals listed above.

C. Supervisors and Managers. Any supervisor or manager who receives a complaint about harassment, retaliation or who believes that someone is engaging in conduct that may be prohibited must immediately report it to the Town Manager or Deputy Town Manager. Ignoring such conduct is not acceptable and may subject the supervisor or manager to disciplinary action.

VII. No Retaliation

The Town strictly forbids retaliation against employees who report harassment or who participate in internal or external investigations of harassment. The Town will not engage in any such retaliation nor will it permit employees to do so. The Town will not tolerate retaliatory citizen behavior/actions towards employees whom have reported harassment or participated in a harassment investigation. All employees shall report all instances of retaliation to one of the individuals listed in section VI.A of this policy.

VIII. Investigating Complaints

The Town's policy is to take all complaints and reports of harassment seriously. All complaints and reports will be investigated promptly, impartially and discreetly. Once a complaint is received, an investigation will be undertaken immediately and all necessary steps taken to resolve the problem. Employees have a duty and are obligated to participate in investigations when asked. Investigation of such matters will usually entail conferring with involved parties and any named or apparent witnesses. Where investigation confirms that harassment has occurred, the Town will promptly take corrective action. Discipline up to and including discharge from Town service, banning from Town facilities or property, or legal action may be implemented by the Town after the respondent to a complaint has had a chance to present their side of the case, and to rebut the claims made against him or her. In all cases, including those in which a harassment complaint is made against someone who is not a town official or employee, every effort will be made to ensure that the principles of due process of law are afforded to every respondent. In this context, depending on the circumstances, due process includes, but is not limited to, the right to sufficient notice of the claims against the respondent, the right to counsel paid for by the respondent and the opportunity to rebut the allegations of the complaint in the presence of a fair and impartial decision maker.

IX. False Reports

Disciplinary action may be imposed if the Town determines that a false complaint was made under this policy.



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Maria E. Capriola - Town Manager

To: Ericka Butler, Town Clerk
Cc: Personnel Sub-Committee
From: Maria E. Capriola, Town Manager
Date: December 12, 2019
Re: Personnel Sub-Committee – 2020 Regular Meeting Schedule

At their meeting on October 25th the Personnel Sub-Committee agreed by consensus to establish a regular meeting schedule for 2020. Meetings will be held monthly on the second Thursday at 7:30 am.

Meeting dates are as follows:

January 09, 2020
February 13, 2020
March 12, 2020
April 09, 2020
May 14, 2020
June 11, 2020
July 09, 2020
August 13, 2020
September 10, 2020
October 08, 2020
November 12, 2020
December 10, 2020

The meetings will be held in the Main Meeting Room of the Town Hall, located at 933 Hopmeadow Street. Meetings will be properly noticed in accordance with FOIA requirements.



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Personnel Sub-Committee Special Meeting

Monday, November 25, 2019

Main Meeting Room, Town Hall, 933 Hopmeadow Street

MINUTES - DRAFT

Members Present: Sean Askham, Eric Wellman

Staff Present: Maria Capriola, Eric Gomes, Attorney Mike Harrington

The meeting was called to order at 8:15am.

1) Step 3 Grievance Hearing, Grievant: Robin Newton – Administrative and Professional Employees Represented by CSEA

Union representation present included Dave Glidden (CSEA Executive Director).

The Union provided an overview of its position and the remedy being sought. Discussion occurred.

2) Executive Session – Pursuant to CGS §1-200(6)(B), Pending Claims and §1-200(6)(E), Attorney Client Privileged Document – Personnel Step 3 Grievance Deliberations, Grievant: Robin Newton - Administrative and Professional Employees Represented by CSEA

Mr. Wellman made the motion, seconded by Mr. Askham to enter into executive session. The motion passed unanimously. Mr. Askham and Mr. Wellman entered into executive session at approximately 9:00am, with Attorney Harrington present. They left executive session and re-entered open session at 10:03am.

3) Step 3 Grievance Decision, Grievant: Robin Newton – Administrative and Professional Employees Represented by CSEA

Mr. Wellman made a motion, seconded by Mr. Askham to deny the grievance on the basis that Ms. Newton was still on probation, and therefore the matter is not arbitrable. Motion passed unanimously.

4) Approval of Minutes

The minutes of November 14, 2019 were approved by consensus.

Adjourn

The meeting adjourned at 10:04am.

Respectfully Submitted,
Maria Capriola
Town Manager