

CHAPTER 15. Personnel

Sec.15-1. Established;
Membership.

Sec. 15-5. Subpoena of
Witnesses.

CHAPTER 15. PERSONNEL

ARTICLE 1. PERSONNEL APPEALS BOARD.¹

Sec.15-1. Established; Membership.

There is established the Personnel Appeals Board consisting of three (3) regular members, not more than two (2) of whom shall be members of the same political party, and three (3) alternate members, not more than two (2) of whom shall be members of the same political party.

Sec. 15-2. Duties.²

Duties of the Personnel Appeals Board shall be as provided in the Charter and in the personnel ordinance.

Sec. 15-3. Qualifications and Affiliations of Members.

Insofar as possible, the members of the Personnel Appeals Board shall be selected so that there shall be one (1) member associated with labor, one (1) member associated with management, and one (1) member not associated directly with either management or labor. No member of the Board or alternate panel shall be a Town Employee, official or member of any board or commission of the Town. The alternates shall be appointed from the same categories as the regular members.

¹Charter Reference: As to Personnel Board, see Sec. 7.4.

²Charter Reference: As to the Personnel Department, see Sec. 5.7.

Sec. 15-4. Appointment and Term of Members.

One (1) member of the Personnel Appeals Board shall be appointed by the Mayor for a term of two (2) years, and two (2) members shall be appointed by the Council for terms of one (1) and three (3) years respectively. The alternates shall be appointed for the same terms and in the same manner as the regular members.

Sec. 15-5. Subpoena of Witnesses.

(a) The Personnel Appeals Board shall have the power to issue subpoenas to any person whom the Board deems necessary as a witness in any matter pending before it.

(b) If any person subpoenaed, as herein provided shall fail to appear at the time and place, on due proof by affidavit of personal service upon the person subpoenaed, filed with the Clerk, or if any person appearing shall refuse to testify or to answer any question relative to the matter under inquiry, or produce any

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books, records, contracts or other papers required to be produced by the subpoena and under the control of the witness, except those persons lawfully claiming any right or privilege under the law to justify failure to testify or answer, such person or witness shall be deemed guilty of a misdemeanor.

(c) The Board may, by petition, invoke the aid of the Superior Court in requiring the attendance and testimony of witnesses, and the production of all books, papers and documents for the court, and may issue subpoenas in the usual manner requiring the attendance of any witness to testify and to produce all books, papers and documents before the Commission.

(d) In case of refusal to obey a subpoena or to answer any personal questions propounded by the Board, the Court may issue an order requiring such person to appear before the Commission and to produce books, papers and documents if required, and to give evidence touching matters under investigation.

Sec. 15-6. Right of Involved Parties to Witnesses.

Any person who is involved in any investigation before the Board and who is legally entitled to a hearing before the Board, shall be entitled to process to compel the appearance of witnesses in his behalf.

Sec. 15-7. Residency for Town Employment.

(a) An applicant for employment by the Town need not be a resident of the Town at the time of filing an application for employment.

(b) Residents of the Town shall be given a three (3) point credit on the entrance level examination for employment with the Town. Such three (3) point credit shall only be added to the score of any person passing the entrance level examination. The credit shall not be used to attain a passing grade.

(c) The three (3) point credit provided for herein shall only be used at the entrance level. Such credit shall not be used for promotion or any other purpose except for entrance level examinations.

Sec. 15-8. Oath of Office.

(a) All persons elected or appointed by the Town shall, before commencing their duties, take the following oath, if not otherwise provided by statute:

"I, _____, do hereby pledge that I will perform all the duties and meet all the responsibilities of my position as _____ for the Town of East Hartford, in a manner that will benefit the welfare of the Town of East Hartford, and its citizens; uphold and enforce the Town Charter and the Code of Ordinances; and maintain a strict code of personal ethics, avoiding any situation that approaches a conflict of interest or violation of any law, so help me God."

(b) The person administering the oath, to be determined by State Statute, shall be responsible for recording the names of the individuals sworn in with the Town Clerk.

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Sec. 15-8a. Annual Review of Wage Chart.

Sec. 15-11. Interest.

Sec. 15-8a. Annual Review of Wage Chart.

On or before February 1, 2002 and annually thereafter, the Town Council shall review the wage chart for non-union classified service positions and town directors, and may make appropriate adjustments to the wage chart to maintain equitable wages for such positions.

Voted: 10-16-01
Published 10-26-01
Effective: 11-16-01

ARTICLE 2. CODE OF ETHICS.

Sec. 15-9. Declaration of Policy.

If local government is to maintain the public trust and confidence, then it must insist that public officials, officers, and employees be as far removed as possible from private and conflicting interests in the performance of their public responsibilities.

A comprehensive code of ethics is necessary to insure that public office not be pursued or used for the purpose of personal gain, and that public officials and employees have clear guidelines for ethical standards of conduct in the best interests of the Town. Public office and employment is an honored privilege and the sole loyalty of public officials and employees in the performance of their public duties should be to the people of East Hartford. Reasonable disclosure of private interests for major officials of the Executive Branch as indicated, and outside and future limitations on employment for certain public officials are necessary and desirable to safeguard the paramount public interest.

Sec. 15-10. Applicability.

The provisions of this Article shall apply to all officials, officers, and employees of the Town, whether subject to the personnel merit system or otherwise, and to the Corporation Counsel, Department Heads, and all other officers and employees.

Sec. 15-11. Interest.

Interest means direct or indirect pecuniary or material benefit accruing to public officials, officers, and employees as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town except of such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Code, a public official, officer, or employee shall be deemed to have an interest in the affairs of:

- (a) any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

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- (b) any person or business entity with whom a contractual relationship exists with the public official, officer, or employee;
- (c) any business entity in which the public official, officer, or employee is an officer, director, or member having a financial interest in, or employed by;
- (d) any business entity in which the stock of, or legal or beneficial ownerships of, in excess of five percent (5%) of the total stock or total legal and beneficial ownerships, is controlled or owned directly or indirectly by the public official, officer, or employee.

Sec. 15-12. Ethical Standards of Conduct.

Public officials, officers and employees shall be held to the following ethical standards in the performance of their duties:

(a) They shall not grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the Town.

(b) They shall not promise an appointment or the use of influence to obtain an appointment to any municipal position as a reward for any political activity.

(c) They shall not act or vote in any official capacity upon a promise of any future reward. Any reward so offered shall be immediately reported to the Mayor and the Corporation Counsel.

(d) They shall not disclose confidential information concerning the property, government or affairs of the Town except upon proper legal authorization or as required under the State's Freedom of Information laws.

(e) They shall not use information acquired in the course of their employment, and not generally available to the public, to advance their financial or other private interests, including the interests of friends or relations.

(f) They shall not use or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official, officer, or employee in the conduct of official business or such use as in connection with exchange of private equipment for use by the Town, as certified by the appropriate lending agency.

(g) They shall not represent, work for, or solicit business for private concerns during times when they are being paid to perform their public responsibilities.

(h) They shall not discriminate against any public official, officer, or employee for the filing of a complaint alleging a violation of the Code of Ethics.

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Sec. 15-13. Disclosure and Disqualification Required:

Sec. 15-14. Gifts.

(i) They shall not engage in the sale of goods or services to any Town agency, board or commission, or have an interest in the depositories of the Town, other than routine checking or savings account. The Town Council may waive this provision for specific goods or service contracts found to be in the best interests of the Town. This provision shall not affect existing contracts at the time of adoption of this ordinance.

(j) They shall not decide or participate in a decision or hearing in which they have an interest.

(k) They shall not attempt to influence for a purpose contrary to the provisions of this Article, any other Town official or State official in the conduct of the other official's duties. This provision shall not be construed to prohibit statements made at public meetings or hearings, positions taken during collective bargaining sessions, or public statements otherwise covered by freedom of speech guarantees.

Sec. 15-13. Disclosure and Disqualification Required: Ex Parte Communication.

(a) When an official, officer or employee has any interest as provided in this Article, which is or reasonably may be incompatible with or in conflict with any of his or her official duties or acts, he or she shall disclose such conflict as soon as it is known or discovered, whether publicly or to his or her superior, and shall refrain from participation in any discussion thereof, and he or she shall disqualify himself/herself and not participate in the decision or act affected thereby. Effective: 3-20-92

(b) An official, officer, or employee shall not consider any ex parte or private communications from any person, which he or she knows is or reasonably may be intended to influence unlawfully the decision on the merits of any matter where a determination is required by law to be made on the record after opportunity for hearing to interested parties. Any such ex parte or private communication received and considered shall be made a public record by the recipient or reported to his superior. If orally made, the substance of the conversation shall be written down. A communication to the Clerk of the Council, the clerk of any Town agency or department concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. This subsection shall not apply to legal advice rendered by the Corporation Counsel and shall not apply to technical advice or explanation rendered by or at the request of appropriate Town officials.

Sec. 15-14. Gifts.

No official, officer or employee of the Town shall accept or receive directly or indirectly from any person, firm or corporation any gift, rebates, money, or anything of value, if such person, firm or corporation presently has a contract or purchase order with the Town, or a pending application before the Town, and such official, officer or employee has a decision making role with

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respect to such contract, purchase order or application. If an official, officer or employee has received any gift, rebate, money, or anything of value amounting to fifty dollars or more within a year prior to such contract, purchase order or application, said official, officer or employee shall disqualify himself or herself from any decision making role affecting such contract, purchase order or application.

"Gift" shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or the parent, brother or sister of such spouse or such individual, or the child or spouse of such child; or food or beverage or both, per year, the cost of which is less than fifty dollars per person.

Sec. 15-15. Representing Private Person Prohibited.

No official, officer or employee shall act as broker, agent, attorney, representative or employee of any person in his or her business dealings with the Town or its agencies or agencies of the State operating for the Town or represent private interests before the Town except that the Corporation Counsel or any of his or her assistants shall be allowed to represent clients in a private capacity in the Courts of the State of Connecticut. The Corporation Counsel and his assistants shall not represent any person or company in any business dealings with the Town or any of its agencies. This section shall not be construed to prevent members of boards and commissions appointed by the Council or Mayor or any close business or professional associate of such member, from participating in matters with the Town where such participation has no relationship to the board of commission to which the member was appointed, nor shall participation include the preparation of surveys, or site plans when such are not prepared for presentation to the board or commission upon which such member serves, nor shall this Section prevent any such person from appearing before any Town agency on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of his or her civic obligations wherever no retainer, compensation or gift has been accepted in connection with such representation.

Sec. 15-16. Limitations on Political Activity.

All Department Heads appointed by the Mayor and not in the Classified Service of East Hartford may not:

1. Use his or her official authority or influence for the purpose of interfering with or affecting the result of a municipal election in East Hartford; or
2. Actively participate in soliciting funds for a partisan candidate or a political

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party from any person or firm, in an East Hartford municipal election.

Sec. 15-17. Financial Disclosures.

The Mayor, each director, and all attorneys within the Office of Corporation Counsel, shall annually make a financial disclosure on forms prepared by the Mayor and reviewed by the Corporation Counsel. Such forms shall, at a minimum, require the same information as required on the annual disclosure forms of the State Ethics Commission. The disclosure forms shall be filed with the Town Clerk and be available for public inspection, except for those portions where there is a legitimate need for privacy. The confidential portions of the forms, however, shall be filed with the Town Clerk in sealed envelopes and made available to civil or criminal authorities upon proper subpoena.

Sec. 15-18. Prohibition of Employment.

For a period of one year after leaving Town office or employment the following officers, officials or employees shall be prohibited from practicing before the following boards, agencies and commissions for profit, provided that nothing herein shall prohibit such individuals from seeking licenses, permits and other Town benefits on their own behalf as private citizens:

(a) The Corporation Counsel and any full-time or part-time Assistant Corporation Counsel shall not practice before the Zoning Board of Appeals, the Planning and Zoning Commission, the Inland Wetlands/Environment Commission, the Board of Tax Review, and the Personnel Appeals Board.

(b) The Director of Development, the Town Planner, the Director of Inspections and Permits, and the Town Engineer shall not practice before the Zoning Board of Appeals, the Inland Wetlands/Environment Commission, and the Planning and Zoning Commission. (Effective: 11/18/88)

(c) No member of the Planning and Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands/Environment Commission, the Board of Tax Review, and the Personnel Appeals Board shall practice before the commission, board or agency on which he or she served.

(d) If the Mayor or any member of Council is an attorney, he or she shall be subject to the same prohibitions applicable to the Corporation Counsel above

Sec. 15-19. Board of Ethics.

There is hereby created a Board of Ethics which shall be charged with the enforcement of this Code of Ethics. Said board shall consist of three electors of whom no more than two shall be of the same political party. The Mayor shall nominate one member and one alternate. The Mayor shall also make efforts to insure that the other nominees are selected in a method to insure the integrity of

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the Board and the confidence of the public. It is the desire of Council that the Mayor select one member and one alternate from a list of no less than four recommendations to be submitted by the Council's Majority Leader, and that the final member and alternate be selected from a list of no less than four recommendations to be submitted by the Council's Minority Leader. They shall be submitted for confirmation to the full Council. The members and alternates shall serve for five year terms, or until their successors are chosen. The terms of individuals filling a vacancy shall expire with the terms of the remaining members and alternates. Any vacancy of a member shall be filled by the alternate appointed in the same manner as the vacating member. Any vacancy in an alternate position shall be filled through appointment and confirmation in the same manner as the vacating alternate. No member or alternate on the board shall serve in any other Town office of position.

The Board shall adopt rules of procedure which it seems necessary to carry out its duties. All such rules shall be filed with the Town Clerk and made available for public inspection. The Board shall elect a chairperson on an annual basis. The chairperson shall be responsible for submitting a budget to the Mayor, if such a budget is deemed necessary. The Mayor shall have the discretion to reduce or increase the Board's proposed budget, but shall advise Council of the budget initially requested by the chairperson. the chairperson shall have the exclusive authority to employ individuals within the Board. All Board purchases, however, shall be made through the Town's Purchasing Department.

Sec. 15-20. Complaints.

The Board of Ethics shall receive complaints from any person of any alleged violation of the Town's Code of Ethics. Any complaint received by the Board must be in writing and signed by the person making said complaint. The Board shall, at its first regular meeting, select an individual of integrity to receive complaints from persons who wish to remain anonymous. Any person who desires to make a complaint anonymously shall meet with such designated individual. If said designated individual determines that such complaint may have merit, he or she shall bring a written complaint to the Board. If said designated individual reveals the name of any person making a complaint anonymously, he or she shall be fined one hundred dollars (\$100.) and be dismissed, after hearing, by the Board.

Upon receiving a complaint of an alleged violation of the code, the Board shall, within three days, notify in writing, through certified mail, the person against whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and enclosing therewith a copy of the complaint. The party so notified shall be advised that he or she shall have the right to file a response within ten days and may, within said time period, demand a hearing by the Board. If a hearing is so requested, it shall be convened within twenty days after such request. If no request for a hearing is made, the Board, by a majority vote, shall determine within thirty days after the mailing of the notice of such complaint whether a hearing is required.

In the event a hearing is to be held, the complainant and the person against whom such complaint is filed, shall be notified in writing, through certified mail, of the date, time and place of the hearing. - In such hearing, the person against whom such complaint is filed shall have the right to counsel, to

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confrontation of all witnesses, to cross examine, and to present evidence on his or her own behalf. All such hearings shall be tape recorded. Hearings shall be conducted by a panel of three consisting of the three Board members, or in the absence of one or more board members, by the alternate or alternates appointed in the same manner as the absent member or members.

In the event that a hearing is held, the Board shall render a decision within ten days of the final day of said hearing. In the event no hearing is held, the Board shall render a decision within thirty days of the receipt of the complaint.

If the Board has not been provided with a secretary, all notices and decisions required herein shall be typed by one of the Mayor's secretarial staff.

Sec. 15-21. Sanctions.

If the Board finds that there is a violation of the Town's Code of Ethics, it may impose any of the following sanctions:

- (a) fines of up to one hundred dollars;
- (b) an order to return any gifts improperly received;
- (c) a statement of censure to be included in the personnel file of the offending party; and/or
- (d) a recommendation that the official, officer, or employee resign or be suspended, demoted or terminated from employment

In addition to such sanctions against an offending party, the Board may order the reconsideration of any town department or administration action involved in a violation of the Code. If the Board has reason to believe that a criminal statute has been violated, it may contact the state's or town's criminal authorities. The Board may also recommend that legal action be initiated by the Corporation Counsel against an offending party.

Sec. 15-22. Advisory Opinions.

Where any public official, officer, or employee has a question as to the applicability of any provision of this Code to a particular situation, or as to the definition of terms used herein, he or she may apply to the Corporation Counsel for an advisory opinion. If the public official, officer, or employee requests, his or her name shall be kept confidential, but any opinion issued by the Corporation Counsel shall be available for public inspection with the names deleted. Good faith reliance by a public official, officer, or employee on such an advisory opinion shall be a complete defense to any complaint brought before the Board of Ethics.

August 28, 1987

Section 15-23. Disability Retirement Benefits.

- (a) If the Retirement Board of the Town of East Hartford determines, in its sole and absolute discretion, that an eligible employee has become permanently

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and totally disabled, the employee may retire with a disability benefit in accordance with the provisions of subsection (b) of this section. In determining that an eligible employee has become permanently and totally disabled, the Retirement Board must decide that on the basis of medical evidence, the eligible employee is physically or mentally unable, as a result of bodily injury or disease, to engage in or perform the regular duties of any position in the Fire Department if the eligible employee is a member of the Fire Department or the Police Department if the eligible employee is a member of the Police Department, and such disability was not the result of the eligible employee's own willful misconduct and will be permanent and continuous for the remainder of the life of the eligible employee. Willful misconduct includes but is not limited to (1) disability resulting from an intentionally self-inflicted injury; (2) disability which was contracted, suffered or incurred while the eligible employee was engaged in or resulted from having engaged in a felonious enterprise; and (3) disability resulting from chronic alcoholism or addiction to narcotics.

(b) If the eligible employee became permanently and totally disabled during the performance of essential duties pertaining to the eligible employee's employment as a firefighter or police officer, as the case may be, the eligible employee is eligible to retire and receive a monthly service-connected disability benefit. The monthly amount of such disability benefit will be one-twelfth of fifty percent of the eligible employee's final average salary or the annual rate of pay, whichever is greater. If the eligible employee has completed twenty years or more of credited service, the amount of the disability benefit will be calculated in the same manner as the employee's pension under the Town of East Hartford's Retirement Plans for Full Time Employees of the Fire Department and Police Department using the eligible employee's credited service and final average salary or annual rate of pay as of the eligible employee's permanent and total disability date. Such disability benefit shall be paid for as long as the eligible employee remains totally and permanently disabled. In no event shall such service connected disability benefit, together with any regular benefits awarded from worker's compensation exceed one hundred percent of the eligible employee's final average salary or the eligible employee's annual rate of pay at the date of disability.

(c) As used in this section:

- i. "eligible employee" shall mean a full-time active employee in the Service of the Town of East Hartford's Fire Department or Police Department;
- ii. "final average salary" shall mean: (A) for persons hired before December 31, 1994, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Final average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary and any lump sum resulting from unused accrued terminal/sick leave and unused vacation subject to the maximums contained in the collective bargaining

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agreement of the union of which the eligible employee was a member.; (B) for persons hired after January 1, 1995, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Anal average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary;

- iii. "credited service" shall mean the number of full years of continuous service and fractions thereof to the nearest completed month with the town of East Hartford, as determined by the Retirement Board, completed by the eligible employee from the date the employee is included in the town of East Hartford's retirement system as determined by the Retirement Plan for the Police or Fire Department employees, as the case may be, to the earlier of the eligible employee's date of termination or employment, or the eligible employee's actual retirement date, provided the eligible employee shall not receive credit for any period during which the employee did not make necessary employee contribution in accordance with Retirement Plan for the Police or Fire Department employees, as the case may be.

The definitions and terms of this section shall be construed as to be consistent with the Town of East Hartford Retirement Plan under which the eligible employee has retired.

- (d) The provisions of this section shall be applicable to disability retirement benefits paid on or after January 1, 2002.

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