

Draft, Final Copy Approved on _____

**Town of Montville Town Council
Public Hearing Meeting Minutes of Monday, December 13, 2010
Town Council Chambers – 5:30 p.m.**

Vice Chairperson Hillman called the meeting to order at 5:30 p.m. and read the following into the record;

The Town of Montville
Notice of Public Hearing on Proposed Ordinance
Monday, December 13, 2010

The Montville Town Council will hold a public hearing at the Montville Town Hall, Council Chambers, 310 Norwich New London Turnpike, Uncasville, Connecticut on Monday, December 13, 2010 at 5:30 p.m. to receive public comment and questions regarding the proposed ordinance entitled “Ordinance Establishing a Department of Human Resources”. The ordinance establishes a department of human resources, therefore assisting the Mayor in hiring, termination, retention, promotion, performance, counseling, and review of all personnel and shall be the repository of all personnel records which shall be confidential and shall administer the personnel policies required by the Town Charter, all collective bargaining agreements, and all other labor agreements ratified by the Town Council, except those of the Board of Education, the Water and sewer Commission and the Housing Authority for utilizing the assistance of the Department of Human Resources for administration of any and/or all aspects of human resources, including, but not limited to labor agreements.

A copy of the full text of the ordinance is available for inspection at the Montville Town Clerk’s office during regular office hours and its posted on the Town’s website at www.townofmntville.org.

Dated at Montville, Connecticut this 3rd day of December, 2010

Lisa Terry, Town Clerk

**TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING**

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a special meeting of the Town Council held December 2, 2010 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Meeting Room, December 13, 2010 at 5:30 P.M.

**AN ORDINANCE ESTABLISHING A
DEPARTMENT OF HUMAN RESOURCES**

THE TOWN OF MONTVILLE HEREBY ORDAINS:

§ 114-1. Created.

There shall be an administrative department of the Town of Montville known as the “Department of Human Resources.”

§ 114-2. Duties.

The Department of Human Resources shall be responsible for assisting the Mayor in the hiring, termination, retention, promotion, performance counseling, and review of all personnel for all departments, boards, commissions, and authorities, except the Board of Education, the Water and Sewer Commission and the Housing Authority.

The Department of Human Resources shall be the repository of all personnel records which shall be confidential, and shall administer the personnel policies required by the Town Charter, all collective bargaining agreements, and all other labor agreements ratified by the Town Council, except those of Board of Education, the Water and Sewer Commission and the Housing Authority.

Any additional duties and responsibilities of the Department of Human Resource shall be established by resolution of the Town Council, except as otherwise set forth below.

§114-3. Appointment of Director; Director; powers and duties.

- a. The office of the Mayor shall recommend not fewer than three qualified candidates for the position of or any vacancy in, the Director of Human Resources to the Town Council for selection.
- b. The Mayor shall then appoint and may remove a Director of Human Resources who shall be responsible for the efficiency, discipline, and good conduct of the Department of Human Resources.
- c. The Director of Human Resources shall supervise assistants and employees of the Department of Human Resources and prescribe their duties.
- d. Within six (6) months after the adoption of this ordinance and every two years thereafter, the Director of Human Resources will present to the Town Council for its approval, a policy and procedure to address complaints alleging discrimination based upon any legally protected class.
- e. The Director of Human Resources shall exercise his or her powers and discharge his or her duties under the supervision of the Mayor.
- f. The personnel rules required by §C902 of the Town Charter shall include procedures for grievances brought by the Director of Human Resources, including procedures for the hearing of such grievances by the Town Council.
- g. The job description for Human Resources Manager presented to the Council in March 2010 is accepted and re-titled as Director of Human Resources; this

description may be updated and/or amended from time to time by resolution of the Town Council.

§114-4. Agreements with the Board of Education, the Water and Sewer Commission, and the Housing Authority.

The Mayor is authorized to enter into agreements with the Board of Education, the Water and Sewer Commission, and the Housing Authority for utilizing the assistance of the Department of Human Resources for administration of any and/or all aspects of human resources, including, but not limited to labor agreements.

§114-5. Salaries.

Any salaries and benefits and paid to the Director of Human Resources or other employees of the Department of Human Resources shall be established upon recommendation of the Mayor as provided in §C906 of the Town Charter.

§114-6. Effective Date.

With the exception of Section 114-3 A and that portion of Section 114-3 B related to appointment, all provisions of this ordinance shall be effective pursuant to §C312 C of the Charter. Upon the effective date, the current employee performing human resources functions shall become Director of Human Resources. Sections 114-3 A and that portion of Section 114-3 B related to appointment will then become effective and apply to future hiring processes for the Director of Human Resources.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 3rd day of December 2010.

Lisa Terry, Town Clerk

Vice Chairperson Hillman asked three times if there was anyone from the public who would like to address the Council regarding this public hearing.

Mr. Dick Wilson, Richard Lane, came forward to address the Council. He stated one of the advantages of a public hearing is there is not limit on speeches and he does not have to limit everything he wants to say to three minutes. He stated the public ordinance indicates the Council did not heed the advice of Councilor Beetham at the December 2, 2010 meeting to put this issue off for a couple of months. He stated there is no way the Council can adopt this ordinance as it is currently written because it is a flawed document, not only because of the issues he has raised in the past regarding Section 114-3, but also the last section, 114-6 is problematic. He discussed potential for unfair labor practices. He indicated if someone was to listen to the discussion at the

December 2, 2010 meeting, there is a consensus that a Human Resource entity of some type is needed, but there is no consensus of how this entity should be established within the framework of the Town Charter and the needs of the Town and the Town's employees. After hearing the answers to the questions he gave to the Mayor at the December 2nd meeting, he is satisfied that the correct procedures were followed for the position that was advertised, however perception is everything and the perception of most of the employees and the general public is that this position is another administrative assistant to the Mayor, like Cathy Cubilla that has some expertise in the field of human resources. This perception was reinforced when the door to the office of the Human Resource position was located directly across the hall from the Mayor's office. This does not give a warm and fuzzy feeling to an employee with a problem that requires confidentiality, regardless of what Ms. Christopher may profess to. If the majority of the Councilors are satisfied with this arrangement they can continue to fund this position, recognizing this position can be eliminated at any budget session in the future. If the Councilors are serious about the future of the town and recognize the growing complexities in labor relations, benefits and insurance require a better way, then you have to establish a department or office for Human Resources, by ordinance that is modeled after private business practices. In private industry where the profit motive prevails, business and management people have learned over time that the most productive employees are happy employees, so they go out of their way to hire human resource people who not only know all the laws and regulations, but who also know how to create a work environment that meets that goal. They locate the human resource office away from the executive offices so the employees can feel comfortable and have a sense of confidentiality. Here in town hall you could locate the human resource office in the office being vacated by the Justice of the Peace. He suggested the Town Council establish an ad-hoc committee that includes at two people who are not councilors, one with a person with a background in business and management, and the other a person with experience writing legislation and who has knowledge of the Town Charter and State Statutes but who is not a lawyer because the lawyers have screwed up this process enough as it is. He believes this committee could draft an ordinance that would satisfy the voters of Montville and provide for the needs of the Town's employees.

Vice Chairperson Hillman asked three times if there was anyone from the public who would like to come forward to speak regarding the proposed ordinance. There being none, the public hearing regarding this matter was closed at 6:35 p.m.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville