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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

September 8, 2004

Mayor Mark D. Boughton
Members of the Common Council

Re: **Personnel Director**

The Common Council Committee appointed to review the Personnel Director's position met on August 23, 2004 at 7:00 P.M. in Conference Room 3C. In attendance were committee members Nolan, Saracino and Esposito. Also in attendance were Mayor Mark Boughton, Attorney Gabe Jiran of Shipman and Goodwin, Director of Finance Dena Diorio, Director of Public Works William Buckley, Fire Chief Peter Sicienski, Council Members Basso, Cavo, Calandrino, McMahon, Teicholz, Visconti, Seabury, Stanley and Urice, ex-officio and members of the public.

Mr. Nolan stated that the committee was called in response to a letter from Bernard Gallo dated June 30, 2004. The letter raised several questions. The first was regarding the Mayor's budget for fiscal year 2004-05 transferring the duties of the personnel director to the Director of Finance. Mr. Gallo states that this is in direct conflict with, and in violation of, the Charter. The second question concerns the payment of salary and benefits to the former director and if there is a legal basis for her being paid without performance of duties. A third question is who has the responsibility for separation agreements and payments. Next, it is stated that the former director cannot be a consultant or advisor to the Personnel Department because there is no provision in either the 2003-04 or 2004-05 budgets to pay for an advisor. Lastly, it is stated that if she is performing consulting duties, the terms of her employment and duties must be disclosed and the Common Council must make the decision that this work is commensurate with the full salary and benefits of the position of Personnel Director. The other items in the letter are editorial opinion and rumors, which this committee will not address.

Mr. Nolan asked Mayor Boughton to address the scope of the Charter and the transfer of duties. The Mayor gave an overview of the reorganization plan. During the last budget deliberations he was looking for ways to save taxpayer dollars and decided not to fund the position of Personnel Director. He immediately came to terms with Ms. DeSantie regarding the end of her employment with the City and then transferred the

title to the Director of Finance as had been done under previous administrations. Dena Diorio assumed the position of Personnel Director as of July 1, 2004 as she meets the qualifications as outlined in the Charter.

Mr. Nolan asked Attorney Jiran if this is consistent with the Charter. Attorney Jiran stated that there are two pertinent clauses in the Charter regarding this issue, section 6-6 and section 6-15. The Mayor has the authority to appoint and remove both positions outlined in these sections. There is no prohibition on one person holding both positions. The issue is not addressed anywhere else in the Charter.

Mr. Nolan asked Attorney Jiran to address the question of the settlement of disputes having to be confirmed by the Common Council. Attorney Jiran stated that it is important to note that there has been no settlement of any dispute. There is a separation agreement. The Charter authorizes the Mayor to set the terms and conditions of such agreements and it is the same for employment agreements for employees not covered by collective bargaining units. There is a constraint that money that has not been appropriated cannot be spent. Section 7-9 looks at the entire budget and there can be transfers of funds as long as the appropriation does not exceed the amount appropriated. The use of the Personnel Director in a consulting capacity falls under the same guidelines.

Mr. Nolan asked Mayor Boughton to explain the expectations of the consulting agreement to the extent that there was one. Mayor Boughton stated that it is his belief that everyone needs time to transition out of a job and that the department needed time as well. To keep Ms. DeSantie in the building during this time of transition would have meant she would become involved in new problems as they occurred. He wanted the City to be able to call on her if needed. It has not happened yet, but in the fall she will be needed for some cases that will be heard.

Mr. Nolan asked if the committee members had any questions. Mr. Esposito asked what did happen with the Director of Personnel and Mr. Nolan stated that the Mayor had already answered that question. Mayor Boughton reiterated that it had to do with reorganization. Mr. Nolan asked Mr. Gallo if he would like to address the committee. Mr. Gallo said all his questions had been answered and he was satisfied.

Ms. Saracino made a motion to receive the correspondence and take no action. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

VINCENT P. NOLAN, Chairman

MARY G. SARACINO

JOHN J. ESPOSITO