

**TOWN OF EAST HARTFORD PERSONNEL APPEALS BOARD
SPECIAL MEETING MINUTES**

Monday, November 1, 2021
Virtual Meeting via Microsoft Teams

Present:

Personnel Appeals Board Members

Shaun Jones, Chair
Godfred T. Ansah
Richard Bates
Rosamond White, Alternate

Appellant

Ofc. Jason Guerrero

Counsel for the Personnel Appeals Board

Richard Gentile, Assistant Corporation Counsel

Other

Michael Daniels, Clerk

CALL TO ORDER

Chair Shaun Jones called the meeting to order at 4:49 PM. Mr. Daniels called the roll.

Members indicated that they received the agenda via email and did not require one to be sent in the mail.

Mr. Bates moved to waive receiving the agenda via US Mail.

Mr. Ansah seconded. All voted in favor, none voted opposed.

Mr. Ansah moved to approve the minutes of October 13, 2021.

Mr. Bates seconded. All voted in favor, none voted opposed.

Atty. Gentile reported that he had sent a memo to the Board detailing that he had discussed the issues with Human Resources Director Theresa Buchanan. Based on her discussions with Ofc. Jason Guerrero and his ongoing grievance processes, she told Atty. Gentile that she believes additional discussion at this point would not be fruitful. Therefore, Atty. Gentile did not reach out to Ofc. Guerrero for further discussion. Atty. Gentile's memo to the Board included an attached memo from Atty. Scott Chadwick to Ms. Buchanan concluding that the Board has no authority to hear and make a determination on the appeals received at the October 13, 2021, meeting.

Chair Jones read the memo from Atty. Gentile, including the attached memo from Atty. Chadwick. He asked if the Corporation Counsel could provide a clarification on if the doctrine of res judicata, referenced in Atty. Chadwick's memo, applies to the Personnel Appeals Board. Chair Jones said the Board will be bound by the decision of the Corporation Counsel with regard to this jurisdiction.

Atty. Gentile said the opinion indicates that there are not multiple appeal rights and that appeals are limited to 15 days following the posting of an eligibility list, which takes place within 90 days following the date of the exam. He said the opinion details that a prohibition of multiple appeals follows from case law. Atty. Gentile also said the Board does not have the right to include individuals who did not file an appeal in their decisions on appeals from others.

Mr. Bates said he does not believe Ofc. Guerrero's appeal is litigating the same case but rather is bringing up a new issue. He also said he believes Ms. Buchanan's decision not to include seniority points when adding Ofc. Guerrero to the eligibility list is at odds with the Personnel Rules.

Atty. Gentile said the opinion from Atty. Chadwick is binding on the Human Resources Director, and this means the Human Resources Director is not be obligated to follow any decisions of the Personnel Appeals Board for the appeals received at the October 13, 2021, meeting. He said the eligibility list is active. He also said Ofc. Guerrero has other avenues to pursue his claims outside of the Personnel Appeals Board.

Ofc. Guerrero said he believes he has a right to appeal because he views the amendment to the eligibility list on September 2, 2021, as a new list. Mr. Bates said he agrees with considering this amendment as a new list. Atty. Gentile said that the Board already ruled on Ofc. Guerrero's appeal of this exam, and the Board refused to direct where names should be placed on the eligibility list, instead leaving this responsibility to the Human Resources Director. Atty. Gentile said he was not in a position to debate Atty. Chadwick's opinion but rather to let the Board know that the opinion states that the Board has no authority to hear and make a determination on the appeals received at the October 13th meeting.

Chair Jones said that while the Board did not specifically direct how the names should be placed on the list, they did not anticipate that Ms. Buchanan would not include seniority points when adding the names to the list. He asked for the Corporation Counsel to clarify if the Human Resources Director is able to not include seniority points when adding names to the eligibility list based on the decision of the Board.

Atty. Gentile said he believes the Human Resources Director properly executed the Board's decision in the appeal because she placed the names on the eligibility list, and the Board did not

specify where the names should be placed on the list. Chair Jones referred to the Board's recommendation of the creation of a Recruitment Manual. Ms. White said she thinks creating a manual would be beyond the scope of the Board's power to make recommendations.

Chair Jones, Mr. Bates, and Atty. Gentile continued to discuss the issues regarding the Board's lack of authority in the appeals received on October 13th, as detailed in Atty. Chadwick's memo.

Chair Jones asked for Corporation Counsel to provide the Board with a memo detailing if the Human Resources Director has the discretion to not include seniority points when placing names on the eligibility list as a result of the Board's decision in the appeal. Atty. Gentile said he can ask Atty. Chadwick for a clarification in this matter, but he does not believe the question is relevant because Atty. Chadwick has already provided a memo that states the Board does not have jurisdiction to hear and decide on the appeals received on October 13th. He said any further communications on the matter will be sent to the Board members by both e-mail and U.S. Mail.

The members scheduled a meeting for Monday, November 8, 2021, at 5:30 PM to review any further communications.

Mr. Bates moved to adjourn.

Mr. Ansah seconded. All voted in favor, none voted opposed.

Meeting adjourned at 6:50 PM