

TOWN OF WINDSOR, CONNECTICUT

Regular Meeting Notice



Board of Ethics

July 12, 2016

7:00 PM

Town Hall – Dr. Primus Room

AGENDA

1. Call to Order
2. Public Comment
3. Old Business
 - a) Review Advisory Opinion Letter for Bernard Petkis
4. New Business
5. Minutes of Preceding Meeting
 - a) *May 10, 2016
6. Adjournment

*Attachments

Public Act 75-312 requires notice of Special Meetings to be posted in the Town Clerk's Office not less than 24 hours prior to the time of such meeting. No other business shall be considered at this meeting than that listed on this Agenda.

June __, 2016

DRAFT

DRAFT

Mr. Bernard Petkis
___ Cleary Lane
Windsor, CT 06095

Dear Mr. Petkis,

The Board of Ethics met on May 10, 2016 to discuss your request for an advisory opinion. You sought our guidance concerning "what committees or areas" the Board might deem to pose "a conflict of interest while serving on the Council and employed by the Town of Windsor."

At the May 10 meeting you described your specific job responsibilities as a non-supervisory town employee as well as your role as a steward and member of your collective bargaining unit's Executive Board. As a union steward you may be involved as counsel to your fellow union members during disciplinary matters but are not involved in determining disciplinary decisions. You stated that per your employee association bylaws a steward is a member of the unit's Executive Board. Also, you indicated the bylaws call for the Executive Board to act as the negotiating team/committee in the collective bargaining process with town administration. In response to a question you stated there is no additional pay or compensation for serving on the Executive Board.

The consensus of the Board of Ethics' members present was as follows:

- State statute allows you to serve as a town council member while being employed as an employee of the town. The Town Attorney's thorough opinion on this subject need not be repeated. However, your statutory right to serve on the Town Council simply places you in the same position as any other town official or employee with respect to our Code of Ethics.
- The town's Code of Ethics, specifically Section 2-25 and 2-27, requires you to disclose any direct or indirect financial interests and to avoid conflicts of interest in your performance as an employee or as a town official. Therefore, you should disclose such interests and recuse yourself from discussions (including those that occur in Executive Session) and from votes that pertain to the terms of your

compensation, benefits and other conditions of employment (such as Personnel Rules), whether within or outside the scope of your collective bargaining agreement.

- You should not participate in contract negotiations or other votes or actions as a Council member related to matters of his union.

Similar the December 2013 advisory opinion related to Town Councilmember Govoni, The Board of Ethics advises that you may participate in the town council's budget process or other appropriation approvals, including those that relate to the Police Department, so long as doing so would be consistent with the requirements of Section 2-26 of the Code of Ethics. You should not participate whenever the terms and conditions of your employment are involved, as mentioned above. The Board members suggest that you seek further guidance should specific topics and facts of unforeseen issues warrant it. The members also urged you to use your best judgment and to contemplate how others might reasonably view particular situations.

Sincerely,

Jennifer Macierowski
On behalf of the Board

Cc: Town Councilmembers
Peter Souza, Town Manager

**TOWN OF WINDSOR
BOARD OF ETHICS
Town Hall – Dr. Primus Room
May 10, 2016
Special meeting
UNAPPROVED MINUTES**

1. CALL TO ORDER

Jennifer Macierowski called the meeting to order at 7:06 p.m.

Present: Jennifer Macierowski, Joan Ghanesh-Thompson, George Morgenthaler and Patrick Ring

Not Present: Timothy Fitzgerald

2. PUBLIC COMMENT – None

3. OLD BUSINESS

a) Advisory Opinion – Bernard Petkis

Ms. Macierowski recognized Town Councilor Bernard Petkis and asked him to present his request for an advisory opinion. Mr. Petkis explained, in addition to being an elected town council member that he is also a steward in his collective bargaining union. He is asking that the Board of Ethics provide guidance regarding possible conflicts under the town's Code of Ethics relative to his role as town council member and his role as a union steward. As a steward, he automatically is a member of the union's Executive Board. Mr. Petkis stated he agrees that he should not participate in negotiations or vote on collective bargaining agreements, although he feels he should be able to fulfill other responsibilities as a steward.

Ms. Macierowski asked Mr. Petkis to clarify the roles of union steward. Mr. Petkis stated as a steward he may be a party to employee disciplinary procedures and may provide a mentoring role. He further explained that according to union by-laws, a steward is a member of the union Executive Board, and in its entirety, the Executive Board acts as the contract negotiating committee / team.

Ms. Macierowski asked Mr. Petkis if he receives any pay or compensation as a member of the Executive Board. Mr. Petkis stated he does not receive extra compensation.

The Board discussed the matter as presented and a number of members noted that this situation appears to differ than that of Councilor Govoni's which the Board reviewed in 2013.

Ms. Macierowski stated she understood the concerns related to the appearance of a conflict, but felt the Code of Ethics addressed actual conflicts of interest and not appearance. Ms. Ghanesh-Thompson and Mr. Morgenthaler noted their general agreement.

After additional discussion among the board, Ms. Macierowski stated that it was important that Mr. Petkis recognize how his role as both elected official and a union steward might be viewed. Therefore, she felt Mr. Petkis should be careful not to take any actions or participate in discussions that could influence contract negotiations from either his Council or his steward role.

The board felt that two of the three primary elements of their December 2013 advisory opinion for Councilor Govoni were still relative to Mr. Petkis and should remain as written. However, the third point related to a leadership role in the bargaining unit should be refined to clarify that Mr. Petkis should not participate in contract negotiations or other votes or actions as a Council member related to matters of his union.

A motion was made by Ms. Macierowski, seconded by Ms. Ghanesh-Thompson, that staff prepare a draft letter for review by board members which refines the third element in relations to Mr. Petkis' role in union leadership.

Motion Passed 4-0-0

4. NEW BUSINESS - None

5. MINUTES OF PRECEDING MEETING

a) April 12, 2016

Mr. Ring moved and Ms. Thompson seconded to approve the unapproved minutes of April 12, 2016 as presented.

Motion Passed 4-0-0

6. ADJOURNMENT

Mr. Ring moved and Ms. Thompson seconded to adjourn the meeting at 7:32 p.m.

Motion passed 4-0-0

Respectfully Submitted,

Peter Souza
Town Manager