



Fiscal Committee - Board of Representatives

Monica Di Costanzo, Co-Chair

Lindsey Miller, Co-Chair

Committee Report

Date: Monday, January 24, 2022
Time: 7:00 p.m.
Place: *This meeting was held remotely on www.zoom.com*

The Fiscal Committee met as indicated above. In attendance were Co-Chairs Di Costanzo and Miller and Committee Member Reps. Boeger, Coleman, Fedeli, Figueroa, Florio, Morson, Nabel, Pierre-Louis, and Tomas. Also present were Reps. Cottrell, Goldberg, Sherwood, and Stella. Also present were Anita Carpenter, Grants Officer; and Doug Dalena and Kathryn Emmett, Law Department.

Co-Chair Di Costanzo called the meeting to order at 7:01 p.m.

Item No.	Description	Committee Action
-----------------	--------------------	-------------------------

The Committee first considered Item No. 2.

2. F31.018	RESOLUTION; Authorizing the Mayor to Enter into an Agreement with the Connecticut Department of Emergency Services & Public Protection for a State Homeland Security Grant Program. 12/13/21 – Submitted by A. Carpenter	Approved 11-0-0
----------------------------	---	------------------------

Ms. Carpenter explained that this is an annual homeland security grant. This is a regional grant, with \$411,224 being awarded to the region. The City of Stamford receives \$50,000 from the grant to act as fiscal agent.

A motion to approve Item No. 2 was made, seconded, and approved by unanimous voice vote (Reps. Di Costanzo, Miller, Boeger, Coleman, Fedeli, Figueroa, Florio, Morson, Nabel, Pierre-Louis, and Tomas in favor).

1. F31.003 \$350,000.00	ADDITIONAL APPROPRIATION (Operating Budget); Director of Law; Unanticipated Expenses Incurred After the FY 21/22 Budget was Adopted. 12/01/21 – Submitted by Mayor Simmons 11/10/21 – Approved by Board of Finance 5-0-0	Approved 8-3-0
--	--	-----------------------

Ms. Emmett and Mr. Dalena discussed Item No. 1 with the Committee. Ms. Emmett explained the following:

- This request was made in October
- The Law Department incurred a significant expense to conduct an investigation of a hostile work environment and interference of the operation of the school district functioning by senior staff and the Board of Ed. These claims were presented in March, after the budgeting process, so the expense of these claims were not included in the budget
- Budgeting for outside counsel is often less than actual expenditures, but if this investigation had not occurred, the department would have been in line with the budgeted amount

- It is an employer's absolute obligation when presented with a hostile work environment claimed by an employee, and this was actually a claim presented by about 10 employees, to do a thorough investigation to remove the circumstances that are causing the claim to be made in the first place, and to do a thorough investigation to determine what, if anything, needs to be done by the employer to protect the employees from working in a hostile work environment. . If the employer does not do that under the law, especially under Title 7, there can be very significant damage actions brought which could cost the city a tremendous amount of money. Apart from the need to be a responsible employer and to make sure the city workforce is working in a non-hostile work environment, it is incumbent on the corporation counsel to protect the city from failing to do things which if not done would expose the City to tremendous liability. .
- The Law Department retained highly respected outside counsel because this involved the elected Board of Education
- The investigation was extensive and thorough, and a number of claims were sustained; the report communicated types of behavior that had occurred and made recommendations about how to improve the circumstances so those conditions would not continue, the city and the Board of Ed would be protected from the risk of liability and the employees would not be subject to a hostile work environment.
- This investigation was a significant expense and the department is requesting \$350,000, which they believe will cover the remaining budget year

Ms. Emmett reviewed the [attached chart](#) with the Committee, detailing the Law Department Professional Services line item expenditures for FY 21/22

Committee members discussed this item with Ms. Emmett and Mr. Dalena. Responses to questions and comments included the following:

- This appropriation is to cover the professional services line until the end of the fiscal year, but would not have been needed if not for this investigation
- These types of expenses are not within the department's control because they can't anticipate claims being filed
- Outside counsel, such as bond counsel needs to be paid
- If the City had not done the investigation, it would likely have resulted in a multimillion dollar award or settlements that would have cost the taxpayers more money
- Since the BOE HR department is subordinate to the BOE, it would have been disempowered from doing an objective investigation
- Outside counsel is hired when it is not appropriate for the Corporation Counsel's office to do the work either because of the nature of the work or because it is more work than the office can handle
- The Law Department will try to prepare a more detailed breakdown of the expenses
- The Board of Representatives and Board of Finance have requested that the department be conservative in budgeting this line item and come back for additional funds
- There were 10 or more employees involved in this claim
- The City is the employer, not the Board of Education
- The City would pay for damage awards against the BOE if they were engaged in performing their duties, but not for gross misconduct or activities outside the scope of their authority; there is no insurance that would cover this investigation
- The department does keep track of expenses for a contract like this and did negotiate a reduction in the hourly rate
- The investigation is concluded, so there should not be any additional expense
- City employees have a legal right not to work in a hostile environment and the City has an obligation to protect employees from a circumstance that would be a hostile work environment
- A hostile work environment can be created by a contractor coming into the office; it does not have to be by an employee's supervisor

- They expect this amount to take them to the end of the fiscal year
- The complaint started with a verbal complaint to Ms. Emmett which was followed by an email; some of the claimants were in a protected class; this was not the first time the complaint had been brought up and other efforts had not produced any change
- The Board of Ed HR department might have had apprehensions about investigating the Board; that is why corporations set up reporting structures for complaints against supervisors outside of the chain of command
- As a result of the complaint, Ms. Emmett recommended that senior staff not report directly to the Board of Ed but that the superintendent became the direct report
- There was a log of various conversations to attempt to remedy the behavior
- In a case prior to Ms. Emmett's tenure where several complaints made by an employee were not investigated in the same way as this claim, the City ended up settling for several hundred thousand more than this investigation cost
- BOE members were offered their own counsel to respond to the requests of the investigation team, but those members who accepted ultimately refused to participate or be interviewed or provide documents
- This was not an adversarial proceeding but an investigation
- The \$376,000 ate up a lot of the budget; on an ongoing basis, the department spends about \$70,000 per month on outside counsel
- There were 13 concerns expressed and reported by staff regarding conduct by certain members of the Board of Ed, including:
 - encouraging a culture that fosters emotional distress for some or all members of the senior leadership team;
 - creating an intimidating or bullying work environment for senior leadership;
 - speaking to staff in an intimidating and demeaning manner when presenting information;
 - members of the board often suggest that one or more members of senior leadership are giving false information without providing any evidence that the information is not true;
 - regularly publicly criticize and/or admonish one or more members of the senior leadership team using false or unfounded information at public meetings;
 - making false and or inaccurate statements about implementation of curriculum and operations airing in the first instance at public meeting with no prior notice to superintendent or staff with no evidence of truth or a reckless disregard of truth
 - actions by board members as a whole or individual that may ruin professional reputation of one or more of the senior leadership team;
 - retaliatory actions for one or more members of the senior leadership team;
 - regular interference of the day to day operations of the school district;
 - direct personal involvement and complaints regarding Stamford public schools, undermining chain of command and organization area in the first instance of public meeting with no notice the superintendent or staff.;
 - Board members regularly inspecting and assessing daily operations of schools both physical structures and academic instruction to students with no basis or understanding of our processes and protocols
 - encouraging a culture of insubordination or complaint; and
 - sarcastic commentary, explicit verbal attacks, and/or criticism made publicly via emails between and among board members or via social media.
- The concerns fell into 2 primary areas – creation of a hostile work environment for the administration and alleged improper interference in the operations of the Stamford School District
- 11 of these complaints were sustained

- The firm was hired in order to protect both the employees and the Board members and resulted in recommendations so that the situation seems to have improved substantially

A motion to hold Item No. 1 was made, seconded and failed by a vote of 5-6-0 (Reps. Boeger, Coleman, Figueroa, Pierre-Louis, and Tomas in favor; Reps. Di Costanzo, Miller, Fedeli, Florio, Morson, and Nabel opposed).

A motion to approve Item No. 1 was made seconded and approved by a vote of 8-3-0 (Reps. Di Costanzo, Miller, Coleman, Fedeli, Florio, Morson, Nabel and Pierre-Louis in favor; Reps. Boeger, Figueroa, and Tomas opposed).

Co-Chair Di Costanzo adjourned the meeting at 9:43 p.m.

Respectfully submitted,
Monica Di Costanzo, Co-Chair

This meeting is on [video](#).