

Town of Fairfield
Ethics Commission

Special Meeting
October 9, 2023

MINUTES

(draft)

Recording Link: (to be posted)

Upon notice, a Special Meeting of the Ethics Commission was held on Monday, October 9, 2023 at 5:00 pm.

Ethics Commission members present:

Chairperson Nancy Billington, William Diaz
Gilbert Donovan, Paul Fattibene, and Donald Kleber.

Ethics Commission member absent:

(None)

I. Call to Order

Chairperson Nancy Billington called the public meeting to order at approximately 5:05pm.

II. Executive Session

Donald Kleber moved to go into Executive Session to discuss a Request for Advisory Opinion, which was duly seconded. The motion passed unanimously. The Ethics Commission went into Executive Session at approximately 5:07pm and came out of Executive Session at approximately 6:02pm.

III. Adjournment

There being no further business Donald Kleber moved to adjourn the meeting, which was duly seconded and passed unanimously. The meeting was adjourned at approximately 6:03pm

Respectfully submitted,

DRAFT

Paul A. Fattibene,
Secretary

Re: Request by Director of Human Resources, Cathleen A. Simpson, related to Senior Internal Auditor/Project Manager duties and role as Union President

Dear Cathleen A. Simpson,

The Ethics Commission received your written Request for an Advisory Opinion dated September 15, 2023, **hereinafter Request**.

Essentially, your Request related to whether a person employed by the Town of Fairfield as a Senior Internal Auditor/Project Manager could also be President of the Fairfield Professional and Technical Employees Association, **hereinafter PETA Union** without presenting a conflict of interest under the Standards of Conduct or Ethics Code.

The duties of a Senior Internal Auditor/Project Manager, **hereinafter Internal Auditor**, includes performing internal audits of Town departments and activities. The duties include identifying potential operational, financial, or compliance risks or potential fraud that warrant audit attention; conducting internal audits, including identifying data to be audited; conducting interviews; prepares audit work papers, notes, and final reports related to internal audits; conducts investigations on potential fraudulent activities, which includes: identifying abuse, waste, and/or fraud and preparing related reports; interviewing personnel; providing support to law enforcement agencies; and, performing related activities. (*Internal Auditor, Job Description*).

The PETA Union's members comprise of 49 Town employees in supervisory roles, including department head positions. Out of the 49 members, 23 members (47%) supervise and/or control operations which may be subject to internal audit. (*Request, page 1*) .

The Town of Fairfield Standards of Conduct require all employees to demonstrate the highest standards of ethical conduct so as to enable the public to have trust and confidence in the integrity of government. (*Charter, Article XI, §11.1*).

No Town employee shall engage in any activity which is incompatible with the proper discharge of the official duties or which may tend to impair the independence of judgment in the performance of the Town employee's official duties. (*Charter, Article XI, §11.2 (D)*).

The President is the chief executive officer. The role of the President of the PETA Union includes advocating for and representing Town employees who are members of the PETA Union in connection with alleged violations of the collective bargaining agreement as well as those facing disciplinary action. The President of the PETA Union is required to advocate and represent Town employees who are members of

the PETA Union and who are found to be in violation of Town policy when disciplinary action up to and including termination is being contemplated by the Town. (*Request, pages 1-2*). The PETA Union is obligated to submit and adjust or resolve grievances and disciplinary actions of Town employee members with the Town. (*PETA Union, Collective Bargaining Agreement, Article 24, Sections 1-7*)

The President of the PETA Union has a duty to the PETA Union and obligation to represent the interest of the employee members of the PETA Union against the Town. The duties and obligations of a President of the PETA Union to represent the interest of the PETA Union members is incompatible with the proper discharge of the official duties of an Internal Auditor for the Town. These competing duties and obligations to both the PETA Union member employee and the Town may tend to impair the independence of judgment in the performance of the official duties of the Town Internal Auditor.

Therefore, the **Advisory Opinion** of the Ethics Commission is that engaging in the activity of President of the Fairfield Professional and Technical Employees Association, PETA Union, may tend to impair the independence of judgment in performance of the official duties of a Town Senior Internal Auditor/Project Manager involving members of the Fairfield Professional and Technical Employees Association, PETA Union. This presents a conflict of interest under the Town of Fairfield Standards of Conduct.

Respectfully,

A handwritten signature in cursive script that reads "Nancy Billington". The signature is written in black ink and is positioned above the typed name.

Nancy Billington
Chairwoman,
Ethics Commission
Town of Fairfield, Connecticut

October 13, 2023