

**NOTICE OF REGULAR MEETING OF THE  
NEW HAVEN SOLID WASTE & RECYCLING AUTHORITY**

**THURSDAY, APRIL 9, 2020 AT 5:30 PM**

<https://newhavenct.zoom.us/j/7906676999?pwd=b1BSeDNISIFHSFEyWEZGZk1PWTdaQT09>

Meeting ID: 790 667 6999

Passcode: 823620

**AGENDA**

- 1) Call to Order
- 2) Presentation of the 2019 final audit report by RSM
- 3) Approval of Minutes from the January 9, 2020 and March 12, 2020 Regular Meetings
- 4) Treasurer's Report
- 5) Tonnage Report
- 6) Consideration and approval of change in User Fees
- 7) Review, approval & adoption of Administrative Policies
  - a.) ADA Disability Policy Statement & Administrative Procedures
  - b.) Sexual Harassment Policy Statement
  - c.) Equal Employment Opportunity Policy Statement
  - d.) Disciplinary Procedures Policy
- 8) Communication
- 9) Old Business
  - a. Status of Earth Day Celebration and other planned activities
  - b. Update on Construction Design Services by Fuss & O'Neil
- 10) New Business
- 11) Public Comments
- 12) Adjournment

**January 9, 2020**

**REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE  
NEW HAVEN SOLID WASTE AND RECYCLING AUTHORITY**

A regular meeting of the New Haven Solid Waste and Recycling Authority (the “Authority”) was held on January 9, 2020 at 5:30 p.m. in the New Haven Solid Waste and Recycling Authority’s Offices, 14 Trumbull Street, Suite 102, New Haven, CT 06511.

Board members present: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

Others present: Pierre Barbour, Executive Director  
Carleen Laffitte, Treasurer  
Malinda M. Figueroa, Secretary

Richard Miller began the meeting at 5:35 p.m. with the minutes of the December 12, 2019 regular meeting. Victor Fasano made a motion to approve the minutes with noted correction, seconded by William Augustine. There was no further discussion.

Voice Vote:

AYES: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

NAYES: NONE

ABSTENSIONS: NONE

Carleen Laffitte presented the treasurers report for December 2019.

Mr. Miller opened the nominations for Chairman and Vice-Chairman of the Authority. Mr. Fasano nominated Gerald Antunes as Chairman, seconded by Mr. Augustine. There were no other nominations. Mr. Fasano nominated Richard Miller as Vice-Chairman seconded by Mr. Augustine. There were no other nominations. Nominations were closed.

Voice Vote:

AYES: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

NAYES: NONE

ABSTENSIONS: NONE

Mr. Miller made a motion to have Carleen Laffitte continue as Treasurer and Malinda Figueroa continue as Secretary for the Authority. Mr. Fasano seconded the motion. There was no further discussion.

Voice Vote:

AYES: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

NAYES: NONE

ABSTENSIONS: NONE

Mr. Barbour reviewed the Transfer Station Attendant-Scale Operator job description and noted that the proposed salary was adequate for the expected duties and responsibilities. Mr. Miller asked that a pre-employment physical as well as drug testing be added to the job description. Mr. Barbour noted that all insurance requirements were in place and incumbent would receive a health care stipend.

Mr. Fasano made a motion to accept the job description with noted corrections seconded by Mr. Augustine. There was no further discussion.

Voice Vote:

AYES: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

NAYES: NONE

ABSTENSIONS: NONE

Mr. Barbour presented the tonnage report for December 2019.

Mr. Barbour stated that the e-commerce project was in its final testing stage. When activated it will free up staff time as Haulers will be able to operate their accounts via the online app to pay for their tags and add funds to their account. Mr. Barbour noted that the Wheeler Street development hearing was postponed until the new Alder could familiarize themselves with the proposal. There was no update on the Design Service contract due to the holidays.

Mr. Barbour informed the Board of the Semi Annual Stormwater Compliance Report findings under new business. Catch basins need to be bagged, pigeon control and general housekeeping was noted for correction.

There were no comments from the public.

Mr. Fasano made a motion to adjourn at 6:39 p.m., seconded by Ms. Abubaker. There was no further discussion.

Voice Vote:

AYES: D. Abubakar, W. Augustine, V. Fasano, and R. Miller

NAYES: NONE

ABSTENSIONS: NONE

Respectfully submitted,  
Malinda M. Figueroa  
Secretary

**March 12, 2020**

**REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE  
NEW HAVEN SOLID WASTE AND RECYCLING AUTHORITY**

A regular meeting of the New Haven Solid Waste and Recycling Authority (the “Authority”) was held on March 12, 2020 at 5:30 p.m. in the New Haven Solid Waste and Recycling Authority’s Offices, 14 Trumbull Street, Suite 102, New Haven, CT 06511.

Board members present: G. Antunes, W. Augustine, and R. Miller

Others present: Pierre Barbour, Executive Director  
Carleen Laffitte, Treasurer  
Malinda M. Figueroa, Secretary  
Alder Abigail Roth

Gerald Antunes began the meeting at 5:37 p.m. with the treasurers reports for January and February 2020 presented by Carleen Laffitte.

Mr. Barbour presented the tonnage reports for January and February 2020.

Mr. Barbour updated the Board on Fuss & O’Neil’s design of the new wall and canopy stating that Mr. Miller was reviewing the design set. Expect to have bid package out soon with a three-month construction period and anticipates a minimal interruption to citizen drop off areas.

Mr. Barbour stated that the Wheeler Street expansion permit was tabled again at this month’s City Plan Commission agenda.

Under old business Mr. Barbour stated that the ecommerce installation is complete. The debt service inquiry debt service balance is at \$5.355M as of June 30, 2020 and set to finish in the year 2028. Mr. Barbour has also attempted to meet with the Union President and the City’s new Labor Relations director concerning the Transfer Station Attendant-Scale Operator job description.

Under new business Mr. Barbour informed the Board that the Authority’s hybrid vehicle is out of service and is awaiting a new battery. The Authority plans to promote Earth Day activities by posting to our social media accounts about waste diversion ideas. He also informed the Board that the Authority was planning a Hometown Waste Day for the Fall 2020 and seeking to secure a staging area to provide multiple drop off opportunities for waste collection such as paint, electronics, etc. Mr. Barbour also attended the Environmental Advisory Committee meeting on March 4, 2020 to update the committee on the Authority’s goals and initiatives.

Review, approval and adoption of Administrative Policies, 2019 audit report presentation as well as approval of the January minutes will be tabled to April’s meeting as quorum is not met.

Mr. Barbour informed the Board that he had written and submitted a letter in support of CGA bill no. 5197 concerning slowing down when passing Garbage Trucks, Recycling Trucks and Oil Tank Vehicles.

There were no comments from the public.

Mr. Miller made a motion to adjourn at 6:28 p.m., seconded by Mr. Augustine. There was no further discussion.

Respectfully submitted,  
Malinda M. Figueroa  
Secretary

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## New Haven Solid Waste & Recycling Authority

### ADA Disability Policy Statement and Administrative Procedures

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**Purpose:** The purpose of this policy is to set forth federal legal obligations and acceptable standards of conduct for all Authority employees by providing a workplace free of discrimination, including harassment based on disability as defined in the Americans with Disabilities Act (42-USC 12101 et al). Harassment based on disability is a form of discrimination and is therefore unlawful and is prohibited by the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the Connecticut Fair Employment Practices Act.

**Issuing Authority:** The NHSWRA Board of Directors is the issuing authority for this policy.

**Enforcement Authority:** Daily administration is the responsibility of the Authority's Executive Director.

#### Policy

1. The NHSWRA will take disciplinary action against any employee or contracted persons under the employ of the NHSWRA, found to have engaged in discrimination or harassment of another employee based on disability. The extent of discipline will depend upon the nature and severity of the offense and may include warning, suspension, and termination.
2. The NHSWRA does not discriminate on the basis of disability in the hiring or promotion of its employees, nor does it discriminate in the terms and conditions of employment because of disability.
3. The NHSWRA will make a reasonable accommodation for an employee who is a qualified individual with a disability in order for them to perform the essential job functions of their position unless the accommodation creates an undue hardship, creates a direct threat to the employee or others, or is not otherwise required by the ADA.
4. The NHSWRA does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities.
5. The NHSWRA will make reasonable modifications to its policies, practices and procedures to ensure qualified individuals with disabilities have an equal opportunity to participate in the NHSWRA's programs, services or activities unless it fundamentally alters the program, service or activity, creates a direct threat to the employee or others, or is not otherwise required by the ADA.
6. This policy will be enforced at all levels under Authority purview including but not limited to employees, applicants for employment, vendors, volunteers and visitors.
7. Forms of discrimination or harassment based on disability may include treating someone with a disability adversely because of their disability, inappropriate and/or unwelcome comments, jokes, questions, or unwarranted disclosure of disability related information by employees and non-employees.

Examples of discrimination or harassment based on disability include but are not limited to:

- hostile behavior or comments about a person with a disability because they requested and/or received a disability related accommodation as required by law

- tampering with or using without permission medical equipment, assistive devices/technology or accommodation related equipment belonging to or used by a person with a disability
- use of degrading or slang terms when referring to someone with a disability (for information on appropriate terms and etiquette, contact the Connecticut Department of Developmental Services (CT.DDS) or the City of New Haven Department of Services for Persons with Disabilities (DSPD))
- inappropriate inquiries as to the existence, extent or treatment of someone's disability
- unwarranted disclosure of confidential disability related information
- denial of an employee benefit or opportunity because of an employee's disability
- jokes about disabilities or persons with disabilities
- engaging in the above stated conduct or harassing a person because they are associated with a person with a disability

***Complaint Procedure:***

- A. **Informal Procedure**. The informal process is discretionary and is not required prior to filing a formal complaint.

Any person who wishes to pursue the informal process should:

- promptly notify the offender that his/her conduct is unwelcome, inappropriate and illegal and should cease immediately, or
- make the complaint known to the Authority Executive Director and/or Board member, or
- notify the Chairman of the Authority Board of Directors, when the Executive Director is the offender, or the CT Department of Disability Services.

- B. **Formal Procedure**. In the event the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint to the Authority's designated ADA Coordinator:

- Immediately file the complaint, i.e., a written description of the offensive conduct with the NHSWRA'S Executive Director, and or CT.DDS.
- A written complaint should contain the name and address of the complainant and a description of the discriminatory or harassing conduct because of complainant's disability.
- All employment related complaints must be filed within 180 days of occurrence in accordance with State Law.
- The NHSWRA Executive Director must acknowledge receipt of the complaint within 10 days.
- The recipient of the complaint or his/her designee must undertake a thorough, objective and complete investigation of all allegations.
- The investigator(s) shall make a written report of the results of the investigation to the NHSWRA Board of Directors within 90 days of receipt of the complaint.

- Investigator(s) may consult with the Authority’s legal counsel or City and State officials on any formal complaint.
- The Executive Directors and/or members of the Board of Directors will endeavor to protect the confidentiality and legal rights of all parties involved.
- The Executive Director in conjunction with the Board of Directors shall take appropriate action to remedy the issues raised in the complaint.

Persons filing charges of disability discrimination or harassment are instructed to notify the investigator(s) of any retaliatory conduct.

**Definition of Disability under the Americans with Disabilities Act and for Purposes of this Policy**

In order to be granted protection under the Americans with Disabilities Act you must be a qualified individual with a disability. A qualified individual with a disability is a person that can perform the essential job functions of his/her position with or without a reasonable accommodation. Generally, a person has a disability if they have:

- a) a substantial impairment of a major life activity; or
- b) a record of a substantial impairment of a major life activity, or
- c) is regarded as having a substantial impairment of a major life activity.

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Issuing Authority: \_\_\_\_\_

Effective Date: \_\_\_\_\_

<p>Previously Revised: N/A A copy of this policy is available for review at the New Haven Solid Waste &amp; Recycling Authority administrative office, and on the NHSWRA’s website at <a href="http://www.nhswra.com">www.nhswra.com</a>.</p>
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## New Haven Solid Waste & Recycling Authority

### Sexual Harassment Policy State

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### Administrative Procedures

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**Purpose:** The purpose of this policy is to set acceptable standards of conduct for all NHSWRA employees by providing a work place free of discrimination based on race, sex, age, national origin, disability, veteran status, and sexual orientation. Sexual harassment is a form of sexual discrimination and is therefore unlawful (See definition page 3). Sexual harassment is prohibited by Civil Rights Act 1964 as amended in 1972, the Connecticut Fair Employment Practices Act amended effective October 1, 1980 and the Code of the City of New haven Sec. 12 ½.

**Issuing Authority:** The NHSWRA Board of Directors is the issuing authority for this policy.

**Enforcement Authority:** Daily administration is the responsibility of the Authority's Executive Director.

#### Policy

1. The NHSWRA will take disciplinary action against any employee or contracted persons under the employ of the NHSWRA found to have engaged in sexual harassment of another employee. The extent of discipline will depend upon the nature and severity of the offense.
2. In the event an investigation finds that the complainant falsely accused another employee of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate disciplinary action.
3. This policy will be enforced at all levels under the Authority's purview including but not limited to employees, applicants for employment, vendors, volunteers and visitors.
4. Forms of sexual harassment include unwanted sexual advances; employee harassment of non-employees; harassment of employees by non-employees; male harassing female coworker; female harassing male coworker; same-sex harassment; and unwanted physical contact.

Examples of sexual discrimination or sexual harassment include but are not limited to:

#### Verbal

- sexual propositions, sexual innuendo, or suggestive comments
- sexually teasing or kidding, practical jokes, jokes about gender specific traits
- whistling, cat calls, verbal slurs or stereotypic comments
- gender based remarks about someone's clothing, body or sexual activities
- requesting sexual favors in exchange for employment or to avoid negative consequences

#### Non-verbal

- giving gifts of a personal nature, sexually explicit materials such as posters, cartoons, pictures, calendars or similar materials
- displaying of foul or obscene printed or visual materials

## Physical

- touching or rubbing oneself sexually around another person
- hugging, patting, pinching, or brushing against another person's body
- sexual gestures with hands or through body movements
- assault, attempted rape, rape

### 5. Complaint Resolution:

- A. **Informal Procedure.** The informal process is discretionary and is not required prior to filing a formal complaint.

Any person who wishes to pursue the informal process should:

- promptly notify the offender that his/her conduct is unwelcome, inappropriate and illegal and should cease immediately, or
- make the complaint known to the Authority's Executive Director, or
- notify the Solid Waste Authority's Board Chairman, when the Executive Director is the offender.

- B. **Formal Procedure.** In the event the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint:

- Immediately file the complaint, i.e., a written description of the offensive conduct with the Executive Director or the State of Connecticut Commission on Human Rights and Opportunities.
- All complaints must be filed within 180 days of occurrence in accordance with State Law.
- The recipient, i.e.: Executive Director and/or the State of Connecticut Human Rights and Opportunities, must acknowledge receipt of the complaint within 10 days.
- A thorough, objective and complete investigation of all allegations will be undertaken by the recipient of the complaint or his/her designee.
- Investigator(s) shall make a written report of the results of the investigation to the Solid Waste & Recycling Board of Directors within 90 days of receipt of the complaint.
- Copies of the complaint and report will be provided to the complainant and respondent.
- Investigator(s) may consult with the Authority's legal counsel on any formal complaint.
- The Executive Director and Board of Directors will endeavor to protect the confidentiality and legal rights of all parties involved.
- The Executive Director or the Board of Directors, through its Chairman shall take appropriate actions.

6. Persons filing charges of sexual harassment are instructed to notify the investigator(s) of any attempt at retaliation. Retaliation by anyone is a violation of the Civil Rights Act Sec. 04(a). The Executive Director or the NSWRA Board Chairman (in the instance where the Executive Director is the party to the offense) will be required to:
- Mediate any informal complaints.
  - Notify the Director of Human Resources and/or the Affirmative Action Officer of anyone wishing to file a formal complaint.
  - Maintain files on all sexual harassment complaints.

### Definitions

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo), or
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
- c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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Issuing Authority: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Previously Revised: N/A

A copy of this policy is available for review at the NSWRA administrative offices and on the NSWRA's website at [www.nswra.com](http://www.nswra.com).

**New Haven Solid Waste & Recycling Authority**  
**Equal Employment Opportunity Policy Statement**

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**Purpose:** The purpose of this policy is to set acceptable standards for promoting and insuring equal employment opportunities in all aspects of employment with the NHSWRA, and to comply with all Federal, State and Local laws mandating Equal Employment Opportunity.

**Issuing Authority:** The NHSWRA Board of Directors, by its Executive Director, is the issuing authority for this policy.

**Enforcement Authority:** The Executive Director is responsible for ensuring departmental compliance with this policy.

**Policy**

It is the policy of the NHSWRA to promote the realization of equal employment opportunity through the adoption of specific practices designed to ensure that employment opportunity is equally available without discrimination on the basis of race, color, religion, sex, disability, national origin, political affiliation or sexual orientation.

To implement this policy, the NHSWRA will continue to:

- A. Recruit, hire, train and promote persons in all job classifications without discrimination on the basis of race, color, religion, sex, disability, national origin, political affiliation or sexual orientation.
- B. Base decisions on employment so as to further the principle of equal employment opportunity.
- C. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only appropriate requirements for promotional opportunities.
- D. Insure that all personnel actions (including but not limited to compensation, benefits, transfers, layoffs or return to work, NHSWRA sponsored training, education, tuition assistance, social and recreational programs) are administered without discrimination on the basis of race, color, religion, sex disability, national origin, political affiliation or sexual orientation.

Equal Employment Opportunity is not only the law, but also a core principle of the NHSWRA's operation. Each employee is expected to act in a manner that will achieve this goal.

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Issuing Authority: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Previously Revised: N/A

A copy of this policy is available for review at the NHSWRA administrative offices, and on the NHSWRA's website at [www.nhswra.com](http://www.nhswra.com).

## **New Haven Solid Waste & Recycling Authority**

### **Disciplinary Policy Statement**

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#### **Section 1**

The Executive Director of the NHSWRA, or their designee, shall exercise full disciplinary authority consistent with their administrative responsibility to direct employees to perform the required work duties in order to achieve the NHSWRA mission, goals and to provide satisfactory waste removal, disposal, recycling and/or diversion services in all its operations under the applicable New Haven Code or CT General Statutes.

#### **Section 2**

Discipline shall include either (A) A verbal warning; (B) A written warning; (C) A suspension without pay; or (D) Discharge and may be progressive in nature. Whatever disciplinary action is taken, the authority personnel recognize that the merits of a given situation play an important role in determining what action is appropriate, and as such, it is not the intent of this policy statement that all discipline will necessarily follow the order or steps cited above. It is the intent of this policy statement that whatever the action, such action shall be authorized by the NHSWRA Board through its Executive Director.

#### **Section 3**

All Disciplinary actions may be reconsidered only after a written notice is received by the Executive Director within 10 days of the written disciplinary notice.

#### **Section 4**

- (A) Employee shall only be disciplined for just cause.
- (B) All suspensions, discharges and warnings must be stated in writing and a copy given to the employee.

#### **Section 5**

- (A) All verbal warnings and written warnings shall be removed from the employee's record after a period of two (2) years if there has been no reoccurrence of the infraction and the employee has a good work record.
- (B) Once an employee has satisfied the prerequisites of (A) above, the Executive Director agrees to not consider removed infractions in other disciplinary matters.

#### **Section 6**

Employees who are discharged during a probationary period shall not have recourse to appeal said discharge.