

# CITY OF HARTFORD

## INTERDEPARTMENTAL MEMORANDUM

TO: Mayor Pedro Segarra, Darrell Hill

FROM: Henry Burgos, Human Resources Director

DATE: March 24, 2015

RE: Audit Report

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### **Background**

This memo addresses a recent audit report titled “Special Review of the Hiring Practices of Certain Employees” prompted by a recent citizen complaint inquiring about the influence of personal relationships on hiring. The memo will outline Human Resources’ (HR) position on this matter and what actions, if any, have been taken.

The audit report focuses on four hires within the Department of Public Works and their personal relationships with city officials. While this practice is not uncommon and does not violate any laws, it can be abused which is why the City created a Nepotism Policy per your direction. It should be noted that these hires occurred before the policy was implemented in November of 2013.

The policy specifically defines nepotism as:

*Conferring benefits and privileges based upon familial relationship, rather than on merit, and the appearance that benefits and privileges may have been so conferred, can harm the functioning of the City.*

And Conflict of Interest is defined as:

*Occurs when any officer, official or employee of the City, or any member of a board commission or agency of the City, engages in any act which advances personal interests and private financial interests over the interest of the general public. Such conflicts of interest undermine the public trust that City officials and employees will always act impartially in the public interest. Public officials should be particularly scrupulous in avoiding even the appearance of conflict of interest.*

Please note that the policy *only* applies to non-bargaining unit employees. Per your request and prior to my arrival, HR met with the leadership of each union including those from Local 1716 to discuss the implementation of the policy for all classified bargaining unit members. During the negotiations, the union claimed that the policy as written had an impact on members' condition of work and thus the City was required to negotiate. To date, those negotiations have not been successful. At present we have four union contracts to negotiate this calendar year. It is our intent to again address the implementation of this and several other policies.

As you are aware, hiring is the responsibility of the Department Head in collaboration with members of the Human Resources Department from the Employment Services Unit. This special review looked into four individuals who were hired and remain working at the Department of Public Works (DPW). The individuals are Garrett Borges, Arthur Moniz, Roderick Waller and Thomas Baptist.

#### Garrett Borges

Garrett Borges is the son of former Corporation Counsel, Sandra Kee Borges. Mr. Borges was a seasonal employee twice on April 28, 2008 and again on July 25, 2011 before being hired permanently in 2012 from a certified list that was provided to DPW by Human Resources. HR has all applicable paperwork related to this hire. The Nepotism Policy does not apply as his employment date was prior to implementation and the position is classified within Local 1716.

#### Arthur Moniz

On information and belief, Arthur Moniz is the son of former Assistant Director of the Department of Public Works, Rhonda Carroll-Moniz. Human Resources does not currently have supporting documentation on file for this hire. Mr. Moniz was hired as a seasonal employee in July 22, 2011. A document in Mr. Moniz's personnel file, signed by former employee of HR, Lynn LaChance states that the hire was authorized by Sandra Kee Borges based on a joint

agreement with Local 1716 and the City to place several seasonal employees in permanent positions. Mr. Moniz was hired prior to the nepotism policy and the position is classified within Local 1716.

#### Roderick Waller

Roderick Waller is the nephew of current Deputy Fire Chief Terry Waller. Mr. Roderick Waller was originally hired as a seasonal employee on October 7, 2012 before being hired as a permanent employee in April 2013. Human Resources does not have any documentation on this hire. Mr. Waller was hired into the permanent position in 2012 under the agreement with Local 1716. As is the case with Mr. Borges and Moniz, the policy does not apply because of timing and the position is classified within Local 1716.

#### Thomas Baptist

Thomas Baptist was hired on August 11, 2013 and is the Public Works Superintendent to oversee the parks as part of your parks initiative. As you may recall this was a new position that would focus specifically on the work that needed to be done with the City's parks. Mr. Baptist submitted an application on May 8, 2013 after the closing application deadline of April 12, 2013. The position was posted twice (March 7, 2013 and again on March 22, 2013) producing a very limited pool of applicants, seven to be exact. Of the seven only five individuals qualified. The decision to allow Mr. Baptist to submit an application after the deadline was based on the limited pool of candidates. Human Resources has adopted new guidelines as a result to facilitate the hiring of the most qualified candidates. This would allow HR management the flexibility to request additional information of a candidate when the pool of applicants is limited.

Please note that the hiring of Mr. Borges, Mr. Moniz and Mr. Waller were done by or done during the tenure of the previous HR and DPW Directors.

The audit report made several references to Sandra Kee Borges' participation in the hiring process. It should be noted that the hiring was done during her tenure as Acting Human Resources Director and Acting Chief Operating Officer, not as Corporation Counsel, therefore the hires may have fallen within her purview.

#### Next Steps

At your request, Human Resources has looked into other hirings that could potentially violate the city's existing nepotism policy and has identified two additional instances that were not reviewed in the audit.

The current Interim Public Works Director informed me that in addition to Roderick Waller, Terrence Waller, the son of Deputy Fire Chief Terry Waller, works at the DPW. Mr. Terrence Waller's original hire date was July 7, 2008. In July 18, 2010 Mr. Waller was hired as a seasonal worker. In July 18, 2010 he transferred to the Department of Health and Human Services in a part-time position and subsequently returned to DPW in October 10, 2012 as a Maintainer I after being placed on the certified list by HR. At present, Mr. Waller is a full time Maintainer II.

More recently, Nertalia J. Borges, the wife of Garret Borges, was hired on February 22, 2015. At present, she is employed as a Nutritionist Aide at the Department of Health and Human Services. Upon her initial application, intentional or not, Mrs. Borges used her maiden name, Nertalia John. According to the Director of Health and Human Services, Mrs. Borges was offered the position after another candidate declined the offer. Of concern to me is the fact that Ms. Devone Edwards, Project Manager, participated in an interview process which resulted in Mrs. Borges' hire. The Director of Health and Human Services made the offer of employment and became aware of the employee's name change when she completed the hiring packet. Ms. Edwards, is the sister to Deputy Chief Terry Waller and should have disclosed her relationship and possibly recused herself from the interview. It is worth stating that Ms. Edwards' hire date is July 5, 2011.

While neither of these two hires were mentioned in the audit report, per your request, I wanted to ensure there was transparency.

**Position**

None of the above mentioned hires are a violation of the City's nepotism policy. Some were initially hired in prior administrations and continued to seek permanent employment with the City. Simply because someone is related to current employees, does not and should not, preclude anyone from applying for employment opportunities with the City of Hartford, particularly when this administration and the City Council are committed to hiring Hartford residents.

However, Nertalia Borges and Ms. Edwards did not disclose their relationship and in my opinion this is a conflict of interest. It could be perceived as an unfair advantage and in turn violate public trust and the Civil Service Process of the City of Hartford. Consequently, I am requesting a meeting with you to discuss any potential corrective action that could be taken with regards to the hiring of Mrs. Nertalia Borges.

CC: Juan Figueroa, Chief of Staff  
Darrell Hill, Chief Operating Officer  
Maribel La Luz, Director of Communications