

Stamford MAA
Local 2657 AFSCME Council 4
888 Washington Blvd.
Stamford, CT 06901

January 16, 2018

To: Kathryn Emmet – Director of Legal Affairs, Clemon Williams - Director of Human Resources, and Robert Murray - Labor Relations Specialist, Human Resources

Cc: Personnel Committee – Board of Representatives

RE: Personnel Committee - Board of Representatives Agenda Item 2 for 1/17/18 meeting

As a follow-up to the MAA's Executive Board letter sent to your Committee on December 20, 2017, we would like to further express our concerns in regards to the above referenced agenda item being reviewed by your Committee on January 17, 2018 in connection with re-classification of the Building Officials position.


A review of CT General State Statute 29-260 (copy attached) describes the procedure for hiring of a Municipal Building Official. Please note that the statute provides that any Municipal Building Official may be appointed by the City's chief executive officer unless other means are already provided. The Stamford Building Official has always been a civil service position and under the terms of the statute, must remain a civil service position.

A statement provided at a previous personnel committee meeting that the City is required by statute to appoint the Building Official was not completely accurate. As the statute reads, this appointment only occurs absent other existing means to fill the position. The Building Official position is and has been established as a position assigned to the Stamford Supervisor's Union Local 2567. There is already an existing practice for filling this position. Any attempt to remove this established union position from Local 2567 will result in the filing of a Municipal Prohibitive Practice (MPP) charge against the City claiming a violation of the Municipal Employees Relations Act (MERA).

What you are proposing constitutes a unilateral change and as a result it is subject to bargaining. There is also the charge of bad faith bargaining. The Building Official position and its respective duties were assigned to Local 2657 as a result of bargaining and negotiations between the parties. The City is required to meet with the Union and bargain the impact before making any changes pertaining to the Building Official position.

As evidence of this please refer to a copy of the current Contract which shows that the Building Official position is identified in the current Collective Bargaining Agreement (CBA) that was negotiated between the City and the Union and later signed by both parties. Any action taken that violates this contract may also result in the filing of a grievance.

Respectfully yours,


Tracy for the Board
The MAA Executive Board

**2012 Connecticut General Statutes
Title 29 - Public Safety and State Police
Chapter 541 - Building, Fire and Demolition Codes. Fire Marshals
and Fire Hazards. Safety of Public and Other Structures
Section 29-260 - (Formerly Sec. 19-396). Municipal building official to
administer code. Appointment. Dismissal.**

Universal Citation: CT Gen Stat § 29-260 (2012)

(a) The chief executive officer of any town, city or borough, unless other means are already provided, shall appoint an officer to administer the code for a term of four years and until his successor qualifies and quadrennially thereafter shall so appoint a successor. Such officer shall be known as the building official. Two or more communities may combine in the appointment of a building official for the purpose of enforcing the provisions of the code in the same manner. The chief executive officer of any town, city or borough, upon the death, disability, dismissal, retirement or revocation of licensure of the building official, may appoint a licensed building official as the acting building official for a single period not to exceed one hundred eighty days.

(b) Unless otherwise provided by ordinance, charter or special act, a local building official who fails to perform the duties of his office may be dismissed by the local appointing authority and another person shall be appointed in his place, provided, prior to such dismissal, such local building official shall be given an opportunity to be heard in his own defense at a public hearing in accordance with subsection (c) of this section.

(c) No local building official may be dismissed under subsection (b) of this section unless he has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before the authority having the power of dismissal. Such public hearing shall be held not less than five or more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. The court shall review the record of such hearing and if it appears that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as the court may direct and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may affirm the action of such authority or may set the same aside if it finds that such authority acted illegally or abused its discretion.

(d) Each municipality shall become a member of the International Code Council and

shall pay the membership fee.

(1949 Rev., S. 4107; 1967, P.A. 874; 1969, P.A. 443, S. 5; P.A. 79-153; P.A. 86-372, S. 1; P.A. 92-164, S. 3; P.A. 05-288, S. 128; P.A. 07-110, S. 3.)

History: 1967 act substituted chief executive officer for legislative body as the appointing authority for municipal administrators and specified a four-year term; 1969 act deleted references to towns' acceptance and adoption of code as condition for appointing officer to administer code and specified title of officer so appointed as "the building official"; P.A. 79-153 added Subsecs. (b) and (c) re dismissal of building official; Sec. 19-396 transferred to Sec. 19-260 in 1983; P.A. 86-372 added Subsec. (d), requiring municipalities to become a member of BOCA; P.A. 92-164 amended Subsec. (a) by adding provision re appointment of acting building official; P.A. 05-288 made technical changes in Subsecs. (b) and (c), effective July 13, 2005; P.A. 07-110 made a technical change in Subsec. (d).

Where appointive officer lacks power to make appointment, appointment is illegal and appointee at best is a de facto officer. 151 C. 447. Cited. 170 C. 675.

Annotations to present section:

Cited. 219 C. 217.

Cited. 13 CA 1. Cited. 15 CA 323.