

# CIVIL SERVICE COMMISSION REGULAR MEETING

Tuesday, January 8, 2013, 2:00 p.m.  
City Hall, 45 Lyon Terrace, Wheeler A and B, Bridgeport, CT 06604

## MINUTES

Commissioner Walter Plummer called the January 8, 2013 regular meeting of the Civil Service Commission to order at 2:09 p.m. Present were Commissioners Rodgers and McBride. Also attending were Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and City Attorney John Mitola. Commissioners Correa was not in attendance and Commissioner Guedes was expected to join the meeting shortly.

### 1. Meeting Minutes - APPROVED

The Minutes from the regular meeting held on December 11, 2012 were submitted for review. Mr. Dunn said he had reviewed the Minutes and found them to be in order. The Minutes from the December 11, 2012 meeting were unanimously approved on a motion made by Commissioner McBride and seconded by Commissioner Rodgers.

### 2. Vacancies – APPROVED

Mr. Dunn explained the vacancies listed below. Many of the Library vacancies are being filled from within by promotions. Commissioner McBride asked if there are plans to give custodian exams. Mr. Dunn said he would be happy to contact NAGE again.

It is noted for the record that Commissioner Guedes joined the meeting at 2:12 p.m.

On a motion made by Commissioner McBride and seconded by Commissioner Plummer, the Commission unanimously approved the following vacancies:

<u>Department</u>	<u>Title</u>
BOE Facilities	Custodian I
Library	Custodian IV
Library	Maintainer I Grade II
Library	Administrative Assistant
Library	Library Assistant I (4)
Library	Library Assistant I (3) part-time
Library	Junior Librarian (3)
Library	Library Assistant II
Library	Page (9) part-time
Public Facilities	Seasonal Harbormaster Aide part-time
Public Facilities	Custodian
Public Facilities	Traffic Foreman
Public Facilities	Seasonal Painter
WPCA	Accounting Clerk II

### 3. Merit Increases – CERTIFIED

On a motion made by Commissioner Plummer and seconded by Commissioner Rogers the merit increases below were unanimously certified by the Commission:

#### FIRE

Becker, Mark E.	Fire Inspector	\$71,672 (1) to 75,045 (2)	1/1/13
Hernandez, Alberto	Fire Inspector	\$71,672 (1) to 75,045 (2)	1/1/13
Taylor, Joseph F.	Fire Inspector	\$71,672 (1) to 75,045 (2)	1/1/13
Waggoner, Autumn	Fire Inspector	\$71,672 (1) to 75,045 (2)	1/1/13
Mazza, John	Fire Assist. Chief	\$84,283 (1) to 88,298 (2)	1/1/13
Balestrieri, Richard E.	Fire Dep. Marshal	\$90,646 (1) to 94,752 (2)	1/1/13

#### PUBLIC FACILITIES

Robert Valerie	Maintainer I (Gr. 1)	\$27,545 (1) to \$29,576 (2)	2/1/13
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### 4. Permanent Appointments – CERTIFIED

Mr. Dunn reported that the documentation for the permanent appointments was all in order. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the permanent appointments below were unanimously certified by the Commission:

<u>Employee Name</u>	<u>Job Title</u>	<u>Effective Date</u>
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#### FIRE

Mazza, John	Fire Assistant Chief	11/26/12
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#### PARKS & REC

Paoletti, Michael	Operations Specialist	12/13/2012
Negron, Jose	Foreman II	10/27/2012
Rosario, Rafael	Maintainer I, Grade II	06/07/2010
Joyner, William	Maintainer I, Grade II	06/01/2000

#### FINANCE

Coward, Terry	Chief Accountant	12/11/2011
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#### POLICE

Caviness, Sharon	School Crossing Guard	12/24/2012
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### 5. Job Description Revision – IT – Support II - APPROVED

The Commission received a request from Adam Heller, Director of ITS, to approve a revised job description for the position of Support II. Mr. Heller was ill and not at the meeting so Attorney Neil Austin, Sr. Labor Relations Officer, spoke to the Commission in Mr. Heller's absence. He said that the new responsibilities take cognizance of the current technology. There is no change in salary for the positions. There is an agreement between the City and the union. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer, the Commission unanimously approved the new job description for Support II in the Information Technology Services department.

### 6. New Position Request - Fire Training Assistant Chief Position - APPROVED

The Commission received a request from Fire Chief Brian Rooney to approve the creation of a new Fire Training Assistant Chief position in the Emergency Communications Center. He explained that there are some problems in the department that have been fixed with software changes that have been made.

However, there are still problems that need to be corrected. The training officer had experience in handling Police emergencies; however, much training for Fire needs to be done. He explained that many situations come up and education and training is still needed on how to distribute resources, among other topics. There are approximately 45 employees in the department. Chief Rooney handed a copy of the job description to the Commissioners. He further explained that the name would come off the current Captain list. He told the Commission that there would be 2 more promotions as a result of this new position being created. It is beneficial that constant training be given. There is turnover in the department and between 5 and 10 new telecommunicators are hired annually.

There was a discussion about the different salaries for various positions. Commissioner Guedes asked if there would be an issue because of disparity of pay. Chief Rooney said the Assistant Chief would have additional duties and would report to the Chief and not to Doree Price. On a motion made by Commissioner Plummer and seconded by Commissioner McBride, the Commission unanimously approved the increase in the Fire department Table of Organization of a new Fire Training Assistant Chief position.

#### **7. Fire Grievances - TABLED**

The Commission received a request from Mr. Robert Whitbread, President, IAFF, Local 834, for the 3 grievances listed below. Just prior to today's meeting, Ms. Brelsford received a phone call from Mr. Whitbread asking that the grievances be tabled because he was sick and was unable to attend the meeting. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers, all 3 of the following grievances were unanimously tabled by the Commission to the February 12, 2013 Civil Service Commission meeting:

- Griev 2012-12 FF James Boyle Article 5 Disciplinary Action
- Griev 2012-13 Class Action Days off for Captain Exam
- Griev 2012-15 Drug test (hair).

#### **8. Alex Gomez Appeal - TABLED**

The Commission received a request from Matthew Couloute, *Esq.*, on behalf of his client, Alex Gomez, for an appeal regarding his disqualification of Firefighter #2306 based on habits and conduct. Mr. Dunn explained that Mr. Gomez might have been an alternate if one of the 21 new Firefighter recruits declined or backed out for any reason. On his OIA Background Investigation an "issue" was noted. This is not a current issue; however, Mr. Gomez would be eligible for the next class, which might be in the next fiscal year. Mr. Dunn stated that prior to the meeting Attorney Couloute phoned the Civil Service office to request a continuance because he did not yet receive the court paperwork he wanted to present to the Commission. On a motion made by Commissioner McBride and seconded by Commissioner Plummer, the Commission tabled the appeal of Mr. Alex Gomez.

## **9. Commissioner Willie McBride Request**

The Commission received a request from Commissioner McBride regarding a matter involving the Emergency Operations Center. Commissioner McBride made a motion to forward a letter he received to Labor Relations if an investigation was to be made. The motion was seconded by Commissioner Rodgers and all were in favor.

Commissioner McBride explained that a letter was sent to him via Civil Service. He was in City Hall on work-related business and spoke with Mr. Dunn about it. It was put on the Agenda for information. Commissioner McBride stated that as the employee representative on the Civil Service Commission he had a fiduciary duty to respond to employees when they contact him. He further stated that this letter was anonymous and that he was not trying to be judge or jury or run his own investigation. He added that he receives numerous similar phone calls from employees. Additionally, he said that he has brought up issues at Commission meetings and has asked Ms. Price questions and moved on once she answered them.

Attorney Mitola said that what Commissioner McBride has done is fine and appropriate. Mr. Dunn said to clarify, that any Commissioners can request a matter be put on the agenda and that he will put it on the agenda. Commissioner McBride added that he understood that past Commissioners have requested that matters be put on agendas. Commissioner Guedes said the Commission needs to know the protocol on how to put a matter on the agenda and that Commissioner McBride's request was misconstrued by the City Attorney office and that his intent was misunderstood. Commissioner McBride said he wanted to know what to do.

Attorney Mitola said he protects the Commission and the process. Mr. Dunn stated for the record that he was not in complete agreement and that he was unclear why a matter would be funneled and processed through a certain department given that the Civil Service Commission is a public Board. The letter, being "anonymous" was not significant.

Commissioner Plummer stated that an anonymous letter does not usually hold water with him; however, he felt it could be an indication of a problem within the department. He referred to his experience with EEOC and said the complaint means that something should be cleared up in the department, even if it is against the department head. Employees should be informed of how to file a complaint. Labor Relations personnel are adjudicators and enforcers of an agreement. He said that the person must be qualified to do the correct fact checking and record checking. Commissioner McBride stated that over the last couple of years people have been calling him and giving their names. Attorney Mitola said if an employee has a legitimate concern then a complaint should be filed.

There was a discussion about supervisor retaliation against an employee who makes a complaint. Attorney Mitola said there is a remedy and employers are not allowed to retaliate against employees who complain. The complaint would be fully adjudicated and fleshed out. Attorney Mitola will send Commissioner McBride the

policy that protects the employee. Attorney Mitola said there is case law. Mr. Dunn said the City has a harassment policy and a supervisor would be given severe discipline for retaliation. Attorney Mitola said Mr. Osborne in Labor Relations has the responsibility. Commissioner Plummer said that it might be a conflict of interest and Attorney Mitola replied that he was not sure if it was a conflict. It was agreed that every city employee should know the claim process and that on the "K" drive of the computer network there is a harassment policy, along with all other city policies and that the employee can read the policies. Attorney Mitola added that there is an annual or semi-annual reminder of the sexual harassment policy and employees sign off that they have read it. Commissioner Guedes asked if a manager reviews this and Attorney Mitola said that somebody from Benefits or Labor Relations does. Mr. Dunn stated that Labor Relations does an investigation of employee misconduct. Attorney Mitola added that the agreement and law are kind of one and the same because the law requires employers to have certain policies in place.

Commissioner Plummer cited an experience he had in that the department was guilty of discrimination against an employee because it was decided that witchcraft is a religion.

Attorney Mitola said that in discrimination case Labor Relations will direct the matter to City Attorney office for legal advice to try to resolve whatever the situation is. Mr. Dunn explained that Neil Austin used to work for CHRO and that he was the investigative attorney for CHRO. Attorney Mitola added that he is responsible for the CHRO cases for the City. In all cases, before the situation gets overblown, a resolution is attempted. Commissioner Guedes stated that the employee representative has a fiduciary responsibility. Attorney Mitola said that a formal complaint with the union and Labor Relations needs to be filed. The employee can go to his/her supervisor and the burden is on the City to investigate. Mr. Dunn added that the union does not have an obligation to do anything. The union response is sometimes "no, we don't do that".

Commissioner Plummer said that the person dealing with these issues can't be swayed by political pressures. An unaffiliated person would make an unbiased review. Mr. Dunn referenced a bullying complaint. Attorney Mitola said this is a violation of City work rules. The employee would go to his/her supervisor or go directly to Labor Relations. Attorney Mitola said that the integrity of the process needed to be intact.

Commissioner McBride said he is part of a safety committee. Attorney Mitola suggested that somebody from Labor Relations or Benefits talk to the committee because the trainer might be asked questions as a witness. Jim Riscotti from the Employee Assistant Plan has spoken with the committee.

Mr. Dunn said that Attorney Neil Austin might be handling this now. Commissioner Guedes thanked Attorney Mitola and said that this discussion was very helpful. Commissioner Guedes asked Mr. Dunn to put together an information packet for the

Commission on policies and an information analysis as to turnover in various departments.

## **10. Personnel Director's Report**

### Public Safety Telecommunicator Exam

Applications are being accepted through February 13, 2013 and then a written exam will follow.

### Office Relocation

The move is expected to take place by the end of January. There is an issue with space for files that are used daily or regularly. Since Human Resources will be with Civil Service and both departments have many files there is not enough space to accommodate all the files. Commissioner Guedes asked if this condensation would eliminate any position and Mr. Dunn replied that it did not yet.

### Upcoming Police and Fire Exams

Fire and Police promotional examinations are expected. In the Fire department exams are needed for Lieutenant and Pumper Engineer. In the Police department exams are needed for Sergeant and Lieutenant. On January 22<sup>nd</sup> Mr. Dunn and Chief Rooney will be meeting with Chuck Hale from Resource Management Associates regarding the Fire exams. Chad Legel from Selection Works, previously with I/O Solutions, has submitted proposals for the Police exams.

### Dunn Vacation February 25 – March 8

Mr. Dunn told the Commission that he will be in Thailand visiting his son from the last week of February through the 1<sup>st</sup> week of March.

Commissioner Guedes said she spoke with Commissioner Correa who had a bought of bronchitis. Commissioner Correa requested that Mr. Dunn prepare an information packet on Mr. Thomas White. She said it sounded like there is a new position with similar responsibilities to the position he had. Mr. Dunn said that litigation is pending and that Attorney Thomas Bucci is representing Mr. White. Mr. Dunn said he would prepare an information packet and Commissioner Guedes asked that Mr. Dunn include the Minutes from when the Commission was informed of the vacancy and when Tom McCarthy spoke to the Commission about it.

On a motion made by Commissioner Rodgers and seconded by Commissioner McBride, the regular monthly meeting of the Civil Service Commission adjourned at 3:12 p.m.