

CIVIL SERVICE COMMISSION REGULAR MEETING

Tuesday, May 14, 2013, 2:00 p.m.

City Hall, 45 Lyon Terrace, Wheeler A and B, Bridgeport, CT 06604

MINUTES

Commissioner Eleanor Guedes called the May 14, 2013 regular meeting of the Civil Service Commission to order at 2:15 p.m. Present were Commissioners Correa, McBride, Rodgers, Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and City Attorney John Mitola. Commissioner Plummer was not in attendance.

1. Meeting Minutes - APPROVED

The Minutes from the regular meeting held on April 9, 2013 and the special meeting, held on April 23, 2013, were submitted for review. Mr. Dunn stated that he found them both to be in order. On a motion made by Commissioner McBride and seconded by Commissioner Correa the minutes from the April 9, 2013 regular meeting were unanimously approved. On a motion made by Commissioner Rodgers and seconded by Commissioner McBride the minutes from the April 23, 2013 special meeting were unanimously approved.

2. Vacancies – ACCEPTED

Mr. Dunn explained that most of the vacancies were for part-time seasonal positions in the Parks and Recreation department. On a motion made by Commissioner Correa and seconded by Commissioner McBride the Commission unanimously accepted the following vacancies:

<u>Department</u>	<u>Title</u>
Aging	Senior Bus Driver
Board of Education Facilities	Janitress
Mayor's Office	Secretary
Parks and Recreation	Aides (6)
Parks and Recreation	Zumba Instructor
Parks and Recreation	Sports Coordinator
Parks and Recreation	Tennis Instructor
Parks and Recreation	Camp Counselor (50)
Parks and Recreation	Tennis Camp Counselor (2)
Parks and Recreation	Site Coordinators (20)
Parks and Recreation	Checkpoint Attendants (20)
Parks and Recreation	Senior Checkpoint Attendants (15)
Parks and Recreation	Checkpoint Attendant Supervisors (7)
Parks and Recreation	Lifeguard Supervisors (3)
Parks and Recreation	Lifeguard Captains (6)
Parks and Recreation	Lifeguards (42)

3. Merit Increases – CERTIFIED

Mr. Dunn explained that there were police officers due for merit increases and on a motion made by Commissioner McBride the Commission unanimously certified the following merit increases retroactive to 4/21/13:

Bensey III, Donald	\$58,109 (3) to 61,981 (4)
Cholakian, John R.	\$58,109 (3) to 61,981 (4)
Cruz III, Joseph J.	\$58,109 (3) to 61,981 (4)
Davlia, Michael	\$58,109 (3) to 61,981 (4)
Flaherty III, Thomas F.	\$58,109 (3) to 61,981 (4)
Gallbrunner, Thomas A.	\$58,109 (3) to 61,981 (4)
Holtz, Jeffrey	\$58,109 (3) to 61,981 (4)
Jiminez, Omar R.	\$58,109 (3) to 61,981 (4)
Mathews-Dixon, Jarah D.	\$58,109 (3) to 61,981 (4)
Pachera, John P.	\$58,109 (3) to 61,981 (4)
Quintanilla, Roberto	\$58,109 (3) to 61,981 (4)
Salemme III, Michael L.	\$58,109 (3) to 61,981 (4)
Smith, Christopher R.	\$58,109 (3) to 61,981 (4)
Szymczak, Mathew T.	\$58,109 (3) to 61,981 (4)
Vazquez Jr., Angel M.	\$58,109 (3) to 61,981 (4)
Wilde, Alexander M.	\$58,109 (3) to 61,981 (4)

On a motion made by Commissioner McBride the Commission unanimously certified the following merit increases:

MERIT INCREASES EFFECTIVE JUNE 1, 2013

NUTRITION CENTER

Marco Bedoya Warehouseman/Truck Driver \$42,045 (5) to \$43,874 (6)

GARAGE

Monica Demetri Garage Clerk \$42,486 (5) to \$49,973 (Top)*

*Retroactive to January 1, 2013

EOC

Carla Deangelis PS Telecommunicator \$18.57/hr (1) to \$20.76/hr (2)*

*Retroactive to February 6, 2013

4. Permanent Appointments – CERTIFIED

On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission unanimously certified the following permanent appointments:

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	<u>Department</u>	<u>Effective Date</u>
Kleps	Patrick	Messenger	Print Shop	10/25/2011
Khuth	Sokha	Server Specialist	ITS	12/13/2012
Fabian	Vincent	Fleet Mechanic	Public Facilities	04/22/2013

5. Wanda Givens – TABLED to June 11, 2013

Mr. Dunn told the Commissioners that the Civil Service office received a phone call from Dwayne Harrison, NAGE President, requesting the Wanda Givens matter be tabled because he had a Board of Education emergency. Attorney Mitola explained that Ms. Givens had not withdrawn a pending CHRO complaint yet. He added that he had drafted a withdrawal of the CHRO complaint and Labor Relations and the

Union incorporated the terms of the Agreement dated March 18, 2013. Attorney Mitola further added that he had expected a withdrawal and then got a letter from Ms. Givens that she did not want to withdraw the CHRO complaint because she felt she had been given an ultimatum. Attorney Mitola explained that the idea was to settle everything and move on and make Ms. Givens a productive employee. The City could say that Ms. Givens needs to leave work at this point. Attorney Mitola added that he would be practicing law under malpractice if he didn't advise the Commission that Ms. Givens can't have it both ways.

Commissioner Guedes asked Attorney Mitola if this could be perceived as retribution since Ms. Givens had good reviews and he responded that it could not be. Commissioner Correa asked Attorney Mitola if Ms. Givens CHRO complaint is based on the incident alone and Mr. Dunn stated that Ms. Givens complained that she was terminated due to race and retaliation. Commissioner Correa asked if Ms. Givens did sign off to dismiss would she be able to submit another CHRO complaint on something else and Attorney Mitola said she could.

Attorney Mitola stated that he hoped that the matter would be worked out by the next Commission meeting; however, he asked the Commission to table the matter to June 11, 2013. If necessary the Commission would "go back" to the March meeting and make a decision based on the presentation Ms. Price made at that time. On a motion made by Commissioner Correa and seconded by Commissioner Rodgers the Commission unanimously tabled the matter to June 11, 2013. It is noted for the Record that Commissioner McBride recused himself from the issue.

6. Reallocation – Warehouse man to Maintainer 1 Grade 2 – APPROVED

The Commission received a request from Mr. Jorge Garcia, Deputy Director of Public Facilities, to reallocate the position of Warehouse man to Maintainer 1 Grade 2. Mr. Garcia explained to the Commission that it is a \$40K-\$60K cost-saving for landscaping to be done in-house through Public Facilities instead of by a 3rd party. He further explained that he has a team that this person will be a part of, to do the landscaping. Mr. Garcia said that it is very important that the interiors and exteriors of buildings are maintained because the people driving through the City see this. Mr. Dunn explained that Mr. Garcia may come before the Commission in the future about other reallocations. He discussed needing skilled personnel to work in automated buildings such as the newer schools.

Mr. Dunn reminded the Commission that a reallocation eliminates a position on the Table of Organization and the reallocation does not go to Council. Mr. Garcia explained that the City will save about \$360K by handling sanitation services in-house. Commissioner Guedes congratulated Mr. Garcia on his great ideas and making the City run more efficiently.

On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission unanimously approved the reallocation of Warehouse man to Maintainer 1 Grade 2. It is noted that Commissioner Correa recused herself.

7. Fire Grievances – TABLED (2013-13)/DENIED (2012-19)

The Commission received a request from Mr. Robert Whitbread, President, IAFF, Local 834, for the following grievances:

- Griev 2012-13 Class Action Days off for Captain Exam
- Griev 2012-19 FF Joao Santos Disciplinary Action

Griev 2012-13 Class Action Days off for Captain Exam

Mr. Whitbread explained that the Fire Captain exam #2319 was given about a year ago. Many people taking the exam took time off on April 2, 3 and 5. After the exam there was a challenge to eligibility and about 50% of those that took the exam were told they were not eligible. Mr. Whitbread was asking for those days off to be paid. Chief Brian Rooney explained that nothing in the union contract calls for being paid to take an exam. He said it is a choice to take an exam and that nobody is forced. The Chief further explained that there would be a cost in overtime of about \$15,000 if people were paid to take an exam. He added that the City is very generous in allowing all those who wanted to take the exam to take the exam because it costs the City money to backfill in overtime.

This had been discussed at the Board of Fire Commissioners. Also, the Fire lieutenants who were denied eligibility hired a lawyer and filed a lawsuit. The Chief stressed that at this level the grievance should be denied. Commissioner Guedes asked if the Chief encourages the firefighters to take exams and he said he does and that when he took exams he either had the day off or used a vacation day to take the exam.

Attorney Mitola said it may be premature to deny the grievance because of the lawsuit, adding that briefs will be filed in the next month. The appellate court could reverse the decision. Mr. Whitbread stated that due to certain time limits he did not want to miss filing on time because Labor Relations and City Attorney offices would slam him for not being on time with the filing. The grievance could be held in abeyance until the appellate court decides it. Depending on the outcome of court case the grievance could be refilled without any prejudice. Chief Rooney said he would discuss this with Labor Relations.

Commissioner Guedes asked Mr. Whitbread why being paid to take exams has not been worked into the contract and he explained that you have to pick your battles and this is fairly small compared to wages and manning, etc.

Commissioner Correa stated that people should be encouraged to take tests because they are opportunities. Chief Rooney agreed and added it is a chance to see what a test is like. Commissioner Correa asked the Chief if anyone is mandated to take a test and he replied no. Mr. Whitbread stated that taking a test is necessary to move through the ranks. Attorney Mitola suggested tabling the matter until next month. On a motion made by Commissioner Correa and seconded by Commissioner Rodgers the Commission unanimously tabled grievance 2012-13

Class Action Days off for Fire Captain Exam to June 11, 2013. Commissioner McBride could not vote on this matter as he is the employee representative and this matter is a grievance.

Griev 2012-19 FF Joao Santos Disciplinary Action

Mr. Whitbread explained that Mr. Santos had a clean record for close to 18 years working for the City. He said that Mr. Santos did not phone DC Grace after calling Lt. Buck to tell him he was going off duty and this was an oversight. Mr. Whitbread felt this should have been dismissed or addressed by counseling but should not have been a verbal warning, as was given by DC Grace.

DC Grace explained that he followed the absence control policy and he needs to be consistent and the form #2189 is a legal document. He had not been informed that FF Santos had gone off duty. Mr. Whitbread spoke on behalf of Mr. Santos, who was not present. He said that Mr. Santos did not call because it was on the weekend. DC Grace said he could have left a voice message. Chief Rooney said they try to be consistent.

Commissioner Guedes polled the Commission and both Commissioners Correa and Rodgers respectively voted to deny Mr. Santos' grievance 2012-19.

8. Sean Canfield – Waiver Request - GRANTED

Mr. Canfield requested a 6 month waiver for the Firefighter exam #2306 list. He was waiting to receive the final disposition regarding a motor vehicle violation and he submitted this to the Commission. Mr. Dunn explained that for driving purposes a clean record is needed. Mr. Canfield addressed the Commission and said he wanted to fulfill his dream of becoming a firefighter and be put on the list. Attorney Mitola said that the motor vehicle violations were dismissed and Mr. Canfield attended an Alcohol Education Program (AEP). Commissioner Correa said she had a concern because Mr. Canfield would be driving as a FF.

Mr. Dunn said that Mr. Canfield would have to go through the process again of the OIA investigation, the psychological examination, the drug test on both urine and hair follicle. There is also random drug testing during training. Commissioner Guedes asked Mr. Canfield if this had put a good scare into him and he replied very much so. On a motion made by Commissioner Correa and seconded by Commissioner Rodgers the Commission unanimously granted putting Mr. Canfield's name back on the Firefighter exam #2306 list.

9. Thomas J. White – Appeal – TABLED

The Commission received a request from Attorney Thomas Bucci, on behalf of his client, Thomas J. White, for an appeal regarding his layoff. Mr. Dunn explained that Civil Service received a request from City Attorney Mark Anastasi and Attorney John Bohannon to table the appeal for another month because Attorney Bohannon had a conflict. Mr. Dunn said that he had spoken with Attorney Bucci and that he agreed

to it. On a motion made by Commissioner Rodgers and seconded by Commissioner McBride, the Commission unanimously tabled Mr. White's appeal to June 11, 2013.

10. Pending Legal Issues at City Attorney Office

Attorney Mitola reported that there is a discrimination case from 2007 based on a failed psychological evaluation. He added that the judge will allow a summary judgment motion to be filed in the next week in order to dispose of the case without it going to trial.

11. Personnel Director's Report

Fire Exams

Mr. Dunn explained that the Fire Lieutenant written exam was given on Saturday, May 4 at Geraldine Johnson School. 81 applied to take the exam and 57 showed up. On Monday and Tuesday, May 6 and 7 respectively, the tactical and situational oral exam was given at the Fire Headquarters 4th floor. There was a morning and an afternoon group and to protect the integrity of the exam the 1st group was not released until the 2nd group was present. Every candidate was filmed giving his/her answer and the same panel assessed all of the candidate tapes. On Wednesday, Thursday, and Friday all company officers from other jurisdictions served as assessors. They were from Waterbury, New Haven, Stratford, and Naugatuck, for example. They were diverse as well. Two (2) females took the LT exam even though 6 or 7 were eligible. This is a male dominated profession. The first female was hired 27 years ago and was injured in training and never worked on the line.

Commissioner Correa said there is a youth fair on June 5th and she hoped that the Fire department would be there.

Mr. Whitbread said that years ago many more people took the test. For example, he said, 3,000 took the test when he did.

Mr. Dunn said that the job of firefighter is very physical. He added that the CPAT has the same requirements for women and men.

A Deputy Fire Chief is retiring next month and Chief Rooney has asked for an exam. A Fire Pumper Engineer test is planned but a date has not yet been announced. Mr. Whitbread said a Fire Equipment Mechanic test is overdue. Mr. Dunn said he would look into this.

Police Exams

Mr. Dunn said that Civil Service has been working with Selection Works as consultant on upcoming Police Lieutenant and Police Sergeant exams. The exams are expected to be given in July and August respectively.

On a motion made by Commissioner McBride and seconded by Commissioner Rodgers, the May 14 regular meeting of the Civil Service Commission adjourned at 3:40 p.m.