

# CIVIL SERVICE COMMISSION REGULAR MEETING

February 18, 2016 at 2:00 p.m.  
City Hall, 45 Lyon Terrace, Bridgeport, CT 06604  
Bridgeport City Council Chambers

## MINUTES

Commissioner Guedes called the regular meeting of the Civil Service Commission to order at 2:11 p.m. Present were Commissioners Emanuel, Plummer and Falberg; Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford; Philip White, Labor Relations Officer; Richard Weiner, Benefits Director; Monquencelo T. Miles, Employee Services Coordinator; Sue Paiva; Angela McCarthy; Adam Heller, ITS Director; Gilbert Velez; Wilson D. Ortiz, Jr.; and Attorney John Mitola (3:50 p.m.)

It is noted that Commissioners Rodgers was not present.

### **Meeting Minutes - Approved**

The minutes from the regular monthly Civil Service Commission meeting on January 12, 2016 were submitted for review.

**\*\* COMMISSIONER EMANUEL MOVED THE JANUARY 12, 2016 MINUTES.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION TO APPROVE THE JANUARY 12, 2016 MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

### **Vacancy Report – NOTED FOR THE RECORD**

Mr. Dunn presented the following Vacancy Report.

#### **Competitive Positions**

#### **Former**

#### **Replacement**

#### **LIBRARY**

Custodian I (2)

Michael Younger  
Wilfredo Ayala

#### **Non-Competitive Positions**

#### **Former**

#### **Replacement**

#### **TAX COLLECTION**

Tax Collector Clerk

Donna Puccio

Grisel Seda

#### **BOARD OF EDUCATION**

Glazier Apprentice  
Plumber (Temporary)

Carlos Alves  
David Gray

Edgardo Gadea  
Ronald Sjoblom

#### **LIBRARY**

Library Assistant I PT (2)

Georgine Stuchkus

**Merit Increases – CERTIFIED FOR PAYROLL**

The Commission certified the following merit increases:

**MERIT RAISES – FEBRUARY 2016 MEETING**

**FIRE**

Dailey, Loren	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Hannigan, Timothy	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Mincy, Terry L.	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Prior, Gregory P.	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Ramos III, Marcos A.	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Tobin, Darnell J.	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Varanelli Jr., Thomas C.	Fire Fighter	\$50,108 to \$54,546 (2)	2/18/16
Benedict, Kenneth D.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Bullock, Damian T.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Currao, Derek S.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
DeBiase, Louise J.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Falzarano, Mathew J.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
King, Brandon	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Loyola, Edgard C.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
McAulay, Scott F.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
McNellis, Joseph J.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Minfield, Richard	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Olivier, Richard M.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Porzelt, Nicholas J.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Ramos Jr., Jose A.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Rivera Jr., Lindsey	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Robinson, Christopher	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Santiago Jr., Anthony	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Seto, Jesse M.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Smith, Dayshon D.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Smriga, Andrew J.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Streit, Jayson H.	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16
Villarnovo, Michael	Fire Fighter	\$54,546 to \$61,584 (3)	2/27/16

**POLICE**

Minar, Thomas J.	Police Lieutenant	\$85,426 to \$87,940 (2)	1/21/16
O'Donnell, Nancy	Police Lieutenant	\$85,426 to \$87,940 (2)	1/31/16

**Permanent Appointments – CERTIFIED FOR PAYROLL**

LAST NAME	FIRST NAME	TITLE	DEPARTMENT	EFFECTIVE DATE
Hernandez	Luis	School Crossing Guard	Police	01/20/2016
Stancil	Derrick	School Crossing Guard	Police	01/20/2016
Muniz	Rose Marie	School Crossing Guard	Police	01/20/2016
Morales	Diana	School Crossing Guard	Police	01/20/2016

**TERMINATION HEARING - TRIPARTITE VOTE**

The Department of Information Technology has recommended to terminate the probationary employment of Philip Brower, Support Specialist II.

Mr. Dunn stated that Mr. Brower was not present.

Mr. Dunn said that this matter had been continued at Mr. Brower's request. He added that Mr. Brower was not present. Ms. Brelsford said that she had spoken with Mr. Brower to inform him of the changes. She also sent letters via the U.S. Postal Service and emails. Mr. Dunn said that the department is anxious to fill the position.

**\*\* COMMISSIONER GUEDES MOVED TO PROCEED WITH THE MATTER AND VOTE ON THE ISSUES.**

**\*\* COMMISSIONER PLUMMER SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Mr. Heller said that in the beginning, Mr. Brower was doing fine and then there was a drop in his work performance. Mr. Brower had a confrontation with the call taker. Mr. Heller said he called the supervisor, call taker and the employee into a conference. During the conference, the employee said that he could not take days off, the assignments were being assigned unfairly and his supervisor would retaliate against him. Commissioner Guedes had several questions about whether the employee understood the situation. Mr. Heller said that he had spoken with the employee and all the appropriate reviews were done. He said that the employee had never expressed any concerns until he snapped at the call taker.

Commissioner Guedes said that if Ms. Brelsford had not spoken directly with him, then she would have concerns about voting on it. Ms. Brelsford said that she had also told Mr. Brower that he could come in and listen to the recording of the meeting and read the minutes, but there has been no response from him.

**\*\* THE TRIPARTITE VOTE TO TERMINATE MR. PHILIP BROWER, SUPPORT SPECIALIST II WAS APPROVED BY INFORMATION TECHNOLOGY DIRECTOR HELLER, PERSONNEL DIRECTOR DUNN AND CIVIL SERVICE COMMISSIONERS GUEDES, PLUMMER, FALBERG AND EMANUEL.**

#### **TERMINATION HEARING - TRIPARTITE VOTE**

The Commission has received a recommendation from Richard Weiner, Benefits Manager, to terminate the probationary employment of Sue Paiva.

Mr. Dunn suggested that Mr. White, Mr. Weiner and Ms. Miles come forward first and present their information and Ms. Pavia and Ms. McCarthy, who was present as an advocate, could then present their information.

Mr. Phil White from Labor Relations came forward and stated that back in mid-December, Ms. Miles had spoken with him about the fact that Ms. Paiva's performance was not up to standards. Ms. Miles had concerns about a number of clerical errors that were made and that Ms. Paiva was not responding to the coaching that Ms. Miles was

providing to her. Mr. White said that he urged Ms. Miles to do the performance evaluations and collect the documentation.

Mr. Weiner, the Benefits Manager, said that his department was only three people who administer benefits for the 1,500 City employees and many retirees. He said that it was critical that the information that is given out to the employees and retirees be accurate. Ms. Paiva's job involved Worker's Compensation and Employee Benefits. These tasks require speed, accuracy and a number of technical skills. It also involves working independently and following instructions. Ms. Paiva joined the department with a number of years of experience in this area. However, Mr. Weiner said that there had been a number of errors that had been noted such as clerical errors in letters to retirees and employees; spelling errors; incorrect addresses; and an inability to follow the instructions that were given. The probation period is six months. Because the Department is small, it is important that every employee carries their weight.

Ms. Miles said that she had spoken with Ms. Paiva about the errors and Ms. Paiva had apologized. Ms. Miles said that Ms. Paiva was given an assignment and had provided more information than was requested. Ms. Miles said that Ms. Paiva had become argumentative and gave an example involving some forms where some of the information needed to be changed. Ms. Paiva had also entered Ms. Miles' email address incorrectly and claimed that Ms. Miles had given her the email address information incorrectly.

Ms. Miles had examples of the errors, such as an employee who received an incorrect letter that was addressed to another employee. This caused a major problem and Ms. Miles had to take the assignment back.

Commissioner Guedes asked Ms. Miles if she had been doing performance evaluations. Ms. Miles replied that she had been verbally instructing Ms. Paiva and making notes, but did not sit down and fill out the forms. Commissioner Guedes asked whether performance evaluations were routinely done in the department. Mr. Dunn said that the previous employee had been there for over 18 years. Ms. Miles said that the last person that had been in the position was there for over 20 years. Doing performance evaluations was a new thing for the department. Commissioner Emanuel asked Ms. Miles if she was making note of the problem areas. Ms. Miles said that she was mentally noting the performance issues and coaching Ms. Paiva on a weekly basis. Commissioner Guedes asked if Ms. Paiva had improved over time. Ms. Miles said she did not.

Ms. Miles said that Ms. Paiva had started September 28th. Commissioner Plummer asked if this was continuous during the period of time and if there was a pattern. Ms. Miles replied that this was so.

Mr. Dunn said that Ms. Paiva was hired on September 28th and the issue came to a head in December. He said that Mr. Weiner and Ms. Miles had come to him to express their concern. Ms. Paiva was put on leave with pay in January. The case should have been heard at the last scheduled meeting but was delayed due to lack of quorum. There was some concern about the six month period, but these issues came to a head in January.

Ms. Paiva then read the following statement into the record:

Good afternoon. I would like to thank the Commission for allowing me to speak with you today. I was hired by the City of Bridgeport three months ago and stand before you today facing termination. I never envisioned this when I started and truly believe it didn't have to end like this. I believe that this action is a result of Ms. Miles' discriminatory beliefs with regards to my sexual orientation, nationality, race and [inaudible]. No other individuals that were supervised by her were working in my office area have been subjected to the level of harassment that I have been subject to in the last four months I have while working for the City of Bridgeport. Why am I the [inaudible]? Is it truly based upon my poor performance or was it motivated by other [inaudible] reasons?

When I began my employment, one of the most surprising aspects to me about the Benefits Department was the fact that very little relating to the department's operations was in writing. For example, there is no written departmental policy and procedures, which means there is no written guidance to what tasks are to be completed, when these tasks are supposed to be completed and how those tasks are supposed to be completed. In addition, there are no written training manuals or examples with reference guides. This lack of a formalized setting and policy and procedures allows [inaudible].

So why isn't the department following written policies and procedures? I don't know. I'm not talking about a thousand pages manual but referring to descriptive samples illustrating how to complete commonly used forms or samples with completed examples of an employee's benefits package along with instructions. Simple things that had been reduced to writing would have gone a long way to prevent misunderstandings, misinterpretations and consequently would have resulted in more accurate and consistent work flow. Given that this does not exist, [inaudible] due to a lack of clarity on procedures and instructions, I was subjected to offensive and unprofessional behavior, often times witnessed by my co-workers. Why? If the department's policies and procedures aren't written down, where do they exist? Will they exist largely in [inaudible]? Is this a problem? It was for me but I don't think she should determine them.

The City of Bridgeport has over 45 different departments, the City's employees representing [inaudible] unions. Each union has negotiated different membership packages that impact its members. The union contracts are renegotiated periodically, which alters the multiple benefits negotiated. All this results in a multitude of scenarios that affect active employees, retirees, spouses and widows. Additionally, [inaudible] also provided for its employees. The point that I am attempting to illustrate here is that given these factors without written protocols there exists multiple opportunities for errors and omissions. Even [inaudible] has written policies and procedures and all they do is count birds.

So I ask the Commission, is this a problem that there are no written procedures for the Benefits Department? Let me provide you with a reason for their importance. Detective

Whittaker was with the Bridgeport Police Department for 20 years. When he retired from the City of Bridgeport many years ago, Detective Whittaker was covered by Cigna, the City's health insurance provider that was governed by the union contract. When I was reviewing his eligibility report, I discovered a problem. Detective Whittaker had passed away on December 29, 2013, over two years ago and well before my hiring date. Yet the City of Bridgeport continues to pay their portion of Detective Whittaker's health insurance premiums after his death. But worse than that, Detective Whittaker's percentage of his health share premiums may also have been deducted from the widow's pension. Is the City of Bridgeport going to be able to afford the health insurance payments that were made in error over those two years? Perhaps you should ask Ms. Miles and Mr. Weiner. Is the City of Bridgeport responsible for reimbursing Mrs. Whittaker for the excessive payments that were made and deducted from her widow's pension? Has Mrs. Whittaker ever been notified that these payments might have been withheld from her widow's pension?

I brought this error to Ms. Miles' attention and requested clarification with an email. No reply was received. Instead, Ms. Miles retrieved the file from me. How has this issue been corrected? I don't know. Perhaps you should ask Ms. Miles or Mr. Weiner. More importantly, though, you should ask how this issue happened in the first place. If you have no written policies and procedures, no formal timetable of when the repetitive tasks are completed, if you have no formal review process, no checks and balances, no internal controls, what can you expect to happen but errors and omissions?

I know that this is just one example, but how many other errors have gone on being undiscovered and for how long? And how much have these errors potentially cost the City? Having the department's policies and procedures, involving the ins and outs of all the union contracts rattling around in one person's head is great job security for that person. But what happens if that person gets sick, is injured or unexpectedly leaves? What happens then? How is some other person expected to smoothly transition into that newly vacant position? Do you really think someone would be able to jump into that job at that point? Are there any positions that you plan to replace? Again, I'll leave the Commission to determine that.

When I was hired, I was told I would be trained. There was no formal training course other than cursory instruction that was often times interrupted rather than sit down instruction with Ms. Miles. This might not have been a problem with training tools or references to reinforce what I was being taught, but there weren't any. How can anyone be expected to perform to the best of their ability in these circumstances? On several occasions when I sought clarification or was questioning what the current procedure was, I was made to feel small and belittled and yelled at in front of staff members. I was told that my questions had no merit and that I had no point. The fact that was decided by Ms. Miles [inaudible].

When a mistake was made, it was rudely pointed out to me. It was not explained and the task was simply taken away. Ironically, I was left to apologize for misunderstanding the instructions. They were often unclear to me.

Another factor that was given as a reason for my termination. Once I questioned her directions, Ms. Miles replied, "I can be doing five things at one time and I will always remember what I said." I'm not sure about you, but I find that to be highly unlikely. So, I am asking you why? What is wrong with this question? What is wrong with clarification? How is anyone supposed to succeed when the system has set them up to fail from the beginning?

On top of the lack of written policies and procedures and the lack of written training materials, the criteria by which my performance was measured was not shared with me. The rules of the Civil Service that I was expected to work by in Section 2 states that during the probationary period the executive director of the department shall submit their fair, impartial report to the Commission on the forms provided by the Commission on the performance of each probationary appointee. Such performance reports shall be submitted on each of the following periods: two weeks after the appointment, one month after the appointment and each month thereafter until the end of the probationary period. Did the Commission ever receive copies of the evaluation of my performance at two weeks, one month and each month thereafter? I don't know. Only the Commission can answer that question. I know that I didn't receive those written performance evaluations at the end of two weeks, or the first month nor any of the months thereafter. This was my right, wasn't it?

So, let's set that aside for the moment and look at the evaluation process used. How was I, or how was anyone for that matter, supposed to be fairly evaluated? What objective criteria was used? No written forms or criteria were ever given to me. I only received one formal evaluation in my entire probationary period. I started work on September 28th and received my only written evaluation report on February 3rd. If Ms. Miles and Mr. Weiner thought that my job performance was so unacceptable, shouldn't they have followed the City's policy and legally performed the evaluations at the end of two weeks, one month and each month thereafter apprising me of my performance? Shouldn't they have provided timely recommendations for improvement? Does yelling, berating and belittling constitute counseling?

When you look at my actual performance evaluation, does it contain anything positive? No. One of the things at the very least was pointing out that the City of Bridgeport was paying for a dead man's health insurance coverage for over two years after he died and possibly making erroneous deductions from his widow's pension. One would think that an employee of less than four months on the job would be commended for saving the City potentially thousands of dollars by finding an error that two people with a combined total of over 45 years of experience missed and that it would be reflected as a positive point in my evaluation. But you won't find it. Perhaps including that incident in my evaluation would be tantamount to admitting to a mistake.

I would like to bring the embarrassing issue of Ms. Miles' bullying behavior towards me. I know that I am not the first person that was harassed. Is there a pattern here to the behavior? Time will tell. However, unless things change dramatically, I will be not the

last. The only difference between my predecessors and myself is I'm protected by the City of Bridgeport's newly enacted Anti-Bullying Policy. I advised Mr. Weiner about this behavior twice. The final time, he told me that I'm not going to tell you [inaudible]. I need to speak to her about this. Nothing was done to help me. Instead, I received my failing evaluation within hours of providing Mr. Weiner with a written request for assistance and adherence to LIUNA's union protocol and efficiency policy. My alleged wrong doings were distorted and exaggerated, therefore I refused to sign the written evaluation and therefore I stand before you today.

As a result of having the audacity to request protection, I am now being terminated. So, let's just call this termination for what it really is, retaliation. What is the purpose of the City of Bridgeport having an anti-bullying policy if the City is not enforcing it? The policy is not to recommend counseling for someone who finds themselves in this position. My request fell on deaf ears despite the Mayor's open door policy. I am here now for myself and all those who will follow me. If Ms. Miles is not going to treat her subordinates in a professional manner and if Mr. Weiner is going to continue to turn a blind eye, then I respectfully ask that the Commission require Mr. Weiner, as the head of the Benefits Department, to create written Policies and Procedures and continually ask for them until he produces them for you. Perhaps it will save the department some clerical errors made by an employee.

Once again, I would like to respectfully thank you for your time and attention.

Commissioner Guedes asked Ms. Paiva whether she wished to retain her employment with the City of Bridgeport. She explained that the Commission was charged with the issues dealing with employment and the issue before them during this hearing was to determine whether her termination would stand or not. Commissioner Guedes went on to say that considering this, the Commission is not charged with forcing systemic implementation of operating handbooks and new systems and policies within the department. The Commission is focused on Ms. Paiva's termination.

Commissioner Guedes asked Ms. Paiva if theoretically, her probationary period was extended, whether she would be able to return to the Benefits Department and find a way to work within the present operating capacity. Ms. Paiva replied that in the present capacity, anytime she made an error, she was reprimanded, berated and belittled, and tasks were taken away from her. This began shortly after she was hired.

Commissioner Guedes pointed out that as a Commissioner, she was charged with insuring employment practices that are basically Citywide. Her major concern was that Ms. Paiva was not given monthly performance evaluations. She said that she could not pursue any conversation about the systems that the Department Head may have in place or the way that they operate within that department because it is not part of the Commission's purview. Commissioner Guedes said that she understood that it may not be practical in a smaller department, but it is standard operating procedure and is most effective when the parties reach the end of a six month probationary period. It provides the Commission with tangible background information to go by.

Commissioner Plummer asked if Ms. Paiva received counseling throughout the term of employment. Ms. Miles said that whenever there was an issue, she would bring it to Ms. Paiva's attention. The department uses many standardized forms and often there are changes and adjustments made to the forms, such as a name, address, certified receipts number and rates on these standard forms. Some of the information entered on those forms by Ms. Paiva was incorrect. Ms. Miles then listed some of the errors.

Commissioner Plummer asked if the counseling sessions were documented and on file. Ms. Miles said that she had made her own notes about the issues and making copies of things but did not fill out a formal document.

Commissioner Emanuel asked about the allegations regarding the clerical errors and misspellings, along with Ms. Paiva's inability to perform the assigned tasks. Ms. Paiva said that the allegations were exaggerated.

Commissioner Emanuel pointed out that Ms. Paiva had made some serious charges of bullying, harassment and discrimination. He asked if she had concrete evidence that this had taken place. Ms. Paiva said that she did. She went on to say that there were other employees within hearing when she was bullied.

Commissioner Emanuel asked if she had the evidence with her at the meeting. Mr. Dunn said that the Commissioners were looking for times, dates, places, names and other similar facts. Ms. McCarthy said that Ms. Paiva had gone to a professional counselor on a number of occasions. Ms. McCarthy then made a statement saying that this was not the forum to discuss those charges. Commissioner Emanuel pointed out that he had asked Ms. Paiva the question because she had made those charges to the Commissioners. He pointed out that if Ms. Paiva felt she was being terminated because of the charges, this was the forum to bring the information forward. He said he was asking if she could present evidence of those incidents. Ms. Paiva said that she did not have any evidence with her at this time.

Mr. Dunn said that this was a formal termination hearing with the City's Personnel Policies and Procedures under the Charter. It is known as a Tripartite Vote. Ms. McCarthy said that she fully understood that it was a foregone conclusion that Ms. Paiva would be terminated and that it was known that the City had a high turnover.

Commissioner Guedes stated that Ms. McCarthy's assessment was incorrect and introducing hearsay. She added that she was not aware of a conversation that Ms. Paiva may have had with someone else. Commissioner Guedes said that it would be fair that questions be asked if an allegation that is cause for termination is introduced. She stated that she did not think Ms. McCarthy's assumption that it was a foregone conclusion that Ms. Paiva would be terminated was a fair assessment.

Commissioner Guedes said that she wanted to keep the hearing focused on the performance evaluation. She then asked Mr. Weiner if he would, as a Department Head,

consider a three or six month extension of probation so that the legitimate documented performance evaluations could be done. This would also allow for a possible improvement in the employee's performance and hopefully this would not come back to the Commission. Mr. Weiner said that aside from the evaluations, the performance failure were in basic shortcomings. He went on to speak about the complexity of the job tasks.

Commissioner Falberg then said that she has worked for the Department of Labor for 26 years and is very aware of human rights and equal opportunity. She explained that it was the Commission's job to hear what both parties have to say. One thing she always looks for is written documentation. If the supervisors say anything that is discriminatory, the Commission needs to know what they said to Ms. Paiva that made her feel that she was discriminated against. Unfortunately, there is no paperwork. Only Ms. Paiva, Mr. Weiner and Ms. Miles know what happened. In order for the Commissioners to make a decision, they need to know what was said to her that made her feel the way she did.

Commissioner Falberg said that she understood that when comments are made in front of others, it can be very degrading. However, the Commissioners don't know the details and they can't make a decision without knowing this. She said that this was her personal opinion based on her work with the Department of Labor. She added that the Commissioner of Equal Opportunity nearby. If Ms. Paiva feels that she was discriminated against for any reason, she could go there and file a complaint. Today, the Commissioners are present to hear both parties and are not taking sides because they do not know any of the details.

Commissioner Plummer said that the facts were fairly clear to him as they have been presented. He said that he wanted to know if Ms. Paiva would consider continuing to work for them. If there was an act of discrimination, Commissioner Plummer said it was time to let it out. While he has heard that there were charges of discrimination, he had not heard any discriminatory actions yet. All he has to go on is what has been presented today. The Commission is present not only to protect the rules and regulations of the City but also to protect the claimant.

Ms. McCarthy asked Mr. Weiner about the treatment of Ms. Paiva. Commissioner Guedes asked Ms. Paiva if she was stating that she had gone to the department head on two occasions claiming discrimination. Ms. Paiva said that she had. Commissioner Guedes asked Mr. Weiner to tell the Commission what happened. Mr. Weiner said that Ms. Paiva had come forward with some accusations, but he also knew that there had been some problems with Ms. Paiva's job performance. He added that he had spoken to Ms. Miles and Mr. Dunn about the specific complaints.

Commissioner Guedes pointed out that there were two issues, job performance and the claims of discrimination.

Commissioner Plummer asked if Ms. Paiva had named the form of discrimination to Mr. Weiner. Mr. Weiner replied that Ms. Paiva had just used general terms like "bullying". He said that he works right in the same office and would have been aware of what was

going on. He added that he felt he knew what the issue was, which was her job performance. The second time, Mr. Weiner said, Ms. Paiva came to him with the President of her Union and she requested him to sign for a letter. He said that he would not sign for it and instructed both Ms. Paiva and the Union President to leave his office. So, there was no discussion at the second meeting.

Commissioner Guedes asked Mr. White if he had something to add. Mr. White said that the Office of Labor Relations had received a complaint. He said that there was an internal investigation going on.

Commissioner Guedes said that she knew Commissioner Plummer had experience in the area of discrimination, so she asked Commissioner Plummer how it should be handled. Commissioner Plummer said that it would be necessary to get statements from the parties involved. If the accusation was bullying, he said he wanted to know who bullied her and under what circumstances. Is there just cause for this complaint? Is there just cause for termination? The facts have to be present before the matter can be adjudicated. Once the facts are presented, if Ms. Paiva has a witness or evidence, that will help determine the case. However, he also pointed that the Department Head's skills for managing employment also carried significant weight.

He added that he did not believe that the City would want to force the department to have an employee that the Department Head did not want working for them, especially in light of the fact that the Department Head and supervisor felt the employee had unsatisfactory work habits. Otherwise it is just a matter of opinion. He said that extending the probationary period could be a consideration.

In his opinion, Commissioner Plummer said, that what Mr. Weiner said carried a lot of weight. He felt that what Mr. Weiner was presenting had more just cause than Ms. Paiva because Ms. Paiva had not presented any evidence of a strong case of discrimination.

Ms. McCarthy then asked Mr. Weiner about an incident on December 23rd, when Ms. Paiva went to him and raised the issue of the treatment that she was receiving from Ms. Miles. She then went to the HR department. She then received a statement about her performance. Ms. McCarthy said she did not believe that Mr. Weiner had followed up on Ms. Paiva's accusation of bullying. It was Ms. McCarthy's understanding of the City's bullying policy that the person who is being bullied is the primary, not the person who was the bullier. She said that this would create a responsibility on the part of the department head to consider the perception of the individual that was on the receiving end was adequate or accurate as opposed to determining their knowledge and reputation of the alleged bullier. At the bare minimum, Ms. McCarthy hoped that there would be an investigation of that accusation that was more than just talking to the alleged bullier. This should also include going to those who witnessed the event, also. It does not appear that this was done on December 23rd or January 19th, which ended up with a written complaint being filed.

Commissioner Guedes said that Mr. White had stated there was an investigation underway by the Labor Relations office. Ms. McCarthy said that this was so because Ms. Paiva filed a complaint against Mr. Weiner on January 19th regarding the behavior that she had been subjected to. At that time, according to Ms. Paiva's statement, Mr. Weiner said that he had to think about that and he would get back to her. However, Mr. Weiner never got back to Ms. Paiva.

Commissioner Plummer asked Ms. McCarthy, with all due respect, if she was Ms. Paiva's attorney. Ms. McCarthy said that she was not. Commissioner Plummer asked Ms. McCarthy if she was Ms. Paiva's friend who was speaking for her. Ms. McCarthy said that she was an individual who heard about this situation. Commissioner Plummer said that the reason that he asked was because Ms. McCarthy was not a party to this issue, but was speaking for Ms. Paiva. He said that he believed the Commission's role was to take an official position, which would not include Ms. McCarthy. Ms. McCarthy was making observations from a personal point of view, which the Commission respects and hears, but when the discussion moves to having an attorney involved, then the potential of a court case arises.

Since Ms. McCarthy is not a witness, it might not be appropriate for her to introduce the legality of this, Commissioner Guedes added. Ms. McCarthy was introducing what might be appropriate actions on behalf of the department head. This is not an appropriate stand for a personal advocate.

Commissioner Guedes said that she had hoped Atty. Mitola would have been present because her question was whether from a legal standpoint, could a termination hearing take place while there is a pending complaint of bullying, discrimination or whatever and that investigation is going on. She said that she would like the Civil Service's counsel to advise her on this. She added that she did not feel comfortable going forward with a termination hearing while there was a pending discrimination investigation underway.

Mr. Dunn asked Mr. White what the status was of the complaint. Mr. White said that the investigation by the Office of Labor Relations was underway. He reminded everyone that he had previously stated that Ms. Miles had come to speak to him in mid-December, which was well before the other issues. That was when the performance issues were first raised. To set the chronology, Mr. White said that the other accusations came after that.

Commissioner Guedes asked if Mr. White had any kind of timetable on the investigation. Mr. White replied that he did not know because he was not involved in the investigation. Commissioner Plummer asked Mr. White if a respondent had been named. Mr. White said that he knew that the complaint had been filed and that Atty. Neil Austin was the one conducting the investigation. Commissioner Plummer suggested the matter be tabled. Commissioner Emanuel said that he was present for a termination and the allegations of bullying have not been substantiated. The issue is job performance. He said that he agreed with Commissioner Guedes regarding the performance reviews. If she had received timely performance, Ms. Paiva might have been able to adjust her job performance.

Mr. Dunn said that the department has examples and documents that they were willing to submit showing the clerical and spelling errors, if the Commission would like to review them. As far as the Labor Relations investigation, it is on-going and no one knows how long it might take complete. He reiterated Commissioner Emanuel's point that this was a termination hearing focused on job performance. It doesn't necessarily impact on the Labor Relations' investigation. If Labor Relations determined that there was bullying involved, Ms. Paiva could be offered another job with the City. The department's concern is that it is a small department and there are three people involved, which is the entire department. Currently, they are down 33%. It is important to resolve this promptly so the department can continue to process work. Ms. Paiva is on administrative leave with pay. Mr. Dunn said that she should be left on administrative leave without pay.

Commissioner Guedes said for the record that she would not go forward with a decision without the City's Attorney present to inform her that the Commission is within their right to do this because of the circumstances of this case. Discussion followed.

**RECESS.**

**\*\* COMMISSIONER PLUMMER MOVED TO GO INTO RECESS WHILE THE CITY ATTORNEY WAS CONTACTED.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

A recess was declared at 3:29 p.m. Commissioner Guedes called the meeting back to order at 3:30 p.m.

Mr. Dunn reported that Atty. Mitola was on his way to the meeting. Commissioner Guedes announced that the Commission would be tabling this matter until Atty. Mitola arrived.

**\*\* COMMISSIONER PLUMMER MOVED TO TABLE THE TERMINATION HEARING FOR PROBATIONARY EMPLOYEE SUE PAIVA UNTIL ATTY. MITOLA ARRIVED AT THE MEETING.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**TERMINATION HEARING - TRIPARTITE VOTE**

The Commission has received a request for a hearing from Attorney Thomas Bucci, on behalf of his client, Iris Molina, for his claim of unlawful termination.

Mr. Dunn explained that neither Atty. Bucci nor City Attorney Bohannon was able to be present at this meeting.

**\*\* COMMISSIONER EMANUEL MOVED TO TABLE THE TERMINATION HEARING FOR IRIS MOLINA TO MARCH 8, 2016.**

**\*\* COMMISSIONER PLUMMER SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

**FIRE EQUIPMENT MECHANIC**

The office has posted this position two times and there have not been any internal applicants. Therefore, this exam should be open competitive.

Mr. Dunn said that the union was fine with this, but they wanted whoever is hired to be required to become a member of the union. Commissioner Guedes asked if would change the table of organization. Mr. Dunn said that it did not.

**\*\* COMMISSIONER FALBERG MOVED TO APPROVE THE CLASSIFICATION OF THE FIRE EQUIPMENT MECHANIC EXAM AS OPEN COMPETITIVE.**

**\*\* COMMISSIONER PLUMMER SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

**WILSON D. ORTIZ, JR.**

The Commission has received a request from Mr. Wilson D. Ortiz, Jr. to waive his appointment on the entry level Police Officer #2330 employment list until April 9, 2016.

Mr. Ortiz explained that he was about to have some surgery and would be able to start the process after April 9, 2016. Ms. Brelsford updated the Commissioners on the status of his application. Mr. Dunn recommended that Mr. Ortiz be granted his request. Ms. Brelsford said that when Mr. Ortiz goes for his physical, he will be asked during the process about surgery and provide the Personnel Office with the appropriate documentation.

**\*\* COMMISSIONER PLUMMER MOVED TO APPROVE THE REQUEST FOR A WAIVER BY WILSON D. ORTIZ, JR. ON THE ENTRY LEVEL POLICE OFFICER #2330 EMPLOYMENT LIST DUE TO PENDING SURGERY UNTIL APRIL 9, 2016.**

**\*\* COMMISSIONER FALBERG SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

**GILBERT VELEZ**

The Commission has received a request from Mr. Gilbert Velez regarding the delay in testing for the Custodian 4 test.

Mr. Velez came forward and said that he wanted to know how the process was going. He said that there were more employees who were leaving or retiring. Mr. Velez distributed a document listing the various positions and the salaries associated with this.

Mr. Dunn said that the department was in the process of planning for the testing. He said that the goal was to have the test ready by April so that the names can be published by May to start the custodians in the new schools.

Mr. Velez said that now there was a grievance about the positions. Mr. Dunn said that it was the department's call to determine positions. He said that that exam had been tentatively scheduled for March 19th at the Tisdale School.

Mr. Velez said that there were numerous employees who were working out of classification. Commissioner Guedes said that she was familiar with how the City has responded to this issue in the past and that the City can't move forward if there are budgetary constraints. Mr. Velez said that there were people in the position who are not custodians.

Mr. Dunn said that the Board of Education was choosing employees for these positions as "Acting 4". Almost all of the positions were done by former director Garcia. This is one of the reasons that the union has requested that the item be moved along. Commissioner Guedes said that holding the test was within the purview of the Commission. Other issues, such as the "Acting 4" positions, would have to be presented to Labor Relations.

*Atty. Mitola joined the meeting at 3:50 p.m.*

#### **TERMINATION HEARING - TRIPARTITE VOTE. (Continued)**

Commissioner Guedes asked Atty. Mitola if the Commission could proceed with a termination hearing if there was a pending Labor Relations internal review of bullying underway.

Atty. Mitola said that the Commission could proceed. He then asked Mr. White about when the bullying complaint was received and whether it was filed before or after the decision was made to seek this employee's termination.

Commissioner Guedes informed Atty. Mitola that there were no written performance evaluations. She asked for clarification on the timeline of events.

Mr. Weiner said that he had known that there had been serious performance issues before Ms. Paiva had met with him the first time, which is the reason that he was reluctant to say much about the situation. Atty. Mitola asked Mr. Weiner why Ms. Paiva had met with him the first time. Mr. Weiner said that she had come to complain about the issues. Mr. Dunn added that the first complaint was on December 23rd. Ms. Brelsford said her notes indicated that the verbal complaint had occurred on January 19th. Ms. Paiva said that her first verbal complaint to Mr. Weiner was on December 23rd. She said that she had verbally complained to Mr. Weiner again on January 19th. The written complaint was filed on February 3rd, which is the complaint that Labor Relations is investigating.

Mr. Dunn said that although the letter was dated February 4th, Mr. Weiner had already informed Ms. Paiva that she was being placed on leave. Mr. Weiner stated that they had given Ms. Paiva the performance appraisal two days before the letter from Civil Service stating she was terminated was done.

Commissioner Plummer asked if the "bullying" was filed against a supervisor or a co-worker. Mr. Dunn said that bullying charge was against Ms. Miles, who is her supervisor. He asked when that was filed. Commissioner Guedes said that it was December 23rd. Commissioner Plummer said that he wanted to be absolutely clear that the discrimination charges against management were not the reason for her termination.

Ms. Miles said that one of the points that Ms. Paiva had brought to Mr. Weiner was that after incidents where it was brought to her attention that she had sent out miscommunications to employees. So on the 23rd, it was a COBRA letter and in January, there was an email communication between Ms. Miles and Ms. Paiva about training for the Health Department Safety Committee. Ms. Miles gave the details of the confrontation about the training session, which Ms. Paiva felt was redundant. Commissioner Emanuel said that he felt that the Commission was being asked to litigate the bullying complaint.

Atty. Mitola said that if the Commission felt that there were legitimate reasons that the employee should be terminated and could be supported, then they could proceed. However, he cautioned everyone that it was likely that there would be a complaint by Ms. Paiva that it was done as retribution. He asked if the bullying complaint stated that the termination was taking place because she filed a complaint. Mr. White said that Atty. Neil Austin was handling the investigation, so he did not know.

Mr. Dunn pointed out that Mr. Austin was a former CHRO investigator, so Mr. Dunn was sure it would be a thorough investigation. He said that his question was whether the fact that Ms. Paiva filed this complaint stay any proceedings that the Commission would take up because there was a recommendation for termination.

Mr. White informed Atty. Mitola that the issue of poor performance had been raised by Ms. Miles before the complaints of "bullying".

Commissioner Emanuel said that his concern was that there had been no performance reviews done. Atty. Mitola agreed. Commissioner Plummer said that he was concerned about the fact that the discrimination case was still open and being investigated. Discussion followed about whether it would be worthwhile to delay this matter until Labor Relations concluded their investigation.

Atty. Mitola suggested that this be tabled until the following month.

**\*\* COMMISSIONER PLUMMER MOVED TO TABLE THE TERMINATION HEARING FOR PROBATIONARY EMPLOYEE SUE PAIVA FOR MORE CLARIFICATION FROM THE LEGAL DEPARTMENT TO THE NEXT REGULARLY SCHEDULED CIVIL SERVICE MEETING ON MARCH 8, 2016.**

Mr. Dunn said that it would be important to have the internal investigation concluded. Mr. White said that he would inform Atty. Austin of this.

**\*\* COMMISSIONER FALBERG SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **Legal Report**

Atty. Mitola said he did not have an additional report for the Commission.

### **Personnel Director's Report**

Mr. Dunn presented the Commission with an update on the Police Officer #2330 process and said that the Academy will begin on February 29th. To get 30 qualified candidates 150 people were processed, tested, and reviewed. There are 28 Bridgeport residents and 2 non-residents. Thirty-two (32) candidates are desired. After this class there will be 2 more classes of 32 each.

Fire recruitment has been doing a nice job and Civil Service will meet with the team Monday for the last time. Civil Service is advertising for a new Fire Chief in this Sunday's CT Post and trade publications. Chief Rooney is planning to retire in May. Ten (10) years ago the requirement of a college degree was waived for Rooney. He is currently on a leave of absence because he had emergency surgery.

There are serious rumors about more layoffs and Civil Service is in the mix. David said he was in discussion with Labor Relations to join forces officially and formally with Human Resources and Benefits. There are a number of administrative employees as in clerks and secretaries. Other departments such as City Attorney have administrative employees also. Fire and Police are not affected yet but layoffs may be coming. David commented that the recently approved position of Legal Assistant to the City Attorney is paid in the same rate range as the Civil Service Commission Administrative Assistant/Office Manager, Deborah Brelsford and the Senior Office Manager position in Public Facilities, Virginia Baldino. All 3 positions are assistants to department directors and perform office managerial/executive level duties and responsibilities.

### **ADJOURNMENT.**

**\*\* COMMISSIONER EMANUEL MOVED TO ADJOURN.**  
**\*\* COMMISSIONER FALBERG SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

The February 18, 2016 regularly monthly meeting of the Civil Service Commission adjourned 4:17 p.m.

Respectfully submitted,  
S. L. Soltes  
Telesco Secretarial Services