

CIVIL SERVICE COMMISSION REGULAR MEETING MINUTES

April 6, 2016 at 2:00 p.m.
City Hall, 45 Lyon Terrace, Bridgeport, CT 06604
Bridgeport City Council Chambers

Commissioner Guedes called the regular meeting of the Civil Service Commission to order at 2:12 p.m. Present were Commissioners Emanuel and Falberg; Personnel Director David Dunn; Clerk to the Commission Deborah Brelsford; Scott Hughes, City Librarian; Attorney Mark Anastasi, City Attorney's Office; Janene Hawkins, Labor Relations Director; Atty. Thomas Neil Austin, Labor Relations; Atty. Bucci, Willinger, Willinger and Bucci; Leonard Cohen III; Richard Weiner, Benefits Director; Monquencelo T. Miles, Employee Services Coordinator; Sue Paiva, Angela McCarthy; Sharon Soltes, Telesco Secretarial Services

Meeting Minutes - Approved

The minutes from the regular monthly Civil Service Commission meeting on April 6, 2016 were submitted for review.

- ** COMMISSIONER EMANUEL MOVED THE MARCH 8, 2016 MINUTES.**
- ** COMMISSIONER FALBERG SECONDED.**
- ** THE MOTION TO APPROVE THE MARCH 8, 2016 MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

Vacancy Report – NOTED FOR THE RECORD

Mr. Dunn presented the following Vacancy Report.

VACANCIES – Report 04/01/2016

Competitive Positions	Former	Replacement
POLICE		
Police Officer (29)	William Brooks	Kamar Gidden Mario Pecirep Thiago Reaes
	Stewart Chonka	Eroildo Quiles
	Cruz Cotto	Margaret Farkas
	Clifford Cunningham	Richard Jimenez
	Frank D Amore	Linet Castillo-Jimenez Bobby Hernandez Dale Walker
	Rafael Duran	Adam Szeps
	Charles Feyk	Cyndy Trinh Jonathan Simmons
	Ernest Garcia	Andrew Christie
	Jay Genetti	Carlos Carmo James Boulay
	Nelson Gonzalez	Taequan Mitchell
	Michael Gosha	Jamar Edwards
	Ronald Henderson	Joseph Pires
	Clive Higgins	Luis Ortiz

	Matthew Johnson
	Chelsea Lancia
	Marcus Berrios
Glenn Keitt	Ovelize Elena
	Milka Rodriguez
Petras Kemeza	Steven Figueroa
Michael Killian	Natalie McGlaughlin
David Killian	Hector Rivera
	Daniel Ortiz
	Stephen Silva

BOARD OF EDUCATION

Custodian I (2)	Michael Lazarus
	Nicholas Papstavros

Non-competitive Positions

Former

Replacement

OFFICE OF POLICY MANAGEMENT

OPM Director	Thomas Sherwood	Nestor Nwko
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HUMAN RESOURCES/BENEFITS ADMINISTRATION

Clerk-A (Floater)	Clara Clapp	Sandra Benson
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OFFICE OF PLANNING & ECONOMIC DEVELOPMENT

Manager of Housing Construction -- Joseph Gambino
Housing Construction Development Specialist -- Jennifer Rodriguez

HOUSING & COMMUNITY DEVELOPMENT

Neighborhood Community Liaison/Special Project Coordinator	N/A	Alma Maya
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FINANCE

Assistant Internal Auditor	N/A	Che Ramos
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TOWN CLERK

Data Analyst	N/A	Joshua Diaz
Seasonal Election Specialist	N/A	Wilfredo Marrero
		Ariel Jackson

BOARD OF EDUCATION

Maintainer I, Grade I	Ronald Saunders
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PARKS & RECREATION

Lead Water Taxi Captain
Water Taxi Captain (4)
Water Taxi Crew Member (8)
Recreation Leaders (10)
Lifeguard (50)
Lifeguard Captains (6)
Lifeguard Supervisor (4)
American Red Cross Lifeguard

Beach Supervisor (2)
 Seasonal Zoo Maintainer I (9)
 Zoo Checkpoint Attendant (4)
 Checkpoint Attendant (25)
 Senior Checkpoint Attendant (25)
 Checkpoint Attendant Supervisor (10)
 Head Referee (12)
 Site Monitor (15)
 Site Coordinator (10)
 Coach (10)
 Assistant Golf Course Manager (3)
 Head Starter (2)
 Starter/Ranger/Ticket Seller (20)
 Groundskeeper (20)
 Seasonal Mechanic

Merit Increases – CERTIFIED FOR PAYROLL

The Commission certified the following merit increases:

MERIT INCREASES EFFECTIVE APRIL 1, 2016

BOE – FACILITIES

Shaun Forizs Maintainer I, Grade I \$28,939 (1) to \$30,463 (2)

POLICE – ANIMAL CONTROL

Eric Cubero Kennel Person \$28,939 (1) to \$30,463 (2)

PUBLIC FACILITIES

George Brown Maintainer I, Grade I \$28,939 (1) to \$30,463 (2)
 Rene Colon Maintainer I, Grade II \$31,060 (1) to \$32,693 (2)

PARKS & RECREATION

Samuel Rivera Maintainer I, Grade I \$28,939 (1) to \$30,463 (2)

Ryan Conrad Boat Captain \$43,684 (1) to \$44,770 (2)*
**Merit Increase effective June 1, 2016*

Permanent Appointments – CERTIFIED FOR PAYROLL

PERMANENT APPOINTMENTS

LAST NAME	FIRST NAME	TITLE	DEPARTMENT	EFFECTIVE DATE
McDevitt	Brian	Pressman	Print Shop	02/10/2016
Jain	Megha	Civil Engineer I	Engineering	03/14/2016

Reallocation Requests

The Commission has received a request from Scott Hughes, City Librarian, to reallocate 1 (one) full-time Librarian I position and 1 (one) Library Assistant III position to 2 (two) full-time Junior Librarian positions.

Mr. Scott Hughes came forward to address the Commission. Mr. Dunn reviewed the details of the request. He said that the Supervisor's Union had called and requested that they be heard on both positions and requested that this matter be tabled. Mr. Hughes said that the positions have been vacant and that this type of reallocation had been done in the past. Mr. Dunn said that one of the position would move from the Supervisor's Union to NAGE.

Mr. Hughes said that he would amended to the take the Librarian III position and make it a Junior Librarian. Atty. Anastasia said that he was assuming that Mr. Hughes would be meeting with Labor Relations about the details.

**** COMMISSIONER EMANUEL MOVED TO TABLE THE REQUEST FROM SCOTT HUGHES, CITY LIBRARIAN, TO REALLOCATE 1 (ONE) FULL-TIME LIBRARIAN I POSITION AND 1 (ONE) LIBRARY ASSISTANT III POSITION TO 2 (TWO) FULL-TIME JUNIOR LIBRARIAN POSITIONS.**

**** COMMISSIONER FALBERG SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commission has received a request from Scott Hughes, City Librarian, to reallocate 1 (one) full-time Maintainer I, Grade II position to 1 (one) full-time Maintainer IV position.

Commissioner Emanuel asked Mr. Hughes if he could create a document that would give an overview of the positions and how the unions were involved.

Mr. Hughes said that he was requesting the reallocation of a FT Maintainer I to a IV. A discussion then followed about the details of the posting and the change in position. Mr. Hughes pointed out that the position requires a CDL and brings value to the position. Commissioner Emanuel stated that he would like to see the job descriptions and the pay scales in order to make an informed decision.

**** COMMISSIONER EMANUEL MOVED TO TABLE THE REQUEST FROM SCOTT HUGHES, CITY LIBRARIAN, TO REALLOCATE 1 (ONE) FULL-TIME MAINTAINER I, GRADE II POSITION TO 1 (ONE) FULL-TIME MAINTAINER IV POSITION.**

**** COMMISSIONER FALBERG SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Fire Department Request.

Fire Chief Brian Rooney has requested the Commission approve the appointment of Assistant Chief Richard Thode to provisional Deputy Fire Chief.

Mr. Dunn stated that he had received a request from Chief Rooney to withdraw this item.

Waiver Request

The Commission has received a request for a waiver to the next Police Officer Academy Class from Mr. Leonard Cohen III regarding failing the Cooper's Test on February 29, 2016, the first day of the Bridgeport Police Academy, for the first class from exam #2330.

Atty. Bucci came forward along with Mr. Cohen, III and Mr. Cohen's father. Atty. Bucci distributed copies of a document with the entry level requirements. He listed all the requirements that Mr. Cohen had passed including the polygraph and background check. Atty. Bucci said that before the start of basic training, the candidates perform the run again. Mr. Cohen III was not able to do this due to the fact that he had a bronchial condition at the time.

Atty. Anastasi asked for clarification about the medical exam. Mr. Dunn stated that Mr. Cohen III had passed the medical exam and the physical exam. SE asked what happened when Mr. Cohen had failed the second run. Mr. Dunn explained that failing the run would disqualify Mr. Cohen. Mr. Dunn said that he was in favor of granting the waiver and was requesting a formal vote. Commissioner Guedes said that for the record, Mr. Cohen will be required to successfully complete the run and she recognized that Mr. Cohen did not understand or know about the fact that he could have requested a waiver because he was ill. Atty. Anastasi said that it could be made as a waiver under Section 212 of the Charter. A discussion followed.

**** COMMISSIONER EMANUEL MOVED TO GRANT THE REQUEST FOR A WAIVER TO THE NEXT POLICE OFFICER ACADEMY CLASS FROM MR. LEONARD COHEN III REGARDING FAILING THE COOPER'S TEST ON FEBRUARY 29, 2016, THE FIRST DAY OF THE BRIDGEPORT POLICE ACADEMY, FOR THE FIRST CLASS FROM EXAM #2330.**

**** COMMISSIONER FALBERG SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Custodian Exam

The Commission has received correspondence from Dwayne M. Harrison, NAGE Local R1-200 regarding the recent Custodial IV Examination and an upcoming Custodian 1 Examination.

Mr. Dunn explained that the correspondence was from NAGE thanking the Commission for the recent Custodian IV examination. 27 candidates took the test and 23 passed. The practical exam was also administered to 22 candidates and 18 passed. All the candidates were provisional Custodian IVs. Those who did not pass will move back to a Custodian I position with the associated salary. A list will be posted at the end of the week and the 30 day time limit will start. Most of the positions were for the various school assignments.

Termination Hearing - Tripartite Vote

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

Atty. Austin came forward and said as a Senior Labor Relations Officer for the City of Bridgeport, he had been charged with conducting an investigation regarding a bullying charge that was brought by Ms. Paiva. He said that he had completed the investigation but just discovered that in the process of doing this investigation, he had interviewed Commissioner Guedes' sister, who provided Atty. Austin with information in regards to the charge itself. He said that he was bringing this to Commissioner Guedes' attention to avoid creating a conflict for her and wanted the record to reflect that he was disclosing it. He explained that he had no idea they were related and was surprised when Commissioner Guedes' sister introduced Atty. Austin to Commissioner Guedes just prior to the start of the Civil Service meeting. Commissioner Guedes said that whatever information was discussed between Atty. Austin and her sister would most likely be introduced as evidence in the hearing. She added that she had not discussed anything related to this. Atty. Austin said that he wanted to put the issue on the table. He said that everything that he had discussed with the various people that he interviewed could be part of the evidence and was public information. He just wanted Commissioner Guedes to be comfortable with this. Commissioner Guedes said that she did not have an issue with this and asked the other Commissioners if they had an issue with it. Mr. Dunn asked Atty. Anastasi for his thoughts.

Commissioner Guedes informed Atty. Anastasi that her sister, Mary, works in Payroll and asked if any information that her sister had with Atty. Austin about Ms. Paiva would create a conflict of interest. Atty. Anastasi said that he understood that Commissioner Guedes' sister was interviewed as part of the process and thought that Atty. Austin's report on the bullying charges would be part of the evidence. Atty. Austin said that this was correct. Atty. Anastasi asked Commissioner Guedes if she was comfortable in putting her relationship with her sister aside and felt that she could make an impartial judgment. Commissioner Guedes said that her sister does not talk to her about work related issues, however, she did not believe it would impart her decision. Atty. Austin said that he would be reporting to the Commission the information that was conveyed to him as it relates to the bullying charge filed by Ms. Paiva. In fairness to all, Atty. Austin said that since he did not know that before, he wanted to bring it to Commissioner Guedes's attention. Commissioner Guedes said that she appreciated that. Atty. Austin said that Commissioner Guedes' sister provided some information that was necessary to write his conclusion. Atty. Anastasi asked Commissioner Guedes if she was comfortable moving forward. Commissioner Guedes replied that that would be her testimony for the record. Atty. Austin said that he was just trying to be fair not only to the City, but also to Ms. Paiva.

Mr. Dunn said that this matter had been tabled back in February in order to allow the investigation in to the bullying charge to be completed. Commissioner Guedes asked Ms. Paiva if she wanted the hearing to take place in Executive Session. Ms. Paiva replied that she was comfortable with an open hearing.

Mr. Dunn said that the item had been tabled at the time because of questions raised regarding the bullying aspect that was raised by Ms. Paiva. It was noted at that time that Labor Relations was conducting or had just been given the complaint and would do an investigation. He then asked Atty. Austin for his investigation report.

Atty. Austin said that his investigation was completed and that the written report was 75% typed. He then said that he would give the Commission an oral report on the conclusions that he had reached and the information that he received. With the exception of two people, all the interviews that were conducted were recorded. There were reasons why two of the interviews were not recorded.

Atty. Austin met with everyone that worked in Payroll and in and around Ms. Paiva's work area and where Ms. Miles has her office. He said that he could explain to the Commission that in terms of the claims that Ms. Paiva leveled in terms of the bullying charge, what evidence he found and what his investigation produced. He would then explain the conclusion he reached as to the bullying charge.

Atty. Austin said that for the record he had interviewed Ms. Paiva on three different occasions, twice in one day and another time on the initial date. He also interviewed Ms. Miles who Ms. Paiva claimed was bullying her. He also interviewed Mr. Weiner, who is in charge of the Benefits Department; Mr. Amotto, whose work station is immediately adjacent to Ms. Paiva's work station. He also interviewed Ms. Hart, who has the front desk at Civil Service and works in close proximity to Ms. Miles' work area and where Ms. Paiva's work station was located, along with Ms. Mastonunzio who is located two cubicles from Ms. Paiva. With the exception of Mr. Dunn's office, all the work stations in the office area are open cubicles, and do not have doors. He also interview Ms Otiera, who works for Payroll, but is also in the same location, along with Ms. Hooks, Mr. Rockhill, Ms. Ferreria and Mr. Battellio, all of whom are in the same area.

Atty. Austin said that he had interviewed Mr. Appleby via phone, and Mr. Appleby provided information relative to the badges and I.D.s that are to be worn, which is an issue that was brought up by Ms. Paiva. Atty. Austin also spoke to Thomas McCarthy, and would have interviewed him on the record, but he is no longer employed by the City. Mr. McCarthy confirmed one aspect of the information for Atty. Austin.

The allegations in Ms. Paiva's complaint are contained in two documents. One was a complaint letter to Ms. Janene Hawkins, the Director of Labor Relations, and one was to Richard Weiner. Atty. Austin said that in order to get the full breath of the complaint, one must read both letters in conjunction. Ms. Hawkins' letter had general statements, Mr. Weiner's letter gave specifics. Although both documents were undated, Atty. Austin said that he was assuming that they were both submitted around the same time. The Labor Relations letter was time stamped in on February 3rd of this year. Mr. Weiner's letter contained the specific details of the bullying charge that emanated from a new City policy called "Workplace Bullying Policy", which had an effective date of November 1, 2015 and signed by then Mayor Finch and place in the City policies. Bullying, as it is

defined within the policy itself, gives examples of what bullying can be. It could be verbal, it could be physical, it could be by mere gesture, or a mere look or glance could also be considered bullying if it was so subjective. Other things that could be considered bullying would be public humiliation, using verbal or obscene gestures, shouting or raising one's voice at an individual in public or in private; persistent singling out of a person; public reprimands; repeatedly accusing someone of errors that can not be documented would all come into play and were contained in the bullying charge. Having read that, and the complaint that was filed by Ms. Paiva, Atty. Austin said that he set out to perform an investigation that was assigned to him by Ms. Hawkins.

Atty. Austin said that during his three interviews with Ms. Paiva, she documented or gave him more information about Ms. Miles' bullying. She said she was publicly humiliated, yelled at, trivial things were brought to the level that Ms. Paiva felt they should not have been. One example of this was when Ms. Paiva was chastised for not wearing her I.D. tag. Ms. Paiva kept it in her cubicle on a hook and the people inside the office were aware that she was a City employee. However, she did not wear it and she repeatedly was asked to put it on.

Atty. Austin said that he had checked into the City policy about that. Ms. Paiva attended a Homeland Security seminar conducted by Mr. Appleby who talked about the need to wear I.D.s so that people coming through the front door would be identified. He supplied Atty. Austin with the policy regarding it. Ms. Miles also gave Atty. Austin a year old email from Ms. Jody Paul, who was the H.R. person at that time, that reminded everyone to wear their I.D.s. This was why Mr. Austin spoke with Mr. Appleby, who supplied him with documentation as to the requirement for wearing the I.D.s as per City policy. Atty. Austin listed the various ways that other City employees wear their I.D.s and stated that they did so per City policy, which is documented.

He then said that Ms. Paiva spoke about what she considered "trivial" issues that Ms. Miles would bring to Ms. Paiva's attention. Numbers would be incorrect primarily on addresses. Ms. Paiva was assigned to send out documents concerning COBRA benefits and Workman's Compensation issues. There were numerous examples of where the numbers were transposed or poorly written, which caused the letters to be delivered to the wrong addresses. People were not being notified in an appropriate time as to what their COBRA benefits were if they were entitled to COBRA benefits. If an employee anticipated leaving the City's employment and was entitled to COBRA benefits, many people were not receiving the notice in a timely manner and therefore could not take advantage of the program or make a decision regarding whether they could get COBRA benefits.

Ms. Paiva was assigned to send out different notices, one of which required that a document be partially filled out by management. Ms. Miles, as Ms. Paiva's supervisor, asked Ms. Paiva to send these forms out along with the other requisite paperwork. The heading of the document had a box stating "To Be Filled Out By Management" and included information such as Name, Address, Employee Number and a few other things including Ms. Miles' email address, which would allow communication with the Benefits

Department. In many instances, the information was never filled out and in some instances, an incorrect email address was provided. Atty. Austin said that when he had asked Ms. Paiva about that, she replied that perhaps she had taken her instructions too literally when she was told to put the document in the packet and send it out. Ms. Paiva said that she was not actually told to fill it out despite the fact that the form states it must be filled out. These forms were being sent for continuing benefits and contained information that the insurance company would need to know to provide the benefits.

Atty. Austin said that examples were also brought to his attention when employees were either terminated or retired and they were not logged in properly as whether they were entitled to benefits. After a lengthy interview with Ms. Miles, she produced a stack of documents that was at least two to three inches high that included errors made by Ms. Paiva. These errors caused problems during Ms. Paiva's probationary period, starting when she was hired in September and ended on the first or second day of February.

Ms. Paiva indicated that for the first month or so, things were fine. She was learning and getting used to the systems employed by Bridgeport. Ms. Paiva had 15 years of experience in this area. Ms. Paiva had been the third candidate out of eight potential candidates interviewed for the position. She was ranked # 3 by a panel consisting of Ms. Miles, Mr. Weiner and Jodi Paul. The candidates that were ranked #1 and #2 declined to take the position. The interviewing panel were all in agreement to offer the job to Ms. Paiva. Ms. Paiva took the job, and Ms. Miles explained the job to her, started her reading the forms and brochures, informed her as to who to contact and who the vendor was for Workman's Comp information and worked with her during that period.

Atty. Austin said that there was clearly a bright line that occurred in the middle of November and this was identified by Ms. Paiva when the relationship with Ms. Miles had changed. Atty. Austin said that what he had gleaned during his conversations with Ms. Paiva, Mr. Weiner and Ms. Miles, that it was around the mid-October and Thanksgiving time. He said that the frustration with the level of the work had most likely risen to the level that it was getting to Ms. Miles and she was collecting samples of the document errors. Ms. Miles was having to correct, and correct and correct.

Ms. Paiva represented herself at the time that she was hired as "I know the job, I can do the job pretty much on a turnkey type of operation. Give me the desk and I'll take care of it and will learn the nuances. It got to the point where the simplest tasks such as creating an envelope became a problem because Ms. Miles did not like handwritten envelopes. It was determined that they did not look professional. This was relayed to Ms. Paiva that this was not the way to proceed and it turned out that Ms. Paiva did not know how to create an envelope after 15 years of working in this particular area. Ms. Paiva approached Mary Otero and Ms. Otero explained how to create such an envelope. Ms. Otero said that she was rather surprised that someone with the background that she had mentioned to people was unable to do that.

Atty. Austin said that things like this continued to happen. He spoke with Sandra Ferreira who is in charge of Retirements and who worked with Ms. Paiva. Ms. Ferreira

reported that there was a training process and that there was a learning curve. But by the middle of November, Ms. Ferreira was also surprised that she was still getting the same type of request and that Ms. Paiva apparently had not understood the job and could not manage to contact the resources without looking for help from other people.

Things progressed with Ms. Miles until Ms. Miles' level of frustration led to her just saying, "I will take care of it. I will do the job." So for a period of time, Ms. Miles was not only doing her work, but she was doing Ms. Paiva's work, also.

Ms. Paiva equates Ms. Miles as being caught up on trivial and minutia. Atty. Austin said that after he reviewed the mistakes and what the Office had dealt with that affected people's right to insurance and other issues, these were far from trivial and far from minutia. He said that his assignment was to deal with a bullying charge and bringing the mistakes to an employee is what a supervisor should do. He said that he could not find one person that witnessed Ms. Miles yelling, publicly humiliating, obscene gesturing or any of the examples that were identified in the bullying report.

Atty. Austin said that he had provided all the people that he had interviewed with copies of the bullying policy before he interviewed them so that they would be informed. Many of the employees did not know that the City had such a policy. Atty. Austin said that he wanted to them to understand what he was investigating.

He said that he reviewed the bullying policy and asked general questions such as, "Did you ever see Ms. Miles or Ms. Paiva yelling?" That question received one response. On January 19th, one person heard Ms. Paiva yell at Ms. Miles in words to this effect, "You have no reason to yell at me this way." It caused Lisa Mastronunzio to stand up in her cubicle because quite frankly, she thought it might be an irate employee or someone from the public who was upset over something that happened with Civil Service. Ms. Mastronunzio saw no one other than Ms. Paiva. As Ms. Mastronunzio described it, "I saw no danger involved and returned to my work."

Atty. Austin said that he had tried to focus in on this incident. Several people heard about it, but no one else saw it. Ms. Ferreira, who was at work that day, was at lunch at the time. Mr. Rockhill heard about it, but did not see anything that would cause concern. Atty. Austin said that the only person that he could find that witnessed anyone yelling was Ms. Paiva. Not one person that he spoke with of all the people he spoke with and worked literally within feet of both ladies could state that they ever witnesses Ms. Miles yell, humiliate or get caught up on raising insignificant things or treating Ms. Paiva poorly. Atty. Austin said that he asked most of the interviewees to describe the relationship that they had witnessed between Ms. Miles and Ms. Paiva. There were two responses: normal or professional.

Ms. Paiva made a point of saying that "Everyone saw this happening to me." Atty. Austin said that he could not find anyone that saw anything like that happen. He added that to the contrary, that towards the end of November and December, people were realizing that there were issues in the quality of work that Ms. Paiva was producing. Atty.

Austin said that he tried to be as fair as possible in determining what could be classed as bullying and threw a wide net to try and capture anything that someone would consider bullying.

During Atty. Austin's discussions with Ms. Paiva, she said, "Keep in mind, bullying is in the eye of the person being bullied." Atty. Austin said that while he did not disagree with that, he also cautioned everyone that there has to be reasonableness included with it. There has to be some reasonable understanding of what bullying is. In this particular situation, Ms. Miles was addressing a subordinate and trying to get work done. There was no purposeful intention that Atty. Austin could find whatsoever that Ms. Miles was trying to bully Ms. Paiva, the person that she had voted to hire. He reminded everyone that the interview panel was in agreement to hire Ms. Paiva based on the credentials she had produced and the routine vetting that was done in terms of Ms. Paiva's background.

Atty. Austin said that there was another interesting aspect in that when Ms. Paiva appeared before the Commission the previous time, Ms. Paiva had raised the issue of sexual orientation. Atty. Austin said that he had not gotten into that issue, although he had raised the subject in order to find out if that could have been the cause of someone wanting to bully her. Although Atty. Austin said that he was willing to explore every aspect of the issue, Ms. Paiva told him that she would not speak to him about that.

Atty. Austin went on to say that he had contacted a Ms. Darlene Perez, a former Bridgeport City employee, about an interview. Ms. Perez stopped working for the City around the third week in November. One of the interviewees suggested that Atty. Austin might wish to speak with Ms. Perez. He said that he was willing to speak with anyone if someone else thought it might be important to speak with another person. Atty. Austin said that he had tried to call her and believed that she now works for Bridgeport Housing. When she did not return his call, Atty. Austin said that he emailed Ms. Perez and requested that she speak to him about Ms. Paiva. Ms. Perez emailed back with the message that she did not want to be involved, she did not wish to speak to him. Ms. Perez also stated in the email that she had some issues with Ms. Miles and could not be fair in her response. Atty. Austin said that he could not force someone to speak with him that did not wish to do so and that whatever issues Ms. Perez had with Ms. Miles were unidentified. He said that it would not be fair for him to attempt to draw a conclusion regarding something he did not have full knowledge of. In all fairness to both Ms. Paiva and the Commission, Atty. Austin said that he was just stating that he had tried to contact Ms. Perez and noting the response that he received. Because he was not sure what Ms. Perez's statement regarding her inability to be fair entailed, it was not used in his final determination regarding the investigation.

On all aspects that Ms. Paiva raised such as the yelling, which he could not find any verification that it occurred other than one person who reported that the yelling occurred on Ms. Paiva's part.

One person reported that on January 19th after Ms. Paiva had told Ms. Miles that she could not speak to her that way, there was a discussion between Ms. Miles and Ms. Paiva

in Ms. Miles' office entry way. It was clear that to the person who reported this incident that the discussion was not a happy discussion, which Atty. Austin noted was not unusual between a Supervisor and a subordinate. This occurred in January after Ms. Miles had started to do some of Ms. Paiva's work and Ms. Paiva was repeatedly emailing Ms. Miles. Ms. Miles pointed out to Ms. Paiva that Ms. Paiva's work station was only about five feet away from Ms. Miles' station. Ms. Miles suggested that Ms. Paiva come and speak to her directly rather than email. It was clear to the person commenting that the frustration had reached that level. However, Atty. Austin noted that this was something that someone would see in any other business because supervisors have to supervise. This is not Emily Post but work. Atty. Austin said that he was unable to find Ms. Miles crossing the line from being a supervisor to being a bully. She was concerned about the work product.

Atty. Austin said that he had interviewed Mr. Weiner, who Ms. Miles reports to and who pointed out that Ms. Miles holds people to a certain standard, but does not hold anyone to a higher standard than she doesn't hold herself to and she takes pride in the work that she generates. She wants to get it right the first time because too many things are riding out the outcome of their work product including people's insurance, workmen's comp benefits, and things of that nature. Atty. Austin said that he did not think that Ms. Paiva appreciated the fact that Ms. Miles made a point, not to the point of bullying but to the point of being a good supervisor.

There were other examples raised, Atty. Austin said, where Ms. Paiva did not capture the essence of the job. The former Deputy Director of Labor Relations, Thomas McCarthy, went to Ms. Paiva and requested some information regarding a Workman's Compensation Plan. He introduced himself by saying, "I'm Thomas McCarthy and I would like this." Ms. Paiva's reply, which was confirmed by Mr. McCarthy was, "What's that supposed to mean to me?" Atty. Austin explained that Mr. McCarthy was from Labor Relations, which would indicate to Atty. Austin that first of all, Mr. McCarthy was an employee and secondly, is the City Council President. Atty. Austin said that this shows that some people don't understand how to work with colleagues. Ms. Miles spoke with Ms. Paiva about the fact that Mr. McCarthy was looking for information and was the Deputy Director of Labor Relations who had an inquiry, which is the type of issue the department handles.

There were incidents where Ms. Paiva would question the training dealing with PMA and dealing with the Health Department Public Facilities. After the decision was made to set out a training schedule, who would be trained and the time periods involved, Ms. Paiva took it upon herself to send an email saying this would be a waste of time. Atty. Austin pointed out that this was not Ms. Paiva's decision to make since she was a subordinate of Ms. Miles' and Mr. Weiner. Sending it was a waste of time since the decision had already been made with the vendors and other outside people. Ms. Miles made it clear to Ms. Paiva that it was not her decision to make. That is not bullying but supervising. At the time, Ms. Paiva was a probationary employee.

Atty. Austin said that he had spent a great deal of time with Ms. Paiva and that there were examples after examples of similar incidents as to what she thought was bullying. He interviewed many of the Payroll/Civil Service staff who surround and in close proximity to each other. They all said that if there was yelling going on, they would hear it. Everyone works in a cubicle that do not extend to the ceiling and have no doors, so they can't help but hear things. If there was yelling, they would have heard it. Atty. Austin asked each person even if they had never known about the bullying policy, if there were any red flags that would have signaled that Ms. Miles was not treating Ms. Paiva well or anything that may have been out of line. No one could come up with an example with the single exception of hearing Ms. Paiva yelling. While Ms. Paiva may have been upset, Atty. Austin said that he could not find an example of bullying occurring. Ms. Miles was a supervisor and supervising an employee.

The end result was, Atty. Austin said, was that a decision was made that it was not working out and it was better to make the decision when the person was still a probationary employee and move on by letting the employee go. The day after that decision was made, the bullying charge was brought in. Atty. Austin said that Ms. Paiva had indicated in her letters that she had just recently learned of the charge. He added that when both letters were read in conjunction with one another, Ms. Paiva nearly drafts her charges verbatim from the bullying charge. She claimed that the various components of bullying contained in the City's bullying policy had happened to her.

Atty. Austin said that his conclusion at the end of all the interviews, after reviewing the documents from Mr. Applebee, and seeing the material that Ms. Miles had saved showing repeated errors, was that he could not find one instance of bullying. Ms. Miles supervised an employee that was not understanding the job responsibilities and the level of frustration built up. Ms. Miles then took on the role of performing many of Ms. Paiva's job duties herself.

The only thing that Atty. Austin said outside of the bullying charges was that while Ms. Miles constantly critiqued and gave Ms. Paiva feedback, the monthly reports were not done. However, that does not excuse not performing the job duties or not understanding the job responsibilities. The Commission has dealt with situations in the past where the monthly reports were not done. Ms. Miles did fill out the reports towards the end as she was trying to document each stage of Ms. Paiva's lack of progress. There was no doubt that Ms. Paiva was getting feedback from Ms. Miles about her job performance from the end of September, through October and November. When Ms. Miles' level of frustration became the bright line of "this is not working", Ms. Miles began to perform the job tasks herself.

But in terms of bullying, Atty. Austin said, this is not a safe haven for Ms. Paiva. Atty. Austin repeated that there was no one who could testify that they witnessed or heard any bullying in that department. Part of Ms. Paiva's complaint was the yelling and the humiliation, but no one ever saw her humiliated and no one ever heard Ms. Miles yelling at her.

It was a long, drawn out interview process, Atty. Austin said, and whenever someone suggested that he speak with another person, Atty. Austin did so. Mr. McCarthy had left the City employment, but he did confirm the account of trying to get the Workmen's Compensation information. Atty. Austin said that he did not have access to equipment that would record phone conversations, so there is no recording of his conversation with Mr. Appleby. Mr. Appleby did send the necessary documents that have the actual City policy regarding the I.D.s.

Atty. Austin said that he hoped that this would give the Commissioners an understanding of the investigation that he performed and was happy to answer any questions.

Commissioner Guedes said that the termination hearing had already taken place at the previous Civil Service Commission meeting and that this meeting was simply to verify the bullying charges. She said that it sounded like Atty. Austin had performed a thorough investigation.

Commissioner Guedes asked if the letter to terminate preceded the bullying charge. Atty. Austin said that the decision to terminate had preceded the bullying charge by a day. Commissioner Guedes asked if there was documentation of the decision. Atty. Austin said that he believed there was a letter that was drafted on February 2nd that indicated that a decision to terminate had been made. Commissioner Guedes asked about the letter that Labor Relations received took place on February 3rd. Atty. Austin said that the letter from Ms. Paiva to Ms. Hawkins was on February 3rd. Mr. Dunn indicated where the letter was located in the Commissioner's information packet. Ms. Brelsford said that Mr. Weiner's letter was dated February 4th and that there was an earlier letter. Atty. Austin said that the letter that was hand delivered to the office was dated time stamped February 3rd. He said that he could not speak to Mr. Weiner's letter because it was undated. After speaking with Mr. Weiner, Atty. Austin said that he believed it was most likely delivered at the same date. Ms. Paiva came down with a Union Stewart and attempted to give him letter in an envelope and asked him to sign a receipt without Mr. Weiner knowing what was in the envelope. Mr. Weiner refused to sign for the letter and Atty. Austin said that he had eventually gotten a copy of that letter. It is necessary to read both letters to understand the full extent of her complaint. The letter that was delivered to Ms. Hawkins was a two page general letter but the specifics were contained in the letter to Mr. Weiner.

Commissioner Guedes asked whether or not Atty. Austin felt that bullying charge was substantiated. Atty. Austin said that he could not find that the City's bullying charge was violated in any way.

Commissioner Guedes said that she was going to ask for closing statements, but repeated that the Commission was not present to re-hear the previous termination hearing because that was thoroughly covered at the last meeting. She then said that she would like to have the Benefits Department head make a closing statement and a statement from Ms. Paiva. Commissioner Guedes then asked Ms. Miles and Mr. Weiner if they wished to make a closing statement.

Atty. Anastasi said that Ms. Paiva should have a reasonable opportunity to respond to the verbal report at some point. Commissioner Guedes agreed. She also pointed out that there had previously been a two hour hearing about the termination process.

Mr. Weiner said that back in January and February, a determination was made that Ms. Paiva's job performance was unsatisfactory. He said that he was unaware of any bullying charge, but at the time, Ms. Paiva was a probationary employee and this was the time to take action on the unsatisfactory job performance. Otherwise it would be much more difficult to take action later, which was the basis for his recommendation to terminate Ms. Paiva. Mr. Weiner said that his recommendation to terminate Ms. Paiva remains.

Ms. Paiva came forward and said that at this time after hearing what Atty. Austin had to say, she said that she did not necessarily agree with his statements. However, she said it does not seem to matter at this time whether or not what Ms. Paiva told Atty. Austin was reported in truth or as she stated it. On the 19th, she said that she was not the one that was yelling and did not yell. Ms. Paiva said that she had simply asked Ms. Miles what gave Ms. Miles the right to speak to Ms. Paiva like that and that is how Ms. Paiva claimed she said it. Ms. Paiva said she did not yell it. If Ms. Mastronunzio heard Ms. Paiva speak, then Ms. Mastronunzio also heard the way that Ms. Miles spoke to Ms. Paiva. Ms. Paiva said that she could not make anyone stand up for her and so it is their word against hers. If at this time, they have already made their decision, then Ms. Paiva said she could not change that.

Commissioner Guedes asked the other Commissioners if they had questions for Ms. Paiva. Commissioner Emanuel asked if Ms. Paiva had been able to obtain statements from her co-workers that could substantiate her claim. Ms. Paiva said that she was not aware that she had the opportunity to do that. Commissioner Emanuel pointed out that with no evidence contrary to Atty. Austin's statements, Ms. Paiva would have to prove otherwise. He then asked Ms. Paiva if she had any evidence to bring forward that would counter Atty. Austin's investigation. Ms. Paiva said she did not have it here.

Atty. Anastasi asked if Atty. Austin could present the timeline in order to clarify the issues in terms of when the bullying allegation was made and in terms of when the other aspect of the job performance occurred.

Atty. Austin said that the first report of bullying was time stamped into the Labor Relations Office on February 3rd. That was the first time that it was reported to the Department as bullying. Looking at the timeframes, January 19th was the date raised by Ms. Paiva and also Ms. Mastronunzio, which was a significant date for Ms. Paiva. Ms. Paiva remembered asked Ms. Miles "What right do you have to talk to me that way?" Atty. Austin pointed out that the question was overheard by Ms. Mastronunzio several cubicles away. Other people heard it but no one else heard Ms. Miles' voice at the time. Atty. Austin said that people had thought that someone was upset at the counter. Ms. Miles and Mr. Weiner determined towards the end of January that the situation was not working out and that they'd be recommending that her probationary period be terminated.

The bullying charge came in close to simultaneously, a day apart from the termination recommendation that the Ms. Miles and Mr. Weiner had reached. The bullying charge came in and the probationary termination notification to Ms. Paiva went out, along with the notification that a termination hearing with a tripartite vote had been added to the Civil Service agenda. Atty. Austin pointed out that Ms. Paiva already had a pending Civil Service hearing pending regarding her job performance. Ms. Paiva did not have to request the hearing. Frequently, employees are told that they have the right to a hearing by Civil Service and there will be a vote and the employee chooses whether or not to exercise that right. In this particular case, it was done. Then the issue of bullying was reported and the Commission thought it should be investigated to make sure that it did not influence the decision to terminate.

Atty. Austin emphasized the fact that Ms. Miles was on the committee that wanted Ms. Paiva hired and there's a legal theory that one would not hire someone to either discriminate or in this particular case, purposefully bully or humiliate when one was part of the team that selected the candidate. Ms. Paiva was hired at the end of September and according to Ms. Paiva, the bullying started in the middle to the third week of November. Not too much time had transpired between the time that Mr. Weiner, Ms. Miles and Jodi Paul, who is no longer working for the City, had chosen to hire. Ms. Paiva's credentials were satisfactory to put her in the position of the Workmen's Compensation Coordinator and to work with Ms. Miles both on Workmen's Compensation and other benefit issues in terms of correspondence and so forth. That didn't work out. The bullying charge came after the decision was made, clearly after there was ample evidence that Ms. Paiva's work product was not satisfactory.

Commissioner Guedes asked Ms. Paiva why she had not introduced the issues surrounding the bullying when she first felt she was being subjected to it so it did not correlate with her termination. Ms. McCarthy replied that there has been a character assassination and Ms. McCarthy said that she did not see at this point that there would be a point. Commissioner Guedes told Ms. McCarthy that Ms. McCarthy was making assertions that the Commission had not been able to ascertain. Atty. Anastasi asked Ms. McCarthy to identify herself, which Ms. McCarthy did. Commissioner Guedes repeated her statement that Ms. McCarthy was making assertions that the Commission had not been able to ascertain and asked Ms. Paiva why when she had felt that she was being bullied, she did not go right to HR so that it did not coincide with the termination hearing. Ms. Paiva said that December 23rd was the first time when she started feeling that way. the second time she went to him was on January 19th. Ms. Paiva said that the letter that she submitted to Mr. Weiner and Ms. Hawkins was on February 3rd. Ms. Paiva said that she did not see the February 2nd letter until the report and when she was brought in to do the evaluation. Commissioner Guedes asked Ms. Paiva for clarification as to when the written documentation was submitted. Ms. Paiva said that her written document was given to Mr. Weiner on February 3rd, but there had been a conversation with Mr. Weiner on January 19th.

Commissioner Emanuel repeated his earlier question as to whether Ms. Paiva had any evidence that refuted Atty. Austin's investigation. Ms. Paiva said that she had nothing

with her at the meeting but asked if it was possible to compel someone to come in and speak on Ms. Paiva's behalf. She also asked if she could ask the questions. Commissioner Guedes said that an impartial party had been requested to do the investigation and it appeared that Atty. Austin had not received any information that verified the bullying claim. Atty. Austin said that he could find nothing to support the claim. He said that Mr. Weiner had stated that Ms. Paiva had come to him, but that bullying was not the issue. Ms. Paiva complained that Ms. Miles was tough on her, but bullying was not raised until the February 3rd letter. Atty. Austin pointed out that this was at a time when Ms. Miles had said in January, "Fine, I'll just do it." because the work was not getting done. That is not bullying. The end result might be somewhat humiliating in that someone else is doing the job because you can't do it, but that isn't bullying. It might have been the end result of Ms. Miles saying that she would do the job because Ms. Paiva was not doing it.

Commissioner Emanuel said that he clearly understood that Atty. Austin did not find any credence to the bullying charge. Commissioner Emanuel said that his question was as to whether or not Ms. Paiva had any evidence to present because this was her chance to bring it forward, and the answer was no.

Mr. Dunn pointed out that he had a vote, the Benefits Director had a vote and the Commission had a vote. He said for the record that everyone had been more than accommodating in this case and this matter had been extended for two months from when it was originally scheduled to be heard and he felt that the City had bent over backwards to accommodate this matter. A very thorough and impartial investigation had been completed. Mr. Dunn said that he believe that the question should be moved. He stated he was ready to vote and it should not be further delayed. Commissioner Emanuel said he wanted to give Ms. Paiva the chance to respond to Atty. Austin's findings.

Commissioner Guedes asked if there were any other additional questions from the Commissioners. There were no additional questions at this time. Commissioner Guedes reminded everyone that the vote was either to grant the appeal or to terminate the probationary employment. Ms. Brelsford pointed out that there was no appeal. Atty. Anastasi explained that the decision was to approve the termination of the probationary period via Charter Section 213.

Commissioner Guedes said that the Commission wanted to make an informed decision and requested that the investigation into the bullying charges be completed in order to make an informed decision.

Atty. Anastasi said that for the record, Section 213 of the Charter states at the end "The Commission, the Personnel Director and the Executive Head of the Department concerned shall determine the permanent appointment. During the probationary period, they may terminate the employment of the person so certified." He explained that the group was taking a tripartite vote pursuant to the Charter as Mr. Dunn had stated, to terminate the probationary employment. Commissioner Emanuel said that this was based on testimony that the Commission had heard two meetings ago. Mr. Dunn said that the

Commission had requested that the investigation be completed. Mr. Dunn pointed out that Atty. Austin was performing an investigation that Ms. Paiva had claimed would mitigate this matter. Atty. Austin concluded that there was no mitigation that the Commission, the Department Director or the Personnel Director should be concerned about.

**** THE VOTE TO TERMINATE MS. SUE PAIVA WAS APPROVED BY TWO IN FAVOR (BENEFITS DIRECTOR RICHARD WEINER, PERSONNEL AND DIRECTOR DAVID DUNN) AND A TIE VOTE OF THE CIVIL SERVICE COMMISSIONERS (FALBERG IN FAVOR OF TERMINATION, EMANUEL IN OPPOSITION AND GUEDES ABSTAINING).**

Ms. Paiva asked if she could get copies of the investigation report. Commissioner Guedes replied that Ms. Paiva had the right to copies of the investigation. Atty. Austin said that he would send her the report when he completed his report next week and that he had her address from previous contact when Atty. Austin interviewed her.

Ms. Paiva said that she would like a copy of the unedited version of the minutes from Telesco Secretarial Services as it was received by the Civil Service Department. Commissioner Guedes asked for clarification. Ms. Soltes replied that Mrs. Telesco Blois had received a call from Ms. Paiva claiming that the minutes that Ms. Soltes had written had been altered. Ms. Soltes said that Ms. Telesco Blois was reviewing the set of minutes that Ms. Paiva claimed had been altered against the set that Ms. Soltes had originally submitted. Commissioner Guedes said that under the Freedom of Information Act, Ms. Paiva had access to the minutes. Commissioner Guedes added that she could not speak to whether they had been altered. Ms. Paiva said that she had a copy of the minutes that Ms. Brelsford had provided and had found discrepancies in accordance to what was said, what was taken out and items that were moved around. Ms. Paiva said that she was asking for the original Telesco minutes. Commissioner Guedes replied that the minutes were taken by the stenographer. Ms. Paiva said that she was looking for the copy of the original minutes that was sent from Telesco. Ms. Soltes repeated that Ms. Paiva had already contacted her boss about this. Commissioner Guedes pointed out that the minutes were being reviewed. Ms. Paiva said that that the Secretarial Service had a contract with the City of Bridgeport and they would not send the original set of minutes to Ms. Paiva. Commissioner Guedes replied that this was an administrative process and that she had not thought there were any edits. Ms. Brelsford said that there had only been one email directly from Telesco and there are no additional versions. Ms. Brelsford said that she had sent a copy of those minutes to Ms. Paiva as a PDF. Commissioner Guedes replied that Ms. Paiva had the right to a copy of the minutes of the meeting.

Legal Report

Atty. Anastasi said that due to Atty. Mitola's presence in court, there was no legal report.

Personnel Director's Report.

Commissioner Guedes said that she wanted to note for the record that she had chosen not to break the Commission tie vote because of what Attorney Austin had disclosed at the

beginning. She said that by abstaining there could not be a bias or impartiality claim made against her.

Mr. Dunn said that the Rookie Police class is in the academy and doing fine. There are 27 Bridgeport candidates and 2 non-Bridgeport residents in the class.

Mr. Dunn said that there was a meeting with the mayor's office and the City Attorney's Office to brief them on the plans and suggestions for the upcoming Fire examinations. One exam will be held in May and the other in early to mid June. The goal is to have a class of 17 candidates into the Fire Academy by the last week of August. He gave an overview of the CPAT licensing schedule, which will affect the test scheduling.

Mr. Dunn said that Ms. Brelsford, the Office Manger, and Ms. Mastronunzio were being laid off. This will have a major effect on the Department.

ADJOURNMENT.

**** COMMISSIONER FALBERG MOVED TO ADJOURN.**

**** COMMISSIONER EMANUEL SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The April 6, 2016 regularly monthly meeting of the Civil Service Commission adjourned 4:03 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services.