

**June 16, 2010**  
**Regular Meeting Board of Fire Commissioners**

The regular meeting of the Board of Fire Commissioners was held on the above date.

Present: President Rosenberg, Vice President Garcia, Commissioners Gaskin, Klein, Lee, Meszoros and Fire Chief Rooney

Absent: None

President Rosenberg called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag.

Motion was made and seconded to dispense with reading the minutes of the previous meeting.

**Old Business**

1. Entertain a motion to grant a Non-Line of Duty Disability Pension request to P/FM Bruce Collins, effective November 18, 2009, and refer to Board of Trustees, Pension Plan B, for implementation.

Associate City Attorney Mitola represented that both City Attorney Anastasi and Attorney Walsh would be late. Items 1 and 4 for Bruce Collins to be heard at the end of the agenda.

2. Local 834 – Grievance 2009-22; Article 6, Sandra McBride, Pension Benefits.

Associate City Attorney Mitola distributed a letter from City Attorney Mark Anastasi for request to convert regular widow's pension to a service connected widow's pension. Attorney Mitola reported that City Attorney Anastasi reviewed documentation and indicated that the regular pension should be converted to a widow's pension. The immediate cause of death was cardiovascular arrest. Based on medical documentation and evidence, it was the opinion of Attorney Anastasi that the request should be granted to convert the regular widow's pension to a service connected disability pension.

Commissioner Klein motioned to convert the regular widow's pension to a service connected widow's pension retroactive to the day after her husband's death which was April 11, 2009, therefore, it would be effective April 12, 2009; Commissioner Garcia seconded and the Board passed it unanimously.

3. Luigi Perelli, Local 834 – Grievance 2010-2; PE Appointment Date Make Whole.

Union President Whitbread represented that the grievance was settled.

4. Local 834 – Grievance 2010-4; Bruce Collins, Medical Benefits.

Items 1 and 4 for Bruce Collins to be heard at the end of the agenda.

5. Entertain a motion to grant a Widow's Pension request to Jean Gerlander, widow of Retired FF Robert C. Gerlander, effective February 2, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation.

Associate City Attorney Mitola distributed a letter from the City Attorney's office because a request for a widow's pension was made by the widow's son. It was represented that Jean Gerlander is totally incapacitated and unable to handle her affairs and a request was made for pension funds to be sent to a trust account where she is a named grantor. Attorney Mitola contacted the son, Tim Gerlander in Florida, and he obtained several documents, reviewed them and they were found to be in order. It was Attorney Mitola's recommendation that the widow's pension be granted.

Commissioner Klein asked if the pension payments were to be made to Bruce Gerlander as her guardian or to the trust. Attorney Mitola said that he would look into that issue.

Commissioner Klein motioned to grant a Widow's Pension request to Jean Gerlander, widow of Retired FF Robert C. Gerlander, effective February 2, 2010, to be paid as appropriate either to the trust or to Bruce Gerlander, as her guardian, whatever the City Attorney's Office determines is appropriate, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

6. Commissioner Meszoros motioned to remove Mary L. Chernesky from the Widow's Pension list and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Garcia seconded and the Board passed it unanimously.

7. Commissioner Gaskin motioned to grant a Widow's Pension request to Victoria G. Halica, widow of Retired Fire Captain John Halica, effective February 25, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Klein seconded and the Board passed it unanimously.

8. Commissioner Garcia motioned to remove Retired Acting Fire Marshal Joseph P. Micalizzi, Jr., deceased March 28, 2010, from the Fire Fighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

9. Commissioner Lee motioned to remove Retired Fire Fighter John F. Norko, deceased March 28, 2010, from the Fire Fighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

10. Commissioner Garcia motioned to remove Retired Fire Lieutenant Richard M. Mathews, deceased April 8, 2010, from the Fire Fighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

11. Commissioner Klein motioned to grant a Widow's Pension request to Dianne Micalizzi, widow of Retired Acting Fire Marshal Joseph P. Micalizzi, Jr., effective March 29, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

12. Commissioner Garcia motioned to grant a Widow's Pension request to Ceil Mathews, widow of Retired Fire Lieutenant Richard M. Mathews, effective April 9, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

13. Local 834 – Grievance 2010-13; P/DFM Len Bonaventura, OT Pay.

Union President Whitbread represented that P/Deputy Fire Marshal Bonaventura was on vacation and requested the matter be tabled to next month.

Commissioner Klein tabled the grievance to next month; Commissioner Meszoros seconded and the Board passed it unanimously.

14. Local 834 – Grievance 2010-14; Directive 23.

Union President Whitbread distributed the old and new Directive 23 and represented that the changes were on page 5 of both documents.

Union President Whitbread explained that when the City calls for mutual aid from surrounding towns it is usually when they are at a job or companies are off duty for whatever reason. In the previous Directive, when a company would come in, they would call back an officer to ride with them so they would understand policies and procedures and to respond in a prompt manner to the location. Commissioner Klein asked if one of our guys rides with the mutual aid vehicle and Union President Whitbread responded yes and further stated that the Chief reduced the number of people that come in so now one person comes in if two companies respond on mutual aid. The grievance was filed because he felt it was a health and safety issue.

President Rosenberg stated that the Chief has the right to change his Directives and that it wasn't a contractual issue. Union President Whitbread responded that he has a right and an obligation to file a grievance for the members and citizens.

Commissioner Klein stated that the old Directive says one officer to ride with each mutual aid company and the new one says one officer per fire station and Union President Whitbread responded that yes they do ride with the company. Commissioner Klein stated that the Directive doesn't specifically require that officer to ride with any company; it assigns him to the station. Deputy Chief Petrucelli and President Rosenberg both responded that they are going out with the rig.

President Rosenberg said it is within the Chief's rights to change Directives from time to time.

Deputy Chief Petrucelli represented that under the old Directive language Mr. Whitbread filed two grievances claiming that they were not following their own policy and he had documentation to that effect on March 12<sup>th</sup> and again on May 6<sup>th</sup>. They settled the grievances by agreeing to pay an additional individual 4 hours overtime because they violated the language in the old Directive and Mr. Whitbread said that he was going to continue to file grievances until the language was changed. At that point, the Chief did implement the change and revise the policy.

Union President Whitbread responded that he didn't say that.

Chief Rooney represented that there is a clause in the contract that states that the Department has management rights and that is exactly what he did, he exercised his rights and he has done this before. They had a situation where they stopped an on call person who was in the Fire Marshal Division who was going out for hazardous material calls, they were getting paid \$35.00 a night to standby and if they came in they got 4 hours of pay, he stopped that and he changed the policy to let the Battalion Chiefs do it.

The Union grieved it, they went up to the State Labor Board and the City prevailed. Basically, what was said was that management had rights and he was able to do that and this was more or less the same type of situation.

Commissioner Lee asked Union President Whitbread for an explanation of a health and safety issue that might occur with the changes from the old to the new.

Union President Whitbread responded that it is most important to get to an instance promptly and quickly as possible. It is very important you get to the right place, the right location and do it promptly. His concern is if people are unfamiliar with the area, they would be delayed in getting to the situation, that delay impacts his people and the public.

Deputy Chief Petrucelli added that they checked with the Towns of Fairfield and Stratford that they most often provide mutual aid to, and their policy is when an engine and ladder is sent to their town, they call one of their fire officers to ride with our companies. Also when mutual aid companies are here in Bridgeport, they are given copies of our map books so that if they are not familiar with the area.

Commissioner Klein stated that everyone has the same concerns for both the firefighters and the public. Everyone, Commissioners, Whitbread, and the Chief, so it looks like your level of concern is different from the Chief's level of concern.

Union President Whitbread responded that he thought the level was set by somebody else prior to him and it was a long standing practice that no one changed. Numerous chiefs went through this, revisions were made, it seems like this is about money and not about the act itself. It doesn't happen that often.

Commissioner Klein responded that the concern about money is a two way street.

Chief Rooney stated that in his opinion over the years they always had one fire fighter come into the houses when they had two companies show up and it was his understanding and viewing it as well that every time they would come that both companies would go to the assignment whether it was a medical call or not because sometimes you have an officer coming from another City who wasn't familiar with the City at all and they are not going to stay behind. Again, yes it is a cost saving measure, yes they have to watch how they spend money and yes it works very well if they have just one fire fighter in the fire house to guide these companies to the fires.

Commissioner Klein asked Chief Rooney if he was satisfied that the safety of the fire fighters and the safety of the public is adequately served under the new policy. Chief Rooney responded yes. Commissioner Klein stated that when it comes to something like that, he thought they should defer to the judgment of the Chief and they have both the Chief and Deputy Chief involved in setting this policy and he was not comfortable in second guessing them on it.

Commissioner Klein motioned to deny the grievance; Commissioner Meszoros seconded and the Board passed it unanimously.

15. Local 834 – Grievance 2010-15; Improper Pay.

Union President Whitbread represented that he requested the grievance be tabled because there were 5 or 6 people promoted in March and no one was given their proper pay and it was his understanding that it has been taken care of, but he wanted to be sure that everyone got their proper retro pay before withdrawing the case.

Commissioner Klein tabled the grievance to next month; Commissioner Meszoros seconded and the Board passed it unanimously.

**New Business**

1. Communications:

a. None.

2. Commissioner Garcia motioned to remove Retired FF William Shea, deceased May 20, 2010, from the Fire Fighter's Pension list and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

3. Executive Session for attendance review of the following individuals:

a. FF Frank Norris (B) – Commissioner Meszoros tabled to the July meeting; Commissioner Garcia seconded and the Board passed it unanimously.

b. FF Darren Carroll (B) – On duty 4/26/10.

c. FF Ronald Reed (B) – FF Ronald Reed waived his right to Executive Session.

President Rosenberg represented that Fire Fighter Reed's doctor stated that he could return to work on July 5, 2010 with no restrictions.

Chief Rooney represented that Fire Fighter Reed was hired in July of 2006 and up to the present he missed 269 work days, a total of 523 days that he couldn't be at the Department and he was on light duty for 293 days. Chief Rooney stated that he was not there to debate or question injuries or illnesses. He further stated that the attendance record was very unacceptable and that he was sending Fire Fighter Reed for a functional job analysis to determine whether or not he was capable of doing the job after having so many absenteeisms and that Deputy Chief Grace would contact him to set it up.

Fire Fighter Reed represented that he was working out very hard and his doctor wanted him to take a couple of weeks to strengthen up for endurance. He said he will be at the functional job appointment.

Union President Whitbread asked if FF Reed would be out of work until after the doctor's appointment and Chief Rooney responded that that was correct. Deputy Chief Grace responded that the appointment would have to be after July 5, 2010 because he will be doing more treatment before the 5th.

d. FF Brian Pratt (B) – On duty 4/22/10.

e. FF James Sanquedolce (B) – Commissioner Meszoros motioned to go into executive session at 6:50 p.m.; Commissioner Klein seconded and the Board passed it unanimously.

Commissioner Klein motioned to end executive session at 7:05 p.m.; Commissioner Meszoros seconded and the Board passed it unanimously.

Commissioner Klein motioned to refer Fire Fighter James Sanquedolce for an IME as soon as possible; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Commissioner Garcia motioned to accept the Report of Sick and Injury; Commissioner Meszoros seconded and the Board passed it unanimously.

5. Commissioner Meszoros motioned to accept the Payroll Register; Commissioner Garcia seconded and the Board passed it unanimously.

6. Policy and Procedure review. None.

### **Return to Old Business**

1. Entertain a motion to grant a Non-Line of Duty Disability Pension request to P/FM Bruce Collins, effective November 18, 2009, and refer to Board of Trustees, Pension Plan B, for implementation.

City Attorney Anastasi represented that Attorney Chip Walsh called him earlier today and indicated that he had another engagement and he would be late, he hoped to be at the meeting before it was over and he also indicated that if he wasn't at the meeting, he believed that he felt that he will let Mr. Collins speak for himself, that he wanted to proceed with the matter this evening, but Attorney Anastasi stated that they would have to find that out directly from Mr. Collins.

President Rosenberg asked Bruce Collins if he wanted to proceed with his matters without his Attorney. Bruce Collins responded yes. Attorney Anastasi distributed a letter to everyone.

City Attorney Anastasi stated that the IME doctor does qualify his assessment of Mr. Collins' position with the acknowledgement with the standard practice in the medical profession is generally you look a year out for surgery in order to determine total maximum medical improvement. However, in this respect, the doctor does prior to making that statement, he notes that "I believe Mr. Collins will have permanent restrictions that will permanently disable him from returning to work as a Fire Marshal within the job description and I am not convinced that Mr. Collins should improve significantly with more time and physical therapy". Does the Board usually wait the year out for assessing permanency post surgery. If not, then they certainly have a situation where a doctor has opined that he believes in his best present medical judgment the officer is not going to improve to the point of returning. Attorney Anastasi stated that there was enough information before them to make a decision, but they are not mandated to do it.

Commissioner Klein asked if they did it months from now as opposed to now, would they have to make it retroactive. Attorney Anastasi responded no and he wasn't sure if they even had a basis to make it retroactive. Commissioner Klein stated that he didn't feel the point in waiting; it is clear that he has the non line of duty disability, and the contract entitles him to it.

Commissioner Klein motioned to grant a Non-Line of Duty Disability Pension request to P/FM Bruce Collins, effective November 18, 2009, and refer to Board of Trustees, Pension Plan B, for implementation; Commissioner Garcia seconded and the Board passed it unanimously.

4. Local 834 – Grievance 2010-4; Bruce Collins, Medical Benefits.

Associate City Attorney Mitola stated that there was an agreed settlement.

Union President Whitbread requested that the grievance be tabled to next month to give him a chance to read the final documents.

Commissioner Klein motioned to table the grievance to next month; Commissioner Garcia seconded and the Board passed it unanimously.

7. There being nothing further to come before the Board, Commissioner Meszoros motioned to adjourn the meeting; Commissioner Garcia seconded and the Board passed it unanimously.

The meeting was adjourned at 7:15 p.m.