

July 21, 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, Commissioners Gaskin, Klein, Meszoros
and Fire Chief Rooney

Vice President Garcia arrived at 6:17 p.m.
Commissioner Lee arrived at 6:18 p.m.

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.

President Rosenberg stated that about a year ago guidelines were drawn up for some attorneys that appeared before this Commission and he was hoping that that wouldn't have to be done for other people who appear before the Commission. He understands that people are very passionate about their positions and he admires that, but at the same time, there is something called civility and decorum and there are certain things that are not going to be tolerated before this Commission. The people who serve on this Commission do not get paid and they give of their time and there is a certain amount of respect that is required before this Board and to this Department and the Officers. He further stated that what he was saying was not being thrown out for discussion, but at the same time, he wanted to make it crystal clear that certain behavior like name calling and things that were said at the last meeting will not be tolerated.

Commissioner Klein added to President Rosenberg's comments that he wanted to make it very clear to any fire personnel that come before the Board including the Union President that the kind of manner that we saw at last month's meeting was uncalled for, it was unprofessional, and you have to always remember that this is a para-military organization and there is respect due to officers and good order and discipline is vital to the operation of the organization and disrespect is the type of conduct that is prejudicial to good order and discipline and it is not something that is taken lightly or can be tolerated. He wanted this to be a reminder of that. Those who know who this is directed to will understand that.

Old Business

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

Union President Whitbread represented that he gave the Chief a withdrawal. It has been withdrawn by the Local.

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

Union President Whitbread stated that Deputy Fire Marshal Bonaventura will state his case. DFM Bonaventura represented that he didn't feel that he received the full amount of overtime pay. He worked two overtime assignments which had to do with the construction of an outside entity and the owner of the entity would not permit them to do testing during their normal hours nor during his normal work hours, so it had to happen between the hours of 6:30 a.m. and 7:00 a.m. His office work hours start at 9:00 a.m., Monday through Friday. He did both assignments and in both instances he was told that it was overtime and then when the pay came through he was told by his supervisor that it was not 4 hours of pay per contract, it was going to be 2 ½ hours and that doesn't match what the contract says for overtime, it says 4 hours minimum and when he questioned it, he was told that it wasn't overtime it was firewatch. The function doesn't match the description of the firewatch, but the firewatch section of the contract also stipulates minimum 4 hours pay, so basically he felt that both dates should have been paid with 4 hours pay and it was also paid by the outside entity.

President Rosenberg stated that basically 1 ½ hours was lost each time, a total of 3 hours overtime. DFM Bonaventura responded correct.

Deputy Chief Petrucelli distributed page 10, Article 11, Overtime from the contract and referred the Board to the section pertaining to minimum hours, notwithstanding any provision herein to the contrary, any employee who is called back to duty to work overtime that is not coterminous with the employee's regular work week shift shall receive overtime pay at a minimum of 4 hours. In this particular case Inspector Bonaventura was required to come in at 6:30 a.m. to do a fire inspection at People's Bank which is 2 ½ hours prior to the start of his shift at 9:00 a.m., so the overtime was tied to the beginning of his normal start time, so in accordance with the language in the contract he was paid the 2 ½ hours. Where the 4 hour minimum comes in to play is if you are called in on a Saturday or Sunday or in the middle of the night and you come in from home, do your work and then go back home, then you get 4 hours minimum. According to Fire Marshal Bill Cosgrove he put Inspector Bonaventura in for 2 ½ hours overtime on the weekly overtime report and indicated, inspection 6:30 a.m., 850 Main Street, so he was paid for the actual amount of hours worked which was coterminous with the start of his regular shift.

Chief Rooney asked if that is what has been done in the past and Deputy Chief Petrucelli responded yes.

President Rosenberg asked what the word coterminous meant. Deputy Chief Petrucelli responded that it meant time that was connected to the start of your shift.

Commissioner Klein asked when the actual work was done from when to when.

DFM Bonaventura represented that the actual work was done and the time that lapsed was approximately 45 minutes and the scenario that the Chief previously gave you of where now he's done, he doesn't go to work because his work day doesn't start until 9. He stated that he picked up breakfast and when to his mother's house. Also, that language specifically refers to the line meaning the firefighters in the houses type of language, unfortunately in the contract there are no specifics for their office and so what they try to do is remove any of the line language and use the same methodology that is in the contract.

Deputy Chief Petrucelli responded that he was not aware of that. If, in fact, the inspection was scheduled for 6:30 a.m. and it was completed at 7:15, then he would have to agree that yes, he should get paid for 4 hours, but the way it was submitted by the Fire Marshal is he indicated 2.5 hours due to an inspection that started at 6:30 a.m., so he was assuming by the 2.5 hours that it took DFM Bonaventura until 9:00 a.m. to complete the inspection and then he went directly to start his regular work, so if that was the case, you should only get 2.5 hours, but if it is the way he just said it, then he agrees that he should get 4 hours.

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

Deputy Chief Petrucelli stated that Inspector Bonaventura is owed 3 hours overtime and in turn the contractor will be billed.

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

Union President Whitbread represented that he gave the Chief a withdrawal. It has been withdrawn by the Local.

New Business

1. Communications:

a. None.

2. Commissioner Klein motioned to remove Retired PE John Burkman Atcherson, deceased June 17, 2010, from the Firefighter'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. Commissioner Klein motioned to grant a Widow's Pension request to Lillian M. Atcherson, widow of Retired PE John B. Atcherson, effective June 18, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Local 834 – Grievance 2010-16; Dianne Micalizzi, Widow's Pension.

Union President Whitbread represented that last month the Board granted Dianne Micalizzi's pension, her husband died, and per the Pension Agreement she is allowed to contest the type of pension or any decision the Board makes, so he filed a grievance on her behalf. He further represented that he spoke with Attorney Mitola. In the past the City has needed more information and he requested the matter be tabled until they obtain whatever they need and then come up with a recommendation from the Board.

Commissioner Klein asked what more information was needed. Union President Whitbread responded that this was basically the same pension that was just given to McBride. Commissioner Klein requested that this be done next month because the last one dragged on for months.

Attorney Mitola responded that they will do their best. Last time they had to wait for medical information from the actual family and there was no quorum on two occasions.

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

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

a. FF Frank Norris (B)

Commissioner Klein motioned to go into executive session at 6:15 p.m.; Commissioner Meszoros seconded and the Board passed it unanimously.

Commissioner Klein motioned to end executive session at 6:25 p.m., Commissioner Garcia seconded and the Board passed it unanimously.

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

b. FF Ronald Reed (B) – Commissioner Klein motioned to table to next month pending FCE scheduled for August 5 and 6, 2010; Commissioner Meszoros seconded and the Board passed it unanimously.

c. FF James Sanquedolce (B) – Commissioner Klein motioned to table to next month pending result of IME; Commissioner Meszoros seconded and the Board passed it unanimously.

d. FF Nicole Dundy (B) – On duty 7/12/10 with no restrictions.

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

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

8. Policy and Procedure review. Nothing.

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

The meeting was adjourned at 6:30 p.m.