

February 16, 2011
Regular Meeting Board of Fire Commissioners

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

President Rosenberg called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance to the Flag.

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

Absent: Commissioner Doris G. Garcia

Commissioner Ana Garcia motioned to dispense with reading the minutes of the previous meeting; Commissioner Klein seconded and the Board passed it unanimously.

Old Business

1. None.

New Business

1. Communications:
 - a. None.
2. Swearing in of Fire Marshal William Cosgrove. He was congratulated by all.

President Rosenberg welcomed Mayor Finch to swear in William Cosgrove as Fire Marshal.

Mayor Finch thanked everyone for coming tonight and said the following: This is a momentous occasion for us because we've never had a Fire Marshal's Exam before, it was highly competitive and we are very proud to swear in our Fire Marshal.

Mayor Finch swore in William Cosgrove as Fire Marshal.

The Mayor said that he hoped they were creating a trend of promoting from within and you see one of your own rise up through the ranks, you assume more and more life saving responsibility, that's a good thing for the City and for the citizens. He thanked the Fire Commissioners who volunteer their time and are here regularly, without pay, to make sure that actions like this occur. He thanked everyone for coming and turned the floor over to Fire Chief Rooney.

Fire Chief Rooney stated that he wanted to join in the praise for the Commission for their voluntary work every single month and they have a lot of responsibility. He thought it was commendable and he wanted to thank them again. He was very proud of Bill Cosgrove being the first official Fire Marshal, the first one who has taken an examination for that position in the City of Bridgeport and again it was very highly competitive and Bill did a great job, naturally he came up number one.

Chief Rooney further stated that he has known Bill for many years on the job and he has to say he is one of the hardest workers on the job. He is always dependable and loves the job and he thinks that the City of Bridgeport is so fortunate to get an individual like this to represent us as Fire Marshal. He congratulated Bill again and wished him the best of luck and looks forward to working with him.

Mayor Finch acknowledged Bill's children; namely, William, Nolan and Colleen. Fire Marshal Cosgrove thanked everyone and will do his best to keep the people as safe as possible. Thank you.

Mayor Finch made one last point on how important Bill is to the City. When they have economic development projects and they have buildings that need to be inspected, this is the individual that makes sure that they are able to pay attention to those priorities in the City. There are a lot of things on his desk and many of those things can put the public in jeopardy or in safety and we know that we are kept safe by Bill Cosgrove, and we also know that he understands the City's priorities and he wanted to thank him publicly because he is a joy to work with and he is able to differentiate between what's a real emergency and what could maybe wait a couple of days. He has wisdom and he scores very highly in the technical areas so his judgment is very valued by the City and we appreciate all of his fine work and looking forward to big things from him as our first official, tested Fire Marshal. Congratulations.

3. Commissioner Ana Garcia motioned to grant a Widow's Pension Request to Renate A. Deer, widow of Retired Fire Lieutenant Ralph J. Deer, effective January 7, 2011, 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 2011-1; PE Joseph Alves, Transfer.

Union President Whitbread represented that he filed the grievance on behalf of PE Joseph Alves and stated that PE Alves was not at the meeting. The reason he did this, although transfers and assignments are at the discretion of the Chief, they are not suppose to be used as a disciplinary procedure or action. On the day Joe Alves was transferred, he sat down with Chief Grace and PE Alves where he was coached and counseled by Chief Grace concerning some actions that happened in the fire house where he was assigned. Less than an hour later, he was transferred. He was coached and counseled on the issue and he was transferred. Union President Whitbread felt that the transfer was a disciplinary action.

Commissioner Klein asked why he was coached and counseled. Union President Whitbread responded there was an issue between him and his Officer and driving to an assignment.

President Rosenberg stated that transfers are within the prevue of the Chief. Union President Whitbread answered that they can't be used as discipline. Commissioner Klein asked what is disciplinary in nature with the transfer. Union President Whitbread responded because he was moved and that is why the grievance was filed.

Chief Rooney stated that it says in the Union contract that transfers are not grievable. He doesn't know why he even has a right to grieve it because he is just making an assumption. The Chief has the right to transfer anybody he wants according to the contract and anytime he wants for the overall operational efficiency for the Department and that's what that transfer was and that's what mostly all of them are. The fact of the

matter that he was transferred and he is assuming that it is punishment, he has no proof of that and that is not what it was.

Commissioner Klein said that from what he was hearing it sounds like it is well within the Chief's discretion.

Commissioner Klein motioned to deny the grievance, Commissioners Lee, Ana Garcia and Rodriguez in favor of the motion to deny, Commissioner Meszoros opposed the motion, Commissioner Lee seconded and the Board passed it unanimously.

5. Local 834 – Grievance 2011-2; A/C Manuel Firpi, Article 5, Disciplinary Action.

Union President Whitbread represented that he filed the grievance on behalf of A/Chief Manuel Firpi. He had issues with the fact that Assistant Chief Firpi was ordered to go to EAP. He has great concerns over that being done. It is suppose to be an agency that is totally private and separate from the Department to go and deal with private and personal issues. He wasn't referred, he was ordered there, and the Department sent a packet of all the information of their side of the issue.

President Rosenberg asked if anyone had been ordered to EAP before and Union President Whitbread responded yes and it has been contested and he spoke with Mr. Rascati who is the head of EAP and he said that that should not have been done.

Chief Rooney stated that the fact of the matter is that they have an EAP Program in the City of Bridgeport and they have the right to have an employee referred there by the employer in this particular case he did that and in this case you can't have an employee walking into EAP and telling them their side of the story or walking in and saying I don't know why I'm here. The program provider called up and wanted to know why they were there and they had to give them the letter of discipline and why they were sent so that they could work with them. They can't just take one side of the story; they have to hear both sides of the story to determine what direction they have to go as far as if any type of counseling takes place.

Attorney Hunsberger asked the Chief if he knew if that policy is a written policy with EAP and if he could get a copy. Chief Rooney asked what copy he was looking for. Attorney Hunsberger responded a copy of the City's EAP policy that he referred to a moment ago. Chief Rooney said he would look for it.

Union President Whitbread stated that his members always ask if EAP is going to be private.

Phil White, Labor Relations introduced himself and stated that it is common practice to refer employees to EAP if there is an issue that the EAP can help them with and it is also common practice to provide background information to EAP as to why the employee is being referred there and Jim Rascati and all the persons at the firm are extraordinarily confidential. They do not give any details at all.

Commissioner Klein stated that he doesn't see why ordering is a problem. Union President Whitbread stated that the last person that did not go in a timely fashion was charged.

Commissioner Klein responded that if the Chief feels that the fire fighter should go to EAP and he feels it is the best interest of that individual and for the Department that that individual go to EAP for anger management or for whatever service they may provide, how is the fire fighter being prejudiced by being ordered to go there.

Commissioner Klein stated that in any particular situation if a fire fighter is obviously in need of a service that EAP provides, but doesn't avail himself of that service voluntarily, it seems to me that it would be in the best interest of the Department for the Chief to order him to avail himself of those services. I don't see the down side to an individual being ordered to go obtain confidential services that are going to help him.

Commissioner Klein further stated that they didn't have any facts about the incident.

Union President Whitbread stated that Assistant Chief Firpi was not at the meeting.

Chief Rooney stated that Assistant Chief Manuel Firpi has no prior discipline in his file.

Commissioner Klein asked why Union President Whitbread felt the written warning was excessive. Union President Whitbread feels that both parts put together is too much and he doesn't think that the Department should make the decision, it should be made by the counselor. He shouldn't have been ordered.

President Rosenberg asked President Whitbread that if one of the fire fighters were injured and he wouldn't seek medical attention it would be all right for the Chief or the Superior Officer to order him to seek medical attention and go to the doctor. President Whitbread responded that he thought under the rules that he could refuse medical attention. President Rosenberg stated that if an employee is ordered to go to EAP, he has to go and talk about anything he wanted to talk about and it would be confidential. There are two written warnings which really have nothing to do with the EAP, they were written warnings for violations that after investigation the Chief determined violated work rules. What could be grieved here is his written warning.

Commissioner Klein said that they weren't talking about an employee of the Parks Department being referred to EAP, the difference is the Parks Department is not a para military organization and the Fire Department is and if the Chief determines in his judgment that it is in the best interest of good order and discipline in this Department to order somebody to use the resources available at EAP, he sees nothing wrong with that.

Associate City Attorney Mitola stated that it is referral anger management training and that's all it is.

Chief Rooney stated that this was a very serious issue. What you read and what we did during our investigation is a little bit different because not everything that came out in the investigation was on these 2326's and we had an Assistant Chief who is a Superior Officer on the Department who began to create a hostile work environment trying to address one of his subordinates. He was way out of order and he thought for the betterment of this particular individual that this was the course that he should take in this position and that is to go and seek help for this type of anger that he displayed that day. He was thinking about more severe discipline, but he thought that a written warning and the EAP would resolve this.

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

6. Local 834 – Grievance 2011-3; LT Timothy Bottone, Article 5, Disciplinary Action.

Union President Whitbread represented that this is the same incident and he felt it best to move it to the State.

7. Local 834 – Grievance 2011-4; Random Alcohol Test.

Union President Whitbread requested that it be tabled because he was unable to contact the individual to attend the meeting tonight.

Commissioner Klein made a general statement that when a grievance is brought on behalf of a fire fighter or an officer it is in that person's best interest that they come here so that they can see them, talk to them, and question them and if they don't show up they are doing themselves a disservice. If it really matters to them, they need to be here.

Commissioner Klein motioned to table the grievance, Commissioner Meszoros seconded and the Board passed it unanimously.

8. Local 834 – Grievance 2011-5; FF Ronald Reed, Overtime List.

9. Local 834 – Grievance 2011-6; Overtime Refusals.

Union President Whitbread represented that numbers 8 and 9, Grievance 2011-5, Ronald Reed and 2011-6, Overtime Refusals he would like to hold in abeyance. He spoke with Deputy Chief Petrucelli and Captain Skoog and there has been a change in the way the Department does its paperwork and they haven't resolved how they're getting it done. Somehow they have to get this resolved.

Commissioner Ana Garcia motioned to table the grievances in #8 and #9, Commissioner Meszoros seconded and the Board passed it unanimously.

10. Local 834 – Grievance 2011-7; FF Edward Voccola, Article 5, Disciplinary Action.

Attorney Hunsberger requested that the Grievance be heard in Executive Session.

Commissioner Lee motioned to go into executive session at 6:50 p.m., Commissioner Meszoros seconded and the Board passed it unanimously.

Commissioner Ana Garcia motioned to end executive session at 8:10 p.m., Commissioner Klein seconded and the Board passed it unanimously.

Commissioner Klein motioned to deny Fire Fighter Voccola's grievance, Commissioner Meszoros seconded and the Board passed it unanimously.

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

a. LT Marc Strickland (B) - Executive Session was waived.

President Rosenberg asked what progress has been made since the last meeting. Lieutenant Strickland reported that he had an appointment on January 20. He resumed therapy and he has another appointment with his doctor on February 21.

Attorney Paul D'Addario introduced himself and stated that his firm is representing Lt. Strickland in the Workers' Comp case. It seems like an improper situation for an outright denial of a Workers' Compensation case, more a denial of the extent of injury or treatment. There was an IME scheduled and rescheduled to March 15 because of the doctor's availability.

President Rosenberg stated that this has been going on month after month and the Commissioners thought that there would be more information at this meeting.

Commissioner Klein stated that unfortunately a lot of what has been going on here is beyond Lieutenant Strickland's control. President Rosenberg stated that his treating physician says that he is completely disabled.

Lieutenant Strickland reported that medical bills have not been paid. Deputy Chief Grace recommended that the bills be processed through the group insurance CIGNA because Workers' Comp. has denied the claim

Commissioner Klein motioned to table the matter to the April meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

b. LT Frank Mercaldi (B) (Tabled until May) Back to light duty as of 2/8/11.

c. FF Montique Pettway (B) – Executive Session was waived.

President Rosenberg asked about light duty and FF Pettway responded that she has not done light duty and she is not able to do light duty. FF Pettway's due date is June 15.

Commissioner Ana Garcia motioned to table until March meeting to see if she can do light duty; Commissioner Klein seconded and the Board passed it unanimously.

d. P/FI Robert McNellis (B) – Executive Session was waived.

FI McNellis represented that he did 90 days light duty which ended on January 20. Commissioner Klein asked when does he go back to the doctor and he responded March 15. President Rosenberg asked if his problems were with balance. FI McNellis responded that before any treatment was done they sent him for the functional capacity exam and he went to 3 different doctors at that time, not one gave him any medication and finally on the 14th, one doctor gave him a back brace which straightened out a lot of his problems. The doctors were all surgeons and once they realized they couldn't do the surgery right now, they didn't want to have anything to do with him and it takes 30 days before you could get another appointment with someone else who ends up telling you the same thing. He was then sent to a pain management specialist and he put a back brace and gave him some medication, it's helping, but it will take some time before things occur. His desire is to come back to work. His next appointment is March 15.

President Rosenberg asked FI McNellis to bring to next month's meeting some type of progress report.

Commissioner Meszoros motioned to table until March meeting; Commissioner Klein seconded and the Board passed it unanimously.

e. FF Mark Bigard (B) – Executive Session was waived.

President Rosenberg stated that FF Bigard's doctor feels he could come back in March or early April to full duty. FF Bigard responded that he is hopeful.

Commissioner Klein motioned to table until April meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

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

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

14. Policy and Procedure review. None

15. 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 8:45 p.m.