

December 21, 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 6:00 p.m. and led the Pledge of Allegiance to the Flag.

Present: President Rosenberg, Vice President Ana Garcia,
Commissioner Meszoros, Rodriguez and Fire Chief Rooney

Absent: Commissioners Doris G. Garcia, Klein and Lee

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

Old Business

1. Local 834-Grievance 2011-23; FF Josh Benderoth, Article 5, Disciplinary Action.

Union President Whitbread represented that the grievance is a procedural issue and there was no need for FF Benderoth to be at the meeting. Executive session waived.

Union President Whitbread stated that this particular employee was brought in under the Absence Control Policy, and in part it says if you had so many occurrences of sick leave there is a progression of what has to be done and that's what happened with this employee. He was called in in March, he has a letter dated 4/27 signed by Chief Grace for a particular number of issues. In March there were 6 instances and the policy was followed by Chief Grace and what was designed under that part of the policy happened, but two months later he was brought in for counseling which goes into his file and has also been used as discipline in the Department in various cases. The dates are the exact same dates. He is being punished for the same dates. That's not what the policy is about and it was never the intent and it has never been done before.

Deputy Chief Grace responded that a quarterly report is due by the 15th of January, April, July and October. He had six absences. He was given a verbal warning and he forfeited overtime like everyone else. The next rolling period from July 1, 2010 and June 30, 2011, he had 6 absences, but one was taken away because he had surgery. He didn't know what the issue was and was going by the policy.

Union President Whitbread thought that Deputy Chief Grace was not going by the contract but instead going by some City policy.

Associate City Attorney Mitola stated that it sounded like Chief Grace was getting some direction from Labor Relations and he's using a City policy because he's been directed to use that. He suggested that the grievance be tabled for one month, he will look at it and speak with Labor Relations and prepare a legal opinion.

Commissioner Ana Garcia motioned to table the Grievance to next month and Associate City Attorney Mitola will provide a legal opinion; Commissioner Meszoros seconded and the Board passed it unanimously.

2. Local 834-Grievance 2011-24; LT Marc Strickland, Retirement Benefits. (Tabled until January).

Union President Whitbread represented that he sent a letter to Labor Relations because he was contacted by his attorney that did the contract negotiations and then he spoke to Larry Osborne at another meeting and he requested a letter. Union President Whitbread personally hand delivered a letter to Labor Relations and has not yet received any form of communication and is waiting for a response.

Commissioner Meszoros motioned to table the grievance to the January meeting; Commissioner Ana Garcia seconded and the Board passed it unanimously.

New Business:

1. Communications:

- a. None.

2. Commissioner Meszoros motioned to remove Retired P/FEM David Domkowski, deceased October 7, 2011, from the Firefighter's Pension list and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Ana Garcia seconded and the Board passed it unanimously.

3. Commissioner Ana Garcia motioned to remove Retired FF Clement Martone, deceased December 12, 2011, from the Firefighters Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Commissioner Meszoros motioned to remove Retired P/PE Leonard Iancale, deceased December 14, 2011, from the Firefighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

5. Entertain a motion to grant a Line of Duty Disability Pension Request to Fire Chief Brian Rooney, effective May 25, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation.

Associate City Attorney Mitola represented that Chief Rooney right now is not seeking a Line of Duty Disability Pension. He is seeking a regular retirement, but he wanted the record to be clear that by seeking a regular pension he was not waiving any rights he has under Workers' Compensation and he wanted to make that clear to this Commission. The Chief has entered into a new five (5) year contract that was approved by the City Council and the Contracts Committee, so the Chief is retiring, he is retiring on Pension Plan A, he has an employment contract with the City of Bridgeport for the next five years, he is totally off Pension Plan A and is being put into another pension and it's perfectly appropriate and it has been approved by the Mayor's Office and City Council and Contracts Committee.

President Rosenberg had a question because they never did a pension that was retroactive, that was the question he had, the retroactive part of it.

Attorney Mitola responded that they were alright with that and Chief Rooney stated that the contract he has states in it retroactive and the old contract expired May 22nd.

President Rosenberg's question was not so much about Chief Rooney's retirement; he wanted to make sure that they didn't have a situation where somebody else could ask for a retroactive pension. Attorney Mitola responded that it was very unique to Chief Rooney's situation.

Union President Whitbread asked if there was a legal document explaining this so that he could bring it to the people he represents. He was asked by members of Plan A already whether they could go before the Board and ask for something retroactive later on.

Attorney Mitola responded that this could be granted contingent on getting a legal opinion from the City Attorney's office. Grant it contingent upon a legal opinion from the City Attorney's office and it will be presented at the next meeting if not before. Attorney Mitola wanted them to vote on it and said that he is confident that this is legitimate and legal and if they wanted something in writing he would do it.

Commissioner Meszoros motioned to grant a Regular Pension Request to Fire Chief Brian Rooney, effective May 25, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation and that the City Attorney's office provide a legal opinion at the next meeting; Commissioner Rodriguez seconded and the Board passed it unanimously.

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

a. FF Brian Walker (B) – Executive Session waived.

FF Walker represented that he did not have a letter from his doctor. They wanted him to go for a functional capacity evaluation before answering the questions and he did take the test and they promised him that they would have the paperwork by today, but when he went there, they did not have it for him and said it would be a few more days. No light duty yet, that would be part of the functional capacity evaluation.

Deputy Chief Grace represented that the FCE that was given to him was to have a base line on his work hardening program. They want to see how much he can do.

Commissioner Ana Garcia motioned to table to the January meeting; Commissioner Rodriguez seconded and the Board passed it unanimously.

b. Deputy Chief James Grace (A) – Back to duty.

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

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

9. Policy and Procedure review.

a. None.

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

The meeting was adjourned at 6:35 p.m.