

February 20, 2013

Regular Meeting Board of Fire Commissioners

President Rosenberg called the meeting to order at 6:03 p.m. and led the Pledge of Allegiance to the Flag.

Present: President S. Rosenberg, Vice President J. Klein, Commissioners M. Lee, J. Meszoros, Fire Chief B. Rooney

Absent: Commissioner D. Garcia

Commissioner Meszoros mentioned a correction on page 2; change Vice President Rosenberg to President Rosenberg. Commissioner Meszoros motioned to dispense with reading the minutes of the previous meeting; Vice President Klein seconded and the Board passed it unanimously.

Old Business:

1. Local 834-Grievance 2011-24; LT Marc Strickland, Retirement Benefits.

Union President Robert Whitbread stated that they are still waiting for the meeting to be set up (storm delay). Vice President Klein motioned to table this until March meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

2. Local 834-Grievance 2012-13; Class Action, Days Off for Captain Exam.

Union President Robert Whitbread mentioned that the Commission previously motioned to table this until the Appeal is completed which would probably take 3-4 months or longer. Mr. Whitbread said that he would submit a letter to remove from the Agenda. Will resubmit at a later date if necessary.

Vice President Klein motioned to table this matter until next month; Commissioner Meszoros seconded and the Board passed it unanimously.

3. Local 834-Grievance 2012-16; FF David Greene, Article 5, Disciplinary Action.

Union President Robert Whitbread stated that Mr. Greene is not available and would like to move this to the State Labor Board.

4. Local 834-Grievance 2012-17; FF Ronald Reed, Article 5, Disciplinary Action.

Union President Robert Whitbread stated that Mr. Reed is unavailable. Will move this forward.

5. Local 834-Grievance 2012-18; FF John Herring, Article 5, Disciplinary Action.

Union President Robert Whitbread stated that Firefighter Herring is working and was unable to get coverage. Asked that this be tabled until March.

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Vice President Klein motioned to table this to March; Commissioner Lee seconded and the Board passed it unanimously.

6. Local 834-Grievance 2012-19; FF Joao Santos, Article 5, Disciplinary Action.

Vice President Robert Whitbread stated that FF Joao Santos is appealing a verbal warning issued by Deputy Chief Grace.

FF Santos stated that he called in sick and spoke to Lieutenant Buck and when asked if he was going to tell him why he was out or would he call Deputy Chief Grace. He forgot to call in to Deputy Chief Grace. He feels that a verbal warning is excessive and that he should have received counseling with his officer instead of a verbal warning. Now this will be in his record.

President Rosenberg stated that the procedure is that he had the option to tell the Lieutenant or to call Deputy Chief Grace.

FF Santos agrees and stated that this has never happened before. He has never received a verbal warning, has never had counseling and feels that this punishment was excessive.

Deputy Chief Grace stated that he's been on the job 13 years and he should know the rules and he should have called. Chief Grace needs to be consistent and others have received verbal warning for the same thing.

Commissioner Lee asked if a verbal warning remains in his file. Chief Rooney acknowledged that it does.

Commissioner Meszoros stated that he has a responsibility and that every case is different.

Firefighter Santos agrees that what he did was wrong.

Commissioner Lee asked if the same procedures are followed for others.

Deputy Chief Grace stated that everyone got verbal warnings.

Chief Rooney said that Deputy Chief Grace needs to be consistent with warnings and that it wouldn't be fair to others to make exceptions.

Deputy Chief Grace also brought up all the times he passed out packages on the Sick and the Injury at Staff Meetings, and he tells everyone to read the Absence Control Policy.

Commissioner Lee motioned that the verbal warning stands; Vice President Klein seconded and the Board passed it unanimously.

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New Business:

1. Communications:

None.

2. Entertain a motion to remove Retired FF Robert S. Kollar, deceased January 11, 2013, from the Firefighter's Pension list and refer to the Board of Trustees Pension Plan A, for implementation.

Commissioner Meszoros motioned to grant this request; Vice President Klein seconded and the Board passed it unanimously.

3. Entertain a motion to grant a Widow's Pension Request to Migdalia M. Kollar, widow of retired FEM Robert S. Kollar, effective January 12, 2013 and refer to the Board of Trustees, Pension Plan A, for implementation.

Commissioner Meszoros motioned to grant this request; Vice President Klein seconded and the Board passed it unanimously.

4. Entertain a motion to remove Retired FF Andrew N. Dolyak, deceased February 5, 2013, from the Firefighter's Pension list and refer to the Board of Trustees, Pension Plan A, for implementation.

Commissioner Meszoros motioned to grant this request; Vice President Klein seconded and the Board passed it unanimously.

5. Local 834-Grievance 2013-1; FF Joel Christy, Article 5, Disciplinary Action.

Union President Robert Whitbread stated that they are appealing a verbal warning given to Firefighter Joel Christy by Chief Rooney where the Chief said was baseless and unsubstantiated allegations of a disparaging nature against your co-worker.

Mr. Whitbread starts to tell the story about what happened and FF Christy interrupts and says he will say it.

FF Christy stated that he was having a problem with Captain Rivera at 7s. Captain Rivera questioned him about getting his work (house work) done multiple times. FF Christy said he felt harassed. He called Asst. Chief Fossesigurani to talk about it. He was then ordered to write a complaint by Deputy Chief Grace. He didn't want to write it but he was ordered to. If he didn't write it he would have been disciplined. He felt like he was in a lose/lose situation. Now that he writes it, they're saying he's spreading a false rumor.

Chief Rooney asked if he was ordered what to write.

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FF Christy said that he didn't want to write anything but was ordered to write a complaint. If the complaint was from him, he should have the choice whether or not to write it.

Attorney Bohannon referred to the 2326 dated 4/5/12.

President Whitbread stated that the investigation was done by Philip White, so he should be up there.

Attorney Bohannon the City chooses their own representative and for this meeting he is here to represent the City.

Mr. Whitbread stated that when he was done he wants Mr. White to come up and discuss what he found out because he did the investigation.

Attorney Bohannon states that he represents the Bridgeport Fire Department in this matter. The issue here runs to good order and discipline in the Bridgeport Fire Department. The City does not tolerate a hostile work environment, gossip or false allegations. On March 12th, FF Christy complained that his superior officer, Captain Rivera was harassing him and subjecting him to hostile work environment. He also stated that Captain Rivera was crusading to have FF Christy transferred. These allegations against Captain Rivera are very serious. An investigation took place, statements were taken, people are interviewed and written statements are requested. A lot of time was devoted to this investigation. On April 5th, FF Christy was ordered to make a written complaint on a 2326.

President Rosenberg asked if a complaint can be withdrawn.

Attorney Bohannon stated he did not think so. Once a complaint is made, the Bridgeport Fire Department has every interest in investigating to make sure it is harassment is not happening. The Department needs to find out if the Captain was harassing FF Christy. When Captain Rivera was confronted with the allegations, he denied it and claims that these false allegations make him look bad and will stick with him and compromise his career. During a Due Process Hearing, FF Christy said that he "heard" this and would rather not say who told him, that it was told in confidence. Then later on in the hearing, FF Christy states that he doesn't recall who told him, that it was a while ago.

Attorney Bohannon continues stating that at the end of the investigation they could find no one to collaborate that FF Christy was being subjected to harassment. What this Captain is faced with is an allegation from FF Christy that he is on a crusade to have FF Christy transferred. Bridgeport Fire Department does its job and investigates any allegations. One question, "Did you do your work?" never should have led to this. On 2326 dated June 4th, FF Christy states that "I wish to withdraw my complaint of harassment... that we resolved all issues and agreed that we will communicate with each other and are able to work together as Captain and Firefighter". You can't withdraw a complaint once it's

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been investigated. Allegations against Captain Rivera are still hanging over his head. Every employee has a right to protect their reputation. On the whole, this is good management; it is correcting the misconduct, and maintains good order and discipline. A written warning is reasonable, conservative and well-tempered reaction to these circumstances What this Captain is faced with is an allegation from FF Christy that he is on a crusade to have FF Christy transferred. .

Commissioner Lee states that she wishes Captain Rivera was here because she has a lot of questions. She feels that Joel Christy was wrong and Captain Rivera was wrong.

Attorney Bohannon states that it is not a question of right or wrong. He agrees that Captain Rivera was insensitive in his remark.

FF Christy states that Captain Rivera asked him three times, not twice if his work was done, and then said he was going to check. FF Christy felt like he was stating he has no character and that he was a liar.

Commissioner Klein states that his complaint should have just stated that, and not added anything about a transfer. Even though they made him write the complaint, FF Christy decided what to put in it.

President Rosenberg states that there was a thorough investigation, and there are several witnesses who dispute FF Christy's allegation of a hostile work environment.

FF Christy states that he never said one word of a hostile work environment.

President Whitbread stated that he can't find one place where FF Christy says that the officer created a hostile work environment. He sees it in other people's 2326s but never attributed to Joel Christy.

Attorney Bohannon refers to Assistant Chief Fossesigurani 3/14/13statement in writing that FF Joel Christy is creating a hostile work environment.

Commissioner Lee states that in the 2326 that FF Christy didn't feel comfortable talking with Captain Rivera and when FF Christy called Chief Fossesigurani, Captain Rivera became irate. There are two sides to every story.

President Rosenberg commented that there are three sides to every story, his, his and the truth. He suggests that they table this matter to next month so that both FF Christy and Captain Rivera can be present. Then the Board would be in a better position to make a fair and equitable decision on this.

President Whitbread stated that you're supposed to come and present your case and not get a second opportunity when things aren't going your way.

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President Rosenberg stated that are just trying to get to the facts to make a fair decision and if the Union isn't satisfied with that, they could take it to the State for appeal process.

Mr. Whitbread wants to if he requests to bring somebody in front of the Board for a case in the future would the courtesy be extended to him to have the Department present somebody here.

President Rosenberg states that the proper way to do this is to have both parties here.

FF Christy stated that this is his discipline not the Captain's. We don't need the Captain here. Maybe he should just go to the next level then wait another month. And never did he say hostile work environment.

President Rosenberg said that chooses to take this to the State, that's his choice; but he feels that everyone on the Board would like to hear from everybody involved.

Commissioner Lee motioned to table this to next month so that Captain Rivera can be present; Vice President Klein seconded and the Board passed it unanimously.

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

- a. FF Isaias Rodriguez (B) (Tabled Until March)
- b. PE Luigi Perelli (B) (Tabled Until March)
- c. CAPT Paul Cocca (B) – declined executive session. He completed his 90 days light-duty (up Sunday the 17th). He will be refitted for a new leg with more mobility. President Rosenberg asked if he has been for an IME yet. Captain Cocca states that he hasn't yet. President Rosenberg asked if it was realistic that he's going to climb a ladder. President Whitbread stated that the fact that people have come back. Captain Cocca states that this new leg has much more mobility in the ankle and knee which would give him the ability to do a lot more things and he has to be given that opportunity. President Rosenberg asked if it would be realistic to have an IME in May.

Vice President Klein motioned to table this until May; Commissioner Meszoros seconded and the Board passed it unanimously.

7. Entertain a motion to accept the Report of the Sick and Injury.

Vice President Klein wants to ask Mr. Whitbread he is not clean shaven if he is not on the Sick and Injury report. Mr. Whitbread stated that he does not work on

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the line anymore, that he is assigned to the Shop but he is on Union Leave and that once he is back on the line he will be clean shaven.

Vice President Klein motioned to accept this motion; Commissioner Meszoros seconded and the Board passed it unanimously.

8. Entertain a motion to accept the Payroll Register.

Commissioner Meszoros motioned to accept the payroll as written; Vice President Klein seconded and the Board passed it unanimously.

9. Policy and Procedure review.

None.

There being nothing further to come before the Board a motion to adjourn was made by Commissioner Meszoros; Commissioner Lee seconded and the Board agreed unanimously.

The meeting was adjourned at 7:18 p.m.