

**BOARD OF FIRE COMMISSIONERS MEETING
MEETING MINUTES
DECEMBER 2018**

Present: Commissioners S. Rosenberg, R. Russo, J. Morley, J. Meszoros, C. Saunders-Maignan, Chief Thode, Deputy Chief Edwards, Deputy Chief Rolfe.

Call to Order: Commissioner Rosenberg called to order at 6:04 PM

Moment of silence for US firefighter Line-Of-Duty deaths in the past month:

LT Brad Clarke	FF Michael Lubig
Chief Glenn Harman	FF Daniel Lucius
Probationary FF Joshua Eugin	FF Michael Galay
Chief Tom Henrich	FF Christopher Roy
AC Ken Hood	
FF Dustin Grubbs	
AC Dennis Straight	

Roll Call: DC Rolfe read roll call.

Minutes:

Entertain a motion to dispense with reading of minutes of the previous meeting.

Commissioner Meszoros moved, Commissioner Russo second, all in favor: I's have it.

Old Business:

1) Local 834 Grievance, 2017-10, FF Dan Russo, Article 6, Funeral Leave.

Grievance has been settled and signed between BFD and Local 834. No motion required.

2) Local 834 Grievance, 2018-6, Article 6 and MOU Working Beyond 65, for the retirement of Captain Allen Jones.

Attorney Hunsberger representing Local 834 advised they filed a grievance on June 7, 2018 on behalf of Captain Jones because they claim the City involuntarily retired Captain Jones on June 8, 2018. Attorney Hunsberger advised the Commission Captain Jones performed exactly what he was required to do; the physical was performed by the doctor and had been submitted to DC Edwards before the due date and therefore available to get to the Common Council.

Additionally, the union is also requesting Captain Jones be made whole in salary for the lost income between the date of his forced retirement and the date he wanted to leave.

Chief Thode advised the Board of the timeline of events from the initial letters sent to the members over 65 years of age or approaching 65 who are/would be in violation of the State Statute. The end of May date was given to these members to provide them with 6 Common Council meetings to get this done. The Administration met with Captain Jones on several occasions asking what he was doing, he advised he was not sure. A letter was sent to him by Chief advising him of all the steps necessary and if they were not completed as of June 8th steps would be taken to involuntarily retire him. On June 5, 2018 the Administration received notification that Captain Jones had an appointment with the Pension Administrator on June 6th and later an email was received that Captain Jones had voluntarily retired. Captain Jones last day of work was June 7, 2018.

The question was asked by the Board if they could reverse a voluntary retirement. Attorney Mitola, President Rosenberg and Union President Whitbread all agreed that the Board could not make a decision to reverse a retirement under CMERS.

Union President Whitbread advised that CMERS pension is based on completed months, not years and that Captain Jones could have worked until he was 70 which would have been until September 24, 2018. Therefore, if the paperwork would have been submitted to Common Council, Captain Jones would not have lost 4 months of salary.

Based upon the BOFC meeting in October, the Administration was to advise the Union if there was a monetary difference between Captain Jones' pay and his monthly pension. The Administration advised that the salary difference is a wash, when factoring in his \$20 a week union dues and his \$120 weekly pension contributions.

Entertain a motion to determine the monetary difference between Captain Jones' monthly pension versus his pay, not including overtime and including the holiday pay between June 8, 2018 and September 24, 2018 and deduct his pension contributions and union dues.

Commissioner Morley moved; Commissioner Russo second; all in favor: I's have it.

- 3) Local 834 Grievance, 2018-8, Article 6, Article 9 when LT Falzarano did not receive proper pay for his 2018 holidays.

Union President Whitbread has advised that he has spoken to LT Falzarano, DC Rolfe and Chief Thode in the last 24 hours and is requesting we table the matter. He thinks they have a resolution and wants to review it one last time.

Entertain a motion to table to the January 2019 Board of Fire Commissioners Meeting.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

- 4) Local 834 Grievance, 2018-9, Article 6 and Appendix G when drug results were released to BFD that employees had prescriptions from a physician.

President Whitbread advised the Board that the Department has a drug testing policy in place for the use of illegal drugs. If you had a prescription for a particular drug identified on the list in the contract, it was not sent to the Department as a positive test because there was no illegal use. Recently these results have been sent to the Department. He feels this is in violation of the policy and the violation of people's rights under HIPPA.

Labor Relations Director, Janene Hawkins advised the Commissioners that the drug procedure has changed but not the policy. The change has not had any negative impact. Members have not suffered any damages. Ms. Hawkins continued to advise that the City receives the raw data which we have a right to because if they are using drugs that would in some type of way infringe them from doing their job the City has right to know. They are to give us this information and if they don't we have no way of knowing it unless we actually got the raw data. Again, this is a right issue because no one from the Fire Union has suffered any harm at all concerning this matter.

After lengthy discussions, review of the Union Contract, Attorney Mitola advised that this is not a grievance, the Union needs to file a MPP.

Commissioner Russo entertained the motion to deny the grievance; Commissioner Saunders-Maignan second. Commissioner Morley not in favor of the motion. 3 to 1 on the vote, motion passed.

- 5) Local 834 Grievance, 2018-10, Article 6, Article 15, Appendix J, when ordered LT Bullock to come to work the night after jury duty.

Attorney Hunsberger advised Commission that LT Bullock was off duty for Jury Duty and was required to come in to work for the night shift. Per Attorney Hunsberger, the contract states the member is to come to work the following day.

Chief Thode advised the Commissioners that the Union is saying you get the day and the night shift off, for a total of 24 hours. The Administration is stating you get the day shift off only. Union wants both the day and night shift, remember it is not a 24-hour shift, it is a day shift immediately followed by a night shift.

Discussions continued regarding the 1987 Policy and the 1994 Jury Duty SOP (which is not part of the CBA). However, there is a 4-page section signed in 2014 when we changed over to 24-hour shift that states both parties recognize the fact that certain things may get missed

in the translation and that this is no way construed to extend benefits such as vacation leave, jury duty or several other services.

President Whitbread stated the Chief is correct. However, the City had the opportunity when negotiating to get it done. The extension of the contract was another opportunity to change the language if wrong or faulty. They did not.

Commissioner Saunders-Maignan entertained a motion to table to the January Board of Fire Commissioners to allow Chief Thode to provide the documentation discussed; Commissioner Meszoros second; all in favor: I's have it.

- 6) Local 834 Grievance, 2018-11, Article 6 and Article 11 when it failed to pay proper amount of overtime to Assistant Chief's when they came in a meeting.

This grievance has been resolved. No action necessary.

- 7) Local 834 Grievance, 2018-12, Article 6, Article 11 and Article 20 when it failed to pay Fire Senior Inspector his proper pay rate when working overtime at the arena.

President Whitbread read Article 20, Fire Watch Duty, section 20.2, Rate of Pay. Senior Fire Inspector Bonaventura was in charge of the Fire Watch Duty that night and should have been paid time and half.

Discussed rate of pay and which rank Senior Fire Inspector should be paid and the difference between the two. President Whitbread advised the Board that the vendor pays the City for the event and the City should be charging what is applicable.

Commissioner Meszoros entertained a motion to table to January Board of Fire Commissioners Meeting to find out what the pay rate is between the City and the Vendor. Commissioner Saunders-Maignan second; all in favor: I's have it.

- 8) Local 834 Grievance, 2018-13, Article 6 and Article 20 when it failed to pay Deputy Fire Marshal the correct overtime.

President Whitbread advised this is a different issue than 2018-12. DFM Balestrieri worked outside of normal business hours to test a fire alarm system for a contractor. The contractor signed a document for a minimum of 4 hours to get the job completed. DFM Balestrieri was paid for 3 hours and is now seeking the 1-hour additional pay.

Chief Thode advised Commissioners on continuous pay. He stated that we do not pay overtime when we start a job or finish a job when the work is less than 4 hours. DFM Balestrieri only worked 3 hours, not the 4 hours.

DFM Balestrieri explained he was a Central High School testing their Fire Alarm system starting at 2:30 PM that day. Contractor wanted the work to be completed and asked DFM Balestrieri to stay past 4:30 PM that day to get it done. DFM Balestrieri had the contractor sign the Proviso agreeing to the 4-hour minimum. DFM Balestrieri worked from 4:30 PM to 7:30 PM.

DC Rolfe explained continuous pay advising DFM Balestrieri was there working the entire time. He didn't leave and come back, he continued to work until 7:30 PM.

It was determined the Proviso Form being used by the DFM is not the correct form to be used. The form addresses Fire Watches; not Fire Inspections. 2 different services.

Commissioner Meszoros entertained a motion to deny the 1 hour of overtime, Commissioner Russo second; all in favor: I's have it.

- 9) Local 834 Grievance, 2018-14, Article 6 and Article 20 when it failed to pay Fire Inspector the correct overtime.

President Whitbread explained FI Marrero was on an overtime detail on May 8, 2018 which he worked and was not paid the minimum of 4 hours. FI Marrero stated he was performing an inspection before business hours (6:00 AM) for an alarm company and was only paid for 2.5 hours. There was a break in time, therefore he should be paid the overtime.

Commissioner Meszoros entertained a motion to grant the overtime; Commissioner Saunders-Maignan second; all in favor: I's have it.

- 10) Local 834 Grievance, 2018-15, Article 6 and Article 11 when it failed to properly staff L5 when the BFD was using E16 as L5.

This grievance has been resolved. No motion required.

- 11) Entertain a motion to remove retired Captain, James Ennis, deceased October 23, 2018 from the Firefighter's Pension list and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

- 12) Entertain a motion to remove retired Pumper Engineer, Vincent Sanfilippo, deceased November 1, 2018 from the Firefighter's Pension List and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

- 13) Entertain a motion to grant Madeline Sanfilippo, widow of retired Pumper Engineer, Vincent Sanfilippo, a Widow's Pension effective November 2, 2018 and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

NEW BUSINESS

- 1) Local 834 Grievance 2018-16, Article 6 and Section 213 of the Civil Service Charter and settlement agreement dated 5/14/2010, Case # 2009-A-0103 when it failed to properly promote employees from Fire Inspection Test #2348.

Entertain a motion to table to the January Board of Fire Commissioners Meeting.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

- 2) Local 834 Grievance 2018-17, Article 7 and Section 213 of the Civil Service Charter when it failed to promote FF Earl King to Probationary Pumper Engineer properly.

Entertain a motion to table to the January Board of Fire Commissioners Meeting.

Commissioner Meszoros moved; Commissioner Russo second; all in favor: I's have it.

- 3) Entertain a motion to remove retired Deputy Chief John Provost, deceased November 6, 2018 from the Firefighter's Pension List and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Russo moved; commissioner Saunders-Maignan second; all in favor: I's have it

- 4) Entertain a motion to grant Lorraine Provost, widow of retired Deputy Chief John Provost a Widow's Pension effective November 7, 2018 and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Saunders-Maignan second; all in favor: I's have it.

- 5) Entertain a motion to remove retired Provisional Fire Inspector Andrew Fardy, deceased, December 12, 2018 from the Firefighter's Pension List and refer to the Board Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Saunders-Maignan second: all in favor: I's have it.

- 6) Entertain a motion to grant Patricia Fardy, widow of retired Provisional Fire Inspector Andrew Fardy a Widow's Pension effective December 13, 2018 and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros moved; Commissioner Saunders-Maignan second; all in favor:
I's have it.

For the record, the rank of Andrew Fardy is Senior Inspector.

- 7) Executive Session for attendance review of the following individuals:

- a) FI Hiram Velez
- b) FF Daniel Lynch
- c) FF Jaimie Rodriguez

Per DC Edwards, the three above individuals could not attend tonight's meeting.

- d) LT Timothy Bottone

LT Bottone advised the Commissioners he has developed bone spurs blocking his motion. Two days ago, he received inflammation injections to help relieve the pain he is experiencing, not sure what will be next.

Commissioner Morley entertained a motion to table to the January Board of Fire Commissioners for a progress report. Commissioner Russo second; all in favor:
I's have it.

- 8) Entertain a motion to accept the Report of Sick and Injury.

Commissioner Meszoros moved; Commissioner Saunders-Maignan second; all in favor:
I's have it.

- 9) Entertain a motion to accept the Payroll Register.

Commissioner Saunders-Maignan moved; Commissioner Saunders-Maignan second; all in favor: I's have it.

- 10) Policy and Procedure review:

- a. Chief Thode will address the Board on Key Issues.

11) There being nothing further to come before the Board, a motion to adjourn is in order.

Let the record reflect, President Whitbread has requested a copy of the tape.

Meeting adjourned at 8:27 PM

**Next Meeting: January 16, 2019
 Fire Headquarters, 2nd Floor
 30 Congress St., Bridgeport, CT**

Prepared by: Gail Bottillo
December 27, 2018