

CIVIL SERVICE COMMISSION SPECIAL MEETING

May 7, 2015 at 1:00 p.m.
City Hall, 45 Lyon Terrace, Bridgeport, CT 06604
Wheeler Rooms A and B

MINUTES

Commissioner Eleanor Guedes called the special meeting of the Civil Service Commission to order at 2:11 p.m. Present were Commissioners Rodgers, Plummer, Falberg, Emanuel, Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and John Mitola, Associate City Attorney.

1. Police Officer Edward J. McKiernan – Appeal – DENIED

The Commission received an appeal from Police Officer Edward J. McKiernan regarding the Detective Exam #2332.

Mr. Dunn stated that the Commission tabled this matter from the April 21, 2015 Commission meeting. He added that the appeal letter from Police Officer McKiernan said he was prejudiced by the manner in which the exam was administered and in particular that he was not able to answer several parts of the exam because he did not have the documents. Commissioners Emanuel, Falberg, Rodgers and Plummer respectively voted to table the appeal to after the exam list #2332 is published and the 30 day review period ends.

Mr. Dunn said that in April he said he was opposed to the appeal being given any further consideration because it was premature. Further, he added that under the Charter and Rules of the Commission there is a 30 day review and appeal period and he still wants to follow the Charter requirement. In April, despite Mr. Dunn's objection, the Commission granted a special meeting for Mr. McKiernan to voice his concerns. Since the April meeting Civil Service has gathered additional information and still would like to deal with the 30 day review and appeal period. Mr. Dunn stated that the City Attorney may have some of the same opinions as Mr. Dunn and also some different opinions.

Mr. Dunn noted that in the audience were Police Officers affected by what the Commission might do today and that the Police Union was also in attendance. Mr. Dunn read a page from the union contract that was given to him by Sgt. Chuck Paris. This stated: XXXX. Attorney Mitola said since the matter was on the April 21 agenda it would be appropriate for the Commission to hear it now. He read from the Charter about hearing the appeal in executive session.

Attorney John Bochanis requested that the appeal be heard in executive session and Sgt. Paris requested that the Union Board be allowed in the executive session because the union membership includes the other candidates who took the exam and have been waiting to find out the results. Attorney Mitola said this would not be appropriate.

Commissioner Emanuel said he was concerned about setting precedence. Mr. Dunn said he probably should have left it off of the agenda. Attorney Mitola said this is a little different type of appeal. Attorney Bochanis said at the April 21 meeting the Commission voted to not publish the list and he added that the Commission should hear the matter today. Commissioner Guedes stated that 2 additional Commissioners are present today and that new information is available. Attorney Mitola said that the videotape would show Officer McKiernan's reaction to the problem. He added that this information is not normally available until the 30 day appeal period. It is now a critical piece of evidence. Mr. Dunn stated that the Commission should not grant the appeal because this would be doing it in a vacuum only on McKiernan's complaint and not any other appeals that may result after the 30 day appeal period. Commissioner Falberg stated that Civil Service would say that everyone got the information. Commissioner Plummer questioned if there was testimony from Dr. Marentette and Mr. Dunn replied that Civil Service had his written statement. Mr. Dunn said the video will show that Officer McKiernan does not have the paper. Attorney Mitola added that his reaction in the room will go a long way.

Commissioner Emanuel said he wanted to stick to the rules and wait for the list to be established. He added that it did not matter if the Commission waited. Attorney Bochanis said he has not seen the tape. Potential remedies were discussed. Mr. Dunn stated that he could not think of a remedy that won't be problematic. Attorney Mitola said there should be no talk of remedies and Commissioner Plummer agreed and recalled that City Attorney Anastasi told him at a prior Civil Service Commission meeting that the Commission should not deal with hypotheticals. Commissioner Guedes said that there is an introduction of material evidence that can't be reviewed until after the test is published. She said she wanted to make an informed decision and that everyone should have the same opportunity for appeal. Commissioner Emanuel stated that he was uncomfortable in not going by a rule and that the list should be published.

Commissioner Guedes polled the Commission to see if the appeal should be heard today or after the 30 day appeal process. Commissioners Emanuel, Falberg, Rodgers and Plummer each respectively voted to table the appeal to after the list is published. Commissioner Guedes stated that the decision was unanimous and that the appeal would be heard after the 30 day appeal process. Attorney Bochanis asked for clarification. He stated that he objected to tabling the appeal. He added that written statements from other candidates verified that no materials were left in the room. Commissioner Guedes stated that Minutes were available through Freedom of Information. Mr. Dunn said that the list would be posted first thing Monday morning (May 11, 2015).

On a motion made by Commissioner Plummer and seconded by Commissioner Falberg the May 7, 2015 special meeting of the Civil Service Commission adjourned at 1:55 p.m.