

CIVIL SERVICE COMMISSION REGULAR MEETING MINUTES

August 18, 2015 at 2:00 p.m.
City Hall, 45 Lyon Terrace, Bridgeport, CT 06604
Wheeler Rooms A and B

Commissioner Eleanor Guedes called the regular meeting of the Civil Service Commission to order at 2:08 p.m. Present were Commissioners Rodgers and Emanuel; Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford; Attorney John Mitola; Jon Urquidi, City Engineer; Fire Lieutenant Andrew Ellis; Attorney Patricia A. Confrancesco

1. Meeting Minutes – APPROVED

The Minutes from the regular monthly Civil Service Commission meeting on June 9, 2015 and the minutes from the Special Meeting on July 16, 2015 were submitted for review.

**** COMMISSIONER RODGERS MOVED THE JUNE 9, 2015 MINUTES AND THE JULY 16, 2015 SPECIAL MEETING MINUTES.**

**** COMMISSIONER EMANUEL SECONDED.**

**** THE MOTION TO APPROVE THE JUNE 9, 2015 MINUTES AND THE JULY 16, 2015 SPECIAL MEETING MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

Commissioner Plummer joined the meeting at 2:12 p.m.

2. Vacancy Report – NOTED FOR THE RECORD

Mr. Dunn reviewed the details of all the vacancies and staffing transfers. Commissioner Emmanuel asked what could be done to reduce the staffing issues in the EOC. Mr. Dunn explained that it was the nature of the job. Ms. Brelsford said that there had been some who had left and returned to the department later.

Commissioner Emanuel asked about the upcoming posting for a Fire Department executive position. Mr. Dunn said that it would be published in the paper and a number of trade magazines in the coming week. He added that he would send Commissioner Emmanuel a copy of the announcement.

Ms. Brelsford noted that there were two months worth of vacancies in this information packet.

The Commission noted the following Vacancies for the Record:

VACANCIES – Report 07/07/2015

Competitive Positions

Former

Replacement

PUBLIC SAFETY COMMUNICATIONS

Telecommunicator (4)

Rita Marcus
Benjamin Blue
Matthew King
Patrick Magyar

Non-Competitive Positions

Former

Replacement

PUBLIC FACILITIES

Illegal Dumping Coordinator

Dennis Scinto

SOCIAL SERVICES

Seasonal Lead Poisoning Liaison (2)

PARKS & RECREATION

Seasonal Tennis Instructor

Seasonal Recreation Aides (6)

Seasonal Senior Specialty Instructor (5)

PUBLIC FACILITIES

Seasonal Maintainers (40)

Maintainer I (2)

Kevin Paulson
Ron Lupica

TAX ASSESSOR

Tax Assessment Clerk

Emila Silva

TOWN CLERK

Seasonal Election Specialist

REGISTRAR OF VOTERS

Seasonal Clerk

BENEFITS OFFICE

Benefits Coordinator

Geri Johnson-Evans

YOUTH SERVICES/LIGHT HOUSE

Youth Conservation Aides (10)

Conservation Corps Aides (3)

Summer Youth Employee (50-80)

VACANCIES – Report 08/03/2015

Competitive Positions

Former

Replacement

TREASURER

Accounting Clerk II

Laurie Kramer

Non-Competitive Positions

Former

Replacement

LIBRARY

Librarian I – Part time (3)

Jamika Buchanan
Rachel Gaither
Michael Bellacosa

YOUTH SERVICES/LIGHT HOUSE

Wildlife Guards (10)

Conservation Canvass Crew Leader (2)

HEALTH & SOCIAL SERVICES

Seasonal Grant Employee – Farmers Market (4)

PUBLIC FACILITIES

Maintainer II

Manuel Toledo

Maintainer IV

Domingos Viera

PRINT SHOP

Pressman

Thomas Altieri

Robert Taylor (?)

ENGINEERING

Engineering Aide III (Part time)

3. Merit Increases – CERTIFIED FOR PAYROLL

The Commission certified the following merit increases:

MERIT INCREASES JULY 2015
RETROACTIVE TO JULY 1, 2015

HEALTH

Maria Ayala	Mini Computer Operator	\$45,486.00 (3) to \$47,134.00 (4)
Earl DiGioia	Registered Sanitarian	\$64,234.00 (3) to \$75,046.00 (4)
Patricia Ulatowski	Assistant Registrar of Vital Statistics	\$84,904.00 (3) to \$88,574.00 (4)

PSC

Rebeca Lopez	PSC Budget/Policy Analyst	\$75,067.00 (5) to \$76,180.00 (TOP)
Tammy Cowett	PSC Supervisor	\$60,118.00 (1) to \$67,769.00 (TOP)
Dwayne McBride	PSC TCO	\$24.45/hr (3) to \$25.62/hr (4)

CITY ATTORNEY

Kathleen Ranger	Legal Secretary	\$43,317.00 (1) to \$46,391 (2)
Milagros Taylor	Collection Aide	\$36,290.00 (2) to \$37,448.00 (3)

POLICE

Diana Secula	Parking Enforcement Officer	\$34,700.00 (3) to \$36,552.00 (4)
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PUBLIC FACILITIES

Samuel Adams	Maintainer I, Grade I	\$35,030.00 (5) to \$36,666.00 (6)
Nicky Alamo	Maintainer III	\$43,306.00 (5) to \$45,300.00 (6)
Joaquim Barreira	Sanitation Supervisor	\$56,193.00 (3) to \$57,897.00 (4)
Kenneth Beauregard	Maintainer II	\$36,841.00 (3) to \$38,599.00 (4)
Charles Geibel	Maintainer II	\$38,599.00 (4) to \$40,352.00 (5)
Deborah Honnen	Janitress	\$31,981.00 (3) to \$33,616.00 (TOP)
Craig Nadrizny	Public Works Foreman II	\$55,896.00 (3) to \$57,647.00 (4)
Yolanda Padilla	Special Projects Coordinator	\$63,430.00 (2) to \$66,531.00 (3)
Joseph Sanzo	Public Works Foreman II	\$55,896.00 (3) to \$57,647.00 (4)
Robert Valeri	Maintainer I, Grade I	\$31,981.00 (3) to \$33,507.00 (4)
Philip Jaiman	Maintainer I, Grade I	\$30,463.00 (2) to \$31,981.00 (3)

WPCA

Anthony Santiago	Civil Engineer I	\$65,011.00 (1) to \$66,913.00 (2)
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MERIT RAISES – AUGUST 2015 MEETING

FIRE

Carfi, Dominick G.	Fire Deputy Chief	\$107,372 to \$112,633 (3)	7/1/15
Clarke, Harold	Fire Assistant Chief	\$89,415 to \$93,675 (2)	7/1/15
Cook Jr., James R.	Fire Assistant Chief	\$89,415 to \$93,675 (2)	7/1/15
MacNicholl, John D.	Fire Assistant Chief	\$89,415 to \$93,675 (2)	7/1/15
Cora, Armando	Fire Captain	\$82,782 to \$85,174 (3)	7/1/15
Domschine, Kenneth R.	Fire Captain	\$82,782 to \$85,174 (3)	7/1/15
Wallen, Everal O.	Fire Captain	\$80,409 to \$82,782 (2)	7/1/15
Benderoth, Joshua J.	Fire Lieutenant	\$71,664 to \$74,058 (2)	7/1/15

POLICE

Dickerson, Brian	Police Lieutenant	\$85,795 to \$88,269 (3)	6/28/15
Schneider, Eric R.	Police Sergeant	\$74,276 to \$76,756 (2)	6/28/15
Webb Sr., Bernard M.	Police Sergeant	\$76,133 to \$78,675 (2)	7/15/15
Grice, Jeffrey	Police Lieutenant	\$87,940 to \$90,476 (3)	7/31/15

4. Permanent Appointments

There were no permanent appointments to consider at this time.

5. Fire Grievance

The Commission has received a request from Fire Union Local 834 to hear Grievance 2015-5, failure to promote Sanzo and Marrero (FI). Chief Rooney has requested that this be tabled because he has a conflict and cannot attend the Commission meeting.

**** COMMISSIONER RODGERS MOVED TO TABLE THE REQUEST FROM FIRE UNION LOCAL 834 TO HEAR GRIEVANCE 2015-5, FAILURE TO PROMOTE SANZO AND MARRERO (FI) AS REQUESTED BY CHIEF ROONEY.**

**** COMMISSIONER PLUMMER SECONDED.**

**** THE MOTION TO TABLE THE ITEM PASSED UNANIMOUSLY.**

Amendment to the Agenda.

**** COMMISSIONER EMANUEL MOVED TO AMEND THE AGENDA TO CONSIDER AGENDA ITEM #8 – ENGINEERING DEPARTMENT - CIVIL ENGINEER 1 NEXT.**

**** COMMISSIONER PLUMMER SECONDED.**

**** THE MOTION TO AMEND THE AGENDA PASSED UNANIMOUSLY.**

8. Engineering Department - Civil Engineer 1

The Commission received a request from Mr. Jon Urquidi, City Engineer, to add an additional Civil Engineer 1 to the Department Table of Organization.

Mr. John Urquidi, Engineering Department, came forward to speak about an additional staff position for upcoming City projects. He said that there were a number of Capital projects that involved Federal funding. Currently the department does not have sufficient staff to supervisor the project. Steele Point alone is a 13 million dollar project. Commissioner Guedes asked about the details for some of the projects, which Mr. Urquidi reviewed with her.

Commissioner Emmanuel then asked what other departments had supervised in the past. Mr. Urquidi explained that in the past, the department had used a consulting agency, but the agency did not have experience with Federal funding. It would be best not to subcontract out because the Federal requires that a City staff supervisor.

Commissioner Guedes asked about the budgeting for the staff salaries. Mr. Urquidi said that he had funding from two other positions. Mr. Dunn confirmed this.

Commissioner Plummer asked if this was Steele Point. Mr. Urquidi said that Steele Point project was almost completed in his department, but that there were several large projects on the horizon.

Mr. Dunn asked if an executive secretary was needed. Mr. Urquidi said that it was very technical, including roadway construction and other similar types of work. The person

signing off needs to be qualified. A consultant is hired to design the project and then the contractor actually does the physical labor. Mr. Urquidi said that they supervisor the projects and it requires multiple layers of oversight because of the size of the projects.

Commissioner Guedes asked if it required Council approval. Mr. Dunn said that it did not because the category exists and the funding in there. Emmanuel asked if it would be posted. Mr. Dunn said that there were educational requirements and this would be included in the posting. The position of Engineering Aide 2 would remain in the department.

**** COMMISSIONER PLUMMER MOVED TO APPROVE THE REQUEST TO ADD AN ADDITIONAL CIVIL ENGINEER 1 TO THE DEPARTMENT TABLE OF ORGANIZATION.**

**** COMMISSIONER RODGERS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

6. New Job Classification – Senior Housing Code Inspector/Enforcement Officer - APPROVED

The Commission has received a request to approve the creation of a new position and job description for Senior Housing Code Inspector/Enforcement Officer. Also, please reference Agreement between the City and NAGE.

Mr. Dunn reviewed the details of the position and said the job description was included in the information packet. This is a new position following the reorganization of the department. This position will require approval of the Council. It is a noncompetitive union position. The City and the Union are in agreement on this issue.

**** COMMISSIONER RODGERS MOVED TO APPROVE THE REQUEST TO APPROVE THE CREATION OF A NEW POSITION AND JOB DESCRIPTION FOR SENIOR HOUSING CODE INSPECTOR/ENFORCEMENT OFFICER AS AGREED UPON BY BOTH THE CITY AND NAGE.**

**** COMMISSIONER EMANUEL SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

7. New Job Classification – Boat Captain (City) – APPROVED

The Commission has received a request to approve a new job description and job class code for Boat Captain (City).

Mr. Dunn reviewed the details for the position for a Boat Captain for Pleasure Beach. The position will be in the Public Facilities. Commissioner Guedes asked who was performing the job now. Mr. Dunn said that it was Captain McCann. The new hire will report to the Harbor Master. Emmanuel asked why it was classified under AFSCME. Mr. Dunn said that the Harbor Master position was in Public Facilities. It is not a salaried position. Emmanuel pointed out that the job description was unclear as to which vessels the Captain had authority. Mr. Dunn said that Public Facilities did not include emergency services or the Fire Department. This position has to do with ferrying

passengers from the mainland to Pleasure Beach. He said that he would contact the Labor Relations Department regarding this and ask for clarification of the job responsibilities.

**** COMMISSIONER PLUMMER MOVED TO APPROVE A NEW JOB DESCRIPTION AND JOB CLASS CODE FOR BOAT CAPTAIN (CITY) SUBJECT TO CLARIFICATION OF THE JOB RESPONSIBILITIES.**

**** COMMISSIONER RODGERS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

9. Fire Lieutenants Robert Novak, Andrew Ellis, Peter Morotto, Scott Boris and Ron Rolfe – Appeal – Tabled from June 9, 2015 – DENIED

The Commission has received correspondence from Patricia Confrancesco, *Esq.*, regarding an appeal for Fire Lieutenants Robert Novak, Andrew Ellis, Peter Morotto, Scott Boris and Ron Rolfe.

Commissioner Emanuel announced that he would be recusing himself from the vote.

Atty. Cofrancesco came forward and said that she would be representing Fire Lieutenants Robert Novak, Andrew Ellis, Peter Morotto, Scott Boris and Ron Rolfe. She handed out a letter dated May 15, 2015 regarding this issue. She then reviewed the details of the issue as outlined in the letter. Section 211 of the Bridgeport City Charter focuses on the timing of the events, which the City was out of compliance. Atty. Cofrancesco said that she had gone to Superior Court and the City was successful in having the judge dismiss the case because Atty. Cofrancesco had failed to come before the Civil Service Commission first in order to exhaust the appeal process.

Atty. Cofrancesco then invoked Section 206 of the Charter, which deals with appeals. She said that clients were not asking that anyone who was promoted be removed or demoted by way of a remedy. The Department can remedy this by placing her clients in vacant positions or similar positions. Her clients had come before the Commission in the past as individuals to contest this issue and these events were recorded in the minutes of the meetings. However, she stated that the magic word “appeal” was not used. However, the issue of non-compliance was discussed.

Her clients were harmed when others were promoted out of compliance with the Charter. This became a domino effect by affecting their ability to be promoted to Captain. This will affect their time and grade seniority and their future ability to advance in the department.

In the current appeal, Atty. Cofrancesco was asking for specific remedies in order to be in compliance with the Charter as outlined on the bottom of page 2 and top of page 3 in the submitted letter. The request is for her clients to be issued classification seniority for the position of Captain because of the failure of the City to timely test for Lieutenant. She was also requesting that the issuance of classification seniority and back pay be granted to them for the position of Lieutenant consistent with Bridgeport’s compliance with the Charter and that they be restored to the promotional list for Captain.

Her clients were forced to take another Captaincy exam and scored well on the exam. However, there was only one vacant Captain's position available. She went on to say that there was some level of precedence for this, even as recently as earlier in the month.

Lieutenant Ellis said that the City and the Union agreed to give seniority and back pay for failure to follow the Charter. This agreement included other qualified firefighters who were harmed but not the group who were appealing the issue.

Atty. Cofrancesco said she had filed the appeal. She added that she did not know if the Civil Service Commission had different members on it, but administratively, the City of Bridgeport had been put on notice through the various presentations that they were out of compliance and there was a problem. It is recorded in the minutes of the Commission.

Commissioner Guedes agreed that it was a problem then and was a problem now, but due to budgetary constraints, the tests have not always been administered in a timely fashion. The Charter had a section regarding the appeals being brought to the Commission. There is also a statute on this.

Lieutenant Ellis recounted the sequence of events in terms of when the testing was available. He said that he had been removed from the list in 2012. In 2014, the Superior Court judge ruled against them. As a consequence, he lost his seniority, time and grade and pay despite the fact that he had scored well on the exam. The City did not follow the Charter right down to the test results for Lieutenant. The results were not released for 178 days. The group missed qualifying for the Captaincy exam by 11 days. There was also a settlement about wages, which he was not part of. This resulted lost four years of seniority. When it happened, the firefighters came to the Commission and informed the Commissioners that this would eventually cause a major problem.

Atty. Mitola then reviewed the details of the situation at the time of the first test. The claim is there was an opening for Lieutenant in September of 2004. The Charter required that a Lieutenant's exam be given in early January of 2005. The City gave the exam in April of 2007. Had the exam been given in a timely fashion, the group would have been eligible to take the Captain's exam.

Once the exam was given in 2007, the results were not posted within the 90 day requirement by the Charter. Had these results been posted in the proper time period, they would have met the qualifications for the Captain's test. However, they were able to participate in the Captain's test in 2012, but there was a challenge filed regarding whether they were able to participate in that exam. Superior Court Judge Radcliff heard the case and decided that they were not eligible. That case was appealed to the Appellate Court and the appeal was denied.

Atty. Mitola said that the Lieutenants had not raised the issues to the Civil Service Commission until now. While individuals did come to Commission requesting the test

be given, they did not request back seniority, back pay or other issues. They could have made the request following the August 8, 2008 exam, when they were promoted to Lieutenant. Now they are requesting the Commission to go back 7 to 10 years to correct this. Commissioner Guedes said that the Charter indicates an appeal period of 10 days.

Atty. Mitola said that this was a seniority issue and Rule 13 deals with seniority and says that seniority shall be deemed to be length of service to a municipality by job classification and also states that a permanent employee claiming a violation of his seniority rights in any way in one of the areas enumerated shall have his right to file a written appeal with the Civil Service Commission within a period of 10 days after the claimed violation.

He also cited two other legal issues, the concept of waiver, which is the intentional relinquishment or abandonment of a privilege. It does not have to be expressed, but there are consistent acts or conduct under which waiver may be applied.

There is also a legal principal of estoppel, which is a set of doctrines in which a court prevents a litigant from taking an action the litigant normally would have the right to take, in order to prevent an inequitable result.

Atty. Mitola said that he believed the litigants had waived the issue because they could have come to the Commission and requested a remedy in 2005.

Discussion followed.

**** COMMISSIONER PLUMMER MOVED TO DENY THE APPEAL BY FIRE LIEUTENANTS ROBERT NOVAK, ANDREW ELLIS, PETER MOROTTO, SCOTT BORIS AND RON ROLFE BASED ON THE FACTORS OF TIMELINESS, RULE 13, AND THE ADVICE OF LEGAL COUNSEL.**

**** COMMISSIONER RODGERS SECONDED.**

**** THE MOTION TO DENY PASSED UNANIMOUSLY.**

10. Legal Report – Attorney Mitola

Atty. Mitola said that he did not have an additional report for the Commission.

11. Personnel Director's Report

Mr. Dunn presented his report, including the status of the upcoming examinations and a special meeting on August 27th to certify the police candidates.

On a motion made by Commission Plummer and seconded by Commission Emanuel, the Commission unanimously adjourned the August 18, 2015 regularly monthly meeting of the Civil Service Commission at 3:40 p.m.