

# CIVIL SERVICE COMMISSION REGULAR MEETING

October 13, 2015 at 2:00 p.m.  
City Hall, 45 Lyon Terrace, Bridgeport, CT 06604  
Wheeler Rooms A and B

## MINUTES

Commissioner Eleanor Guedes called the regular meeting of the Civil Service Commission to order at 2:13 p.m. Present were Commissioners Rodgers, Falberg and Emanuel; Personnel Director David Dunn; Clerk to the Commission Deborah Brelsford; Attorney John Mitola; Police Captain James Viadero (ret.); Mr. Whitbread, Fire Union Representative; Atty. John Bohannon; Atty. Thomas Bucci; Atty. Bruce Levin; Mr. Michael Rynick; Ms. Lisa Mastronunzio; Mr. John Cottell, II; Ms. Tiana Bridtter; Ms. Jennette Peters; Police Lt. Garcia; Deputy Fire Chief Robert Petrucelli; Atty. Neil Austin, Labor Relations (3:30 p.m.)

### **1. Meeting Minutes - APPROVED**

The minutes from the regular monthly Civil Service Commission meeting on September 8, 2015 were submitted for review.

**\*\* COMMISSIONER RODGERS MOVED THE SEPTEMBER 8, 2015 MINUTES.**

**\*\* COMMISSIONER EMANUEL SECONDED.**

**\*\* THE MOTION TO APPROVE THE SEPTEMBER 8, 2015 MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

### **2. Vacancy Report – NOTED FOR THE RECORD**

The Commission noted the following Vacancies for the Record:

#### **VACANCIES – Report 10/09/2015**

<u>Competitive Positions</u>	<u>Former</u>	<u>Replacement</u>
<b>PUBLIC SAFETY COMMUNICATIONS</b>		
Telecommunicators	Jessica Carde Daniel Santos Brittany Christophersen	
<b>BOE</b>		
Custodial Supervisor I	New	Thomas Armour
Typist II (2)	Miralys Rivera Andrea Ezzie	
<b>BUILDING</b>		
Deputy Building Official	Bruce Nelson	Arben Kica

<u>Non-Competitive Positions</u>	<u>Former</u>	<u>Replacement</u>
<b>POLICE</b>		
School Crossing Guard (5)	Jane Briscoe Charlene Lucky Juan Ayala New New	Derrick Stancil Luis Hernandez Diana Morales Rose Marie Munoz
<b>OPED</b>		
Planner I	New	Dean Mack
<b>PUBLIC FACILITIES</b>		
Maintainer II	Felix Pizarro	Walter Blunt
Maintainer III	Manuel Toledo	Samuel Adams

### 3. Merit Increases – CERTIFIED FOR PAYROLL

The Commission certified the following merit increases:

#### MERIT INCREASES OCTOBER 2015

##### COMPTROLLERS

Patricia Kozma	Accounting Clerk I	\$39,687.00 (3) to \$41,488.00 (4)*
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##### POLICE

Gina Gambino	Animal Control Office	\$43,298.00 (1) to \$46,565.00 (2)*
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##### BOE

James Antignani	Warehouseman/Truck Driver	\$41,425.00 (4) to \$43,306.00 (5)*
Wallace Gatchell	Maintainer I, Grade I	\$28,939.00 (1) to \$30,463.00 (2)*

##### PUBLIC FACILITIES

Carlos De Moura	Maintainer III	\$39,544.00 (3) to \$41,425.00 (4)*
Elizabeth Viruet	Janitress	\$31,981.00 (3) to \$33,616.00 (4)*
Pedro Flores	Maintainer IV	\$44,460.00 (4) to \$46,482.00 (5)*

\*Retroactive to July 1, 2015

Carlos Padillo	Maintainer I, Grade I	\$28,939.00 (1) to \$30,463.00 (2)
	Retroactive to April 1, 2015	

Mark Hammond	Maintainer II	\$33,336.00 (1) to \$35,091.00 (2)
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Ryan Paoletti	Zoo Keeper	\$36,841.00 (3) to \$38,599.00 (4)
	Retroactive to May 1, 2015	

Mark Bonaventura	Maintainer III	\$41,425.00 (4) to \$43,306.00 (5)
	Retroactive to August 1, 2015	
Edgardo Gadea	Maintainer I, Grade II	\$31,060.00 (1) to \$32,693.00 (2)
Michael Lauro	Maintainer IV	\$40,419.00 (2) to \$42,439.00 (3)
	Retroactive to September 1, 2015	

**4. Permanent Appointments – CERTIFIED FOR PAYROLL**

The Commission certified the following permanent Appointment:

**PERMANENT APPOINTMENTS**

LAST NAME	FIRST NAME	TITLE	DEPARTMENT	EFFECTIVE DATE
Conrad,	Ryan	Boat Captain	Parks & Recreation	10/07/2015

**Amendment to the Agenda.**

**\*\* COMMISSIONER EMANUEL MOVED TO AMEND THE AGENDA IN ORDER TO HEAR AGENDA ITEM #17 - APPEAL - POLICE CAPTAIN ELIGIBILITY FIRST.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**17. Appeal - Police Captain Eligibility. - DENIED**

The Commission has received a request for an appeal from Attorney Thomas W. Bucci, on behalf of Lt. Brian Fitzgerald, et al, regarding the determination allowing Lt. Manuel Cotto to sit for the Police Examination.

Atty. Bucci, Atty. Levin and Atty. Bohannon came forward to greet the Commissioners. Ms. Brelsford stated that Lt. Cotto would be represented by Atty. Levin; Atty. John Bohannon was present to represent the City of Bridgeport and Atty. Bucci would be representing Lt. Brian Fitzgerald, et al.

Atty. Bucci asked if there was a recitation of the facts of the case. Mr. Dunn then gave a brief overview of the situation following the promotion of Captain Baraja in 2011. Most of the Lieutenants are eligible, but there are some that are not due to an incorrect date listed on the exam. After reviewing the details of retirements, it was determined that the Burns termination was the correct date. Lt. Cotto received back seniority and was eligible for the exam, along with several other lieutenants. The complainants are concerned about the determination of the Walker date.

Atty. Bucci then said that this had been decided in the past when the Lieutenant's exam was first given. There is no issue of the Walker ruling but there are concerns about how Lt. Cotto's eligibility was determined. He went on to explain that Lt. Burns was the 22nd

Lieutenant in the Police Department but there are only 21 approved positions. He referred back to the minutes of October 15, 2013. Atty. Bucci reviewed the details of the situation at that time. He pointed out that there were only 21 positions in the Lieutenant's positions, and the 22nd position was considered an overfill. However, this is not what the Charter Section 206d says. If there is an increase in the number of positions, it must be approved by the Civil Service and the City Council. The Council never approved that 22nd position.

Commissioner Emanuel asked how many Lieutenants were currently serving. He was informed that there are currently 19 Lieutenants. The department is waiting for the exam to be given to fill the vacant positions. Commissioner Emanuel asked where this was written down. Atty. Levin said that he had minutes from the Civil Service minutes from a number of years ago where it was included.

Atty. Bohannon said that the 22nd position was approved by the Civil Service. He said that there were no provisions regarding this in the Charter and that when a department wants to increase or create a position, he said that the Civil Service already approved the position.

He stated that in recognition of the fact that the Burns position was an actual position, he felt that the Personnel Director made an accurate decision regarding the date of the vacancy. Discussion followed about how this position was created.

Atty. Bucci said that while the Civil Service approved the 22nd position, the Council never did. He reiterated that according to the State, this would be considered stacking since there were only 21 positions. Mr. Dunn said that it had never been sent to the full Council because the Civil Service did not believe it needed to be forwarded to them. Atty. Bucci said that the fact that this was not forwarded to the Council and only was documented in the Civil Service minutes.

Atty. Bohannon explained why this was different from the New Haven case. Mr. Dunn said that the Police Chief had come to the Civil Service and requested a new Lieutenant position and the Commission approved it. He said that the Council would have to approve a newly created position, such as a corporal, but the lieutenant position was an existing position. If the request was submitted, with a budget approval, then the Civil Service Commission would approve the filling of the position.

Atty. Bruce Levin then said that he had been a judge for twenty years and stated this case had already been filed in court. He said that the question was the meaning of Section 206d in the Charter, which he believed was the creation of a new class of positions, such as majors, but that the Commission had the final say regarding the number of positions in a classification because they can also decrease the number of positions in a classification. Atty. Levin then reviewed the timeline of events following the termination of Lt. Burns. Atty. Levin said that the lieutenantcy of Christine Burns was real, including the duties and exposure as a lieutenant. He said that Atty. Bucci's request would be unfair and noted that

Atty. Bucci already has a hearing date scheduled. He reiterated that the Commission had the authority to increase or decrease the number of positions for lieutenancy or captaincy.

Commissioner Emanuel said that he understood how it feels and that it is almost better not to give the test until the litigation is resolved.

Commissioner Falberg asked what would happen if Lt. Cotto took the test and did not pass. She was told he would remain at his current level. Atty. Bohannon said that if Lt. Cotto was not allowed to take the test and the court decided that he was eligible, the test would have to be administered all over again. Atty. Bucci said that the Commission must do what was lawful, not what was convenient.

Atty. Mitola said that both arguments were very compelling and that he had successfully argued the case in court. He added that he believed that there was an additional appointment of another lieutenant following Lt. Burns' appointment. Mr. Dunn said that this was correct and reviewed the details of the timelines. Atty. Mitola pointed out that once Lt. Burns was fired, there was no additional request to fill the 22nd position.

Commissioner Emanuel pointed out that the Department had gone to 22 positions and then through attrition, the number of filled positions dropped to 19. Mr. Dunn then clarified the details of the seniority for Lt. Cotto, which was changed following the court decision regarding Lt. Burns. Discussion followed.

Atty. Bohannon stated that the Rules of the Civil Service addressed the definition of position included the phrase "vacant or filled".

Atty. Levin said that one of the major tenets of law was to be practical. He suggested that it would be best to let Lt. Cotto take the exam and if the court decides that Lt. Cotto is ineligible, the test will still stand. Mr. Dunn pointed out that the City had already hired the assessors, rooms at the Holiday Inn and ordered food for October 21st. He said that one person had been allowed to take the test in the past and subsequently had not done well, so the issue had gone away.

Commissioner Guedes asked what the harm there was in letting the test go forward. Atty. Bucci said that he thought that there was only one avenue and that would be to only allow the eligible candidates to take the test.

**\*\* COMMISSIONER RODGERS MOVED TO DENY THE APPEAL BY ATTORNEY THOMAS W. BUCCI, ON BEHALF OF LT. BRIAN FITZGERALD, ET AL, REGARDING THE DETERMINATION ALLOWING LT. MANUEL COTTO TO SIT FOR THE POLICE EXAMINATION.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

##### **5. Fire Grievance – Tabled from August 18, 2015. – TABLED**

The Commission received a request from Fire Union Local 834 to hear Grievance 2015-5 failure to promote Sanzo and Marrero (FI).

Mr. Whitbread, the Fire Union Local 834 President, said that this item was tabled last month by Fire Chief Rooney. Deputy Chief Petrucelli was present to discuss the matter, but did not have any information on the item.

*Commissioner Emanuel recused himself at 3:25 p.m.*

Mr. Whitbread said that the grievance had been filed almost a year ago and FC Rooney said that he had to review the information. Mr. Whitbread said that the Chief had said he was going to review this but gave Deputy Chief Petrucelli information. He said that there were three days but only one day had been paid. The two inspectors were detailed to the Fire Chief, but then they were given President's Day off, and then paid for 9 hours, instead of 12 hours. Deputy Chief Petrucelli said that the additional four hours were paid out. During that this happened, the firefighters were in school studying for the Fire Marshal's exam and considered "acting" fire marshals.

*Mr. Neil Austin joined the meeting at 3:30 p.m.*

Commissioner Guedes asked if Mr. Whitbread could meet with Chief Rooney to settle this issue. Mr. Whitbread said that he had asked Chief Rooney to meet with no success. He said he would contact Chief Rooney again to discuss the details.

**\*\* COMMISSIONER RODGERS MOVED TO TABLE THE REQUEST FROM FIRE UNION LOCAL 834 TO HEAR GRIEVANCE 2015-5 FAILURE TO PROMOTE SANZO AND MARRERO (FI).**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

*Commissioner Emanuel rejoined the meeting at 3:34 p.m.*

## **6. Examiner's Report – ACCEPTED AND CERTIFIED**

Ms. Mastonunzio presented the Fire Captain's Examiner's Report to the Commissioners. She reviewed the various dates and number of candidates involved in the testing with the Commissioners.

Mr. Whitbread said that there had been issues with testing since he started with this job. He said that he would like to come see Mr. Dunn to discuss this.

**\*\* COMMISSIONER RODGERS MOVED TO CERTIFY THE PROMOTIONAL LIST.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**7. Request from David Kooris – Noted for the Record.**

The Commission received a request from Mr. David Kooris, Director of OPED, to appoint Mr. Bruce Nelson as the Building Official.

Mr. Dunn said that Mr. Bruce Nelson had been selected as the new Building Official, which is a Noncompetitive position, and the Mayor appointed Mr. Nelson. The Commissioners noted this for the Record.

**8. Request from Dennis Buckley – TABLED**

The Commission received a request from Mr. Dennis Buckley, Zoning Administrator, regarding the reallocation of Ms. Gloria Blackwell's position of Data Analyst to Administrative Specialist.

**\*\* COMMISSIONER EMANUEL MOVED TO TABLE THE REQUEST FROM MR. DENNIS BUCKLEY, ZONING ADMINISTRATOR, REGARDING THE REALLOCATION OF MS. GLORIA BLACKWELL'S POSITION OF DATA ANALYST TO ADMINISTRATIVE SPECIALIST.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**9. Request from Doree Price – APPROVED**

The Commission received a request from Ms. Doree Price, Director of Public Safety Communications, to increase the job description typing requirements for the Public Safety Telecommunicator position from 20 words per minute to 35 words per minute.

**\*\* COMMISSIONER EMANUEL MOVED TO APPROVE THE REQUEST FROM MS. DOREE PRICE, DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS, TO INCREASE THE JOB DESCRIPTION TYPING REQUIREMENTS FOR THE PUBLIC SAFETY TELECOMMUNICATOR POSITION FROM 20 WORDS PER MINUTE TO 35 WORDS PER MINUTE.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**10. Request from James Viadero – NO JURISDICTION**

The Commission reviewed a request from James Viadero regarding his pension.

Mr. James Viadero and Atty. Austin and Mr. Michael Rynich came forward. Atty. Mitola reviewed the details of the collective bargaining agreement and the retroactive payment. He cited the appropriate section of the City Charter. If there was a mistake on calculations, the Commission can hear the issue. However, this issue is before the Police Commission. He suggested that this matter be deferred to the Police Commission, which

also has jurisdiction. Commissioner Guedes asked why there were consecutive appeals. Mr. Viadero said that they were not sure which group should hear the issue. Atty. Austin said that this was a murky area, particularly if the boards make conflicting decisions. With all due respect, Atty. Austin stated he felt that the Police Commission was in a better position to deal with the issue and the terms of the contractual agreements. Atty. Mitola agreed with Atty. Austin. Discussion followed.

Mr. Viadero said that he was willing to withdraw the request from the Police Commission to hear the issue and for a decision. Atty. Austin said that the Police Commission was hearing issues with the pension. Atty. Mitola said that they were both contractual issues, he did not think that the Commission had jurisdiction.

**\*\* COMMISSIONER RODGERS MOVED THAT BASED ON ATTY. MITOLA'S LEGAL OPINION, THE CIVIL SERVICE COMMISSION DOES NOT HAVE JURISDICTION IN THE MATTER OF MR. VIADERO'S PENSION.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**11. Request for Waiver – Sgt. Jonathan Duharte – GRANTED**

The Commission received a request for a waiver for the Police Detective Exam #2332 from Sgt. Jonathan Duharte.

**\*\* COMMISSIONER FALBERG MOVED TO APPROVE THE REQUEST FOR A WAIVER FOR THE POLICE DETECTIVE EXAM #2332 FROM SGT. JONATHAN DUHARTE.**

**\*\* COMMISSIONER RODGERS SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**12. Request for Waiver – Sgt. Trevor Niestemski – GRANTED**

The Commission received a request for a waiver for the Police Detective Exam #2332 from Sgt. Trevor Niestemski.

**\*\* COMMISSIONER FALBERG MOVED TO APPROVE THE REQUEST FOR A WAIVER FOR THE POLICE DETECTIVE EXAM #2332 FROM SGT. TREVOR NIESTEMSKI.**

**\*\* COMMISSIONER RODGERS SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**13. Request for Waiver – John Cottell, III – GRANTED**

The Commission received a request for a waiver for the entry level Police Officer Exam #2330 from John Cottell, III, serving in the Military currently in Jordan.

**\*\* COMMISSIONER RODGERS MOVED TO APPROVE THE REQUEST FOR A WAIVER FOR THE ENTRY LEVEL POLICE OFFICER EXAM #2330 FROM JOHN COTTELL, III, SERVING IN THE MILITARY CURRENTLY IN JORDAN.**

**\*\* COMMISSIONER FALBERG SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**14. Request for Appeal – Tiana Bridtter - GRANTED**

The Commission received a request from Ms. Tiana Bridtter regarding not receiving her mail from the Office of Internal Affairs regarding Entry Level Police Officer # 2330.

Ms. Bridtter said that she had not received a postcard informing her about the certified letter. Lt. Garcia of Internal Affairs said that she sends out two letters to the candidates. She said that she had mailed the orientation letters out, displayed copies of the receipts and there was an attempt to deliver the letters and that notice was left at the house. Lt. Garcia said that she had not received the certified letter back from the Post Office.

Ms. Bridtter received the disqualifying letter and other related letters but did not receive the notification about the certified letter. She has not been to orientation yet.

Commissioner Guedes asked Lt. Garcia if there would be a problem with allowing Ms. Bridtter to attend orientation. Lt. Garcia said that she would not have a problem with this. Lt. Garcia then gave Ms. Bridtter the certified letter number so she could pick up the letter at the Post Office.

**\*\* COMMISSIONER FALBERG TO APPROVE THE REQUEST FROM MS. TIANA BRIDTTER REGARDING NOT RECEIVING HER MAIL FROM THE OFFICE OF INTERNAL AFFAIRS REGARDING ENTRY LEVEL POLICE OFFICER # 2330.**

**\*\* COMMISSIONER RODGERS SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**15. Request for Appeal – Jernnette Peters – GRANTED**

The Commission received a request from Ms. Jernnette Peters regarding not receiving her mail from the Civil Service office regarding Entry Level Police Officer # 2330.

Ms. Peters came forward and said that she had received a letter that she was disqualified because she failed to appear for a polygraph appointment, however, she reported that she did not receive the letter in the mail from the Civil Service requiring that she take a polygraph.

**\*\* COMMISSIONER FALBERG TO APPROVE THE REQUEST FROM MS. JERNNETTE PETERS REGARDING NOT RECEIVING HER MAIL FROM**

**THE CIVIL SERVICE OFFICE REGARDING ENTRY LEVEL POLICE OFFICER # 2330.**

**\*\* COMMISSIONER RODGERS SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**16. Request from Mr. Gilbert Velez**

The Commission received a request from Mr. Gilbert Velez to address the Commission regarding custodial matters.

Mr. Gilbert Velez came forward to address the Commission about the Board of Education Custodian I and IV test. Mr. Dunn said that it has not moved as quickly as they had hoped. Mr. Dunn said that the delay in testing was strictly a matter of workload in the Civil Service office. The Custodian I would be an open, competitive test. The Custodian IV positions will not be open for the general public. Mr. Velez said that there had not been a Custodian IV test in eight years. Mr. Dunn said that the major focus has been on the Police and Fire Departments to get those departments up to speed. He said that he felt the Civil Service department could move this test forward now. There has to be a 30 day notice published so the test could be done before the end of November. Discussion followed.

Commissioner Guedes told Mr. Velez that one of the reasons that the Commission was established was to insure fairness to the employees. She said that Mr. Dunn will follow up on the testing scheduling.

**18. 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 said that he did not have an additional report for the Commission.

**ADJOURNMENT.**

**\*\* COMMISSIONER RODGERS MOVED TO ADJOURN.**

**\*\* COMMISSIONER EMANUEL SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The October 13, 2015 regularly monthly Civil Service meeting adjourned at 4:30 p.m.

Respectfully submitted,  
S. L. Soltes  
Telesco Secretarial Services