

CIVIL SERVICE COMMISSION REGULAR MEETING

October 14, 2014 at 2:00 p.m.

City Hall, 45 Lyon Terrace, Wheeler A and B, Bridgeport, CT 06604

MINUTES

Commissioner Eleanor Guedes called the regular monthly meeting of the Civil Service Commission to order at 2:12 p.m. Present were Commissioners Rodgers, Plummer, and Emanuel, Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and John Mitola Associate City Attorney.

1. Meeting Minutes - APPROVED

The Minutes from the regular monthly Civil Service Commission on September 9, 2014 were submitted for review. Commissioner Guedes stated for the Record that she was not in attendance at the September 9 meeting. She asked the Commissioners if they had any comments and they did not. Mr. Dunn said he reviewed the Minutes and found them to be in order. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission unanimously approved the September 9, 2014 Minutes.

2. Vacancy Report - NOTED FOR THE RECORD

The following vacancies for non-competitive positions are noted: Aging: Secretarial Assistant; BOE: Mini Computer Operator and Electrician; CAO: Deputy CAO; Police: School Crossing Guards (10), Kennel Person/Stable Attendant; Public Facilities: Electrician.

3. Merit Increases – CERTIFIED FOR PAYROLL

The following merit increases were unanimously certified for payroll:

POLICE

Mercado, Ronald	Police Lieutenant	\$77,391 to \$79,668 (2)	10/12/14
Brito, Marco P.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Cari, Paul M.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Carrano Jr., John F.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Carter, Michael R.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Cetti, Marie A.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Duharte, Jonathan A.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Harper, Thomas D.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Henry, Eliud	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Jarrett, Jamie J.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Jarvis Jr., Clinton R.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Leonard, Timothy M.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Mayne, Sheldon L.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Mullenax, Ryan D.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Norris Jr., Phillip B.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Palatiello III, Albert J.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Rozum, Adam L.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Schneider, Eric R.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Smith, Ean J.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14

Stanitis, Michael P.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14
Taylor, Ashley A.	Police Officer	\$52,159 to \$58,109 (3)	10/25/14

MERIT INCREASES EFFECTIVE JULY 1, 2014

BOE

Jeffrey Lavoie	Janitress	\$31,981 (3) to \$33,616 (Top)
James Antignani	Warehouse/Truck Driver	\$39,544 (3) to \$41,425 (4)

MERIT INCREASES EFFECTIVE JULY 1, 2013

BOE

Sylvester Ellis	Custodian IV	\$50,934 (4) to \$51,189 (Top)*
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*Retro to 7/1/2013

MERIT INCREASES EFFECTIVE SEPTEMBER 1, 2014

BOE

Isidro Rivera	Warehouse/Truck Driver	\$45,190 (6) to \$47,262 (Top)*
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*Retro to 9/1/14

4. Permanent Appointments – CERTIFIED FOR PAYROLL

The following permanent appointments were unanimously certified for payroll:

Carfi, Dominick G.	Fire Deputy Chief	09/29/2014
Cora, Armando	Fire Captain	10/12/2014
Benderoth, Joshua J.	Fire Lieutenant	10/12/2014
Santiago Anthony	Civil Engineer I	WPCA 09/17/2014
Ranger Kathleen	Legal Secretary	City Attorney 08/11/2014
Taylor Milagros	Collection Aide	City Attorney 08/18/2014
Gambino Gina	Animal Control Officer	Police 08/03/2014

5. Three Part Vote – TERMINATED

The Commission received a request from Fire Chief Brian Rooney to terminate the employment of probationary Fire recruit Martin Rodriguez. Chief Rooney requested executive session due to discussion of medical issues. On a motion made by Commissioner Emanuel and seconded by Commissioner Plummer the Commission entered executive session at 2:17 p.m. The Commission returned to public session at 2:29 p.m. Commissioners Emanuel, Plummer and Rodgers each respectively voted to terminate and Chief Brian Rooney and Personnel Director David Dunn also voted to terminate.

6. Fire Grievances – TABLED

The Commission received a request from Mr. Robert Whitbread, President Local 834, for the following grievances to be heard:

- Griev 2013-19 Light duty during storm Nemo
- Griev 2013-2 Lee Taylor car use
- Griev 2013-13 J. Hall docked pay
- Griev 2013-3 Isaias Rodriguez transfer

Mr. Whitbread requested all 4 grievances be tabled. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission unanimously tabled the 4 Fire grievances.

7. Fire Grievance – DENIED

The Commission received a request from Mr. Robert Whitbread, President Local 834, for the following grievance to be heard:

- Griev 2014-6 LT exam #2230 not given properly

Commissioner Guedes asked Mr. Whitbread if he wanted to go into executive session and Mr. Whitbread said it would be open (heard in public session). Mr. Whitbread stated that the 2 grievants were present and asked Lt. Ron Rolfe and Lt. Andrew Ellis to address the Commission. Commissioner Emanuel recused himself and also as employee representative on the Commission is not able to vote on Fire grievances.

Lt. Rolfe explained that they were looking to gather back time for a LT exam from 2008 that was given by then Personnel Director Ralph Jacobs. There was a Court decision on February 18, 2014 that changed the date of eligibility for Captain exam #2330 and they were ineligible to be promoted to the rank of Captain. They were harmed by their 2008 promotion to LT. He added that the Charter had been violated nearly 6 times in reference to this exam. He explained that Lt. Craig Kelly retired in 2004 and that he was not promoted timely because they were not promoted until August 10, 2008. He stated that Lt. Ellis was due 1400+ days in back seniority and back pay. Lt. Rolfe passed out a timeline to the Commissioners. Lt. Rolfe said the Lieutenants had a meeting with the City Attorney and claims Attorney Mitola told them to file a mandamus so they did.

Mr. Dunn asked Attorney Mitola to explain to the Commission what this involved, as he was familiar with the federal litigation. Attorney Mitola said the claim was that the City was supposed to give a LT promotional exam in 2005/2006 and did not do it in a timely manner. The Lieutenants would have had time in grade as LTs to participate and qualify for the Captain's exam and would have made Captain. He explained that some individuals claimed Mr. Dunn used the incorrect date and Superior Court disagreed with the City's interpretation. The case was brought to the Connecticut Appellate Court. This court upheld the Superior Court's decision and these individuals were bumped off the Captain list.

Attorney Mitola explained that there are problems with their arguments: the practical reality is that the case is pending in Superior Court right now. Attorney Mitola recommended that the Commission deny the grievance because the LTs rights accrued back in 2005. At that time they should have gone to the Civil Service Commission or the court on a mandamus action, but they did not do that. At some point the union brought a mandamus and the City and union entered into a judgment to come up with a date to give the exam.

Attorney Mitola further added that if the LTs are correct the Superior Court will fully adjudicate. Lt. Rolfe stated that City Charter 211b dictates seniority. The Police department had some grievances and back pay and seniority was given. He stated

that he wished the Civil Service Commission would just fix it. Lt. Rolfe added that they went to Attorney Mitola and Attorney Edwards prior to filing in Superior Court with financial aspects that well suited the City of Bridgeport. Lt. Rolfe added that in court the definition of the word "layoff" was argued.

Lt. Andrew Ellis introduced himself and addressed the Commission. He said that the New Haven case [Ricci] was going on at this time and the Charter was violated numerous times in that the City failed to give the test in a reasonable time. In May 2008 when the Examiner's Report was approved the 11 days came to haunt them. He added that their careers were held up. He cited that at the time Commission Plummer asked if 11 days would make a difference and the LT added that he was not going to pick on Commissioner Plummer, however, the 11 days has made a difference. An Agreement for the Police department went back to 2001 for a late exam but not the Fire department. He further stated that he must follow rules every day at work but the City does not follow the Charter. August 10, 2008 was when they were promoted to LT. Commissioner Guedes recalled the meeting of May 28, 2008 that Lt. Ellis referenced and said it was a big mess. Commissioner Guedes further stated that whatever mechanism that can be used to eliminate disparate impact on exams should be used. Lt. Ellis stated that Chief Rooney and Chief Petrocelli went through the same thing that these LTs are going through now. He said he has been able to take 1 promotional test in 17 years. The LTs filed the grievance right away on April 17, 2014.

Mr. Lawrence Osborne, Labor Relations Director, stated that CT Statute 7474g would not recognize this as a valid grievance. Commissioner Guedes stated that this should be resolved in another forum. Lt. Rolfe replied that he would like it resolved in this forum – this is the same group of people – minus Captain Emanuel (who is the elected employee rep on the Commission after Willie McBride, Jr. retired) and Mr. Dunn. Those were the people that it happened with. Attorney Mitola insisted that this was a 2005 claim and that the Agreement the City and union entered into was not in place at that time. That Agreement was entered into in 2010.

Attorney Thomas Bucci stated that he knows he does not have standing in a grievance hearing, however, he asked that the Record reflect that he represents the group of Fire Captains involved in the case. Attorney Mitola said that the LTs cannot sit on their rights for 10 years and not do anything about it. Attorney Mitola also stated that he did not want to discuss the settlement referenced by Lt. Rolfe in public session. Mr. Dunn stated that he supported Attorney Mitola's recommendation that the Commission deny the grievance. He added that this matter has been heard in Court and only 4 or 5 would have benefited from the settlement proposed by Lt. Rolfe. Lt. Rolfe asked to make a good effort to avoid litigation and have further discussions with the City Attorney and or Captains involved in the Court case. Commissioner Guedes asked Commissioners Rodgers and Plummer if they had any questions. Commissioner Guedes stated that she would entertain a motion to let this play itself out in Court. Commissioners Plummer and Rodgers both respectively

voted to deny Fire grievance 2014-6. Commissioner Guedes stated that this matter would get finality in Superior Court.

8. Fire Grievance – TABLED

The Commission received a request from Mr. Robert Whitbread, President Local 834, regarding not promoting FF Isaias Rodriguez to the position of Lieutenant. Mr. Whitbread asked that this matter be tabled. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission unanimously tabled the request.

9. Three Part Vote – DENIED WITH CONDITIONS

The Commission received a request for a tri-partite vote regarding Public Safety Telecommunicator Mr. John Scollin, Jr. and the recommended failure of his probationary period by Labor Relations. On a motion made by Commissioner Rodgers and seconded by Commissioner Emanuel the Commission entered executive session at 3:10 p.m. at the request of Attorney Bucci, counsel to Mr. Scollin. The Commission returned to public session at 3:50 p.m. Commissioners Emanuel, Rodgers, and Plummer each respectively voted to deny Mr. Scollin's termination. Personnel Director David Dunn voted to deny Mr. Scollin's termination. Department Head Doree Price voted to uphold the decision of the Personnel Director and the Commissioners. On a motion made by Commissioner Emanuel and seconded by Commissioner Rodgers the Commission unanimously suspended Mr. John Scollin, Jr. for 2 weeks without pay; extended the probationary period for Mr. Scollin an additional 6 months; instructed Mr. Dunn to schedule mandatory sensitivity training for Mr. Scollin; have Mr. Scollin write an apology and this will be offered in the event that a verbal apology is not accepted, with Ms. Price as mediator.

10. Vincenzo J. Mirci – Appeal Police Officer #2302 – TABLED

The Commission received a request for an appeal from Mr. Mirci regarding his disqualification from Police Officer #2302 due to failing his hearing examination. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission unanimously tabled Mr. Mirci's appeal.

11. Legal Report – Attorney Mitola – NO ACTION TAKEN

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission entered executive session at 4:00 p.m. Attorney Mitola stated the terms of the settlement proposed by the Fire Lieutenants. The Commission returned to public session at 4:10 p.m.

12. Personnel Director's Report – NO ACTION TAKEN

Next meeting is November 18th, due to City offices being closed on November 11th, Veteran's Day. Wheeler Rooms A and B; 2:00 p.m.

On a motion made by Commissioner Emanuel and seconded by Commissioner Plummer the October 14, 2014 regular monthly meeting of the Civil Service Commission was adjourned the 4:10 p.m.