

CIVIL SERVICE COMMISSION REGULAR MEETING

Tuesday, April 10, 2012, 2:00 p.m.

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

MINUTES

1. Meeting Minutes - APPROVED

Mr. Dunn told the Commissioners that he reviewed the minutes from the March 13, 2012 regular monthly meeting of the Civil Service Commission and that he found them to be in order. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission unanimously approved the March 13, 2012 minutes.

2. Vacancies – APPROVED

Mr. Dunn explained that the vacancies were for mostly seasonal positions in Parks and Recreation, the Beardsley Zoo, and Public Facilities and all were approved through the budget process. Many would be recalls for lifeguards, camp counselors, etc. He said that there was a position for Acting Deputy Housing Code Enforcement Officer that was not a seasonal position. Commissioner Guedes inquired about who would be placed in the position and Mr. Dunn replied that Frank Memoli, a current employee, would be filling the vacancy and that to his knowledge at this time the position he was leaving was not being backfilled.

Mr. Dunn also explained that the position of Town Clerk II was being filled by Aidxa Marquez and that she previously worked in the Health and Zoning departments and most recently in Town Clerk. The Town Clerk has the authority to appoint for this unaffiliated position, however, she wanted to stay out of the selection. She asked Civil Service to post the position and interview the 2 candidates from her department that were interested in the position. After the structured oral interviews the panel selected Ms. Marquez. The other employee was a little upset that she did not get selected.

Commissioner Correa asked if Civil Service has gotten involved in the past with similar situations. Mr. Dunn explained that it is not unusual for a department head to ask for a 3rd party review so the selection could be non-biased.

Ms. Brelsford asked to have the agenda amended to include the position of OPM Policy Analyst. Mr. Dunn explained that the position was a promotion for Isolina DeJesus who currently works in OPM. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers, the vacancy for OPM Policy Analyst was added to the agenda.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the following vacancies were approved:

<u>Department</u>	<u>Title</u>
Parks and Rec Zoo	Seasonal Maintainers (8)
Parks and Rec	Seasonal Maintainers Gr I (45)/Gr II (5)
Parks and Rec	Seasonal Checkpoint Attendant (16)
Parks and Rec	Seasonal Sr. Checkpoint Attendant (12)
Parks and Rec	Seasonal Checkpoint Supervisors (7)

Parks and Rec	Seasonal Lifeguard Supervisors (3)
Parks and Rec	Seasonal Lifeguard Captains (6)
Parks and Rec	Seasonal Lifeguards (42)
Parks and Rec	Seasonal American Red Cross Lifeguard Instructor (1)
Parks and Rec	Seasonal Sports Coordinator (1)
Parks and Rec	Seasonal Camp Counselor (50)
Parks and Rec	Seasonal Tennis Camp Counselor (2)
Parks and Rec	Seasonal Site Coordinators (20)
Parks and Rec	Seasonal Recreation Aides (6)
Parks and Rec	Seasonal Tennis Instructor (1)
Public Facilities	Seasonal Maintainers (30)
Housing Code	Deputy Housing Code Enforcement Officer
Town Clerk	Assistant Town Clerk II
OPM	Policy Analyst

3. Merit Increases – CERTIFIED FOR THE RECORD

Mr. Dunn explained that merit increases were in order for Zookeeper and Janitor and on a motion made by Commissioner McBride and seconded by Commissioner Correa the Commission unanimously certified the following merit increases:

Merit Raises due April 1, 2012

Beardsley Zoo

Kimberly Van Wormer	Zoo Keeper	\$30,956 (1) to \$32,586 (2)
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Merit Raises due May 1, 2012

Board of Education

Jeffrey Lavoie	Janitress	\$26,873 (1) to \$28,289 (2)
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4. Permanent Appointments – CERTIFIED FOR THE RECORD

Mr. Dunn explained to the Commission that Eric Amado, Personnel Trainee in the Civil Service department, had passed his 6-month probationary period and that the department was very happy with his work and that he is a good fit. His permanent appointment is effective March 12, 2012. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission unanimously certified the permanent appointment of Eric Amado.

5. Request from Comptroller – WITHDRAWN

The Commission received a request from Dawn Norton, Director, Finance, regarding a reorganization matter involving department personnel. Mr. Dunn explained that this matter was being withdrawn from the agenda. Ms. Norton would not be pursuing this and if the department or Administration submitted it at a later point it would be addressed then.

6. Lt. Bottone Grievance – WITHDRAWN BY UNION

The Commission received a request from Mr. Robert Whitbread, IAFF Local 834 President, to hear grievance 2012-2 Lt. Bottone, Article 5 Discipline. Mr. Robert Whitbread addressed the Commission and said that since Lt. Bottone had been very busy with the Captain exam that he was withdrawing this matter and bringing it to the State Board of Mediation and Arbitration.

7. Lt. Carlos E. Reyes – Request to speak before the Commission

The Commission received a request from Lt. Reyes regarding his name at the special meeting on March 6, 2012. Lt. Reyes explained to the Commissioners that at a recent Commission meeting he said that the Charter is violated everyday and there was no challenge to what he had said at

the meeting. Lt. Reyes said he defends what he said and still believes what he said is true. He added that he is prohibited from making false statements. Mr. Dunn said in light of litigation with the exam and the appeal period being in effect now that he did not wish to discuss the matter any further. Commissioner Guedes added that it is noted for the record.

8. Fire Union – Request from Mr. Robert Whitbread

Mr. Whitbread explained that he had sent a letter to Mr. Dunn asking for clarification on re-employment lists as a result of decisions the Commission made regarding the Captain exam. Mr. Dunn said that it would be more prudent to leave this on the table for a future discussion in light of pending court review. Mr. Dunn added that this issue should be fully vetted out at some point in the future. Civil Service would conduct an investigation as to how reemployment lists were handled in the past and the City Attorney would also review the issue. Based on a court order or decision being given past handling of the reemployment list could be affirmed or would buttress the argument in the future.

9. Frank Basler Appeal – NOT UNDER PURVIEW OF COMMISSION

The Commission received a request from Mr. Basler regarding his probationary termination as Administrative Assistant in the Library. Mr. Dunn explained that last summer Frank Basler was hired as an Administrative Assistant by Scott Hughes, City Librarian, however, in January 2012 he was not recommended for continued employment. City Attorney John Mitola explained that this is an unusual situation but that the bottom line is that the Commission does not have jurisdiction to rule either way on this matter. Mr. Basler was hired as a provisional, temporary employee. Attorney Mitola passed out a packet to the Commissioners that included a Provisional or Acting Declaration form signed by Mr. Basler, a Civil Service Commission form signed by Mr. Basler indicating his hiring was provisional, and a copy of Section 2.13 of the Charter.

Attorney Mitola further explained that due to a new funding structure the Library was able to hire right away and since there was no hiring list, Mr. Basler was hired provisionally. It was the City's intent to give an exam and Mr. Basler could participate in the exam he chose to.

Attorney Mitola said that Mr. Hughes had the authority to end his provisional employment after consulting with Mr. Dunn. Attorney Mitola asked the Commission to take no action. Commissioner Guedes asked if provisional employees have any rights and Attorney Mitola replied that they might have some rights under a CBA if subject to it. Attorney Mitola said a termination could be made if there are legitimate reasons for it.

Mr. Basler passed out a copy of Section 2.14 of the Charter regarding provisional employees. Attorney Mitola said that Mr. Basler is correct with what he read but said it is applied in situations where, for example, in the Police department there is an opening for a Lieutenant and there is no employment list so a qualified Sergeant is provisionally appointed until an exam is given. Attorney Mitola further explained that the fact that 4 months have expired does not make a provisional employee a permanent employee. Commissioner Guedes agreed.

Mr. Dunn explained that the Civil Service department has been focusing on exams for Police Office, Firefighter, public safety positions at the EOC, promotional exams in the Police and Fire departments and Accounting Clerk 1 in some of the City departments. He further explained that it takes a budget and funds to give exams and that at some point an exam could be given for Administrative Assistant.

Commissioner Guedes asked Mr. Hughes if he had completed probationary reports on Mr. Basler and he replied that he had not because probationary reports are not completed for provisional employees. Mr. Hughes added that he brought on the position of Administrative Assistant to be a support role. It wasn't and still is not. He is still dealing with work that was not done. This position set the library back. Commissioner Guedes asked if the position could be filled provisionally again and Mr. Hughes replied that he is still finding checks that were not deposited correctly. Some of the checks were major gifts.

Mr. Hughes explained that just because there is more funding for the Library he has not added all the staff that he could. He said he wants to reserve comment and had the person been up to speed he would not have been terminated. The department is still digging itself out.

Commissioner Guedes stated that the matter is not under the Commission's purview and the Commission should not take action on this. Mr. Dunn said that he and Attorney Mitola had not discussed this in detail before the meeting, however, there are 2 categories of provisional employees and there are numerous provisional employees in the City including Mr. Dunn and Ms. Brelsford. Mr. Dunn said that there should be further discussion at another time to vet this out further. Commissioner Correa said that the Commission should look at the rules of the Commission and make the 4 months clear or add language. She added with Charter Revision this was the right time to do this. Commissioner Guedes said this subject could stay open for interpretation at every step along the way and that edification and change is needed. Mr. Basler said it was a question of justice.

10. Frank V. Santora Appeal – DENIED

The Commission received a request from Mr. Frank V. Santora regarding his not passing the Public Safety Communications Supervisor exam. Mr. Dunn explained that Mr. Santora was not present but that previously he had argued before the Commission for some questions on the Public Safety Supervisor exam to be thrown out. On a motion made by Commissioner Plummer and seconded by Commissioner McBride, Mr. Santora's appeal was unanimously denied.

11. Terry Griffin Appeal - DENIED

The Commission received a request from Mr. Terry Griffin regarding failing a portion of his medical exam. Mr. Dunn explained that Mr. Griffin could have his appeal heard in public or private. Mr. Griffin chose private and on a motion made by Commissioner Correa the Commission entered executive session at 2:48 p.m. The Commission returned to public session at 3:12 p.m. Commissioners Correa, McBride, Plummer, and Rodgers each voted respectively to deny Mr. Griffin's appeal. Commissioner Guedes said that Mr. Griffin could apply for a position with the City in the future.

12. Personnel Director's Report

Fire Captain

Mr. Dunn told the Commission that the written exam for Fire Captain was given on March 31st at the Aquaculture School near Captain's Cove. It was a 2-hour test with 100 multiple-choice questions. He said the test went well with no snafus. The feedback from the candidates is that the test was fair and challenging.

Mr. Dunn explained that the candidates were given an orientation on April 2nd and the oral exam was from April 3 to 5 in the Fire Headquarters. 50 Lieutenants applied to take the Fire Captain

exam; 47 showed up on March 31st with 46 being in the building and 1 was in Afghanistan at an Army test center in Kandahar.

Mr. Dunn further explained that the candidates were equally divided into morning and afternoon groups and that the morning group stayed on the 4th floor until all the afternoon candidates were present on the 2nd floor. This was to ensure that nobody spoke with each other about the exam. There were 4 exam panels and a couple of minor issues such as a candidate was late and a cell phone had to be taken away because the candidate forgot to leave it in his vehicle. On Wednesday there was a tactical exercise and there was a technical problem with a computer but a substitute computer was used. On Thursday there were oral questions and candidates had the opportunity to see 2 of the questions 10 minutes in advance and 6 questions were on the spot. Mr. Dunn stated that the reviews given by the candidates were generally good.

On Friday all the candidates met with Mr. Hale from Resource Management Associates and received preliminary "pencil mark" results. The tests are in Chicago being scored and double-checked for mathematical errors. Mr. Dunn said the scores ranged from 95 to 55 with 65 being the passing grade because 75% of the highest score is the passing grade. Final results are expected at the end of this week or the beginning of next and then he would ask the Commission to certify the list in the future after the appeal period ended.

Mr. Dunn told the Commissioners that he and Attorney Mitola were at the court with Attorney Thomas Bucci on Monday, April 9 and that the next court date is May 14. Mr. Dunn said that seniority points were an issue at court.

Commissioner Correa said that as a citizen she felt strongly about who could perform the job most competently. She felt it is important to pass the test without points being added on. Mr. Dunn added that the assessors were very positive and upbeat and said the candidates made good impressions. They showed they studied very hard and put lots of time and effort into the test.

Firefighter Structured Oral Interviews

Mr. Dunn told the Commissioners that the structured oral interviews are scheduled for April 16-19 at Central High School and that the panels would be diverse and would be made up of 2 Fire department members (or former employees), a civilian HR person and a moderator. Some assessors would be paid, for example, if they were from other towns. They would not be paid as much as the assessors for the Fire Captain exam.

Police Academy

Mr. Dunn said that 7 or 8 more names needed to be cleared to get 26 recruits. This 2nd academy class has been more challenging than the 1st because this time it took about 100 candidates to get 26 and the 1st time it took 75 candidates to get 25. Mr. Dunn said that he has heard from consultants that the candidates higher on the list have less issues.

Mr. Dunn also gave a heads up to the Commissioners that he has disqualified candidates based on habits and conduct and there would be a need for separate meetings to hear appeals and that most appellants have Attorney Thomas Bucci representing them. Commissioner Guedes asked that Chief Gaudett and Lieutenant Garcia be present at the appeals.

Mr. Dunn stated that this class needs to be finalized by June 15. The Commissioners discussed their schedules and agreed that April 23 and 24 beginning at 1:30 p.m. would be possible dates

for appeal hearing and that Ms. Brelsford would send them an email. Commissioner Guedes suggested a time limit of 15 minutes each. Commissioner Plummer asked if the Commission could learn about the curriculum at the Police Academy and Mr. Dunn said that he would arrange for Lieutenant Lonnie Blackwell to make a presentation to the Commissioners.

Cecalie Cooper

Dr. Ralph Ford argued that the results from the 1st psychological evaluation were ambivalent. Commissioner Guedes asked if the Commission has to act on the matter and Mr. Dunn said that Ms. Cooper could request another appeal and that the Commission does not have to hear it because she has already been tested a 2nd time with the same result of not qualified for dispatcher position. Mr. Dunn said the Commission has already spent a lot of money for the second test.

Secretary in Mayor's Office

Mr. Dunn said that the Mayor appointed a secretary to replace Lydia Johnson who retired. Mr. Dunn was informing the Commission of the appointment. It is an unaffiliated position.

Commissioner Guedes asked about the payroll clerks being moved to the Grants personnel office. She said it looked like the Civil Service department was being done away with and having a department to just give exams. Mr. Dunn said that he and Ms. Brelsford were going to be at a budget meeting this Friday evening at 6:00 p.m. and that he had already met with Messrs. Nunn, Sherwood, Felipe and Ms. Kabel about the budget. Overall our requests were approved but \$45K was cut from management services, which covers exam consultants. A little more money was allocated to office equipment and payroll was put in grants under Ms. Janet Finch. Mr. Dunn said he supports the division of duties and understands the purpose. He and Attorney Mitola have spoken about Charter issues and these need to be vetted out through the City Attorney office and address all issues.

Mr. Dunn said that Mr. Andy Nunn has offered to meet with Commissioner Guedes and all the Commissioners to explain the functional divisions of testing and promotions, payroll and employee portfolio and labor and contracts. Mr. Dunn said that his concern is the impact Charter-wise and maybe there is a need to review a resolution of some sort. Commissioner Correa asked if these changes will be part of a new Charter Revision. Commissioner Correa said there is an opportunity now with Charter Revision and that there is anxiety amongst the Commission and that Commission is urging Mr. Dunn about these things. Mr. Dunn stated that he does not want to be perceived as a department head that is not cooperating and that he does think on the same wavelength. Commissioner Correa said these changes affect lives and she is concerned about the well being of people as well. The Commission can't pretend the Charter does not exist.

It was agreed that Chairman Guedes and Commissioner Correa would represent the Commission and meet with Mr. Nunn. Anymore than 2 Commissioners meeting with Mr. Nunn would constitute a quorum. Commissioner Guedes passed out her email address to all of the Commissioners and asked them to contact her with their ideas.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the April 10, 2012 regular monthly meeting of the Civil Service Commission adjourned at 3:43 p.m.