

CIVIL SERVICE COMMISSION REGULAR MEETING

Tuesday, August 28, 2012, 2:00 p.m.

City Hall, 45 Lyon Terrace, Council Chambers, Bridgeport, CT 06604

MINUTES

The meeting location was moved from the reserved Wheeler A/B rooms to the City Council Chambers because of a hearing taking place in the Wheeler rooms.

Commissioner Guedes called the August 28, 2012 regular meeting of the Civil Service Commission to order at 2:10 p.m. Present were Commissioners Rodgers, Plummer, Correa, and McBride. Also attending were Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, City Attorney John Mitola, and Lisa Kollman, Civil Service Examiner.

Mr. Dunn explained to the Commission that Attorney Thomas Bucci was present for Lt. Kevin Shevlin, on a matter related to Fire Captain exam #2319, however he could not stay long due to another conference. On a motion made by Commissioner McBride and seconded by Commissioner Correa the agenda was amended to add #18 Lt. Kevin Shevlin matter.

Mr. Dunn also requested that the agenda be amended to add #19 Frank Bridge appeal for Fire Captain exam #2319, which was requested by Lt. Bridge on August 28 a short time prior to the Civil Service Commission meeting. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the agenda was amended to add #19 Lt. Frank Bridge appeal.

Commissioner Guedes said because of the interconnectedness of these 2 added appeals and #5, #6, #15, #16, and #17 that a special meeting could be scheduled to hear these 7 matters or appeals. On a motion made by Commissioner Correa and seconded by Commissioner McBride the above referenced items from the August 28, 2012 agenda will be heard at a special Civil Service Commission meeting on Monday, September 10, 2012 at 1:00 p.m.

1. Meeting Minutes - APPROVED

On a motion made by Commissioner McBride and seconded by Commissioner Plummer the minutes from the July 18, 2012 Civil Service Commission meeting were approved.

2. Vacancies – 2 positions were removed from the agenda and the remaining were APPROVED

On a motion made by Commissioner Correa and seconded by Commissioner Plummer the following 2 positions were removed from the agenda:

Housing & Community Develop.	Dpty. Dir. of Housing and Comm. Devel.
Housing & Community Develop.	Provisional HOME Specialist

On a motion made by Commissioner *Plummer and seconded by Commissioner Rodgers* the Civil Service Commission approved the following vacancies:

<u>Department</u>	<u>Title</u>
BOE	Carpenter
Public Facilities/Rwy	Maintainer 1 Grade 1
Public Facilities/Rwy	Maintainer 1 Grade 1
Public Facilities/Parks	Janitress

Parks and Recreation	Zumba Instructor (10 months/hourly/3x/wk)
Parks and Recreation	Parks Foreman II
Registrar of Voters	Election Equipment Program Technician (temporary)
Registrar of Voters	Clerk (August 1-24)
Registrar of Voters	Clerk (July –November)
Building	Typist 1
Fire	Assistant Chief
CAO	Dep. CAO/Mayor's Dir. for Youth & Ed Policy
City Attorney	Paralegal
Fire	Firefighter (21)

It is noted that the Commission approved the above vacancies out of order and as the final item before the meeting was adjourned.

3. Merit Increases – APPROVED

On a motion made by Commissioner McBride and seconded by Commissioner Plummer the following merit increases were certified for the record:

MERIT RAISES – AUGUST 2012 MEETING

FIRE

Beurdry, Robert A.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Dierna, Marcus L.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Dundy, Necole M.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Hernandez, Bobby	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
King Jr., Earl G.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
MacCalla, Eriq	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Mentes Jr., Michael J.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Penix, Ryshon J.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Scates, Regina N.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Terron Jr., Wilfredo	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Torres, Jose A.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Torres, Joseph	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Vega, Christopher S.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Zavodjancik, James E.	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/13/12
Boyle, James	Fire Fighter	\$55,252 (3) to 58,935 (4)	8/15/12

PUBLIC SAFETY COMMUNICATIONS

Ouellette, Alexi R.	Public Safety TCO	\$18.21 hr (1) to \$20.85 hr (2)	8/15/12
---------------------	-------------------	----------------------------------	---------

MERIT INCREASES EFFECTIVE SEPTEMBER 1, 2012

AIRPORT

Ignacio Coca	Airport Serviceman I	\$29,564 (1) to \$31,119 (2)
--------------	----------------------	------------------------------

4. Permanent Appointments – APPROVED

On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the permanent employment of the following employees were certified for the record:

PERMANENT APPOINTMENTS – AUGUST 2012 MEETING

<u>Employee Name</u>	<u>Job Title</u>	<u>Effective Date</u>
-----------------------------	-------------------------	------------------------------

PUBLIC SAFETY COMMUNICATIONS

Ouellette, Alexi R.	Public Safety Telecommunicator	8/15/12
---------------------	--------------------------------	---------

ITS

Vitorino, Christopher Support Specialist II 06/19/2012

POLICE OVERTIME

Krajnak, Jennifer Accounting Clerk I 05/17/2012

5. Attorney Hank Murray Request – TABLED TO SEPTEMBER 10, 2012

The Commission received a request from Attorney Hank Murray to address the Commission regarding the Fire Lieutenant seniority issues and Fire Captain exam #2319. (Please reference paragraphs 4 and 5 of the introduction.)

6. Examiner's Report – Fire Captain Exam #2319 – TABLED TO SEPTEMBER 10, 2012

The Commission is asked to certify the Fire Captain Examination #2319. (Please reference paragraphs 4 and 5 of the introduction.)

7. Fire Grievance – DENIED

The Commission received a request from Fire Local 834 to hear grievance 2012-3 FF Greg Daly OT light duty. Mr. Robert Whitbread, Union President, passed out to the Commissioners an explanation from the contract of Article 11 section 3 pay rate. He explained that Firefighter Daly worked Sunday and got injured and he was off work Monday and Tuesday.

Deputy Chief Robert Petrucelli explained to the Commissioners that he was filling in for Deputy Chief Grace at the time and received a phone call from Berkeley Administrators that FF Daly cut his finger at lunch on Sunday and was taken to Immediate Health Care and told to return to immediate light duty. FF Daly was directed to report to light duty work on Wednesday. Deputy Chief Petrucelli said that the language in the contract is specific to firefighters working on the line.

City Attorney Mitola passed out copies of a letter to the Commissioners. He explained that historically there is not overtime in light duty. He referred the Commissioners to page 4 and said it spelled out what Deputy Chief Petrucelli had already explained to them.

City Attorney Mitola also referenced page 5 of the letter regarding Absence Control Policy. Even if all the hours FF Daly worked were added up they would equal 35.5 hours and he would not be eligible for overtime.

Mr. Whitbread disagreed and said that FLSA does not apply and that light duty is not automatic but is at discretion. There was a discussion about detailed and not transferred. Commissioner Guedes asked Mr. Whitbread why the contract specifies line personnel. Mr. Whitbread responded that a firefighter is line personnel. Commissioner Plummer asked if the procedures were followed to come on and off of light duty and Mr. Whitbread replied yes. Commissioner Guedes asked Mr. Whitbread on what terms did the Fire Commission deny the grievance. Mr. Whitbread said it was revisited 3 months from the initial grievance and had been granted initially. Attorney Mitola said the Fire Commission overturned the decision. Mr. Dunn replied that the doctor noted that Mr. Daly was capable of working and that Berkeley Administrators is responsible for the City's Workers Compensation.

Commissioner Guedes stated that while Mr. Daly was recuperating from an injury somebody else was being paid overtime to cover for him. Attorney Mitola said that Fair Labor Standards Act is applicable to all employees in the U.S. and that the collective bargaining agreement works together with FLSA and it is applicable. Mr. Whitbread said when an employee is detailed he uses

none of the benefits of his permanently assigned position. Deputy Chief Petrucelli said you do not get overtime when you return to work.

Commissioner McBride is not eligible to vote on this matter. Commissioner Correa, Plummer and Rodgers each respectively voted to deny the FF Daly grievance.

8. Town Clerk – Reclassification of Assistant Town Clerk I – TABLED TO SEPTEMBER REGULAR MEETING

The Commission received a request from Alma Maya, Town Clerk, to reclassify the position of Assistant Town Clerk I from competitive to non-competitive. Ms. Maya explained to the Commission that a test would not be helpful to the department because the duties of the position are specific to the department. The Assistant Town Clerk I must know about land records, voting, and absentee votes. Unless somebody was coming to this position from another Town Clerk's office this is information that is generally not understood. An exam would be for aptitude and would have to be geared toward specific duties of the job. Ms. Maya said this is a very small department of 5 or 6 employees. She added that she was pleased when she posted the position of Assistant Town Clerk II and there was an interview panel that spoke with the 2 candidates.

Commissioner Guedes asked if there were any other employees in the office interested in this position and Ms. Maya replied that none of the other employees were eligible. Commissioner Guedes asked if there was a vetting process and Ms. Maya replied yes. Mr. Dunn explained that the City does like to offer a career path for department members. He explained that employees in the offices of Tax Collector or Comptroller, for example, can't take this exam and that at least 2 people are needed for the exam. Commissioner Correa asked what would happen if the person left the City and Mr. Dunn stated that somebody could be hired provisionally or an exam open to the public could be given. Commissioner Correa asked what the best practices are in the Town Clerk office and Mr. Dunn said to promote from within the department, especially since the voting piece of the position is 40% of the job during the year. Ms. Maya added that there is general clerical work related to land records and there is also a financial piece.

It was agreed that Mr. Dunn would speak with an officer from the Supervisors union.

Commissioner Correa suggested that the Commission approve the request contingent upon the union agreement. On a motion made by Commissioner Correa and seconded by Commissioner McBride the Commission unanimously voted to approve the position of Assistant Town Clerk I being reclassified from competitive to non-competitive.

9. Health Department Request – GRANTED

Mr. Warren Blunt, Director of Environmental Health, spoke to the Commissioners and requested that Inna Khmel'nitskaya be appointed as Acting Registered Sanitarian. He explained that the prior Registered Sanitarian did not work out and was terminated during her probationary period. In the meantime Ms. Khmel'nitskaya has since been certified.

Mr. Dunn added that the department requests this and the Administration is supportive of this. Mr. Blunt explained that the position is non-competitive and the Registered Sanitarian inspects restaurants and schools, for example. There are 4 Registered Sanitarians in the office but they are spread thin. He added that Ms. Khmel'nitskaya started as a volunteer and worked her way up.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission unanimously granted a request made by Mr. Blunt, to appoint Inna Khmel'nitskaya as Acting Registered Sanitarian.

Mr. Dunn asked to hold items #10, #11, and #12 on the agenda and to address #13 and #14 on the agenda ahead of them. On a motion made by Commissioner Correa and seconded by Commissioner Rodgers item #10, #11 and #13 on the agenda would be heard after item #13 and #14.

13. Chief Gaudett's Request for New Recruit Testing

Chief Gaudett sent a letter requesting a new group of Police Officers. Commissioner Correa asked how many and Mr. Dunn said the next class would probably be 15-20 new recruits at best. Mr. Dunn expects one more class to come off the current list that expires April 2013 and be ready for next summer. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission directed Mr. Dunn to look at the budget and begin an investigation about testing a new group of police officers.

14. Chief Gaudett's Request for Promotional Exams

Mr. Dunn said that the last examinations for Police Sergeant and Police Lieutenant were given 3 or 4 years ago. On a motion made by Commissioner Plummer and Commissioner McBride the Commission has directed Mr. Dunn to give promotional exams for Police Sergeant and Police Lieutenant by the end of the year.

10. Daryl Woods Appeal - GRANTED

On a motion made by Commissioner McBride and seconded by Commissioner Correa the Commission entered executive session at 3:20 p.m. to hear an appeal requested by Mr. Woods regarding failing a portion of his medical examination for firefighter and wanted the hearing held in private. The Commission returned to public session at 3:42 p.m.

Commissioner Guedes polled the Commissioners for their respective votes. Commissioner Correa voted to deny the appeal, Commissioner McBride abstained, stating that he knew Mr. Woods, Commissioner Rodgers granted the appeal and Commissioner Plummer granted the appeal. Commissioner Guedes asked about whether she could vote. Mr. Dunn said that Commissioner Guedes could vote to make a tie and vote again to break the tie. Commissioner Guedes asked City Attorney John Mitola and he stated that we have not done that in the past. Commissioner Guedes noted that she was upset, did not vote and recused herself at 3:45 p.m. and said that she could not be a part of this.

Mr. Dunn told the Commissioners that there should not be second chances in matters such as this. He firmly stated that this action has never been taken in public safety positions. He advised the Commissioners that their action would result in numerous problems, especially for similar appeals that they have denied in the past, as well as other upcoming appeals. Mr. Dunn stated that there were 7 candidates who were disqualified for failing to meet the medical testing requirements regarding substance abuse testing. Attorney Mitola said that these matters should only be granted if there is an error in the process or mistaken identity. Commissioner Plummer asked Mr. Dunn how many current employees in the Fire department smoke marijuana. Mr. Dunn said that fire personnel are randomly tested and terminated from employment with the City if there is any illegal substance use. Commissioner Plummer said that he hears from people in the community all the time about this issue. Commissioner Correa said that this is not a case where a second chance should be given. She added that second chances should only be given when

someone has committed a crime and paid his/her debt to society. Commissioner Correa suggested Mr. Dunn give very specific directions to Mr. Woods about future testing. Mr. Dunn provided his contact number to Mr. Woods and told Mr. Woods to call him the next day (August 29).

11. Kenneth Fossesigurani Appeal – TABLED TO SEPTEMBER REGULAR MEETING

The Commission received a request from Carla Williams, *Esq.* for an appeal from Mr. Fossesigurani, for failing a portion of his medical examination. Just prior to the Commission meeting an email was received on the Civil Service website from Attorney Williams stating that she would not be attending and that Captain Fossesigurani would be speaking on behalf of Kenneth Fossesigurani. Kenneth Fossesigurani was not present at the meeting and Mr. Dunn told Captain Fossesigurani that he needed to be present. On a motion made by Commissioner Correa and seconded by Commissioner McBride the Commission unanimously tabled the hearing for the appeal to the next regular meeting which is expected to take place on Wednesday, September 19th.

The Commission entered Executive Session at 3:50 p.m. to hear the appeal of Mr. Joshua Santiago.

12. Joshua Santiago Appeal

The Commission received a request for an appeal from Mr. Santiago, for failing a portion of his medical examination. Mr. Santiago was accompanied by his mother. The Commission listened to the comments made by Mr. Santiago and his mother. Since the position of camp counselor ended on August 14, 2012 there was no vote since the job was over. The Commission returned to public session at 4:05 p.m.

16. Lieutenant Peter Oliva Appeal – TABLED TO SEPTEMBER 10, 2012

The Commission received an appeal from Lt. Oliva regarding the scoring of the Fire Captain Exam #2319. (Please reference paragraphs 4 and 5 of the introduction.)

17. Lieutenant James Buck Appeal – TABLED TO SEPTEMBER 10, 2012

The Commission received an appeal from Lt. Buck regarding the scoring of the Fire Captain Exam #2319. (Please reference paragraphs 4 and 5 of the introduction.)

18. Lieutenant Salvatore Emanuel Appeal - TABLED TO SEPTEMBER 10, 2012

The Commission received an appeal from Lt. Emanuel regarding the scoring of the Fire Captain Exam #2319. (Please reference paragraphs 4 and 5 of the introduction.)

19. Lieutenant Frank Bridge Appeal – TABLED TO SEPTEMBER 10, 2012

The Commission received an appeal from Lt. Bridge regarding the scoring of the Fire Captain Exam #2319. (Please reference paragraphs 4 and 5 of the introduction.)

On a motion made by Commissioner McBride and seconded by Commissioner Correa the August 28, 2012 regular monthly meeting of the Civil Service Commission adjourned at 4:28 p.m.