

**Board of Fire Commissioners Regular Meeting
Commissioner's Conference Room
At Fire Headquarters
72 New Haven Avenue, Milford, CT
Tuesday, September 17, 2019**

1. **Call to Order:** Chairman McGrath called the meeting to order at 19:15 hours. A quorum was present.

Roll Call: In addition to the Chairman, Commissioners Smith, Stein, Riso, Stanford, Brennan and Weber were present. Also, present was Chief Douglas Edo and Assistant Chiefs Gary Baker and Bernie Begley.

2. **Public Statements limited to the function of the Board of Fire Commissioners:**

None

3. **Consideration of Minutes:**

Regular Meeting – August 20, 2019.

Commissioners Smith and Stanford made and seconded a motion to accept the minutes of the August 20, 2019, Regular Meeting as presented. Motion carried unanimously.

4. **Communications:**

Commissioner Smith reported that the Department received the following communications:

- i. Thank you letter from Marco Buschauer of the Milford StoryWalk Project for the Department's support.
- ii. Letter from Dr. Doug Latham (EMS Medical Director) and Wes Young (EMS Coordinator) of Bridgeport Hospital recognizing firefighters Eric Voroba, Kerry Warren, Ciro Parente, Eric Mohr and Casey Bertollo for "the crews rapid recognition, treatment and transportation of a recent STEMI patient brought to their facility." The patient is currently recovering in the hospital due to the "crews rapid action and treatment."

5. **Chairman's Report:**

None

6. **Committees Reports:**

- a) Personnel Committee: Commissioner Stein reported that the personnel sub-committee met immediately prior to this meeting. The Sub-Committee is comprised of himself, Chairman McGrath and Commissioner Riso. Invited to attend the meeting were Chief Edo and Assistant Chiefs Baker and Begley. Commissioner Stein noted that the purpose of the meeting was to discuss the impending Assistant Chief's vacancy due to the announced retirement of Asst. Chief Baker on September 27th. Commissioner Stein noted that this selection process was new having been recently created by the current CBA. The sub-committee met to establish a procedure for going forward with the selection process. Commissioner Stein noted that there were 2 applicants for the Assistant Chief's position from the 6 eligible battalion chiefs. Those candidates are Chiefs Fabrizi and Wassmer. The committee expects to conduct its interviews in the next few weeks and should be prepared to make a recommendation to the entire board at the next regular scheduled meeting in October.
- b) Maintenance & Equipment Committee: Commissioner Brennan reported that the committee has not met but will need to shortly. With the recent change overs in the shop together with the changes that are occurring in the command staff, he feels that their needs to be an evaluation of the current maintenance procedures and equipment. Commissioner Brennan expressed concern that some of our rolling stock was falling into disrepair including 2 pieces of apparatus with frame rot.

7. Chief's Report:

ISO – Chief Edo reported that department retained its ISO class 1 rating. There will be a recognition ceremony on 9/24 at 9:00 a.m. where the department will receive its official plaque. The Chief invited the Mayor to attend the presentation.

Grant – The Chief reported that the department received a \$300,000 grant from the Assistance to Firefighter Grant. The grant money is to be used to buy new radios for the department. The department's radios are 15 years old and obsolete. They no longer meet the national standard. The City will provide an additional \$30,000 in accordance with the terms of the grant.

Retirements - Chief Edo reported that in addition to the announced retirement of Assistant Chief Baker, the department has also received notification of the retirements of Battalion Chief Chapman and firefighters Rua, Ricci and Elam. The Chief thanked all these men for their years of dedicated service to the City and noted that it was a big loss to the department to lose members with over a hundred years of combined experience.

8. New Business:

Chairman McGrath indicated that the Board received 6 Grievances from the Union that he believes the Board should take action on but that would require that they be added to the agenda.

Commissioners Riso and Brennan made and seconded a motion to add the 6 Union Grievances to the Agenda. Motion carried unanimously.

Chairman McGrath therein indicated that Union Grievances 19-002, 19-003, 19-004, 19-005, 19-006, 19-007 would now be added to the Agenda under New Business.

Union Grievances 19-002, 19-003, 19-004, 19-005, 19-006, 19-007

Chairman McGrath recognized Union Secretary LT. A.J. Murphy to make a presentation on behalf of the Union.

Commissioner Stein asked if 19-001 was the Grievance brought by FF Raul Benavides-Espinal?

Lt. Murphy indicated that it was but also pointed out that the grievance (19-001) was “pulled from the state. He did not want to go forward.” Lt. Murphy handed out to each Commissioner 2 pages from the CBA pertaining to claimed grievances. Lt. Murphy summarized the general claim of Grievances 19-002, 19-003, 19-004, 19-005, and 19-006. He noted that each claim was identical for each of the individual grievants. Effectively, the Unions claim is that each grievant was not paid out their Education Incentive pursuant to Article XXI, Section 9 of the CBA. Lt. Murphy conceded that each of the 6 grievants failed to file with the department the necessary paperwork required by the CBA before the department is required to make these bargained for under Education Incentives. Lt. Murphy placed the blame for these failure on the individual grievants as well as the department, arguing that there are “flaws in the systems and reporting procedures.” He further told that board that there used to be day staffers who would look out after the “stragglers” to ensure they got their paperwork in. Those guys aren’t around anymore and a number of these guys fell through the cracks. Lt. Murphy extended suggestions to the Board as to how this situation and the impact it has on the effected grievants may be rectified or minimized and he asked the Board to consider those options. Lt Murphy added that 19-007 pertaining to grievant Lt. Hanson was slightly different than the other 5. Lt. Murphy indicated that Lt. Hanson was out on “sick leave” at the time of the filing deadline required by Article XXI, Section 9 and that there is no specific documentation available to Lt. Hanson that he would be able to file because of his unique situation of being a trained paramedic or dropped his medical control. Technically he is still a “trained paramedic”, however, since he dropped his medical control he is only capable of operation as an EMT. Lt. Murphy indicated that there is no way to properly document this situation. He asked that the Board to consider these additional factors as they pertain to Grievance 19-007.

Chief Edo made his presentation to the Board. The Chief indicated that referenced section of the CBA is clear. The paperwork required by the CBA which is a “snapshot” reflection of each education incentive must be submitted by July 1, in these cases, July 1, 2019. The department is obligated to pay by September 1. On June 20th the Chief told the Board that he was informed by administrative staff that 22 members of the local had not yet filed the necessary documentation to receive their education incentives. The Chief indicated that he sent an e-mail to Union President Jeff Luciano and to Union Secretary AJ Murphy identifying the 22 members who had yet to submit their paperwork. The Chief received a thank you from Lt.

Murphy and he subsequently became aware that an e-mail went out to the Union to their members. By July 1 (the “snapshot” date), 16 of the 22 individuals submitted the required paperwork. The 6 individuals who are the subject of these grievances did not submit the required paperwork by July 1, 2019 and therefore were not paid the education incentives. Chief Edo went on to add that Lt. Hanson could print documentation of his EMT-P status from the state website. That document has been submitted in the past and would suffice. Further, even though he was on sick leave, he could have simply e-mail the documentation to the department.

Commissioner Stein ask Lt. Murphy if he had anything further to say? Lt. Murphy once again conceded that these individuals failed to file the documentation required by the deadline. He reiterated that the procedures are flawed and that there should be better use of technology like the Fire Manager program to provide notification and enable compliance.

Commissioners Stanford and Brennan each asked a question. Those questions were answered by the Chairman, Commissioner Stein and Lt. Murphy.

Commissioner Stein asked if any other Commissioners had any other questions or comments. He then indicated to Lt. Murphy that this is a very distressing situation and wondered why matters such as this need to come before the Board like this. He pointed out that matters such as this are best resolved in the Chief’s office to the satisfaction of all parties. He went onto say that you are asking us to set aside the provisions of a contract. A contract bargained for by the Union. He added that you are asking us for an equitable remedy because you members failed to perform as required by their CBA. Commissioner Stein added that he’s particularly distressed by the fact that there are members that need to have their hands held to get benefits that they are entitled to whether it’s the department, the Union leadership or even more disturbing the “day staffers who use to catch the stragglers.” The problem Commissioner Stein explained to Lt. Murphy is this, if we take the action you are asking us to take, then we are creating a past practice exemption to the CBA. When this happens again in the future, you or some future member will stand before this board or future board and indicate that it was done in the past and an exception should be made in those instances as well. Commissioner Stein than indicated that reluctantly, he has a motion to make:

Commissioners Stein and Riso made and seconded a motion to Deny the 6 Union Grievances 19-002, 19-003, 19-004, 19-005, 19-006, 19-007.

Commissioner Weber requested additional discussion on the Motion. He indicated to the Board that this isn’t a black and white issue. In his opinion, this is a grey area. He thinks that this issue is murky and just wanted to state that.

Chairman McGrath then asked if there was any further discussion? Hearing none he asked for a vote on the pending Motion.

Motion carried unanimously.

9. **Unfinished Business:**

None

10. **New Equipment:**

None.

11. **Comments and Concerns of the Commissioners:**

Chairman McGrath wanted to offer his personal thanks to those who have retired and faithfully served our community.

12. **Adjournment:**

Commissioners Smith and Brennan made and seconded a motion to adjourn at 20:00. Motion carried unanimously.

Recorded by Diane Stein