

**CIVIL SERVICE COMMISSION
SPECIAL MEETING
JUNE 29, 2010**

The Civil Service Commission of the City of Milford held a Special Meeting on Tuesday, June 29, 2010 in Conference Room C of the Parsons Government Complex.

1. Chairman R. Winfield called the meeting to order at 5:02 p.m.

2. Roll Call

Commissioners Present

R. Winfield

R. Dowin

J. Baldwin

T. Toohey

Also Present

John O'Connell

Lawrence Sgrignari, Esq.

Douglas Novak

David Sulkis

Thomas Raucci

James Cooper

Lauren Pisacane

Chairman Winfield asked for a motion to move agenda items #3 & #4 to the end of the agenda. Ruth Dowin made the motion and Joel Baldwin seconded.

5. The first grievance to go before the Commission was, #14-09/10 (David Sulkis). Chairman Winfield asked if any of the Commissioners had any comments, and as none did, he then asked Mr. Sulkis for his comments. Mr. Sulkis commented that prior to Mr. Novak's memo, he had the discretion to attend meetings as needed and as appropriate for his job as City Planner. Mr. Novak has denied compensation to him for his attendance at a recent event because he did not get Mr. Novak's prior approval to attend.

Mr. Baldwin asked if Mr. Sulkis was seeking pay or comp time for attending the event. Mr. Sulkis replied that either arrangement would be agreeable to him.

Atty. Sgrignari interjected that the issues raised by the grievances are simply events taking place in the department as it becomes established, and are not in violation of the collective bargaining agreement. Although rules are being implemented that the employees do not like, management nonetheless has the authority to manage the affairs of the department as it sees fit. Atty. Sgrignari pointed out that the Mayor did not request that Mr. Sulkis attend the event, nor did Mr. Novak or any other City or Town official make such a request. He stated that Mr. Sulkis was an observer and not a part of the ceremony.

Mr. Baldwin asked about how Mr. Sulkis' job description fits into this and Atty. Sgrignari stated that it is up to management to define the duties necessary to run the department and that the management rights clause covers it. He repeated that there is nothing in the collective bargaining agreement that is being violated.

Mr. Baldwin asked why a department head would or would not approve attendance at such events. Mr. Novak responded that the employee should at least discuss with his

immediate supervisor the need to attend prior to such events and that in this case, he did not find out about the event until after it was over.

Mr. Baldwin asked Mr. Novak if Mr. Sulkis had requested comp time or pay for this time. Mr. Novak responded comp time to which Mr. Baldwin asked if he denied the request and Mr. Novak responded, "yes". Mr. Baldwin asked Mr. Sulkis if the Mayor asked him why he was there and Mr. Sulkis replied that he did not that the Mayor just said hi to him.

Atty. Sgrignari stated that the Mayor could override a decision by D. Novak based on the way the department has been structured.

J. Cooper said that over a couple of contracts and a new system, Mr. Sulkis has had a choice to be paid or given comp time and if the City wishes to have new rules those rules should be negotiated.

Atty. Sgrignari stated that this was not the proper forum to discuss these types of situations because no violation of any provision of the collective bargaining agreement has occurred and that is what the grievance process is for.

J. Baldwin asked how much time D. Sulkis put in for and D. Novak said two hours. J. Baldwin felt that things would have gone easier if D. Novak had okayed this one time but reminded D. Sulkis that in the future he needs to ask for approval ahead of time. D. Novak stated that during a meeting in December of 2009, he told employees of the department that requests for comp time would need his prior approval. D. Sulkis replied that he has always had a supervisor (the Mayor) and that it had never before been an issue. He made the analogy of a hospital administrator not telling a doctor how to operate.

J. Cooper stated that he believed the Civil Service Commission could rule on matters other than violations of the collective bargaining agreements.

T. Toohey moved to deny the grievance as the employee does not have unilateral discretion to attend events, however the Commission approves the hours of compensatory time as there was an unintentional violation of a new policy in the instance given rise to the grievance. J. Baldwin seconded the motion and it passed unanimously.

The next grievance heard was #15-09/10 (E. Harrigan). Chairman Winfield asked for any comments from the Commissioners. J. Baldwin asked what core working hours were and D. Novak said the hours the office is open until it closes. He provided a 2 hour window for employees to schedule their lunch hours. J. Baldwin asked if an employee would be allowed to take lunch early and D. Novak said probably if discussed with him prior.

Atty. Sgrignari reiterated that it is within management rights to set the working hours as long as the setting of the hours is not directed toward one individual or punitive in nature. He stated that Article 7 Section 1A doesn't support the contention of the grievance.

J. Baldwin questioned the necessity of imposing core working hours. D. Novak responded that the reason is accountability so that people report to work consistently.

J. Cooper said that things either make sense or they don't and that a case can be made for flex time given the nature of the positions in question. The new rules simply do not make sense.

Chairman Winfield stated that it is management's prerogative to set the working hours.

Atty. Sgrignari stated that while the union doesn't think it makes sense, it remains management's decision to implement the schedule and see what works and what doesn't. J. Baldwin asked if the schedule was in the public's best interest and Atty. Sgrignari stated that the buck stops at the Mayor's desk and that is why the changes in the departments were implemented – there was a break in the system. If the new schedule doesn't work, then management will work it out. Methods can be changed and refined.

J. Baldwin asked if there had been any abuses prior to the new hours and D. Novak answered that there had been.

R. Dowin made a motion to deny the grievance and T. Toohey seconded it. The motion passed unanimously.

The next grievance heard was #16-09/10 (D. Sulkis). Chairman Winfield asked for any comments from the Commissioners and as there were not any, he asked D. Sulkis for his comments.

D. Sulkis stated that a lot was already touched on in the discussion of E. Harrigan's grievance. He went on to state that sometimes he wakes up early and likes to come in and that he would also leave early on those days. He said that D. Novak said he didn't arrive early for work one day in twenty years with the DOT. D. Sulkis said he was never accused of abusing the privilege and that the office was properly staffed at all times. He stated that both he and Ms. Harrigan like the same lunch hour and that D. Novak denied them permission to both be out of the office at once. He stated that they are educated people being treated like factory workers (no offense to factory workers) and that a 30's style management style is being implemented.

Chairman Winfield stated that again, it is management's prerogative to set the working hours.

J. Baldwin asked about the sick time charges to the ¼ hour and both D. Novak and Atty. Sgrignari said that issue had already been resolved.

J. Baldwin made a motion to deny with the comment that while management has the right to set the hours, he thinks in this case that management is wrong in doing so. R. Dowin seconded the motion and comment and the motion passed unanimously.

Next T. Raucci spoke concerning Grievance #18-09/10. He stated that the actions of D. Novak were hampering efficiency and that he has provided inspections in the mornings and evenings. There were never any abuses, nor was there ever an instance when it was brought to his attention. D. Sulkis said, "or mine". T. Raucci said their department was being singled out because others in the same union do not have to abide by such rules. Atty. Sgrignari stated that the City has many different schedules for its many departments and that nothing is being implemented as retaliation. Atty. Sgrignari stated that again, grievances are not the appropriate forum.

If the union wants to propose changes, it should do so at contract negotiation time. T. Toohey clarified that they are salaried, union employees and do not punch a clock. D. Novak stated that while working for the State, inspections and plan reviews had taken place with all the employees arriving for work between 8 and 8:30 and that they would call the office for approval before varying from that schedule and that there was flexibility in that schedule so that employees were available to the public.

R. Dowin made a motion to deny, T. Toohey seconded and the motion passed unanimously.

The next grievance heard was #17-09/10 (D. Sulkis). Chairman Winfield asked for any comments from the Commissioners and as there were none, he asked D. Sulkis for his comments. D. Sulkis stated he is challenging the memo from Mr. Novak that overtime or comp time for meetings other than regularly scheduled ones, must be approved in advance. D. Sulkis stated that if he is in a meeting with citizens and the meeting begins to go beyond the normal working hours, he would have to stop and pick up the phone and call D. Novak to ask permission to continue. He stated that this type of situation should be at the discretion of the professional City Planner.

Atty. Sgrignari stated that once again, the issue brought before the Commission in this grievance is not in violation of any collective bargaining agreement. That there has been no changes to D. Sulkis' job description and that management has every right to ask for justification from an employee for overtime hours worked. T. Toohey asked what meetings go on after hours and D. Sulkis replied neighborhood meetings the City Planner gets involved in. Also, he could have people meeting in his office. T. Toohey stated that he shouldn't be on the clock for those hours. D. Sulkis asked if T. Toohey would like him to kick the citizens out of his office or if he wanted him to work without compensation. He stated that being handcuffed while never having been accused of abusing the privilege hampers his ability to do his job professionally.

R. Dowin made a motion to deny and T. Toohey seconded the motion. All were in favor.

The next grievance heard was #19-09/10 (T. Raucci). Chairman Winfield asked for any comments from the Commissioners and as there were none, he asked T. Raucci for his comments. T. Raucci was concerned with the fixed hours portion of the memo. J. Baldwin said the issue was well stated and that they are here to decide the grievance, not whether or not the memo was a good idea. J. Baldwin moved to deny the grievance, R. Dowin seconded and all were in favor.

3. J. Baldwin made a motion to approve the minutes of the March meeting. J. O'Connell stated that those minutes are currently involved in a FOIA complaint and that day he attended a presentation by Tom Herrick. He said there were some subtleties he wanted to discuss with Mr. Herrick and so, asked if the minutes of the March meeting could once again be tabled. R. Winfield made a motion to table the minutes of the March meeting until the next regular meeting and R. Dowin seconded the motion which was then approved unanimously.

4. J. Baldwin made a motion to approve the minutes of the May meeting, T. Toohey seconded the motion and all were in favor.

The Commissioners signed the grievance forms and J. Baldwin made a motion to adjourn the meeting with T. Toohey seconding. All were in favor and the meeting was adjourned at 6:27 pm.

Attest:

Lauren Pisacane