

**CIVIL SERVICE COMMISSION
SPECIAL MEETING
OCTOBER 29, 2013**

The Civil Service Commission of the City of Milford held a special meeting on Tuesday, October 29, 2013 at 5:00 PM in Conference Room A of the Parsons Government Complex.

1. Chairman R. Winfield called the meeting to order at 5:05 p.m.

2. Roll Call

Board Members Present

R. Winfield

J. Baldwin

H. Healey

T. Toohey

Board Members Absent

R. Dowin

Also Present

D. Kelly

L. Pisacane

L. Sgrignari

C. DiNino

T. Hunt

T. Raucci

3. R. Winfield requested a motion to approve the minutes of the meeting of October 21, 2013. J. Baldwin made the motion, H. Healey seconded and the motion passed unanimously.

R. Winfield called for a discussion of Grievance #01-13. J. Baldwin wanted to the details of the grievance and what events led up to the grievance.

T. Hunt began by stating that the duties of the Chief Building Official were removed from T. Raucci as a disciplinary measure following an email T. Raucci sent to the Director of the department, J. Griffith. He said that the Chief Building Inspector has served as the Chief Building Official since 1974. He stated that the Mayor was quoted in a newspaper article saying that his goal was to get rid of T. Raucci. He said that everything in T. Raucci's personnel file was good except for a warning that should have been removed after two years. He said removal of the Chief Building Official title from T. Raucci was a political vendetta. T. Hunt requested T. Raucci be reinstated as Chief Building Official.

T. Raucci then referred to the Connecticut State Building Code which states that the Chief Building Inspector shall be known as the Chief Building Official and that those duties are bargaining unit work.

L. Sgrignari, labor counsel for the City, answered that this informal proceeding will answer some questions but not all and that some areas are not within the Civil Service Commission's jurisdiction. He handed out some relevant documents to the Board members and Union and clarified the City's position: 1) that no disciplinary action took place, that T. Raucci is still Chief Building Inspector as provided for in the ordinance, the job description and the collective bargaining agreement, and that his salary did not change; 2) he presented a letter from Mayor Blake dated 8/23/13 to the State Building

Official designating the building official for the City, pointing out that there is a clear distinction between the statutory designation of chief building official and that as recognized by the ordinance / collective bargaining agreement; 3) he presented a letter from former Mayor Richetelli dated January 6, 2010 designating Mr. Raucci as interim building official; 4) he referred to excerpts from the collective bargaining agreement noting that nothing done by the City violates the CBA and that the actions taken were consistent with management rights; 5) he noted that the DPLU Ordinance cites to the chief building inspector; 6) and finally attorney Sgrignari pointed out that by State Statute the Mayor has the authority to designate a chief building official.

L. Sgrignari stated that no collective bargaining agreement rights were violated and that management only exercised its given rights.

L. Sgrignari invited Debra Kelly to confirm that at the time T. Raucci sent the email to J. Griffith, the restructuring of the Department of Permitting and Land Use was already in motion and that drafts of the letter preceded the email and that she didn't get word of the email until after the letter designating J. Griffith as the Chief Building Official had already gone out.

L. Sgrignari stated that designating J. Griffith the Chief Building Official was well within management's rights, that it was never intended to be a disciplinary action, that no change in pay or written warning had been issued and that it's management's change to the structure was permissible under law.

R. Winfield called for any questions. J. Baldwin asked what are the duties of the Chief Building Official. L. Sgrignari said to administer the code under the statute. He said the CBO would have the final decision on the interpretation of the code and that the ultimate responsibility would fall on the CBO.

J. Baldwin asked if the position was in the budget and T. Raucci said that the position is Chief Building Inspector in the budget.

C. DeNino then spoke and said that the Civil Service Commission has the authority to decide the matter per the process outlined in the collective bargaining agreement. He said that the Director is an administrator and not a hands on position and that he cannot take over bargaining unit work.

L. Sgrignari said that following the restructuring of the department, grievances were filed and it was determined that management's actions were appropriate. He said that the Commission cannot take away the rights of management and that a complaint has been filed with the State the hearing of which will determine if bargaining unit work has been taken away or if discipline was administered.

C. DeNino said that the Statute was clear that an appointment not exceed 180 days for acting Building Official and that it was not a coincidence that the letter to the State went out right after T. Raucci's email to J. Griffith.

T. Raucci cited the Connecticut General Statutes that say the CBO is charged with administering the code and went on to say that since 1971, the Chief Building Inspector was known as the Building Official.

J. Baldwin wanted to know what if any duties were taken away from T. Raucci. T. Hunt produced a document prepared by DPLU Director outlining the various tasks and responsibilities within the Building division.

R. Winfield called for a motion to honor or deny the grievance. T. Toohey wanted to know how the outcome of the lawsuit would affect the grievance. L. Sgrignari said it would go to the next step in the grievance process if the grievance was denied.

H. Healey wanted to know if there was a third option besides honoring or denying the grievance such as the grievance doesn't belong here. A discussion was held.

R. Winfield again called for a motion to honor or deny. T. Toohey made a motion to deny the grievance. No one seconded the motion. D. Kelly said if the Commissioners are seeking clarification, the statutory power lies with the Mayor and the Commissioners do not have jurisdiction over such matters. L. Sgrignari said they could deny the grievance on the basis that the Commission doesn't have jurisdiction over the matter.

C. DeNino said that it wasn't fair that the City in its role as advisors to the Board continued to make their own case.

R. Winfield asked for a motion to honor the grievance and when no one made a motion he asked for a motion to deny the grievance. Again, no one made a motion.

J. Baldwin asked if action could be tabled until the outcome of the labor board hearing was known. L. Sgrignari said there would have to be a waiver of the time limit.

H. Healey made a motion to table the grievance until the MPP is resolved. All were in agreement that a time limit of thirty days after the resolution of the MPP would be a good time frame. J. Baldwin seconded the motion. All were in favor.

T. Toohey made a motion to adjourn the meeting. H. Healey seconded the motion and the meeting was adjourned at 6:15 PM.

Attest:

Lauren Pisacane