



PERSONNEL/CIVIL SERVICE  
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CIVIL SERVICE COMMISSION  
ACTIONS  
SEPTEMBER 21, 2005  
6:00 P.M.  
CIVIL SERVICE CONFERENCE ROOM  
3RD FLOOR, CITY HALL

Roll Call

Chief Examiner John Whitcomb called the meeting to order. In attendance were Chairman Michael Finn, and Commissioner Geraldine George. Commissioner Frank Caracansi was unable to attend. Also attending the meeting were two entry-level firefighter candidates, John Bolton and Harold Hancock.

Chairman Finn stated that they would listen to the two attendees, Mr. Bolton and Mr. Hancock first and then follow the agenda. He asked Mr. Bolton to explain why he is attending this meeting.

Mr. Bolton explains that he put in his application for the Civil Service Exam for firefighter. He was born with a learning disability that prevents him from scoring high on tests and he needs someone to read the exam to him. He also needs to use a calculator, be allowed to take the exam without a time limit and be in a separate room from other candidates. The learning disability does not stop him from doing the job of being a firefighter. He was a volunteer firefighter in Danbury for nine years. He was a paid firefighter at the West Point Military Academy for six years. Mr. Bolton also worked for the New York City Fire Department. He was at the World Trade Center attacks and assisted. He does not live in Danbury now. He lives in Bridgeport because of his job. He works for the Town of Westport school system but he wants to go back to Danbury. He was born here and has lived here all his life. It's been his dream to be a Danbury firefighter. His application attached a request for accommodations to take the exam. The day of the exam, no one was aware of his request for accommodations. Mr. Bolton was given a separate room to take the exam but no one was able to read the exam to him. He spoke to Mr. Whitcomb and decided he would take care of the problem another day. Mr. Bolton feels this is unfair. He asked, by law, to have the accommodations. He feels he is being singled out because of his disability. He could not take the test the same day as everyone else. He feels he took the necessary steps required. He is not saying Danbury is wrong, but he is saying somebody dropped the ball.

Chairman Finn repeats to Mr. Bolton what his accommodations were: He needed a separate room; someone to read the exam to him; and a calculator. Chairman Finn states that the calculator request was Mr. Bolton's responsibility. He was to bring one to the test. The City was not required to supply it. Mr. Bolton states he had a calculator with him. Mr. Bolton feels that it isn't fair that he has not taken the exam yet and oral exams have been held. Mr. Bolton wants to know how the eligibility list can be established and certified if he has not taken the exam yet.

Commissioner George asks Mr. Bolton whose responsibility is it to get someone to read the exam to Mr. Bolton. Mr. Bolton states it is the City's responsibility because he took the test a long time ago and the City provided him with everything. Chairman Finn asks Mr. Bolton that on the test date, when he discovered that a room was not set aside for him, did Dr. Zendzian tell Mr. Bolton that a room was set aside or that they'll get a room. Mr. Bolton states that Dr. Zendzian did provide a room. Chairman Finn asks if Dr. Zendzian offered to read the test to Mr. Bolton. Mr. Bolton states no. He explains that he was put in a room by himself. He asked a lady if she had a reader for him. She did not know about it. Mr. Bolton claims no one offered to read the test to him. Mr. Bolton wants to know if the testing company has ever administered this test to persons with learning disabilities. The Commission doesn't understand what Mr. Bolton is asking. He asks again has this testing company ever administered this test to persons with learning disabilities. Chairman Finn states this test was not given out to anyone else, just the City of Danbury. Chief Examiner Whitcomb states that this test probably has been given to candidates with learning disabilities. Mr. Bolton states that he has difficulty with reading and math so does that make him an unsuitable candidate for firefighter? Mr. Bolton shows his firefighter certificates to the Commission.

At the exam, Dr. Zendzian told Chief Examiner Whitcomb he would provide someone to read the exam to Mr. Bolton. Chief Examiner Whitcomb asked Mr. Bolton if he could stay to take the exam. Mr. Bolton responded he had to leave to go to work. Chairman Finn asks Mr. Bolton if that is true. Mr. Bolton states that Dr. Zendzian said that he (Mr. Bolton) was upset and not in the right frame of mind to take the exam. Mr. Bolton admits he was upset. Mr. Bolton was embarrassed that someone (a lady) kept talking to him in a loud voice about his learning disability. Mr. Bolton felt that everyone did not need to hear that. Mr. Bolton says that by law, everything he requested should have been there on the day of the exam. Mr. Bolton is upset that he could not take the test the same day as everyone else.

Chief Examiner Whitcomb explained to Mr. Bolton that a room was set aside for him when his request became known. Mr. Bolton had the calculator he requested. Mr. Bolton denies a reader was ever provided to him. Chief Examiner Whitcomb states a reader was going to be provided for Mr. Bolton. Mr. Bolton asks why would he come all the way from Bridgeport and leave? He says he paid \$75.00 to take the test. Mr. Bolton claims no one offered to read the exam and that he was told to go home. Commissioner George asks who told him to go home. Mr. Bolton states that he was told to go home by someone in the room (Chief Examiner Whitcomb?) and Dr. Zendzian. Chief Examiner Whitcomb tells Mr. Bolton that he asked him to stay. Chief Examiner Whitcomb explained that there were two test periods available. Mr. Bolton claims again that a reader was not offered. Mr. Bolton states, "I know the City is going to defend this the way they want but it's not like that." Mr. Bolton claims he did what he was

supposed to do. He requested accommodations and they were not there. Mr. Bolton wants to know who the reader was supposed to be. According to Mr. Bolton, a teacher is to be hired to read the exam to him. Chairman Finn asks why does the City have to pay for a teacher. Mr. Bolton says that the teacher is to be hired to read the test or to have a different person. Chairman Finn asks Mr. Bolton, "The administrator (Dr. Zendzian) of the test is not qualified to read the exam to you?" Mr. Bolton says it is a different person to read the exam to him. Mr. Bolton asks if Dr. Zendzian was qualified to deal with a person with a learning disability. Chief Examiner Whitcomb states yes, that Dr. Zendzian is qualified. Mr. Bolton asks to see Dr. Zendzian's qualifications.

Chief Examiner Whitcomb reminds Mr. Bolton that at the exam, Mr. Bolton said he had to leave to go to work. Mr. Bolton denies this and states again that a reader should have been there. Chief Examiner Whitcomb states that an opportunity was offered to him to take the exam. Mr. Bolton denies this. Chairman Finn points out that Mr. Bolton was offered the opportunity to reschedule the exam. Chairman Finn asks why Mr. Bolton did not accept this offer. Mr. Bolton says, "Because now I'm being singled out for having a learning disability. It should be fair down the way for everybody. We all paid \$75.00. We all should be allowed to take it the same day." Mr. Bolton points out that oral exams have been held and claims that people were talking about what was on the test. He says that it is not fair. He does not want to cheat. Is there a different test for each person? He argues that he is not lying. Chairman Finn says no one is accusing Mr. Bolton, Mr. Whitcomb or Dr. Zendzian of lying. Chairman Finn said he assumes that most people try to do things properly and he assumes that Mr. Bolton tried to do everything properly. Chairman Finn states that by suggesting that Mr. Bolton allow the exam to be rescheduled to accommodate him, that doesn't mean the test be rescheduled four months from now. The test should have been rescheduled the next day or the following week. Mr. Bolton says he wants to take the same test as everyone else. Chairman Finn states that it is the same test. Commissioner George asks what difference does that make as long as you were given the opportunity? Mr. Bolton says it does make a difference because he wanted to take the test the same day as everyone else. Commissioner George states that it is Mr. Bolton's word against everyone else. Chairman Finn asks Mr. Bolton if he ever made a mistake. Mr. Bolton responds yes, but that the City's mistake is going to cost him. Chairman Finn states that a mistake was made and a remedy was offered. Mr. Bolton was offered to come back or to stay and take the test at that time. Mr. Bolton repeats that he was told to leave. He was never offered to stay. Mr. Bolton says that he talked to Mr. Lopez a week before the exam to schedule his accommodations. Commissioner George points out that Mr. Lopez has nothing to do with Civil Service. Mr. Bolton claims no one ever called him back to discuss his accommodations. Mr. Bolton asks, "How did you forget about me? You are putting me on trial." Chairman Finn states that no one is on trial. Mr. Bolton says that he feels he is on trial. Chairman Finn states he is not trying to blame Mr. Bolton for anything. Mr. Bolton feels he is being blamed. Chairman Finn states he feels the same way because Mr. Bolton is blaming the Commission. Mr. Bolton denies blaming the Commission. Mr. Bolton blames whoever gave the test. He was forgotten. Mr. Bolton says he knows the American with Disabilities Act well.

Chairman Finn explains again that a remedy was offered to Mr. Bolton to reschedule the exam. Mr. Bolton says, "Yeah, but that's what you guys wanted. Not what I wanted." Mr. Bolton says if that is the case he wants the exam thrown out and have everyone re-test. He claims he is

being singled out because he has a learning disability. He wants to take the same test with everyone else. Mr. Bolton wants to know how we can proceed with oral exams when he still hasn't taken the written exam. Chairman Finn explains to Mr. Bolton that he is trying to talk to him but that Mr. Bolton seems to have something on his mind. Mr. Bolton admits that he was offered to reschedule the exam but that is wrong because he should be allowed to take the exam the same day as everyone else. Chairman Finn thanks Mr. Bolton for his time and asks if he anything else to say. Mr. Bolton states yes. Chairman Finn tells Mr. Bolton that the Commission will respond to his concerns within two weeks. Mr. Bolton asks why his concerns will not be answered here. Chairman Finn explains that he is trying to discuss it here and come to some kind of agreement and it might happen. But it can't happen if it is all one-sided and the Commission cannot meet Mr. Bolton's demands today. Therefore, the Commission must discuss it further. Mr. Bolton agrees.

Mr. Harold Hancock is present to discuss why his application for firefighter was initially rejected. Mr. Hancock holds up a piece of paper and says, "She said this was not good enough and that I needed a diploma." Mr. Hancock lost his original diploma and he had to ask the High School for another one. He just received it last week. Chairman Finn points out that the diploma was not originally included with his application therefore it was considered incomplete. Chairman Finn also points out that Mr. Hancock became very angry. Mr. Hancock said, "Because I got a letter saying I was being disqualified because I did not graduate high school." Chairman Finn said the diploma was accepted and a letter was sent to Mr. Hancock to allow him to participate in the exam once he (Mr. Hancock) apologized to the secretaries because he was rude and obnoxious to them. (He threw his diploma at the secretaries in the Personnel/Civil Service Department.) Mr. Hancock said the secretaries were rude because he was laughed at. Mr. Hancock said, "They said, 'See what you need a high school diploma for?' Is that right also?" Chairman Finn said he has no knowledge of that and this is the first he heard of this. Chairman Finn and Commissioner George asked who laughed at him. Mr. Hancock said, "The people that were there because it was funny that I didn't have a high school diploma. One secretary said, 'See what you need a high school diploma for?' and they all laughed. I don't think that was right either." Chairman Finn asked, "What would have happened if you came in and you really wanted to be a firefighter, and you said, 'Look, I'm sorry. I got kind of loud and I should not have done that. I'd like to take the test.' What would have happened?" Mr. Hancock answers, "Well, you probably would have let me take the test."

Mr. Hancock says that he didn't think it was fair that he was being laughed at. Chairman Finn states that he does not know anything about any laughing because he was not there. Chairman Finn states he knows about the application part: It was incomplete until he provided his diploma. Mr. Hancock says, "The application stated that I graduated Danbury High School and nobody bothered to look at that." Chairman Finn said he did look at that. Mr. Hancock said that by law you are supposed to call. Chairman Finn said that by law, you are supposed to read the application completely and it states that a copy of your high school diploma should be attached. Chairman Finn said he discussed with the department secretaries that candidates that are missing documents should be sent a letter letting them know. The candidates can bring in any missing paperwork.

Mr. Hancock did come in. Chairman Finn said, "You came in like a bull in a china shop, yelling at them, intimidating them, scaring them, and then I got another call." Chairman Finn said that in his mind, anyone who does that to people, does not belong working in the public sector. You can't yell at people. That is not acceptable. Chairman Finn tells Mr. Hancock that the only thing requested of him was an apology to the secretarial staff in the Personnel/Civil Service Department. Mr. Hancock says, "You owe me an apology for saying I did not have a high school diploma." Chairman Finn said the Commission does not need to apologize for that because Mr. Hancock did not submit proof that he did graduate. It was not attached to the application as required. Mr. Hancock replied, "All right, people forget. I forgot about it." Chairman Finn stated that the letter was asking him to bring the copy of the diploma in. Mr. Hancock claims that he was rejected because he did not graduate high school. Chairman Finn again states that the diploma needed to be attached as proof. All Mr. Hancock had to do was bring it and apologize for not attaching it to the application. Chairman Finn said Mr. Hancock would receive a response to his concerns in two weeks.

Mr. Bolton says he is concerned that second interviews are being conducted for the entry level firefighters. Chairman Finn states, "I do not know what you're talking about with second interviews and where you get your information." Mr. Bolton states that candidates have been called to meet with the Mayor and the Fire Chief. Chief Examiner Whitcomb states the eligibility list has not been certified. Mr. Bolton claims that candidates received letters to interview with the Mayor and the Fire Chief and that this is wrong. Chairman Finn asks to see this letter. Mr. Bolton says he will try to get one. Mr. Bolton asks how could the oral exams go on when he has not taken the written exam? Mr. Bolton asks if he has to take legal action to stop the process. Chief Examiner Whitcomb explains that people are absent from tests regularly. Chairman Finn asks if Mr. Bolton is threatening the Commission. Mr. Bolton says he is not threatening, just asking. Commissioner George tells him it's up to him to proceed with legal action. Mr. Bolton is afraid he will not be hired with the first class for the Fire Academy. Chairman Finn tells Mr. Bolton his concerns will be addressed in writing to him. Chairman Finn thanks Mr. Bolton for his time. Mr. Bolton says, "I have to do what I have to do for now. Thank you very much."

Minutes of August 10, 2005 meeting: Commissioner Geraldine George made a motion to accept the previous meeting's minutes. Chairman Finn seconded the motion. The motion passed unanimously.

#### NEW ITEMS

Impact of Hurricane Katrina: Chief Examiner Whitcomb explained that a few panelists for the firefighter oral exam dropped out because they were firefighters sent to Louisiana to assist with Hurricane Katrina. However, we were able to locate substitutes. One firefighter candidate withdrew from the oral exam because he volunteered to assist with Hurricane Katrina. His father informed us of this. One other candidate requested an oral exam reschedule. Neither candidate knew how long they would be in Louisiana but it appeared it would be about six weeks. The father of the candidate that volunteered did not want to tell his son that he would miss the exam and miss out on the firefighter opportunity. Chief Examiner Whitcomb told the father of the candidate that he would address the issue with the Civil Service Commission.

Chief Examiner Whitcomb asked Corporation Counsel Ric Gottschalk to investigate under Connecticut Civil Service Rules if he was aware of any cases where a list was published and then individuals were allowed to take a test and be added into the list. Ric did not find this happening anywhere. He did agree that the Commission may have wide latitude but he was certain that the Commission would be breaking new law. Commissioner George states that she feels bad that they couldn't take the exam. Chief Examiner Whitcomb states it is a difficult situation and he doesn't even have a personal recommendation to the Commission. The problem becomes where do you draw the line and how. In this particular case, the line is drawn by the period of time that there are two people involved and therefore we are past the point in time. If we allowed it, other people would come forward and request the same. Chief Examiner Whitcomb has told both candidates that we are supportive of civic service and will take their requests under consideration. Chief Examiner Whitcomb states that if we turn them down, they will be disappointed, but he does not see any litigation. If they are allowed to re-test, there's a potential that it could generate some litigation by other candidates.

William Connelly: Mr. Connelly is a City employee who has expressed interest in the Utility Mechanic position. This position was advertised months ago but he did not apply. No internal candidates applied when the position was publicly advertised. Mr. Connelly is still in his one-year probationary period. If he had applied, he would have been rejected for being in his probationary period and not eligible to apply. Commissioner George presented a motion that Mr. Connelly should not be considered for the position. Chairman Finn seconded the motion. The motion passed unanimously.

Veteran's Points: Chief Examiner Whitcomb wanted to state that the Commission is following the rules on veteran's points calculations. It does not matter what type of service you were in as long as you meet the veteran's points requirements. Chairman Finn states that if you were a member of the National Guard, or Reserve or Coast Guard and you are activated to go to war zone like Desert Storm, you are eligible. If you are National Guard, Reserve or Coast Guard and you serve six months, that is not a qualification for veteran's status because you did not serve during a war period. Chairman Finn states that will be checked to make sure that is correct.

ADA Request: This was Mr. John Bolton's request for accommodations for the written exam. He seems to be very angry, agitated and seems to have a personal agenda to file a lawsuit. We all have several letters here. The night of the exam, he was offered a separate room and a reader and he had his own calculator. Those are the things he requested. Mr. Bolton decided he did not want to stay.

Mr. Bolton wrote a letter and we offered to reschedule the exam. He said he had no intention of rescheduling. He just wanted to argue about it. Commissioner George agreed. Mr. Bolton attended the meeting as noted above to discuss this further. Mr. Bolton appears to either want to go to court or have the Commission throw out the entire test. Mr. Bolton claims that he spoke to the ADA Coordinator, Julio Lopez. Chairman Finn has not talked to Mr. Lopez so he does not know what was or wasn't said or if the conversation took place. Chief Examiner Whitcomb will look into that. With the correspondence that has gone back and forth and the follow up that Chief Examiner Whitcomb did, Chairman Finn feels that Mr. Bolton should receive a letter from

the Commission stating that they tried to live up to his expectations on the night of the exam. If Mr. Bolton felt slighted because his accommodations were not written down, they certainly tried to accommodate him with a private room with a reader who has a doctorate in Education. Mr. Bolton refused and left. Afterwards, we sent him a letter notifying him we would reschedule his exam. Mr. Bolton refused. Chairman Finn feels that Mr. Bolton should be eliminated from the exam process. Commissioner George makes a motion to eliminate Mr. John Bolton from the fire exam process. Chairman Finn seconded the motion. The motion passed unanimously. A letter will be sent to Mr. Bolton stating that we have tried to accommodate him on three different occasions and each time it was rejected. Chief Examiner Whitcomb will create the letter and send it out.

Fire Captain Vacancy: The Fire Captain eligibility list has expired. The position will be posted and an exam will be set up. Chairman Finn believes that there is also an opening for Deputy Chief. He's not sure. Chief Examiner Whitcomb says there may be a Deputy Chief position coming open soon.

Senior Inspector, Health Services: Advertising closes September 26, 2005. A test has not been determined yet. The applications will be reviewed in the October meeting.

Refund for Firefighter Exam Fee: One candidate has requested a refund on the firefighter fee. He was unable to make the test because was involved with a high school camp. His name and photograph had been published in literature beforehand and he is internationally known in ice hockey and youth ice hockey and could not possibly cancel without creating severe difficulties. Chief Examiner Whitcomb explained to the candidate that refunds were not normally granted but this is certainly an exceptional case. Commissioner George made a motion to allow a refund. Chairman Finn seconded the motion. The motion passed unanimously.

Account Clerk II: Interviews were conducted and a conditional offer was made.

Account Clerk III - Payroll: Nancy Lahoud promoted on August 15, 2005.

Assistant Building Inspector: James Schullery to start on September 27, 2005.

Customer Service Representative: Christina Marucci promoted on September 13, 2005.

Clerk Typist II: Cheryl Kunst to start on September 12, 2005. Hired from active eligibility list. Position became available due to Christina Marucci's promotion.

Pipe Installer:

After reviewing the applications, candidates were rated as follows:

- Mark Abney, Jr.: He is considered qualified for the position and will be able to participate in the exam.
- Raymond Bellefleur: He is considered qualified for the position and will be able to participate in the exam.

- Marco Betancourt: We need more information from him to complete his application. If we receive this information, he will be allowed to participate in the exam.
- Troy Boyd: He has no experience related to the position. He is not considered qualified to take the exam.
- Douglas Brown: He is considered qualified for the position and will be able to participate in the exam.
- Isiah Carpenter: He has no experience related to the position. He is not considered qualified to take the exam.
- Mark Edwards: He submitted the application after the deadline. However, he is qualified for the position. Commissioner George makes a motion to accept Mr. Edwards' application even though it was submitted after the deadline. Chairman Finn seconded the motion. The motion passed unanimously. Mr. Edwards will be able to participate in the exam.
- Miklos Hary: He is considered qualified for the position and will be able to participate in the exam.
- Joseph King: He is considered qualified for the position and will be able to participate in the exam.
- Richard Logo: He has no experience related to the position. He is not considered qualified to take the exam.
- Steven Pauta: He has no experience related to the position. He is not considered qualified to take the exam.
- Stuart Pomeroy: He is considered qualified for the position and will be able to participate in the exam.
- William Shoepf: He is considered qualified for the position and will be able to participate in the exam.

Auto Equipment Operator:

After reviewing the applications, candidates were rated as follows:

- Jose Antonio: He is considered qualified for the position and will be able to participate in the exam.
- Sergio Atanasoff: He is considered qualified for the position and will be able to participate in the exam.
- Marco Betancourt: We need more information from him to complete his application. If we receive this information, he will be allowed to participate in the exam.
- Troy Boyd: He has no experience related to the position. He is not considered qualified to take the exam.
- Antonio Canhao: He has no experience related to the position. He is not considered qualified to take the exam.
- Isaiah Carpenter: He has no experience related to the position. He is not considered qualified to take the exam.
- John Cole: He has no experience related to the position. He is not considered qualified to take the exam.
- William Farmer: He has no experience related to the position. He is not considered qualified to take the exam.

- Miklos Hary: He is considered qualified for the position and will be able to participate in the exam.
- Michael Monteleone: He is considered qualified for the position and will be able to participate in the exam.
- Thomas O'Rourke: He is considered qualified for the position and will be able to participate in the exam.
- James Parks: He is considered qualified for the position and will be able to participate in the exam.
- Edward Pray: He is considered qualified for the position and will be able to participate in the exam.
- Wayne Schlemmer: He is considered qualified for the position and will be able to participate in the exam.
- Kevin Daly: He is considered qualified for the position and will be able to participate in the exam.

Commissioner George made a motion to accept all qualified candidates for the Auto Equipment Operator and the Pipe Installer positions. Chairman Finn seconded the motion. The motion passed unanimously. Candidates that have incomplete applications need to supply the additional information before taking the exam.

Entry Level Firefighters: Once the scores and points (including veteran's points) are finalized, the entry level firefighter eligibility list will be certified by the Commission and forwarded to the Mayor. The Mayor will interview the first six candidates. If the first six candidates do not have the CPAT certification, they still go forward to the Mayor. Chairman Finn states that is illegal and wrong to skip candidates on the list because they do not have CPAT certification.

Deputy Police Chief Test: This will be discussed at next month's Civil Service Commission meeting scheduled for Wednesday, October 12, 2005. A grievance was filed because the job description for Deputy Chief changed while the applications were being accepted. The grievance was denied because the Deputy Chief of Police position is non-union. This matter is on hold for now.

Adjourn:

Chairman Finn made a motion the meeting be adjourned. Commissioner George seconded the motion. The motion passed unanimously.

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