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CIVIL SERVICE COMMISSION
ACTIONS
OCTOBER 19, 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. Others in attendance were Officer David Cooney, Officer Michael Georgoulis, Officer Anthony Maher, Officer Mike Sturdevant, Captain Tom Wendel, Detective John Krupinsky, and Lieutenant Jeff Lagarto, of the Danbury Police Department. Ms. Teri Boccuzzi, civilian employee in the Danbury Police Department.

Status of the Police Promotional Process:

One of the officers stated that they wanted to know the status of the Police Promotional Process. There have been a lot of rumors and they want to hear the truth. Chairman Finn asks what part of the process are they confused about. Officer Georgoulis states he is number 1 on the Detective list and number 4 on the Sergeant's list. He is concerned that due to issues that others have with the testing process that was conducted that the Eligibility List may not be extended another year. Is there any truth to that? Chairman Finn stated that they have not come to the point as to whether or not to extend the list for another year. The lists will be extended. Chairman Finn states that the concern is about the Sergeant's list. As of right now, it does not look like that list will be extended another year. That list does not expire until December 2005. Part of the negotiations with the various groups that were involved were that the Sergeant's list would be extended for one more year. Someone asks from what date will the Sergeant's list be extended? Chairman Finn says that this hasn't been finalized yet and that he is answering from memory. Because this was not on the agenda, he does not have any documentation with him. Chairman Finn says he does not have much of a say in the matter, but if he does have a say in the matter, he feels the list should be extended from the date that the agreement was made. This is still in discussion with the Mayor. Chief Examiner Whitcomb explains that the Civil Service Commission has not discussed this matter. Chairman Finn has been involved in some discussions. Someone states that they do not understand. Chairman Finn explains that this matter has not come before the Commission. Chairman Finn asks if other people are talking about this issue. Someone states there is a lot of interest in it. Ms. Boccuzzi stated that she heard that the deal was the Sergeant's List would not be extended for another year. Detective Krupinsky states that it is in writing. Officer Georgoulis states that he is the Union Vice President and Tony Maher is the Union President and that both of them have copies of all the agreements. Chairman Finn says he does not have the agreements.

Officer Georgoulis states that's why they are here. There is nothing in the agreements pertaining to the time frame. Officer Georgoulis states that past practice is that all lists are extended for a second year. Chief Examiner Whitcomb states it is the official responsibility of the Commission to make the decision on whether or not a list is extended. An officer states that in the 22 years he has been here, there has never been a list that was not extended. Several people spoke at once. They tried once to cancel a list (Captain's List) but the Commission extended the list because it was decided you could not cancel a list. Chairman Finn does not know anything about that. Detective Krupinsky states that Carl Foley was first on the list. At that time, he was not in the good graces with the then-Mayor, so they tried to cancel the list. Detective Krupinsky states that's why this process is in place so that cannot happen. Chairman Finn states that would not happen because that is not a reason to have a list not extended. Detective Krupinsky states that he understands that the list was to be canceled because of the earlier problem. It is not fair to the candidates on the list. We've already promoted four or five guys off the list. It is good enough for them, but it's not good enough for the next four or five. He finished seventh on that list. Seventh on the list is generally good enough to be a Sergeant because the list is extended to a second year.

There are other problems that the Commission is not aware of. Detective Krupinsky states that he's sure the Commission is aware of the Deputy Chief's test which is now holding up promotions for all of us. If those promotions had gone through, someone in the room would be a Sergeant right now. (Person is not identified by name.) Now everything is being pushed back. The officers do not find it fair after anybody who finished in the top ten has not been promoted yet. If it was said in the beginning that the test is going to be scrapped and move on, but that was not done. They said the test was alright and they made promotions. Now, when it's their turn, someone says the list will not be extended. First of all, the contract says they receive and keep any benefits unspecified if they pass. He looks at it as a benefit. He just wants to explain that he is not going to file a grievance, if the list is not extended, he intends to file an injunction immediately so that another test will not be held for five, six or seven years. How much is that going to cost the taxpayers because there will be a lot of overtime in the Sergeant's office.

Chief Examiner Whitcomb asks if he can get clarification. He was under the impression that the Union and a fair amount of police officers were not pleased with the test and were interested in scrapping it and that was the Union's position. Officer Georgoulis states that's a different issue. They were not pleased with the test. It did not have anything to do with the racial makeup of the panel. When he finished his oral exam, he ran into Mayor Boughton in the hallway. Mayor Boughton asked Officer Georgoulis what he thought of the oral exam. Officer Georgoulis told the Mayor that the oral exam could have been more relevant to the Danbury. We are the sixth or seventh largest city in the State, that we had no Danbury specific questions and Officer Georgoulis offered him a very simple way that the Union could work with the City and the Commission. He would have no problem putting together a committee of various ranks. He would ask every Captain, Lieutenant, and Sergeant what are the top five reasons patrolmen come to you with problems? He would ask every patrolman the top five reasons they seek supervisory recommendations. That would create quite a pool of questions to test someone's ability to be a supervisor. The oral exam was held in December 2004. Here it is October and they have not been approached to work on this. Whether the test is appropriate to Danbury or

not, we the Union, never told the City a position other than that they believe that the lack of a minority member on that panel as provided by Panham-Rogers, was an inadvertent mistake by the City. Because it was unintentional, the Union would have been satisfied with a letter saying it won't happen again. This was told to the Mayor. All the Union asks for is a letter on the Mayor's letterhead saying a mistake was made and next time it will be done correctly. The Union did not jump in on Officer Brevard's side. The Union looked at the needs of the many and not the needs of a few. Everyone did what they were asked to do. They bought the books, they took the test and they attended the oral exam. Then a list was made. Officer Georgoulis states that only one person had a problem with the list, who quite frankly, probably would not have scored high enough with a 100 to get to the promotion. In that case, since the other officers did what they had to do, according to the Union, their needs come first. All the Union asked was for an agreement that in future to follow the rules. The Union still not has not received that in writing either. Officer Georgoulis states that he came here from another department because Danbury offers chances of advancement. He states that the first Sergeant exam that came up after he was hired, he was unable to participate because he had only three years experience. He was unable to participate in the second Sergeant exam because he was fighting in Iraq. When he came home, he did not ask for special treatment. He did not ask for his own test. He did not try to potentially screw up everyone else's chances. He joined the Marine Corp and no one paid him to do it. He is now home and eligible to participate in the Sergeant exam and he purchases the necessary books. He passed the written and oral exam. He was originally the number 8 candidate on the list. He is now 4. He is certainly eligible for promotion within the next year. It concerns him that he and the other candidates did what they had to do and that the City made an honest error and the list may not be extended. He came to this meeting to express this opinion.

Chairman Finn asks if anyone else has anything to say. Captain Tom Wendel states that he is there for an entirely different reason. Chairman Finn asks Captain Wendel to hold on for a minute. Captain Wendel asks if he is going to be allowed to speak. Chairman Finn states he wants to finish the Sergeant Eligibility list issue and then allow Captain Wendel to speak. Captain Wendel agrees. Chairman Finn asks if anyone else has anything to add. Someone says that Officer Georgoulis stated the issue clearly. Chairman Finn asks Detective Krupinsky if he has anything to add. Detective Krupinsky states that eligibility lists have always lasted for two years. He says you are going to promote some of the people on the list, but now that it's their turn for possible promotion, the list is going to be scrapped? It is disrespectful and out of line. He is asking the Commission to do its job, to do what it should be doing and extend this list and promote the candidates that worked hard to get on the list. Chief Examiner Whitcomb asks if everyone feels this way as individuals or is this the Union's position that the list should be extended. Someone (Officer Maher?) answers that it is both. Chief Examiner Whitcomb asks if anyone is on the opposite side and wants to bring up any points. There has been no Union discussion. The Executive Board generally sets policy and Tony Maher and Mike Georgoulis do not feel it is proper for them to decide the Union's position or change it. The Union's position at this moment stands from last winter when they spoke to the Mayor and they believe the City made an honest mistake. If the City says it won't happen again, that is enough for the Union. Since promotions have begun on this list, they ask that promotions continue from this list. Someone mumbles something in the background.

Chairman Finn mentions asks about the letter that Officer Georgoulis wrote to the City. Officer Georgoulis explains what he meant by a letter, when they had initial discussions with the Mayor, and everything was going on with outside groups coming in and having press conferences, it was a big deal, the Union had one of their monthly meetings with the Mayor because there was no Police Chief yet. The Union said they would be satisfied with the City saying it was an honest mistake in a letter from Mayor. Even though this letter was never done, the Union still believes it was error. Commissioner George says it was an honest mistake. Chief Examiner Whitcomb asks Chairman Finn to accept everyone's comments for this subject when it comes up on the agenda next time. Chairman Finn says it will be put on the agenda. He also tells the officers he appreciates them coming to the meeting. If he had known ahead of time, this topic could have been placed on the agenda. Chairman Finn would have spent the earlier part of the week getting all the information to discuss it better with them. Officer Georgoulis (?) says he thinks there was a communication error. He said he called the Chief's office yesterday (October 18, 2005) at noon because we heard there was a meeting. As of noon, the Chief's office, after checking the City calendar was not aware of the meeting. Perhaps, on both ends, it could have been communicated better. Commissioner George stated that there are many times she is not aware of a meeting either. Chairman Finn stated the agenda is posted in the Town Clerk's Office and it will now be posted on the City website. Chairman Finn did not get a call from the Chief and he does not believe the Personnel Office received any calls either. Chairman Finn states that anyone can call him at his job, at the Personnel Office or at this home. Someone will get a hold of him. You can also talk to Chief Examiner Whitcomb. The Civil Service Commission regularly meets the second Wednesday of the month. Today's meeting was a postponement of last week's meeting. Chairman Finn will look into this issue further and it will be on next month's agenda. Chairman Finn will have some answers for the officers.

Captain Tom Wendel introduced himself to the Commission. He would like an explanation how the requirements for the Deputy Chief of Police job were changed. The job was posted wrong the first time. When it was the job posting was revised, it was changed to include a Bachelor's Degree requirement. The job description is very clear in the Charter. Captain Wendel feels it was wrong that the job description was changed to include a Bachelor's Degree requirement. Chairman Finn asks how was the Commission wrong? The first job posting stated they would be graded on performance instead of only oral and written exam. It was then pointed out that the Charter does not allow grades on performance. Captain Wendel then states that the job description was then changed to include a Bachelor's Degree. He does not have this degree but he thinks it is a good idea. He thinks there is a proper way to go about it that the Commission did do, but then the Commission ignored it and allowed some candidates who did not have a Bachelor's Degree to participate. Captain Wendel does not want to hear it from the paper, or anyone else, he wants to hear it from the Commission. Captain Wendel wants the Commission to understand that is the second spot in the Police Department. For him, as a Captain, it is the most important position because the Deputy Chief is who he answers to. This is their livelihood. If he made these kinds of mistakes in an arrest, he would be held accountable. So, he just wants to hear it from the Commission so that he has the facts right.

Chairman Finn says he will go through it and have Captain Wendel go through it with him. He asks Captain Wendel what was the first mistake? Captain Wendel states that a performance exam was placed in the testing process when the Charter clearly states that it will be a written

and oral exam. The Commission had to withdraw it. Chairman Finn said they did not have to withdraw it. Captain Wendel said it was withdrawn. Someone in the room states that it was withdrawn in settlement of the grievance that he wrote (Georgoulis?). Chairman Finn asks if they are still planning on performing an assessment? Chairman Finn says it might have been a miscommunication. Captain Wendel stated that the job posting had to be changed. He states that the Commission changed the job posting after it was grieved. Captain Wendel states, "You can say whatever you want." Chairman Finn states he has to go back and look at it. Captain Wendel states that if Chairman Finn has to check everything that maybe he should talk to Chief Examiner Whitcomb. Chairman Finn asks, "Do you want any more answers?" Captain Wendel states, "I want the correct answers." Chairman Finn states that he is giving him the answers. Captain Wendel states, "No you are not. You are telling me you are going to have to check. Right? We are recording."

Chairman Finn asks if there is anyone else who has anything to talk about because he did not come here to argue tonight. He is here to talk. Captain Wendel says he is not arguing either. This is being recorded and he just wants some answers. Captain Wendel asks Chief Examiner Whitcomb, "Do you have to check? Can you answer my questions without checking?" Chairman Finn asks Captain Wendel to repeat the question. Captain Wendel asks, "Is it true, and I'd like to know why, the original posting for Deputy Chief, listed three criteria. The Charter clearly states that there is only two. And you had to withdraw that. Is that correct? Did the Union grieve it? Did you have to withdraw it?" Chief Examiner Whitcomb states he would characterize it differently. He thinks the facts that Captain Wendel has presented are on point. The Civil Service Rules and Regulations are what guide this Commission along with the laws of the State and the City. The Commission Rules specifically allow performance and the Commission Rules do talk about the importance of getting the best qualified person in the job as the point of the process. The City Charter does explicitly refer to using a written and oral test. Technically, does that mean that other factors cannot be considered at all? Chief Examiner Whitcomb is not a lawyer and he is not sure. He is aware of the grievance. He knows the City made a decision that they were interested in complying with the grievance. On what basis, Chief Examiner Whitcomb does not know because the Commission does not get involved in that. He knows that the Commission had a request that they eliminate that in this opportunity. But he does not know if it is proper to say that it was absolutely required. Chief Examiner Whitcomb states that from a legal standpoint, he does know where the answers are. In this case, that request was made and that was the action that was taken. It was pulled off. Chief Examiner states that he hopes that everyone in the room feels that performance is an important factor.

Captain Wendel says that the first part of his question was answered. The second part of his question is that he wants an explanation as to how you can go about adding this Deputy Chief criteria, which he agrees with, and once that has been done, decide to ignore it for some candidates and not other. Captain Wendel does not want to argue with anyone. He just wants an answer from the Commission. Chairman Finn states that before his question is answered, the withdrawal of the last notice that went out, there will be another test, where it had performance, this is not a physical evaluation or a past performance test. It is a combination of an oral and written participation part. That will be introduced. Before the Commission started to review the Deputy Chief candidates, it was requested to send over to the Chief the criteria for

Deputy Chief. The job description and requirements were sent back to the Commission. The Chief eliminated a lot of duties and added a Bachelor's Degree requirement. The Commission voted on that and it was put into the job description. The Commission also decided to stay within the department and not go statewide to look for a Deputy Chief. One candidate had a degree. The Commission decided to look at the other four candidates and look at their applications to see what they put for education. When the Commission reviewed them, some candidates had schooling, some had extra schooling and the Commission reviewed their personnel files to determine how much education they did have. The Commission picked two that they thought were most qualified and who had taken the time during the course of their career to go to school and to advance their knowledge of police work. The Commission voted that these would be equivalent to a Bachelor's Degree. That's how it went.

Captain Wendel thanks Chairman Finn for his answer and says, "I said I wasn't going to argue with you." Chairman Finn says, "But you are." Everyone laughed. Captain Wendel just finds it amazing that the Commission voted that the candidate had to have a degree but then the Commission decided to discard their own vote. Lieutenant Lagarto says, "You said they did have a degree. You did not say it was equivalent. And you never looked at my personnel file." Chairman Finn says he did look at his file. Lieutenant Lagarto states that they need to look at the criteria for how many years as a Lieutenant you have to have. This could all have gone away. Lieutenant Lagarto did not have three years and that no one knew that until now. He claims no one looked at his personnel file.

Captain Wendel asks how the Commission can vote on something today and then next week the Commission may decide to discard it? This is what the Commission has told him today. Chairman Finn said he did not say that. Captain Wendel says that the Commission can say things any way they want but as far as he is concerned, and as far as the City of Danbury is concerned, there should be no trust in the Civil Service Commission. Chairman Finn thanks Captain Wendel for his opinion. Captain Wendel thanks the Commission for their time.

Ms. Boccuzzi states that she has been employed by the City for 17 years and the best Police Chief was Macedo and she doesn't think he had a degree. He came up through the ranks and you have very good officers here and you are giving them no reason to want to be advanced. If you add degrees and anybody can be book smart but that doesn't mean they can work well with others. That's what you need in the Police Department. They need a Deputy Chief that cares about the officers. She sees and works with the Police Officers and she knows how dedicated they are to the job. The problem she has with Civil Service is that qualifications are changed mid-stream on a lot of positions, not only in the Police Department. It has to stop. It's almost like the Commission wants to get rid of a lot of people.

Commissioner George asks what other positions concern Ms. Boccuzzi? Ms. Boccuzzi claims the DMEA changes the criteria and they grant promotions. Ms. Boccuzzi states there are reclassification procedures that are not followed. She claims that employees come to the Commission with their department head and their position is reclassified right on the spot because they have been doing the job but that is not the way it goes. She states that is how Civil Service has been working.

Chief Examiner Whitcomb asks for specifics. Ms. Boccuzzi states, "Nancy Lahoud, for one thing." Dena came, she (Nancy) went from a Clerk Typist to an Account Clerk II without going through a test. There was nothing posted. She came here with Dena. Dena said she was doing the job. Ms. Boccuzzi has the minutes from that meeting. Nancy got the job and she asked for retroactive pay. Ms. Boccuzzi does not know if Nancy received the retroactive pay. Chief Examiner Whitcomb asks how long ago was this. Ms. Boccuzzi answers that this happened last year and that Nancy is now an Account Clerk III and that she (Ms. Boccuzzi) needs to look at the qualifications for that because she believes that position needs some kind of accounting degree and she doesn't think Nancy has one. Experience comes from knowing what you're doing. Three people applied and that test was an oral exam. It was always was a written exam. You had to have a degree. This is gone. Ms. Boccuzzi states, "And we could go into Dena's job. In the charter, does she have all the qualifications for a Personnel Director? I don't think so and neither did Carol Guyton (DeSantie)." Ms. Boccuzzi does not understand how these people are hired. The rules are changed in order to hire who the Commission wants to hire.

Commissioner George points out the Commission did not hire Ms. Diorio or Ms. DeSantie. Ms. Boccuzzi understands that and she understands that is governed by the Charter. Commissioner George states that the Commission did not make the request for the degree for the Deputy Chief position.

Detective Krupinsky states that maybe the Commission is not aware of this. You can't just change what the Union has in place for past practice. It is a requirement that you negotiate the impact of the change with the unions. Krupinsky states that there is clear past practice toward a contract and if you want to change that, add degrees or assessment centers, it has to be negotiated and the impact of it with the Commission. Chief Examiner Whitcomb states that it depends on the circumstance and he is not responsible for the City's labor relations but from a labor relations standpoint, Chief Examiner Whitcomb was Director of Employee and Labor Relations for a major multinational corporation. When someone wanted President Reagan to appoint him to the National Labor Relations Board, he called Chief Examiner Whitcomb to facilitate this. Labor law is a very complex and sensitive area and he is an expert in it. The issue revolves around what has been negotiated and what hasn't. There was a case in Connecticut where there was an issue specifically related to the Civil Service Commission. It was a labor charge related to a change made in a past practice without negotiation. In that case, the State ruled in favor of the Civil Service Commission being able to do it because the negotiations had occurred between the City and the Union. They agreed to contract language that explained what responsibilities and requirements were needed. They agreed to a role with the Civil Service Commission. The Civil Service Commission had published rules and regulations that gave it latitude to do certain things and just because it has or hasn't been done in the past, doesn't mean that it wasn't considered in negotiations and isn't something that's in the realm of things that are doable. There's not a simple answer.

Chairman Finn points out there are two issues brought here. One he will look into. Detective Krupinsky asks why would the City want to spend the excess money? He also points out what a headache it is to run another test. Chairman Finn said there was a choice: scrap the test and schedule a whole new exam. Approximately one year ago, Chairman Finn met with several

candidates from the Police Department all asking the same thing: why would the test be scrapped? They earned the right. Everyone was upset. Chairman Finn agreed with them. The test should not be scrapped, in his opinion. The test has not been scrapped. The City did not want to go to court over this. An agreement was reached. Chairman Finn said he was not part of this negotiation for an agreement. Officer Georgoulis stated that the Police Union was not part of any negotiation. Captain Wendel states that no one was involved in any negotiations. Officer Georgoulis stated that Officer Brevard came to the Union and wanted to join the bandwagon. The Union said no. That was the last the Union heard from either side until they asked for the results of the grievance. There was no discussion. The Union gave the City the benefit of the doubt because they honestly believe it to be true. That was the last thing the Union said as its official position. The Union had nothing to do with any of the other negotiations.

Chairman Finn states that he went to some meetings but he did not see the Union there. The Union never saw Chairman Finn at any meetings either. Chairman Finn met with Officer Brevard, his supporters, and the Mayor and they discussed the different things they would have to concede. They did want certain things and we agreed to some of them. One of the things that they agreed upon was to let the list run for one year and then allow the list to lapse.

Officer Georgoulis states that was not in any documents that the Union was presented with. Captain Wendel asks to see this in writing because the documents they have do not say that. Chairman Finn says he will find the document and get it to them. Chairman Finn said the Mayor wrote this document and sent it to the Union. Krupinsky states they only have documents from Officer Brevard and that is not in there. Officer Georgoulis says that the Union separately asked the City and the Chief's office to provide the Union with any and all documentation. They have provided the documents and there is no time limit in any of them. Officer Georgoulis read every document and he does not expect the Commission to take his memory, but he can show what they were told. Officer Georgoulis states the Commission is telling them that an agreement was made specific to length of time. This means that either the City or the Chief's office failed to comply with the Union's request, which is another matter.

Chairman Finn asks if he can have copies of what the Union has. Officer Georgoulis answers yes. Captain Wendel says, "I'd like to see what you have first." Chairman Finn says he will get it. Commissioner George asks, "Am I understanding when Officer Brevard filed a complaint, that he and other people had the City make concessions for the whole department?" Officer Georgoulis answers, "Absolutely." Chairman Finn said yes, for the Sergeant's exam. Officer Georgoulis states that it goes way beyond that. There were specific concessions and structural changes made to the Police Department's recruitment, to the way the tests are advertised, and where they are advertised. It was much more extensive than just the Sergeant's test. Chairman Finn asks if anything was taken away. Officer Georgoulis says, "From what you're saying, yes." Promotional lists are valid for a year and have been extended for a second year automatically. Chairman Finn says, "No, I'm asking about the advertising. You just mentioned something about advertising." Officer Georgoulis states there was a specific agreement made to advertise in areas of minority interest such as churches and community groups. Committees were formed. Chairman Finn says, "But, he did that before." Officer Georgoulis states that it is specific to this agreement. This what he means when he says this went beyond the Sergeant's

list. Chairman Finn states there are other things. Officer Georgoulis states that if the agreement had been made with the Union as a whole, or the representatives, they would have had many other suggestions instead of just attracting minority candidates. Because if you look at the numbers of the minority population in Danbury, specifically the African-American population, and the members of the department, you're within a couple of percentage points. It is not the disparity that the newspapers have made it out to be. Chief Examiner Whitcomb agrees. Officer Georgoulis states that if we are going to go to black churches out of town to look for people with no ties to Danbury, why wouldn't we take it one step further and go to military bases? Aren't Veterans entitled to find out about our jobs? These are things the Union would have brought up but they were never involved in the conversation and there were things far beyond the Sergeant's list.

Chief Examiner Whitcomb asks that participation in that recruitment team was pretty wide open, wasn't it? Such as attending the meetings of the recruitment team. It is not restricted to African-Americans. Chief Examiner Whitcomb agrees that it wasn't but he thought if you wanted to be a member of the recruitment team, you could. From what he is hearing, it sounds like it would be good for some Union members to be on that recruitment team because you have some good ideas. Officer Georgoulis states the Union represents all members of the Department and has offered to help structure future tests that are more relevant to Danbury. They want to get involved in the promotional process but have been ignored by the Mayor's Office. Once they get a Chief, they cannot go to the Mayor. Officer Georgoulis is here because he is a candidate on the Sergeant list. The Union members did not come here to make the Union's pitch. They just wanted clarification. The Union put out there that they would get the interest and that was before the oral exams were contested, specifically because the Union was afraid they would see a list and people would not be interested in making a change if they scored well. The Union wanted it to be unified. They were never asked to follow up.

Officer Georgoulis said the Commission has shed some light on some things that Captain Wendel brought up about the grievance process for the Deputy Chief's test. The Chief's answer to the Union was that he provided a list of suggestions when he first took the job. The Chief said to Officer Georgoulis that he did not hear another thing back from the City until he saw the job posting. In other words, the Chief did not know his recommendations had been accepted. It was a surprise to him and to the Union. He did know that his suggestions may have been improper in accordance with the Charter. For the Commission to say that the Chief made the recommendation and it was granted, no one told the Chief. Officer Georgoulis does not expect the Commission to take his word for it but that is what the Chief told him. Commissioner George and Chairman Finn believe Officer Georgoulis. The performance section on the initial job posting, they took to mean performance evaluations. In other words, a supervisor's opinion of how you carry out your job. The reason that is improper is that they don't have any. Officer Georgoulis is not sure the Commission is aware of this. It has been a subject of negotiation between the Union and the City for the last three years. Once you get off probation in the Police Department, you are never evaluated again. If you are a patrolman for 20 years, you are never evaluated again. The problem became who conducted these evaluations and how would they be relevant. That's why the Union grieved that particular part. When the Union grieved to the promotional exam itself, and the college degree, the Commission made a lot of references in the minutes to the police classes. In tonight's meeting, the Commission suggested the officers took

these themselves. In 99 percent of the cases, you're given leave from your duties to attend those classes. Officer Georgoulis has been to over 100 classes in 17 years. Those classes, if they are equivalent to a degree, you have an awful lot of people that suddenly become equivalent to a degree. That creates two problems. One is that the Union received a grievance that officers with a lot of police experience want college pay equal to the officers that have a paper degree. That's \$1,200 per person per year. Obviously, the City didn't start writing checks out but it did create a grievance that has to work its way through the process. The class that was specifically mentioned was FBI SWAT School. Officer Georgoulis teaches the FBI SWAT School. He is going to Fort Dix, New Jersey on Sunday to be an instructor there. He doesn't feel that makes him qualified to be Deputy Chief. So, to look at in the whole realm, there are 20 people on the SWAT team that have been to that school and four in this room. It's not unusual for police officers to attend SWAT School. Officer Georgoulis believes there might be a disconnect as to what that really means and not just looking at a piece of paper. Chief Examiner Whitcomb states that there might be misunderstanding on the part of a lot of people of what it means when the Commission allows someone to go forward in the process and decides to say someone is qualified. It doesn't give them an automatic super score on their written or oral test. It just says you are allowed to participate in the exam. If you do poorly, you do poorly. If you do well, you do well.

Captain Wendel points out that he's a Captain, he was eligible, but he does not have a Bachelor's Degree. This is why he did not apply for the Deputy Chief Exam. He is not the type to make waves so he didn't apply. Then he found out that the Commission did allow candidates that did not have a degree to participate in the exam process even though Captain Wendel has more training and experience than those candidates. Captain Wendel says he doesn't mean to tell the Commission what's going on. Commissioner George states she'd like to know. Captain Wendel's point is that this is not a part-time job. This is his life. He feels the Commission takes it as a part-time job. Chairman Finn takes exception to what Captain Wendel is saying. He does not take it as any Police Officer is performing a part-time job. Captain Wendel says he did not say that. He states that the Commission should know this stuff. Chairman Finn wants to get back to the grievance that Captain Wendel has: he is a Captain and he should have applied. Captain Wendel states the job required a degree and he does not have a degree. Why should he apply? Chairman Finn asks why did any candidates apply? Captain Wendel answers that he would have to ask them. Captain Wendel states that all he knew was that he needed a degree and he does not have one so that makes him ineligible. Is the Commission telling Captain Wendel to disregard what they say and to disregard the Rules and Regulations? Chairman Finn answers no. Chairman Finn states this all came about because there is no Deputy Chief and there is a brand new Chief. There was an Acting Chief for while. A new Chief came in and the Commission tried to help that Chief. The Commission gave him a listing of qualifications because he is the expert and to let the Commission know if the requirements were needed or not needed. Captain Wendel asks if the Commission is saying it's all the Chief's fault. Chairman Finn says no, he is not blaming anybody. Ms. Boccuzzi says that you cannot ask someone who comes in to town what the needs of the Police Department are.

Chairman Finn asks, "You know what? I want to get back to you guys because you are here for an argument. You didn't come up for 22 years and you saved it all up for one night?" Everyone laughed. Captain Wendel asks if this is the first testing procedure the Commission has had a

problem with. Chairman Finn answers no. Captain Wendel answers, "Okay, I rest my case. You're right I saved it."

Chairman Finn tells the officers he will get back to them next month. He will gather all the information and will probably talk to the Union ahead of time regarding the Sergeant's test. The Commission is working on the Deputy Chief's test tonight. Someone asks if that will affect the Captain and Lieutenant exams. Chairman Finn answers no.

Chief Examiner Whitcomb wanted them to know that extending lists is not automatic. Technically, it requires an action from the Commission. The Commission does take action. It does not happen without action. There are also a series of other provisions in the Rules that provide for termination of a list depending on circumstances. The officers in the room have never seen a list not be extended. They have seen that an officer has tried to be promoted from a list that has expired but never seen a list lapse. Ms. Boccuzzi states that lists have always been extended to two years because it is difficult to get candidates. She understands the Police are different, but the DMEA eligibility lists have lasted two years.

Detective Krupinsky states that if no one was ever promoted off a list, he wouldn't be there. He feels the Commission is telling him it was good enough for those guys but not you guys. Officer Georgoulis read the Rules and Regulations out loud at a Union meeting with this subject came up. The Commission could have scrapped the list if it was unfair. Based on the Panham Rogers agreement, there was a valid case that the test was unfair because it didn't meet a court order. But as Detective Krupinsky just said, the fact that the list was certified at all, it was fair enough for the three promotions that have occurred. Officer Georgoulis feels the next four candidates on the list will be promoted because of upcoming retirements. It was fair enough for three candidates so it should be fair enough for the other candidates on the list. Someone asks if it was fair enough for Lieutenants and Captains, why is not fair for just the Sergeant promotion? Officer Georgoulis points out that same technical violation in that agreement occurred for all of the exams. Just because a person of race did not take the Detective or Lieutenant exam, then why does that not apply? Chairman Finn says that a grievance was brought up against the Sergeant exam and that was acted upon. There were no grievances for the other exams. Every test since then has been assured and that was part of the agreement. Officer Georgoulis points out that there is confusion in the terminology. A grievance is an action of the Union. The Police Union did not fight the exams. The Police Union did not file a grievance. Officer Georgoulis wants to make that point clear. The Union is not asking that the list expire. The Union believes it was an honest mistake. Chief Examiner Whitcomb states that was not the impression the Commission had and he's glad to hear the Union's point. Officer Georgoulis asked if anyone was there to see a list voted down. Detective Krupinsky answers no and that everyone had the same chance including Officer Brevard. Detective Krupinsky says, "We bent that much to make one guy happy with one grievance? Now, you're having 10 of us and I can tell you mine is going to be a whole lot different. You're going to see Sergeants for six or seven years." Chief Examiner Whitcomb says that court orders are more influential than almost anything else that they have to deal with.

Ms. Boccuzzi asks to look at the Agenda.

Chairman Finn asks if anyone else has anything to add. Ms. Boccuzzi asks about the Clerk Typist II list and did it expire after two years? Chief Examiner Whitcomb says yes, that most lists last two years. Detective Krupinsky states it's cheaper to do it that way. Chief Examiner Whitcomb says it's easier, too.

Captain Wendel asks, "Are you telling me that the Sergeant's test is over here by itself and the Lieutenant's and Captain's lists and they may do one thing with the Sergeant's list and not do the same with Lieutenant's and Captain's tests. Am I getting that right or am I misunderstanding?" Chairman Finn says he does not know. Captain Wendel asks, "You can't answer that?" Chief Examiner Whitcomb explains they are an independent Commission. The City needs to make decisions on laws that they need to live with and if they get a decision, a legal opinion, that there are restrictions in certain ways, they advise us. We listen very closely to legal opinions. Captain Wendel asks, "So, it is possible that you could end all the lists under one year?" Chairman Finn answers, "It's possible because we are allowed." Captain Wendel says he understands that. Chief Examiner Whitcomb states they are not the people with the information.

Chairman Finn states that whether you believe him or not, the first thing he thinks about is the person taking the test and the person doing the job. He has always done that. He fought with them to keep the list. He did not think it should be thrown away because there are too many people who took the test. The grievance that came up was brought by someone who was not on the top of the list anyway. Someone speaks to Chairman Finn and tells him he has a problem with the Chairman is saying. He will not refer to the matter as a grievance because it is not a grievance. If that legal decision that he went out to get, if he was going to argue that, Officer Brevard should have fought that on December 8. The speaker says the oral exams were December 7 and December 8. He is assuming Officer Brevard took the oral on December 8. When he walked in there, unless he needs glasses, he knew there was not an African-American member on that panel. When he walked out that door, he should have in turn, came to one of you and said, "Hey, there it is. This is the decision." To wait until January or February after the list came out to find out he, Officer Brevard, was 28th on that list, the speaker has a problem with the way it was done. And now, all of a sudden, to say that the list will lapse after one year, when in the past it has lasted for two years. The speaker feels that the list should last for two years and then run the test correctly. That is how he feels about it. Detective Krupinsky feels they should not be penalized for his errors. Chief Examiner Whitcomb states that that area of the law is very strong. Ms. Boccuzzi points out that officers were promoted from that list.

Someone asks how he would check where he stands on the Detective list. Does he need to make an appointment? Chairman Finn tells him he does not have to make an appointment. He can come to the Personnel Department during the day and Elizabeth (Cruz) can check the list.

Chairman Finn asks if anyone has anything else. Ms. Boccuzzi asks if someone can tell her what is going to be done with the Clerk Typist position. Chief Examiner Whitcomb says the list expires on December 30, 2005. Chief Examiner states that Clerk Typist is the type of position that routinely needs to be filled so you do not wait until you have a vacancy before you schedule an exam. Ms. Boccuzzi understands that. The list is two years old and it will lapse. Ms. Boccuzzi points out that most lists are active for two years. She understands there is an

agreement but if it doesn't say anything in there, she doesn't see why the list wouldn't be extended. Chief Examiner Whitcomb shows a list that will not be extended: Director of Recreation. The list was promulgated November 17, 2004 and it expires November 17, 2005. There are three people on the list but that list will expire. Ms. Boccuzzi is talking about a DMEA position list that might have 40 candidates on it. Chairman Finn states they are not talking about something that happens on a daily basis. Everyone knows that. This is something that they've been stuck with for a year now and it's coming to the end. Chairman Finn does not have the date or time on it but he will get back to them. He promises them.

The officers leave and Chief Examiner Whitcomb thanks them.

The room is now cleared and Chief Examiner John Whitcomb, Chairman Michael Finn, and Commissioner Geraldine George continue with the meeting.

Expired Eligibility Lists:

Truck Driver - This position needs to be advertised. Chief Examiner Whitcomb states because of the season, timing is important.

Clerk Typist - This list expires on December 30, 2005. There are a lot of candidates on the list but it cannot be extended again. A new test has to be run because this position cannot wait until there is a vacancy.

Senior Computer Technician - This list has been extended and has expired. Chairman Finn said to let it go.

Executive Secretary - This list was promulgated in 2003 and extended until May 2005. Chairman Finn asks Chief Examiner Whitcomb to look into promotions from within. Maybe this position can be advertised internally before advertising to the public.

Director of Recreation - This list only has three candidates on it. It will be allowed to lapse.

Lead Tree Operator - This list only has one candidate on it. It will be allowed to lapse.

Laborer/Mason II - This list will be allowed to expire.

Engineer I - This list will be extended for another year.

Firefighter Recruits - Chairman Finn asks Chief Examiner Whitcomb if the list is finalized with the exception of three candidates. There were some minor typographical changes made on the oral exam scores and those have been corrected. This list can be publicized. Chairman Finn asks if Chief Examiner Whitcomb will give a list with the scores to the Mayor and to the Commission. Chief Examiner Whitcomb says yes. Commissioner George makes a motion to accept the Firefighter's list. Chairman Finn seconded the motion. The motion passed unanimously.

Police Recruits - Chief Examiner Whitcomb asks since the list was tentatively accepted at the last meeting, should that be the date of promulgation? Or should they use today's date? The Commission decides to use today's date. Chairman Finn asks if the list is finalized. Chief Examiner Whitcomb says that Chairman Finn had a question on one sheet that wasn't attached for a veteran. Chief Examiner Whitcomb wants to check with Nely Espinal in the Personnel Department about this. Chairman Finn states that all veterans that attached the DD-214 receive the veterans' points. Chief Examiner Whitcomb again states that he has to check with Nely because the candidate may have submitted a DD-214 but it just wasn't attached. If the DD-214 is found, and the candidate receives the veterans' points, Chairman Finn will entertain a motion that they accept the Police List. Commissioner George makes a motion to accept the results of the police test. Chairman Finn seconded the motion. The motion passed unanimously. A list with the scores will go to the Mayor and to the Commission. Candidates will be notified of their rank on the list.

Chief Examiner Whitcomb mentions that the Police Agility Test will be held on October 29, 2005. One candidate is getting married and will be in Hawaii on that date and another candidate's wife is expecting on the day of the test. They've asked for advice about attendance. Chief Examiner Whitcomb knows there's been discussion that this test will be treated as a practice test for the benefit of the candidates, so they would know how well they could score on the Cooper test. If that is the case, then Chief Examiner Whitcomb thinks it is appropriate that if somebody is unable to make the test and has a reasonable excuse, that it is okay not to take the test. Chairman Finn said that is fine. This is a practice test. The other subject is the medical approval form for that test. There is a waiver of liability for the candidate to sign plus a medical approval form that we're asking them to sign. A candidate does not have medical insurance who had recently passed the physical for the New York City Police and wondered if he could use that as the medical release. Based on conversation that Chief Examiner Whitcomb had with Ric Gottschalk, he will call Corporate Health and get some guidance from them on if we should permit any alternative to this medical approval form and for what period of time. Then there will be a firm rule that will apply and we will not let somebody come in if they've got an older medical release. The medical release form has to be signed by a doctor. Chairman Finn asked if that was mailed with the physical agility notice. Chief Examiner Whitcomb says yes. Chairman Finn says it depends on what Ric Gottschalk and Corporate Health say. Chief Examiner Whitcomb says it is signed by a New York doctor and it might not specifically refer to the same things we are looking for but on the other hand, there is the individual's waiver of liability where they represent that they are in good health and know of their health and are holding the City harmless. Chairman Finn says that doesn't mean anything and to check with Corporate Health. If we get some guidance from Corporate Health and apply a fixed rule of thumb across the board for any exceptions, then they'll just implement that.

Chairman Finn states that the background checks can now proceed with the top six candidates on the Police list. Chief Examiner Whitcomb states they are asking for 12 seats at the Academy so maybe the background checks should start on a sufficient number of candidates to fill those seats.

Fire Captain

Chief Examiner Whitcomb had discussions with the Fire Union and Dr. Zendzian. Dr. Zendzian has met with Chief Siecienski and the announcement will go up and the announcement will announce the test dates and a workshop to orient the candidates. The written test will be held on December 7, 2005 at 5:00 p.m. and the oral exam is going to be given at the beginning of January, possibly around January 7, 2006. There will be a planning session with the Deputy Chiefs that will be on the oral panel. Dr. Zendzian will meet with them prior to the oral exam and Dr. Zendzian is interested in giving a more thorough oral exam instead of the typical one, instead of having a 15 minute exam. Chairman Finn thinks that's a good idea. The Fire Union is supportive of this. We have decided not to go with an assessment center type exam because that would require too much to accomplish in this time frame.

Senior Inspector - Environmental Health Services

There is only one candidate who applied. The Commission received a letter from the Health Director, Scott LeRoy, who asked that the Commission move forward, approve that one candidate for interview. The Commission agrees that the candidate is eligible. Chairman Finn wants know if the Health Director would like to re-advertise or just go with this one candidate. Chief Examiner Whitcomb says that Scott sent out over 1,000 e-mails to people to try to get them to apply to the job. Chairman Finn jokingly says he'll take the job. This candidate can be forwarded to the Mayor for his approval. Chief Examiner Whitcomb states that if the Mayor or Scott asks for any testing, he will provide any additional information about the candidate for this.

Pipe Installer Testing Program

Chief Examiner Whitcomb has spoken to Bill Buckley, Director of Public Works/Engineering, and reviewed testing procedures. The conclusion was that Paul Galvin, who put together the test for the Utility Mechanic position, would be well qualified to develop the test for Pipe Installer with the Chief Examiner.

Auto Equipment Operator III

There is an opening for Auto Equipment Operator III. Bill Buckley asked that this position be open, competitive because there is a limited number of candidates within the department that will be able to apply.

Deputy Chief of Police Test

Chairman Finn will entertain a motion to discard the last exam that was given. Commissioner George made a motion to discard the last exam that was given. Chairman Finn seconded the motion. The motion passed unanimously.

Chairman Finn will entertain a motion to have another Deputy Chief exam to be held with internal candidates. He wants to try another exam internally before going to outside candidates. Commissioner George agrees. This will be the last test without the qualification for a Bachelor's Degree. This motion will be a test open to anyone in the Police Department with the proper time in grade and rank. Commissioner George asks when will this be posted. It will be posted as

soon as a test is coordinated so a date could be put on the announcement. The Police Chief could be notified to post a notice that a new test will be held. Commissioner George agrees with. Commissioner George made a motion to hold another Deputy Chief exam. Chairman Finn seconded the motion. The motion passed unanimously.

Minutes of September 21, 2005 meeting: Commissioner Geraldine George made a motion to accept the previous meeting's minutes. Chairman Finn seconded the motion. The motion passed unanimously.

Adjourn:

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

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