

**CITY OF NEW HAVEN
CIVIL SERVICE BOARD**

MINUTES OF MEETING

June 23, 2010

<u>Present</u>	<u>Also Present</u>
<ul style="list-style-type: none">• Commissioner Frank LaDore• Commissioner Anne Massaro• Commissioner Latrina Kelly• Commissioner Daniel DelPrete• Noelia Marcano, Civil Service Secretary	<ul style="list-style-type: none">• Attorney Victor Bolden, Corporation Counsel• Attorney Kathleen Foster, Asst. Corporation Counsel• Stephen Librandi, Acting Director of Organizational Development• Cherlyn Poindexter, President of Local 3144 <p><u>Absent</u></p> <ul style="list-style-type: none">• Commissioner Pedro Delgado

Meeting opened at 12:33 pm. Commissioner LaDore acknowledged the addition of Daniel DelPrete to the Civil Service Board as its newest commissioner.

Item #1 Request to Submit Late Job Application for Lead 911 Operator/Dispatcher

Petrina Yoxall stated her name and position with the City of New Haven for the record, a 911 Dispatcher/Operator with the New Haven Police Department. Ms. Yoxall addressed the Board with her request. Ms. Marcano presented the Board with the documents associated with Ms. Yoxall's request for the Board to accept her late application for the position of Lead 911 Operator/Dispatcher. Commissioner Kelly requested guidance from Attorney Foster regarding a rule concerning this type of request. Atty. Foster informed the Board that historically, the Civil Service Board has entertained such requests, and there was no direct rule applying to this request. Commissioner LaDore then posed a few clarifying questions which Petrina Yoxall answered to the satisfaction of the Board. Commissioner LaDore asked for a motion to approve. Commissioner Kelly motioned to accept the late application. Commissioner LaDore seconded. All yeas; no abstentions. Late application accepted.

Item #2 Correspondence Received by the Civil Service Board

Atty. Foster summed for the Board that any correspondence received by commissioners individually addressed are to be brought forward at meetings. Atty. Foster further informed that the item of "*Correspondence Received by the Civil Service Board*" will be a regular item on the monthly agenda. She added that the proper business address for the Civil Service Board is 200 Orange Street, New Haven, CT 06510 c/o the Human Resources Department and that all business correspondence addressed to the Board should be sent to this address. Atty. Foster further reminded the Board of its role, the location where it conducts its meetings, as well as the inappropriateness of conducting any kind of business outside of the parameters of a properly noticed meeting.

Concerns regarding correspondence sent by the president of Local 3144 were discussed and Atty. Foster summarized her review of same. Atty. Foster explained the limited role of the Civil Service Board with regards to collective bargaining unit issues. She informed that the State Board of Labor Relations has received Local 3144's filing of a management prohibitive practice against the City and that an informal hearing has already taken place.

Atty. Foster advised that since the correspondence in question regards Labor Relations related complaints, it would not be appropriate for the Civil Service Board to insert itself into Labor Relations matters. She added that state laws regarding negotiations and or grievances of matters between the City and its labor, as well as the Municipal Employees Relations Act defines who has authority to bargain or negotiate and that the Civil Service Board does not have this jurisdiction. Lastly, Atty. Foster emphasized that the

matters contained in the correspondence at issue must be handled by Labor Relations. She then added that she would be happy to answer any questions the Board might have about the correspondence received, but again advised the Board against becoming involved in Labor Relation matters.

Commissioner LaDore expressed concern that he wanted to ensure that as a Board, they were not violating its' rules. Commissioner LaDore then read a portion of the letter regarding utilizing the transfer list.

Atty. Foster informed that she had advised HR staff to look into issues raised in the correspondence regarding transfer lists. Based on those findings, Atty. Foster ensured the Board that: the City maintains a transfer list; and that the Civil Service Board regularly entertains transfer requests. She added that there is no information or indication that Human Resources does not utilize the transfer list.

Atty. Bolden clarified the differences between Labor Relations and Civil Service Board matters. He summarized that as mentioned earlier, Local 3144's complaints and allegations are currently under proceedings; and that if after exhausting that process a Civil Service related issue is left unresolved, then Local 3144 can come back to the Civil Service Board on that unresolved matter. He advised the Board on letting the current proceedings playing itself out first. Atty. Foster agreed and added there are no present facts indicating that Civil Service Rules have been violated. Commissioner LaDore acknowledged that Cherlyn Poindexter, President of Local 3144 was present and expressed desire to let hear speak. He invited her to address the Civil Service Board.

Ms. Poindexter stated her name and affiliation for the record, Cherlyn Poindexter, President of Local 3144. She summarized her request to speak with the Board over violation of rules with regards to Civil Service. Ms. Poindexter acknowledged her awareness of the State Labor proceedings and asked if she could read portions of her letter for the record to prove that she brought her concerns to the Civil Service Board. Ms. Poindexter proceeded to read portions of her correspondence that highlighted where she felt the Civil Service Board rules had been violated.

Commissioner Kelly asked for clarification on one of the issues Ms. Poindexter raised. Ms. Poindexter responded that the position of Public Safety Human Resources Manager was never a posted job. She further explained her actions when Anna Nieves-Winn was laid off; specifically sending a letter to the Director of Labor Relations, and requesting a list of vacant jobs within the City specifically Youth At Work Manager in the Youth Department. She then addressed the job posting of Lead 911 Operator/Dispatcher and stated that she felt this position should be in Local 3144, not the clerical union of Local 884 because it is a supervisory position.

Atty. Foster then asked the Board if they had received the letter that Ms. Poindexter informed she sent to them sent dated April 16. Atty. Foster reminded the Board that such correspondence must be forwarded to the full attention of the Board. Ms. Poindexter then clarified that she sent the letters to the home addresses she found listed for each commissioner on the City website.

Commissioner LaDore acknowledged that the issues raised by Ms. Poindexter are Labor Relation issues although he did allow for Ms. Poindexter to express her concerns on record. Ms. Poindexter mentioned that she felt it was important to inform the Board because its rules affect portions of the unions' contracts.

Commissioner LaDore concluded again that the issues raised are Labor Relation issues. Ms. Poindexter mentioned that classification matters are mentioned in the Board's rules, so all of the issues are not Labor Relation issues. Commissioner LaDore responded that positions being moved out of a union are not Civil

Service Board issues. Ms. Pointdexter added that new positions are established by the Civil Service Board.

Ms. Pointdexter also added her concerns regarding the job posting of Part Time Data Control Clerk, whose duties were once held by a Local 3144 member that retired. She acknowledged that this was a Labor Relations issue but nevertheless wanted to make the Board aware of her concern with the duties of a union worker being contracted to a non-union person.

Ms. Pointdexter went on to mention her concern with the recent posting for Registrar of Vital Statistics and that she did not approve the posting language of “*bilingual ability preferred.*” She stated that she initially went to Steve Librandi, Acting Organizational Development Director with the issue of the posting and that Mr. Librandi did not agree that a job posting was the same as a job description. She then added that the posting was subsequently corrected after she complained about it. Ms. Pointdexter mentioned that she was concerned that the Civil Service Board had not approved these changes, and that potential applicants could have been discouraged from applying due to the bilingual ability requirement before it was removed. Ms. Pointdexter added that she viewed all of the issues that she raised as affecting her union membership and wanted to know what the Board would do about these “horrible” errors.

Commissioner Kelly stated that the Board would not be making a decision today on any of the issues Ms. Pointdexter raised. Commissioner Massaro asked about the job description that Ms. Pointdexter was referencing in the issue concerning the subsequently corrected job posting. Atty. Foster reminded the Board that that was the job description for Registrar of Vital Statistics whose revisions had already been approved by the Board.

Atty. Bolden stated that although he understood the reasons why Ms. Pointdexter was raising these issues, he reminded all that in terms of these issues there are state and federal laws that supersede the Civil Service Board’s rules. He added that all of Ms. Pointdexter’s issues can be addressed by Labor Relations’ procedures and in *that* forum.

Commissioner LaDore thanked Ms. Pointdexter for sharing her concerns with the Board and Ms. Pointdexter was dismissed. No action was taken on this item, except that the Board would be following Atty. Bolden’s legal advice in letting the issues raised by Ms. Pointdexter first exhaust its administrative process through collective bargaining procedures and any remaining issues that fall under the purview of the Civil Service Board could be brought to the Board’s attention at that point in time.

Item #3 Public Safety Testing Updates

Ms. Marcano provided an update informing the Board of the test dates for Director of Training, the complaint letters she received regarding the content of the exams and that the technical report was in the process of being completed.

Item #4 Corporation Counsel Update

No executive session entered. Atty. Foster summed the Ricci v. DeStefano case and the current actions being taken. She also summed the connection to Briscoe v. City of New Haven as well as the Tinney, et al v City of New Haven cases and its challenges with regards to the Supreme Court ruling. Atty. Foster also informed the Board about another case that had been filed but not named yet regarding use of the lists certified by Federal Supreme Court order in November 2009.

Mr. Nabel wondered if the case of Lewis v. Chicago would affect how the Board proceeds with City testing. Atty. Bolden explained this case to the Board and how it really related to an issue of timing and consequently does not affect the City’s current cases.

Item #5 Request to Appoint Temporary Pending Test

Ms. Marcano summed the request. Due to a retirement in the Department of Public Works there was an immediate need to fill the Administrative Assistant II position left vacant. This position was the sole administrative support for 3 divisions in the department. Ms. Marcano also added that although the process of posting and testing for the position had already been initiated, the department's operational needs could not wait until a list is certified. Consequently, this was the reason for requesting a temporary pending test appointment. There was a short discussion among the Board about the request, which included how a temporary employee is selected and the time line for completing testing and certifying the list.

After all questions had been answered to the satisfaction of the Board, Commissioner LaDore motioned to approve the request to appoint a temporary pending testing for the position of Administrative Assistant II. Commissioner Massaro seconded the motion. All yeas; no abstentions. Appointment request approved.

#6 Transfer Requests

Ms. Marcano summed the request for the Board. Requester seeks placement on the transfer list for position matching existing title of Administrative Assistant I or for a position similar to existing title.

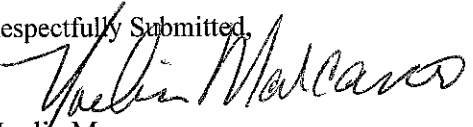
Commissioner LaDore asked for a motion. Commissioner Kelly motioned to approve the request for transfer. Commissioner Massaro seconded. All yeas; no abstentions. Request for transfer approved.

#7 Other Business

Next meeting was confirmed for July 27, 2010. Mr. Nabel added that there will be a need for a special meeting prior to July 27 because the Lead 911 Operator/Dispatcher list would need to be certified and hires effected before August 12. All sworn officers who act as supervisors to the dispatchers will be lost after August 12. Mr. Nabel requested a meeting to have the list certify in July.

Commissioner LaDore stated he is going to be away June 30 to July 11, and will be available as of July 12. Commissioner Massaro and Commissioner Kelly said they would let Ms. Marcano know. July 13 was decided as a target date for the special meeting.

Commissioner Frank LaDore motioned to adjourn. Commissioner Latrina Kelly seconded. All yeas; meeting adjourned at 1:42pm.

Respectfully Submitted,

Noelia Marcano
Civil Service Secretary

NOTE: For the purpose of compliance with the Freedom of Information Act, these minutes are made available for review subject to later review, revision and approval by the Civil Service Board.

Civil Service Board Approval Date: 8/17/10