

Cromwell Fire District

1 West Street
Cromwell, CT 06416
Telephone 860-635-4420

FIRE DISTRICT OFFICE
WATER DIVISION

FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE

BOARD OF COMMISSIONERS
Special Personnel Committee Meeting
Thursday, March 23, 2017
5:30 PM
1 West Street
Cromwell, CT

Present: Commissioners Craig Murphy (Chairman), David Colligan and John Hamlin. Also attending were Commissioners Frank Seidl (President), Charles Epstein and Roger Rukowicz; Executive Director Michael Dagostino and Fire Chief Michael Terenzio. Commissioner Julius Neto was absent.

- I. Call to Order. The meeting was called to order at 5:32 PM.
- II. Approval of Agenda. A motion was made by Commissioner Colligan, seconded by Commissioner Hamlin and unanimously approved to accept the agenda as submitted.
- III. Public Comment. There was no public comment to report.
- IV. New Business
 - A. Personnel Matter – Firefighter Appeal of Suspension. The employee was advised that he had the option of having this meeting conducted as part of the public record or conducted in Executive Session. The employee stated that he did not object to having this meeting as part of the public record.

The employee, Jason Walton, was given the floor to explain his appeal of his suspension. He began by stating that he did not feel that the suspension was warranted because there was no evidence to suggest that Mr. Walton was insubordinate. He explained his interpretation of the legal definition of insubordination. He further stated it would require that he was given a direct order, knew about it, understood it but then disobeyed it. He also stated that he was accused of going outside the chain of command. He has never been told that there has been an issue with him going to the Chief's direct superior if he had an issue with the Chief. One of the administrative directives that was mentioned in his suspension notice, he was not able to locate or find any record of. It was CFD 80-016. The other directives he discussed applied to officers, so he felt that they did not apply to him because he is not a fire officer.

Chairman Murphy asked Chief Terenzio to review the suspension in terms of what the suspension was initiated from and events leading up to it. The Chief stated that Firefighter Walton had approached the Chief regarding his lack of success being promoted to Lieutenant or Captain. The Chief advised that Mr. Walton had not passed the combined testing procedures and that it was explained to him. Mr. Walton had asked what the process was. The Chief stated that it was a subjective and objective evaluation which he did not perform. Mr. Walton asked for a further explanation. The Chief invited

Mr. Walton to come into the office to discuss it. Mr. Walton replied that he could not do that due to work scheduling. The Chief explained that he did not wish to discuss the matter via email. Chief Terenzio stated that he would be available should Mr. Walton find the time. There was no further communication until this issue was brought before this body. The employee preferred to have communications in writing. However, the Chair stated that communication via email for this type of issue is not the appropriate way to address the situation.

Mr. Walton was asked by the Chair if he tried to go through the chain of command at all. Mr. Walton did not feel in the situation that it made sense to go through the Chief's subordinates. Mr. Walton was asked what his issue is with the Chief. Mr. Walton's first issue was that the Chief was holding Mr. Walton to standards that did not match up with the Bylaws or the SUP's regarding the requirements of the position to be a Lieutenant. It was noted that Mr. Walton did not pass the criteria to be an officer. Mr. Walton was asked if he knew the criteria to become an officer to take the written test. He stated he thought it was three years of active experience with the Department with Cromwell Fire Officer I or Cromwell Fire Instructor I. Neither of which Mr. Walton has. Mr. Walton does not have the qualifications documented to become an officer. He does not have a license to drive the apparatus.

The Committee was trying to understand the basis of the appeal because the firefighter did not have the qualifications to be considered for an officer position and had one of the lower written test scores. Mr. Walton stated that no information was given as to how the scores were determined. It was brought out that if the firefighter had taken classes related to the position, he probably could have passed the written test for that position. It was explained to the firefighter that other candidates did meet the requirements and took the classes. Mr. Walton agreed that he had not met the requirements.

It was concerning to some of the Committee members that Mr. Walton was not comfortable meeting with the Chief in person or making the time to meet with the Chief. Mr. Walton explained that he had not had good experiences in dealing with the Chief's office in the past. He stated that when bringing issues before the Chief's office in the past, there was a lack of action taken. It was noted that the Fire Chief has a right to ask a member to sit down with him about their concerns. The employee stated he felt more comfortable in these situations if he had the situation in writing. It was noted that the employee did not seek out the chain of command to address his concerns on the suspension issue. There was a discussion regarding the chain of command. The Committee had concerns as to why the firefighter did not go speak with the Chief. The importance of working with fire department chain of command was discussed. Although the firefighter expressed his desire to have events in a written format, the importance of face-to-face contact and discussion was also stressed.

Mr. Dagostino suggested that it could have been possible to have a meeting with the Chief and follow it up with written documentation of what happened during that discussion. This strategy was agreed to by the firefighter as the process going forward. The Committee had an issue with the fact that the employee did not have a conversation with the Chief regarding his concerns. Instead he bypassed the Chief and went to the Chief's superior who is the Executive Director. It was then forwarded to the Personnel Committee. The issue with the Committee then becomes their concern for the firefighter not following procedure because the outcome of a situation is not to their liking.

It was discussed that Mr. Walton had an issue with the Oral Board exam that was given. He had his own opinion as to the questions asked. It was clarified that the Chief has the ability to ask questions on the oral board that he thinks are relevant in determining who he feels should be a fire officer.

There was continued discussion regarding Mr. Walton's interpretation of incidents and conversations whether on fire ground or during the exam process, and how they relate to the chain of command. Chairman Murphy read an email addressed to Mr. Walton from the Fire Chief dated January 20 addressing the firefighter's concerns about his exam results. He explained what qualifications were lacking in his application. It was after that email that Mr. Walton went over the Chief and contacted Mr. Dagostino. He did not have a discussion with the Chief about the email.

The Chairman stated that there seems to be a pattern with Mr. Walton from past administrations. When Mr. Walton does not get an answer he agrees with, he finds other ways to pursue the answer he is looking for. This is a continued concern for the Committee. The Committee has concerns that whenever this firefighter is given a directive, he may or may not follow it. There were suggestions made by the Committee for Mr. Walton to take courses and work at meeting the requirements for a fire officer. Mr. Dagostino pointed out that for every occasion that Mr. Walton applied for the Lieutenant's position, a performance improvement plan was given to him by the Chief's office. Mr. Walton stated that it was never given to him by either Assistant Chief Zordan, Deputy Chief Salonia or the former Fire Chief. He stated he was aware of it, but never saw it.

Chief Terenzio had nothing further to add except to state that the firefighter's interpretation of what transpired is the opposite of what the Chief's interpretation was. The Chief stood by what he reported. Mr. Walton added that he still was not able to locate Directive 80-1605. He stated he has not received any evidence of insubordination, but he can understand the thinking that he was trying to go around the chain of command although that was not his intent. The insubordination requires a directive which he claimed he had not received. He stated he understood the Committee's concern about not following the chain of command. He does not feel the charge of insubordination is justified. He also asked if an investigation was done as required. The Chairman stated that in this situation an investigation was not necessary. It was noted that just by not using the chain of command is a justification for insubordination. Mr. Walton was encouraged to get the tools he needs to become an officer.

- B. Executive Session – Discussion of Appeal. A motion was made by Commissioner Colligan, seconded by Commissioner Hamlin and unanimously approved to enter into Executive Session, inviting the Executive Director to the session at 6:20 PM, to discuss Mr. Walton's appeal.

A motion was made by Commissioner Colligan, seconded by Commissioner Hamlin and unanimously approved to adjourn Executive Session at 6:39 PM.

A motion was made by Commissioner Hamlin, seconded by Commissioner Colligan and unanimously approved to uphold the suspension of Firefighter Walton per discussions and information provided at this Personnel Committee meeting as well as Executive Session. The Chairman added that the Committee is concerned with the proper procedure for Chain of Command by any firefighter and not trying to go around it. It is extremely important. It was suggested that situations like that be discussed with the Chief and/or officers. It is important to have discussions with those involved. Issues such as this should be resolved at the Fire Department level chain of command before coming before the Personnel Committee.

- V. Adjournment. A motion was made by Commissioner Colligan, seconded by Commissioner Hamlin and unanimously approved to adjourn the meeting at 6:43 PM.

Respectfully submitted,

Craig Murphy, Chairman

Nancy Deegan
Recording Secretary
5-1-17