

# Cromwell Fire District

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FIRE DISTRICT OFFICE  
WATER DIVISION

FIRE DEPARTMENT  
FIRE MARSHAL'S OFFICE

## BOARD OF COMMISSIONERS

### Personnel Committee Meeting

Thursday, September 26, 2019

5:30 PM

1 West Street  
Cromwell, CT

Present: Commissioners Jason Hinners (Vice-Chair), David Colligan and Lee Brow (President). Commissioners Johnathon Hamlin (Chair) and Mertie Terry had excused absences. Also attending were Commissioners Roger Rukowicz and Robert Donohue, Maintainer Russ Johnson and Andrew Cooke (AFSCME Dispatchers' Union President), District office staff member Janet Schmaltz

- I. Call to Order. The meeting was called to order at 5:32 PM, by Vice-Chairman Hinners.
- II. Approval of Agenda. A motion was made by President Brow, seconded by Commissioner Colligan and unanimously approved to accept the agenda as submitted.
- III. Public Comment. There was no public comment.
- IV. Old Business
  - A. Hazing Policy. The Executive Director explained that this item had been tabled from last month by the Chair and Commissioner Terry to re-evaluate the District-wide employee practices and/or documentation related to Hazing and/or inappropriate behavior. Mr. Neto did send a document out to all parties via email. He was not sure if the Committee wished to table this since the individuals most concerned about this issue were not present. The document Mr. Neto distributed is a revision from the document distributed at the last meeting.

A motion was made by Commissioner Brow, seconded by Commissioner Colligan and unanimously approved to table the Hazing Policy until the next Personnel Committee meeting.
- V. New Business
  - A. Clarification on OT Policy for Non-Bargaining Staff. The Executive Director asked for direction from the Policy-makers (the Committee) on this issue because there have been some inconsistencies regarding overtime. He was going to explain what the practices have been. The Collective Bargaining Agreements (CBA's) are contracts. There are differences there, but they are negotiated. The President of the Union and his team

negotiated what the practices should be for overtime. It is different than the firefighters. There are challenges with the non-bargaining unit employees, there are different rules of engagement for how overtime is interpreted. There are reasons why this is occurring. The Water Department and individuals that provide snowplowing services over the years are compensated time and one-half after 8 hours, not after 40. The State dictates that any business or organization pay time and one half after 40. There is no requirement unless it is negotiated. The State or Federal guidelines do not mandate that the District or any business pay time and one half. Staff that are called in for snow plowing, water main breaks or emergency services have been identified as working unique situations. This means that after 8 hours, they are compensated time and one half. That is the historical knowledge Mr. Neto had available. Clerical staff do not get compensated after their work week is complete. They receive time and one half after 40 hours, and their work week is 35 hours. Mr. Neto cannot find any separation data as to why some get time and one-half after 40 hours and others after 8 hours. Part of the issue is that some staff work a 35 hour work week, and would not be eligible for time and one-half until that have worked an extra 5 hours that week to reach the full-time or 40 hour a week threshold.

Mr. Neto is looking for clarity for the non-bargaining unit staff on interpreting overtime going forward. He added that they must recognize past practices and recognize that the State does not mandate this body to do anything unless it is after 40 hours. He stated that consistency is needed. Mr. Neto's perspective right now would be to follow past practices, right or wrong and to not violate state law. Therefore, it requires the District to write a policy whatever it will be that brings consistency to all. Time and one-half is paid after the person's shift, not after 40 hours. This is Mr. Neto's position because of past practices, and it must be practiced by all. Job descriptions cannot be differentiated and because there is no labor contract, the practice must be consistent.

Another option would be to subdivide. The Water Department because of its uniqueness could have a separate Water Department overtime policy. Administration can have an administration overtime policy. If they are similar jobs, they need to be consistent. Mr. Neto stated there are two options. Whatever is decided will have an impact on the budget. The Water Department would be status quo. There is not a lot of overtime associated with the clerical staff on the second floor so the budget would not be impacted that much by them. It is more of a consistency in the policy that should be the goal. It is understood that if an individual is a non-bargaining unit full-time employee and works a 35 hour work week with a 7 hour shift, they would be eligible for time and one half for any additional time worked beyond their 7 hour shift on that same day. The budget would be impacted, but it is not a serious concern. Whatever the defined work day is for a full-time employee, anything worked beyond that defined work day will be paid out at time and one-half.

A motion was made by Commissioner Colligan, seconded by Commissioner Brow and unanimously approved to authorize the Executive Director to draft an overtime policy for non-bargaining unit staff to be reviewed at the next Personnel Committee meeting.

- B. Clarification of Pay Rate Adjustment for 2018 for Clerical Staff. The Executive Director was looking to table this issue because Chairman Hamlin was not at the meeting and he was the person that brought this issue to Mr. Neto's attention a few days ago. At that time he had asked Mr. Neto what his plan was to deal with the rate adjustment for the clerical staff. Mr. Neto had asked the Recording Secretary to check the notes from any Personnel Committee meetings that occurred last year around this time, and neither Mr.

Neto nor the Recording Secretary could find anything documented in meeting notes that this body had made any decisions regarding pay adjustments. However, there are two letters in a couple of personnel files that indicate an adjustment was made via the previous Executive Director.

Mr. Neto is at a loss because if there was a salary adjustment or upgrades, it should have been voted on and a part of the meeting minutes. There should be a document that should provide a reference point. The Executive Director was at a loss, especially with Chairman Hamlin being absent. He stated that the Committee can wait until their next meeting if Commissioner Hamlin has more institutional knowledge of what happened. If the Committee wanted him to, the Executive Director offered to call the former Executive Director for clarification of what looks to be a pay increase for 2 individuals and a pay grade change. Mr. Neto was led to believe that this is something that should be reviewed every year, but there is no documentation supporting that program.

President Brow did not think Mr. Neto needed to contact anyone for clarity, and felt the action that was taken at that time was outside that person's scope of authority. If the Personnel Committee was not advised, Mr. Neto would agree with the President. The President advised that if there is anything in the meeting minutes for Personnel or the full Board, that this was approved, then this issue would not be coming before the Personnel Committee today. At the time the former Executive Director was trying to get written into the Personnel Committee via a By-Laws change which was shot down. This issue brought forth today is a good example of why. All raises need to be approved by the Personnel Committee. The letters were dated September 20, 2018, even though the raises took effect August 20, 2018. Commissioner Colligan stated that he was Chair of the Personnel Committee during the time in question, and he does not recall having a conversation about this issue. Mr. Neto had a lot more questions than answers. He doesn't know if promises were made to staff.

A motion was made by Commissioner Brow, seconded by Commissioner Colligan and unanimously approved to table this item until the next Personnel Committee meeting.

- C. Interdepartmental District Full-Time Transfers' Policy. Mr. Neto explained that under the new staffing model, he would probably be coming back to this Committee on a regular basis looking for guidance. He is paid to enforce policy and practice not to decide on policy or practice. Regarding the subject of transfers, through the Fire Department there are a couple of ways a person can become a full-time firefighter. Through the volunteer program, scheduled or unscheduled, but the model does not recognize someone from another department such as the Water Department that wants to become a firefighter. Is there a path for that? Or a full or part-time dispatcher wanting the same. Mr. Neto was not referring to certification qualifications. That would be up to the Fire Chief. Does this Body allow the staff of the Water, Communications or Fire Divisions to be able if qualified, to apply and move from division to division. To keep things fair and in-house, they would have to go through the application process. It was noted that C-PAC would be a required qualification. People would have one year to meet the qualifications. Any person failing to qualify within a year, will be asked to immediately resign. This does not negate or modify whatever hierarchy or certification process that the department has dictated. It allows the employee to be in line with the other candidates.

A motion was made by Commissioner Colligan, seconded by Commissioner Brow and unanimously approved to authorize the Executive Director to draft a policy to be reviewed by the Personnel Committee allowing District employees from Divisions other than fire to apply for full-time firefighter positions if qualified. President Brow offered to work with the Executive Director to draft a policy.

- D. Discussion and Possible Decision on Status Changes for Part-Time Staff. Over the last week there has been some staff members who have been changing their status from scheduled to unscheduled or unscheduled to scheduled. There are no guidelines regarding this issue. The situation brings unpredictability to the schedule. Whatever the outcome of this or decisions that are made need to be drafted into a policy that is approved by the Personnel Committee. If a person goes from scheduled to unscheduled, it is not a big deal except they would have to be on a waiting list should they decide to go back to being scheduled. It was also suggested that any changes from scheduled to unscheduled or vice versa should be approved by the Personnel Committee. President Brow agreed. The Chief and the Executive Director would be allowed to make changes in an emergency situation. There was a discussion about staff changing status. The Executive Director suggested that the Fire Chief make the decisions about staff making changes whether it be an emergency situation or not. It would be at his discretion. The suggestion was made to maybe have a "leave of absence" status instituted. Parameters would need to be established.

A motion was made by Commissioner Brow, seconded by Commissioner Colligan and unanimously approved to have the Executive Director and the Fire Chief develop a policy for part-time employee status change.

- E. AFSCME Representation for Clerical Person. The Executive Director stated that this issue had been brought before the Board of Commissioners meeting at its September meeting and was referred to the Personnel Committee for a decision or action. Mr. Neto did contact the District's labor attorney. He had given Mr. Neto some additional information that had been requested by the Commissioners. He did not pass it out because it had been received as attorney/client communications. He read part of one of the documents that was received. It stated that the District can voluntarily recognize this individual as being part of the Dispatchers' Union. That would be option #1. Negotiations would then have to occur concerning her term and conditions of employment. Once the individual is in the Dispatchers' Unit, it is a matter of time that other clerical employees can become a part of that bargaining unit should they so choose. If the Personnel Committee is agreeable to the request, once they have voted on it, union negotiations can begin. Negotiations would include determining a job description, defining work rules for that individual. Mr. Neto explained how the Fire Marshal was included in the Firefighters' bargaining unit. The District could reject the request claiming that this individual does not properly belong to the Dispatchers' Union. The Union can then petition to include the State to permit the person to potentially join or be a part of the Union because the person has a right to try to join a union under the State of CT and the National Labor Board. All the clerical staff could become part of that process. The NLB may decide to just deal with one individual's request or they may want other clerical staff to be a part of it. That is Option #2. They may say that in the Dispatchers' Union the jobs are so different that there are other clerical specific unions that the person may wish to choose instead and also be allowed to include other clerical staff if there is an interest. That would be option #3. The bottom line is whether or not the Personnel Committee wants to refer it to the Labor Department to make a decision, or

the Personnel Committee can make a decision now. If a decision is made for the employee to join the union, it would allow future clerical workers to have the option to join as well. It is unclear what the other options will be. Mr. Cooke added that any clerical member that would have an interest in joining the union after a decision is made about this employee, would have an option to join, but it would not be a job requirement. Mr. Neto was asked for his opinion. He stated that employees have a right to join a union. There is little risk for the District because the option is left with the employee. There will be some legal fees incurred for the negotiation process. The Executive Director will be part of the negotiating process. He will represent not only the Fire District but the taxpayer. He does not want to take choices away from people.

A motion was made by President Brow, seconded by Commissioner Colligan and unanimously approved to allow the union membership process to move forward for the employee in question to pursue representation from the AFSCME brothers and sisters.

VI. Commissioners' Comments. There were no Commissioners' comments.

VII. Public Comment. Mr. Russ Johnson, Maintainer for the Fire District, discussed issues surrounding clarifying overtime. Winter is approaching and in the past the District has been closed on bad weather days. Those individuals classified as "essential" had to report to work and "non-essentials" had the day off. He did not know if those people had to use vacation time or had time off with pay or not. If they did not lose a day's pay or used a vacation day or personal day, something should be done to compensate essential employees who are still working their regular shifts on those days. The Executive Director clarified that in the past if the District administrative offices were closed due to bad weather, those non-essential employees were paid for the day because the District decided to close. Mr. Neto stated that he will be following the standards set up by Town Hall as he comes up with recommendations. It cannot be subjective. Commissioner Colligan suggested a type of comp. time program that can be set up where the individuals can have a bank of comp. time or accrued hours to be used at the employees' discretion. There was a discussion about how much compensation time should be given because there are two categories of non-essential employees. Those that work a 7 hour day and those that work an 8 hour day. The Executive Director added that this issue is a reasonable request, and up to this point reasonable requests have not been denied.

The other issue Mr. Johnson brought up was the fact that some of the employees are members of certain Committees of the Board. Meetings that are held after hours have these members coming back to the office after their shift to attend these meetings. Those people attending meetings should be compensated whether there is a quorum or not. Mr. Johnson feels that some guidelines should be set up to compensate employees that are members of these committees and attend them. Mr. Neto stated that the Fire Department has a minimum standard of one hour. Mr. Neto reminded everyone that the Public Comment item on the agenda is meant for public comment and that is it. This discussion regarding labor issues is a good discussion, and it is the Chair's discretion to continue the conversation. It was agreed to continue this for the next meeting. Mr. Neto added that there is a practice in place that people attending meetings as Committee members will be compensated a minimum of one hour should the meeting not have a quorum or be less than 1 hour long.

VIII. Adjournment. There being no further business, a motion was made by Commissioner Brow, seconded by Commissioner Colligan and unanimously approved to adjourn the meeting at 6:52 PM.

Respectfully submitted,

Jason Hanners, Vice-Chairman

Nancy Deegan  
Recording Secretary  
10-23-19