

# Cromwell Fire District

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FIRE DISTRICT OFFICE  
WATER DIVISION

FIRE DEPARTMENT  
FIRE MARSHAL'S OFFICE

## **BOARD OF COMMISSIONERS** **Special Personnel Committee Meeting**

**Monday, March 18, 2019**

**5:30 PM**

**1 West Street  
Cromwell, CT**

Present: Commissioners Charles Epstein (Chairman), Jason Hinnners, Johnathon Hamlin and Mertie Terry. Also attending were Commissioners Lee Brow (President), Roger Rukowicz, David Colligan and Robert Donohue. In attendance was Executive Director Julius Neto, Fire Chief Michael Terenzio, EMS/Fire Nicole LaTerra, Firefighter Brett Halden, EMT Jennifer Anderson, other EMS members.

- I. Call to Order. The meeting was called to order at 5:31 PM, by Chairman Epstein.
- II. Approval of Agenda. A motion was made by Commissioner Hinnners, seconded by Commissioner Hamlin and unanimously approved to accept the agenda as presented.
- III. Public Comment. Ms. Jennifer Anderson commented that although the Personnel Committee was to vote on the proposed staffing model, there was no one from the Subcommittee for Non-Career Staffing Solutions present. It was noted that the Executive Director and Commissioner Terry were present. Both of whom are on the Subcommittee. It was noted that Ms. LaTerra also came to the meeting after it was called to order. There were no other public comments to report. It was also noted that this Special Meeting had been called by the President of the Board on Thursday evening, March 14, 2019, after the Special Personnel Committee meeting held that night.
- IV. New Business
  - A. Discussion and Decision on Presentation by Subcommittee for Non-Career Staffing Solutions. Chairman Epstein stated that all Commissioners on the Personnel Committee had attended a presentation on the proposed non-career staffing model at a Special Meeting held last Thursday, March 14, 2019. Committee members also received a hard copy of the model. He opened up this part of the meeting for Commissioners to ask any questions or discuss any concerns they may have on the model.

Commissioner Terry had a couple of questions that were posed to her over the weekend while attending a Town fundraiser. The question was whether or not the Subcommittee is considering grandfathering in the individuals that might be impacted by any decisions that are made this evening. The Executive Director tried to answer the question although the question did not specifically define what was meant by "grandfathered in." Mr. Neto

stated that if the plan is voted on the way it is, there will be no need to grandfather anyone in because it does include a volunteer component, and nothing would be drastically changing. Mr. Neto stated that the question might be if the Commissioners vote to move to a different program, could those individuals be grandfathered in. The answer would be that it would depend on what the program would be. In the subcommittee there was discussion on if there were a part-time component to the model, there would need to be some type of transition period to whatever the changed program is. The Department will still need individuals to provide the service. They will not be going from an old plan to a new plan without any transition. As long as there are individuals that meet the criteria of whatever the plan is, a volunteer could still be a volunteer. There is always room for individuals that meet the criteria of whatever plan there is. It is clear that none of the members will be dismissed or eliminated.

Commissioner Terry explained a scenario of volunteer, part-time, full-time. A volunteer could become part-time as long as they meet the criteria set by the Commissioners. The same would apply if a person wanted to become a career firefighter. In the proposal there is a per diem component which would be someone who reached a certain number of hours that would no longer be considered a volunteer, but rather per diem. It was also noted that individuals will also be given an opportunity to be trained to provide the services.

Commissioner Hinnners stated that he read through the proposal on Thursday, and was comfortable with what was presented.

Commissioner Hamlin did read the proposal although he was unable to attend last Thursday's meeting due to family issues. He was unclear how to proceed. He was a volunteer years ago, but comparing that to volunteers today, they receive a pension, a stipend and other compensation that was not given when he was a volunteer. He does not believe that volunteers today are true volunteers. It seems that these individuals are considered part-time employees. The Chairman added that according to the IRS a volunteer can no longer be paid per hour and be a volunteer. A volunteer can only receive credit towards a pension. A monetary compensation to an individual would be considered a part-time employee.

The Chair stated the purpose of this Special Meeting was to decide if they want to accept the proposal, reject the proposal or forward it to the full Commission without making a decision or recommend changes. The Chair felt that the proposal they received seems very similar to what is currently in place. However, the current proposal raises issues with the FLSA in terms of money. An individual being paid for services can only receive 20% of the rate of a paid full time fire fighter. If the individuals are no longer classified as volunteers, but rather part-time, the FLSA issue would not apply to them. It was noted that a person does not necessarily have to be a volunteer before they become part-time. Although volunteers would have the first right of refusal to get a part-time position. Part time employees would have the first right of refusal to get a full-time position.

Mr. Neto clarified that the proposal being presented does not have a part-time component. The components are volunteer, per diem and full-time. Those are the components being proposed today. Mr. Neto was asked to explain part-time vs. per diem. He explained that if a volunteer crosses over the 20% threshold, they would be considered a per diem employee. That person would report to work for an assigned shift

and would be compensated by the hour. A person acting as a volunteer would need to have their time monitored so that they do not go over the 20% limit.

It was also noted that this proposal does not change the rule of engagement. It does not specify that individuals be cross-trained. There can be EMS, Fire or cross-trained personnel. Currently members are being paid for shift coverage. If members become part-time, they will be paid by the hour. It would be a pro-rated hourly rate and not shift coverage. The rate being \$12.50 divided by 6. But the District cannot violate the wage per hour law either. If a firefighter comes in and is at a scene longer than 3 hrs. 25 min. the District would be in violation of the wage an hour law. We need to be sensitive to these issues with the information we know today. If nothing is done to address current practices, there will be a greater liability to the District. The rules of engagement for compensation need to change so that the District will not be liable.

The Chair summarized what the proposal is, what the current situation is with FLSA and how the District classifies members. It was concluded that there needs to be a different proposal. If the current proposal is accepted, the District will remain in the same situation they are currently facing.

A motion was made by Commissioner Hamlin, seconded by Commissioner Terry and unanimously approved to reject the current proposal as is until there is another option for creating a part-time position and separating those issues and including forwarding this proposal to the full Commission for review. They may have some suggestions or other concerns at that point.

Commissioner Terry noted that she believes there should be a volunteer component, a part-time component and a full time component. It also is a matter of protecting those that are dedicating their lives to servicing the Town. She commended Ms. LaTerra and Mr. Anderson for all the hard work they put into developing this model. Commissioner Hinnens also thanked them for their hard work and noted that this is not over, and are encouraged to move forward.

V. Commissioners' Comments. There were no other Commissioners' comments.

VI. Public Comment. Ms. Jennifer Anderson began by stating there was a lot of misinformation given out. She stated that it was stated that volunteers are not recognized by the IRS, however, they do file taxes as do per diem employees. She has spoken to individuals in other towns who do the same. The FLSA considers the members volunteers up to the 20% limit. It is not true that they have to make just a stipend and a pension. She also noted that there are at least 20 individuals waiting to come on board that have not been allowed to. Therefore, those members that are available are working a lot more hours in addition to their full time jobs. She highly doubts the non-career members will be around for long. They will have to be cross trained which some of the members are not willing to do. She added that on Oct. 8, 2018, there was a meeting with Chief Terenzio in attendance with the non-career members. She quoted the Chief as saying, "if this goes part-time, it won't be with the existing people. There is more than one way to skin a cat." She stated that Chief Terenzio also discussed the pay per call rate going from \$30 an hour to \$4.10. There was discussion of cross training. There are members that do not wish to be cross-trained. They work hard and put in a lot of hours. She stated some members rely on this income or supplement their income. She stated they have been told they will not be allowed to work anymore without being cross trained. The District would need to hire more part-time members that are cross trained. The per diem

component would not cost the Town any more money. Commissioner Terry repeated her statements from earlier on regarding coming to an agreement with the components of volunteer, part-time and full-time members.

President Brow stated he was at the meeting referenced and does not recall everything that was said. However, the only individuals that have the power to hire or fire anyone is the Board of Commissioners. The Water and Fire Departments do not hire or fire their employees or members. If it was said that the hourly rate will be \$4.10 per hour, it violates wage per hour law. That will not be done by the District. The wage per hour would have to be from minimum wage and higher.

Chief Terenzio stated that he recalls the meeting in reference but does not recall makes those statements because he does not have the authority to pick and choose. His position is to make recommendations and guide the hiring authority of the Cromwell Fire District which is the Fire Commissioners. If there is a recording of what was said, he is sure that he would have been spoken to by someone in the Fire District informing him that he was out of order. He requested to be able to hear that recording of what he is accused of saying. If not, it could be considered as libelous. He has always tried to guide the District in trying to provide protection according to the oath he took. The Oath states that he will protect the citizens of Cromwell to the best of his ability. That is his only direction. He needs to have the record straight that he does not have the authority to pick and choose but rather to provide recommendations to a hiring authority within the Cromwell Fire District.

Nicole LaTerra stated that she is glad the process has gotten to this point. She stated what they were trying to do was to talk to the members that are volunteers. She expressed their concerns regarding where they would fit into a volunteer/part-time model. Many of them have other employment. They are also concerned about scheduling. One of the goals of the subcommittee was to be budget sensitive. Going forward it is hoped that some of those objectives are not lost.

Brett Hallden commented the same issue as other meetings. He does not understand why money is a hot topic if members want to be volunteers. He discussed the true meaning of volunteers. He pointed out that people cannot be volunteers and be paid. They can only be one or the other.

Ms. Anderson stated they are not violating the law by being volunteers. Other Towns pay their volunteers. Commissioner Hamlin asked Mr. Neto if the District's labor attorney has been consulted. Mr. Neto stated that the District's attorney when asked to clarify the FLSA situation, they have serious concerns about Cromwell's practices. There was a difference of opinion regarding legal opinions that could not be discussed specifically in open session.

The Chairman refocused the objective of this meeting and the proposal presented. The attorney's opinion was not available for review. He stated that the group needs to determine how members will be compensated and still be in compliance with FLSA and state and federal laws.

VII. Adjournment. A motion was made by Commissioner Hamlin, seconded by Commissioner Hinnens and unanimously approved to adjourn the meeting at 6:30 PM.

