

**CITY OF SARATOGA SPRINGS CIVIL SERVICE COMMISSION  
REGULAR MEETING  
CITY COUNCIL CHAMBERS  
THURSDAY MARCH 29<sup>TH</sup>, 2018  
MINUTES**

PRESENT:     MARK CACOZZA, CHAIRPERSON  
              ELIO DELSETTE, COMMISSIONER  
              PAUL KISSELBRACK, COMMISSIONER

CHAIRPERSON CACOZZA CALLED THE MEETING TO ORDER AT 9:30am, and proceeded to welcome the newest Civil Service Commissioner, Paul Kisselbrack.

Commissioner DelSette made a motion to approve the January 2018 Meeting Minutes. Seconded by Chairperson Cacozza. Commissioner Kisselbrack is not voting

Commissioner DelSette made a motion to approve the February 2018 Meeting Minutes as amended. Seconded by Chairperson Cacozza. Commissioner Kisselbrack is not voting.

Chairperson Cacozza opened the public speaking session at 9:35am. There being no one wishing to speak, Chairperson Cacozza closed the public speaking session at 9:36am.

**DPW**

Donna Buckley introduced herself as the Commissioner of Public Works Assistant and briefly explained the request for a new position, titled Department of Public Works Purchasing Coordinator. The department currently has a vacancy. There was a position which an employee had just retired which had evolved from the Senior Clerk that it originally was, to more of a purchasing position, as that employee was doing all of the purchasing for the Department of Public Works.

For clarification, Chairperson Cacozza said, “so this is not a new position”, to which Ms. Buckley replied, “correct, it is a new title, not a new position.” Commissioner DelSette asked “so you’re making this position what it should be?” Ms. Buckley responded with “yes”. Chairperson Cacozza asked “this is not a duplication of the current ‘Purchasing Agent’ that is in the Accounts Department?” to which Ms. Buckley replied with “no it is not”. Commissioner Kisselbrack asked if it was Competitive or Non Competitive, Ms. Buckley’s reply was that it would be Competitive, and there would be an exam requested by Civil Service. Ms. Buckley went on to explain that “whoever was appointed would be Provisional and have to take the test, pass the test, as well as rank in the top 3 to keep their appointment.”

Chairperson Cacozza moved to approve the New Position Duty Statement for Department of Public Works Purchasing Coordinator. Commissioner Kisselbrack seconded. Ayes all.

Commissioner Kisselbrack made a motion to approve the following Non Competitive appointment(s). Seconded by Commissioner DelSette. Ayes all.

Daniel Farrington and John Prevost                      Motor Equipment Operator                      effective 03/26/18

**PUBLIC SAFETY**

Chairperson Cacozza proposed discussing the revision of the Fire Lieutenant job specification and the Fire Captain job specification together, to which Fire Chief Williams agreed. Chair Cacozza asked the Chief to explain the proposed revisions, since revisions were made in May of 2017. In May 2017, the requirement of paramedic was added to the qualification requirement on both job specifications. Chief Williams did acknowledge that paramedic was added in May of 2017, and that qualification was required to be maintained throughout a Firefighters career. Chief Williams explained that the Firefighters Union disagreed with that section of the job description based on the language in their collective bargaining agreement; the part about being required to maintain the Paramedic certification throughout their career. The collective bargaining agreement stated it was to be maintained for 15 years, and they felt the job description should reflect the contract. Then Public Safety Commissioner Mathiesen was the presenter in May, and argued that the job description warranted that level of continued education requirement as far as duties for Fire Captain and Fire Lieutenant.

The Civil Service Commission voted unanimously to adopt the proposed job description revisions. Fire Chief Williams explained the Union then filed a grievance, which the City rejected. The Union pursued legal action, and the legal action has not been resolved yet, so there is pending legal action. Chief Williams said that the new Public Safety Commissioner Peter Martin had many discussions with the Firefighters Union and himself. Chief Williams went on to explain that removing the language that requires the Paramedic certification be maintained throughout the duration of their career from the job descriptions is what was being proposed. The Firefighters would have to be paramedics to get a permanent appointment to Fire Lieutenant or Fire Captain. He said he feels that is a good thing, and he did not foresee any future problems and he thought it would be very rare that a future Fire Lieutenant/Fire Captain would not continue on with the certification of paramedic for several reasons, like the all of the training happening while on duty, and the \$3,000.00 stipend that the employees receive for being a Paramedic.

In addition to the proposed revision of the language in the paramedic requirements, there are two firefighters who hold the 'Critical Care Techs' certification. Chief Williams explained that those two individuals were essentially the same as a Paramedic, with the only difference being a Paramedic would be able to administer certain medicine or do procedures on children and infants, and a Critical Care Technician cannot. Chief Williams wanted the job descriptions modified to clarify and make it clear, that those two individuals are now, and will continue to be viewed as Paramedics, as far as advancement to take promotional exams. Chair Cacoza asked if these two individuals were currently Firefighters, to which Chief responded with yes, they are Firefighter/Critical Care Technicians. They function and ride in the ambulance and are viewed as a Paramedic. Chair Cacoza inquired about anybody who is hired in the future would have to have the Paramedic, not the Critical Care Technician. Chief Williams responded with correct, 'we are a Paramedic Agency'. Commissioner Kisselbrack asked the Chief 'are your Lieutenants and Captains are part of the Firefighter Union', Chief responded with yes. Commissioner Kisselbrack 'so they're covered by the binding agreement?' Chief's response was yes. Commissioner DelSette asked for some clarification about the language. The Coordinator read the statement that was being proposed as an addition to the Lieutenant and Captains job specification, "Employees hired prior to April 1<sup>st</sup> 2003 who currently possess a NYS Emergency Medical Technician (EMT)-Critical Care Technician (AEMT-CCT) Certification meet the minimum qualifications for Paramedic". Chief Williams went on to explain that they making this a clear statement so that those two individuals would be eligible for promotion in the future. They suggested removing the sentence making it mandatory to maintain the Paramedic Certification for the duration of their career as part of a cooperative discussion with the new administration and the current Firefighters Union. Chair Cacoza 'the contract requires 15 years to maintain the Paramedic certification, and CCTs are grandfathered in', Chief responded with correct, 15 years no matter the level, EMT,CCT or Paramedic. Chair Cacoza 'so between now and last May, there has been a change in Administration, there has been a grievance, and the grievance was rejected by who?' Chief Williams responded the grievance was rejected by the Commissioner, and then the Firefighters Union.

Chair Cacoza invited James Morrow, President of the Firefighters Union local 343 to speak. Mr. Morrow said that the changes made last May were 'dramatically different' than what was in their contract. He said he understands that civil service does not have to take into consideration what is in the contract, however, everything in relation to their jobs revolve around that contract. After discussion with Commissioner Martin and Chief Williams, this new proposal is compromise.

Commissioner DelSette said he does not agree with taking out the requirement of maintaining that continued education. Commissioner DelSette feels very strongly about keeping up to date with education as it is 'vital and necessary'. He does not agree with making the proposed changes, as he believes the changes that were made last May when the requirement of continued educations was added were important for the future.

Commissioner Kisselbrack spoke, 'it is rare that you can get a Union member and an Administration to agree on change that affects the CBA. The contract is a binding legal contract with the City, correct? And the Chief is here saying that collectively they agree, and in no way shape or form does this negatively affect the fire department, correct?' Mr. Morrow and the Chief agreed. Commissioner Kisselbrack asked, 'is there any chance in the future, with the next administration or the next negotiation process that you would look to change it back, to where it becomes mandatory after 15 years?' Mr. Morrow said it was something that the City could come to them with.

Chairperson Cacoza voiced his concern that in two years, with a new Commissioner of Public Safety, that this issue will arise again, and be reversed. Chief Williams said that it is a good thing that there is separation, because ultimately it would be up to the civil service commission as to whether the changes would be made. Chair Cacoza 'so the rational here is better relations, and the fact that a grievance was filed, correct?' Chief Williams said yes, those are part of it. Commissioner DelSette advised to leave the politics out of it and let that be worked out under the contract.

Mr. Morrow spoke, 'I think what is not being understood here is that to be appointed you're going to have to be a paramedic, so the education and knowledge does not go away because you are not a paramedic anymore, and if you're not a paramedic anymore, you drop down to an EMT; the difference between a paramedic and an EMT is EMTs

are not allowed to push drugs.’ Mr. Morrow said that he used to be a paramedic, but now he is an EMT and he still has a lot of knowledge, as they have continuing education courses every week at the fire house while on duty. Even though he is not a paramedic anymore, he still has to go to those classes. Mr. Morrow said that all they are talking about is the ‘certification part, not the knowledge and experience.’ Mr. Morrow said that both sides are compromising.

Commissioner Kisselbrack asked, ‘you have a grievance pending, an appeal pending, and the appeal is so that the language reads as we are discussing it today?’ Mr. Morrow said ‘no, the grievance is to go back more towards the original’. Commissioner Kisselbrack asked, ‘so if we take a vote today that we accept the proposal that is before us, theoretically...’ Mr. Morrow interjected ‘I have the support of the membership to withdraw the grievance.’ Commissioner Kisselbrack said ‘if we vote today to not pass this, then this will continue to go to arbitration and we will be back here discussing this again within a couple of months or so depending on when you go to arbitration.’ Mr. Morrow said ‘I don’t know where it goes from there’. Commissioner Kisselbrack said that ‘if the arbitrator decides in your favor, were back here discussing it all over again.’ Mr. Morrow said ‘yeah, but not at this level. What we have come up with and compromised with, we won’t be talking about that anymore, we will be talking about stuff from well before May’.

Commissioner Kisselbrack made a motion that they vote to adopt as presented. Chairperson seconded the motion. Commissioner DelSette voted no, Chair Cacoza voted yes, and Commissioner Kisselbrack voted yes. The motion passed.

Commissioner Kisselbrack made a motion to approve the following Labor Class Appointment(S). Seconded by Commissioner DelSette. Ayes all.

Daniel Gailor	Police Cleaner	effective 03/19/18
Thomas Humes	Police Cleaner	effective 03/03/18

#### **CITY CENTER**

Commissioner DelSette made a motion to approve the following Non Competitive appointment(s). Seconded by Commissioner Kisselbrack. Ayes all.

Shelby King	Operations Manager	effective
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#### **LIBRARY**

Commissioner Kisselbrack made a motion to approve the following Labor Class appointment(S). Seconded by Commissioner DelSette. Ayes all.

James Griffith	Cleaner	effective 03/19/08
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Commissioner DelSette made a motion to approve the following Non Competitive appointment(s). Seconded by Commissioner Kisselbrack. Ayes all.

Janet Ostrov	Library Building Monitor	effective 03/26/18
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#### **RECREATION**

Commissioner DelSette made a motion to approve the following Non Competitive appointment(s). Seconded by commissioner Kisselbrack. Ayes all.

Frank E. Labadie III	Recreation Assistant	effective 03/01/18
Nicholas LoPresti	Recreation Leader	effective 03/06/18
Polly M. Pierce	Recreation Specialist	effective 03/03/18
Matthew C. Lacy	Camp Saradac Director	effective 03/01/18

#### **SCHOOL DISTRICT**

Commissioner Kisselbrack made a motion to approve the following *Provisional* Competitive Class appointment(s). Seconded by Commissioner DelSette. Ayes all.

Brook Jobin	Account Clerk – <i>Provisional</i>	effective 03/14/18
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Commissioner DelSette made a motion to approve the following Labor Class Appointment(s). Seconded by Commissioner Kisselbrack. Ayes all.

Michael Licata	Cleaner	effective 03/14/18
Joseph Tangrad	Cleaner	effective 03/05/18
Robert Fagnant	Food Service Helper	effective 03/21/18 – 03/21/19
Brook Thornhill	Food Service Helper	effective 02/27/18 – 02/27/19

Commissioner Kisselbrack made a motion to approve the following Non Competitive appointment(s). Seconded by Commissioner DelSette. Ayes all.

Sarah Morin	Clerk	effective 03/21/18 – 03/21/19
	Keyboard Specialist	effective 03/21/18 – 03/21/19
Eileen Mastroianni	Custodian	effective 03/06/18 – 03/06/19
Jonathan Rivers	Custodian	effective 03/01/18 – 03/01/19
Brook Thornhill	Food Service Cashier	effective 02/27/18 – 02/27/19
Eden Campbell	School Bus Assistant	effective 03/26/18 – 03/26/19
Michael LaPoint	School Bus Driver	effective 02/19/18
Kenneth Thompson Jr	School Bus Driver	effective 02/19/18
Vincent Walsh	School Bus Driver	effective 03/28/18 – 03/28/19
Elaina Kamerling	Teacher Aide	effective 03/14/18
Patrician Klaus	Teacher Aide	effective 03/06/18 – 03/06/19
Doris Lazar	Teacher Aide	effective 03/06/18 – 03/06/19

Commissioner DelSette made a motion to approve the following Leave of Absences. Seconded by Commissioner Brisselbrack. Ayes all.

Jean Crumb – Motor Vehicle Operator 03/12/18 – 05/01/18  
Corrine Delnicki – Teacher Aide 03/21/18 – 06/12/18  
Jerry French – Custodian 02/15/18 – 03/05/18  
Extension 03/06/18 – 04/30/18  
Debra Kercado-Rivers – Custodian 02/26/18 – 03/14/18

#### **CIVIL SERVICE**

Commissioner DelSette made a motion to approve the addition of a security camera and a new door in the civil service vestibule area. Seconded by Commissioner Kisselbrack. Ayes all.

Commissioner DelSette made a motion to approve the revision of the Civil Service Coordinator job specification. Seconded by Commissioner Kisselbrack. Ayes all.

Commissioner Kisselbrack made a motion to accept the Exempt Class Reviews for Department of Public Works and the Department of Public Safety. Seconded by Commissioner DelSette. Ayes all.

Commissioner Kisselbrack made a motion to establish Tenant Relations Assistant #61-517 eligible list. Seconded by Commissioner DelSette. Ayes all.

Chairperson Cacoza opened discussion on the Mayors Proposal concerning the Civil Service Commission. He stated that there was a recent meeting between the Coordinator, himself and two representatives of the New York State Civil Service department, Michael Schwabe and Maria Kennaly. Prior to that meeting those individuals were provided with the memorandum from the mayor dated January 16<sup>th</sup>, the proposed resolution. A copy of the Charter and some other information after the meeting, the Chairperson prepared an email to the Mayor and City Attorney detailing that it was the State's opinion that based on the language of Charter it would not be proper for the civil service commission to adopt the resolution that accompanied the January 16<sup>th</sup> memo. It was also their opinion that under the charter it was not appropriate or proper for the civil service commission to operate under the supervision of Human Resources.

Commissioner Kisselbrack asked that 'they suggested that the commission not fall under the guidance or direction of human resources, which would be the three of us, correct?' Chair Cacoza replied with 'the commission and the commission staff. They said that under the City Charter, as it read, the Human Resources Director was a Mayoral appointment and that it would not be appropriate to adopt the resolution as proposed.

Brian Kremer introduced himself as a lawyer with Goldberger and Kremer, the City labor and employment Counsel. Commissioner DelSette asked Mr. Kremer, "so you are already employed and contracted by the City, because that is an important point to note." Mr. Kremer said yes, and went on to say that his understanding is that the Civil Service Commission wanted to hear from an attorney regarding the content of the January 16<sup>th</sup> 2018 memo. He said he understands there is concern about the Mayor or City Hall in general usurping its power, and how he thought that that was a justifiable concern, as under the Civil Service Law, the Civil Service Commission has certain duties and powers that require it to remain and maintain its independent structure. Mr. Kremer 'having said that, there are certain things that the commission can do to delegate to the Civil Service Coordinator. If you look at the January 16<sup>th</sup> memo, there are two

options. Option A is the Director Model, and if you break it down into three separate paragraphs, I think the first paragraph is by all means legal, no issues with it whatsoever. Having said that, the City cannot force the commission to delegate any of its powers.’ Mr. Kremer went on to say that having the Civil Service Coordinator report to a City employee, ‘probably is not appropriate’. Mr. Kremer said that it was a little puzzling to him that the State Civil Service would take a look at the City Charter; he was not really sure how the charter comes in to play, because this type of resolution is something that local Civil Service Commissions do on a regular basis. He did note that the charter in the City of Saratoga Springs is a little different. If this resolution should pass, it would help with some efficiency in helping the civil service process along. Mr. Kremer said that while he came in to the meeting a little late, he had ‘been to many Civil Service meetings over the years, and this Commission does some things that other Commissions probably do not do. For instance, ordering examinations, I’m not so sure that the Civil Service Coordinator would need your approval to do that?’ The Civil Service Coordinator interjected that it wasn’t for approval, just informational, there was no vote or discussion’. Mr. Kremer acknowledged that, and went on to say that if there was a concern by the City that the process should be moving along a little quicker, the proposed resolution would allow for that to happen. He said that the resolution could be passed, but he would agree that the ‘Civil Service Coordinator probably should not be reporting to the HR Administrator.’ Ms. Dixon, the current Human Resource Administrator spoke, saying how she found it interesting that the resolution that was presented, the commission ‘did not agree with it’, but two items from that resolution were added to the Coordinators job spec during this meeting. Chairperson Cacoza said ‘I think what you are missing is, the phrase “under the supervision of the Human Resources and Civil Service Director.” Ms. Dixon replied with she thought there was some confusion with what the proposal was and what the resolution was, and proceeded to hold up both as a show of example. She said ‘this is the resolution, it outlines five duties. The proposal is the two page letter from the mayor.’

Commissioner DelSette spoke and asked that the Commission and the Coordinator remain mute on this, due to not having counsel, and moved that ‘we consider hiring an attorney that represents us. Commissioner Kisselbrack said no, Commissioner DelSette asked why, Commissioner Kisselbrack said that he didn’t think one was necessary. Commissioner DelSette urged for legal counsel to guide the commission and the City on what is proper, and he didn’t think the debate or discussion should continue until such time. Chairperson Cacoza spoke and said that at this point, he thought that the dialogue should continue and that an attorney is not needed at this point, there was nothing that has been done that impairs the ability to function. His concern he felt that Mr. Kremer and Ms. Dixon were missing the point about the language ‘under the supervision of the Human Resources and Civil Service Director. Maybe I’m looking at a different copy of the resolution?’ Ms. Dixon read aloud from the resolution she was referring to and holding, and that Mr. Kremer was discussing. It was at this point that it was discovered that the resolution that the Civil Service Commission was given on January 16<sup>th</sup>, was different than what Mr. Kremer and Ms. Dixon were using and did not have the language of ‘under the supervision of the Human Resources and Civil Service Director’. Mr. Kremer said he agreed with Civil Service not being under a city employee, and now it makes sense, the Commissions issue, as he was puzzled by previous comments citing that language, because it was not on the resolution he was provided. It eventually came to an agreement that the two resolutions were different, one having the questionable language, and one that did not. It was also agreed on by all that the duties of the Commission can be delegated to the Coordinator.

Chair Cacoza asked, now, ‘what is the City’s proposal now, just adopt this resolution?’ Mr. Kremer replied with that they would ask the Commission to adopt that resolution or something similar to it, so that would take care of things for the time being. Moving forward, there will be a review of the charter and that group will put together whatever its proposal is regarding the civil service commission. Whether it continues in its current form or it goes to the county or to a personnel officer. Chair Cacoza said that was all beyond our control. For now, there is no real dispute at the present time over what the operational status is of Civil Service.

Commissioner Kisselbrack made a motion to adjourn. Chair Cacoza seconded. Ayes all.