

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – October 12, 2006  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Commissioner Emile Geisenheimer, Commissioner Thomas Cartledge; Commissioner David Smith, Commissioner Michael Rollinson; Commissioner Michael Heaney; Chief Paul Jakubson

Also Present: Members of the community; press; department officers; James Deephouse, Board of Finance Liaison; John Bowers, Emergency Management; Town Counsel Representative Atty. Margot Burkle; IBPO/NAGE Representative William Ruddell; members of the community

**CALL TO ORDER**

Following the Pledge of Allegiance, the regular meeting was called to order at 7:37 PM by Chairman Geisenheimer.

**GRIEVANCES**

- IBPO Grievance: 04-2006 – 2<sup>nd</sup> Step - Tabled pending a Memorandum of Understanding
- IBPO Grievance: 05-2006 – 2<sup>nd</sup> Step - Tabled pending a Memorandum of Understanding
- IBPO Grievance: 06-2006 – 2<sup>nd</sup> Step - Tabled pending a Memorandum of Understanding
- NAGE Grievance: 07-2006 – 2<sup>nd</sup> Step - Tabled pending a Memorandum of Understanding
  
- NAGE Grievance: 05-2006 – 2<sup>nd</sup> Step

7:43: Dispatcher Robert Maluk arrived and spoke to the grievance he filed regarding bidding rights for union members still on probation. Mr. Maluk is currently on 12-month probation until 8/15/07; the other dispatcher's probation will end 12/20/06; he stated he was not allowed to bid for seniority with another dispatcher also on probation.

Chief Jakubson answered, his written response cited that at the time Mr. Maluk accepted a full-time position from part-time status, his probationary period began at that point for 1 year. There is another full-time technician hired prior to Maluk going full time. The Chief interprets, with two people on probation, the first person hired for the same position shall bid first and have seniority. Seniority is not attained for one year; for bidding purposes the first full-time hire will by logic receive seniority rights.

Commissioner Smith asked, if once the year is completed, does the full-time status revert back to the original full-time hire date? Mr. Rudell stated, Mr. Maluk served his 12-month probation as a part-time employee and the contract specifies employment, not full-time or part-time. He doesn't understand why someone serves 2 probationary periods for the same job, part-time and full-time. Commissioner Rollinson commented that Article 7.1 defines seniority as the total length of an employee's most recent period of continuous service with the Town and he asked if there is any other seniority language? Chief Jakubson advised there was an issue last month relative to bridging of part-time and full-time status to establish seniority; at that time, the Commission denied the grievance. There is no MOU between NAGE and the Town that specifically states any probationary period served would count to full-time status. The contract states, when you become full-time, hired as a full-time employee, you are on probation. Chairman Geisenheimer asked Mr. Ruddell if he is taking position there is not a probationary period for this dispatcher? Mr. Rudell: Correct – he went from full-time to part-time without an interruption of service.

When asked, Atty. Burkle said she supports the Chief's contract interpretation and had nothing to add. Chairman Geisenheimer added, the interpretation is much broader than the grievance. Mr. Ruddell stated the issue is, Mr. Maluk can't bid in the order he should be allowed. Chief Jakubson said this ties hand in hand with bridging part-time status to full-time to establish seniority. The contract does not specifically show language to bridge time however, the interpretation is, when you become full-time the probationary time as a part-time employee (less than 30 hours/week) commences again as a full-time employee. Mr.

Maluk answered, since he went full-time he was not notified he was back on probation. The other dispatcher working now was offered one of the two full-time slots the same day; he was a PT employee also. Chief Jakubson reiterated, when he went full-time, his probation commenced. Chairman Geisenheimer added, people on probation do not have seniority rights, therefore the two people on probation do not have seniority.

Commissioner Heaney asked if NAGE Article 7.1 includes part-time? If dealing with 2 part-time employees and there is a seniority issue, would you not calculate for how long the part-time employee has been employed? Chief: Yes. Commissioner Heaney continued, absent any other clause that deals with seniority for part-time employees, they would have to say this paragraph is being used for part-time and full-time seniority.

Commissioner Cartledge added, Articles: 7.1 & 7.5 discuss layoffs for this contract; with the Chief's interpretation it is easy to see how the line could be divided by guidance from Article 7.5. Therefore, seniority for that purpose would work toward full-time.

Mr. Ruddell added, the Chief's opinion is a person serves two probationary periods; one as part-time and the other as full-time.

Chairman Geisenheimer concluded, Mr. Ruddell and Mr. Maluk are discussing issues not within this grievance; the grievance is, should Maluk be able to bid first? Whether or not he is on probation is not the grievance. Mr. Ruddell says we should rule that he is not on probation, but is not grieving that he is on probation.

**MOTION** by Rollinson, second by Heaney, that based on what Mr. Ruddell said and based on articles 7.1 and 7.3, that this grievance be sustained until the other employee reaches full-time status and can be allowed to bid.

Comments: Chief Jakubson asked, does the grievance state that for the next 2 months the other party will not have seniority; come 12/06, that party will attain seniority rights over the grievant? The first grievance was bridging from part-time to full-time; Mr. Maluk says he will give up seniority as a full-time employee in December. Mr. Ruddell answered, for the first year, Maluk picks first as a full-timer; after he goes behind the other employee as long as they are both employed.

Chief Jakubson asked for a caucus before a vote.

The Board left for a caucus at 8:17 PM, with Chief Jakubson and Atty. Burkle.  
The Board reconvened at 8:38 PM.

**MOTION** to sustain NAGE Grievance 05-2006 by Rollinson, second by Heaney denied. 2-3-0 (Cartledge; Smith; Geisenheimer opposed).

**MOTION** to deny NAGE Grievance 05-2006 by Smith, second by Cartledge. Commissioner Heaney said he voted against denial because he feels what the grievant wants is good per policy. He feels the language of the contract supports the grievant.

Comments: Chairman Geisenheimer commented he feels the Chief need not have made reference to seniority at all; this use of seniority was artificially applied as to what he felt was fair. He could have tossed a coin. He supports the motion to deny; Cartledge and Smith agreed.

Vote to deny NAGE Grievance 05-2006: 3 – 2 – 0 (Heaney; Rollinson opposed).

Mr. Ruddell asked to have a state mediator come in before the next bid because he feels the problem is, if this grievance goes through to the State Labor Board, it will be after a full-timer has the next pick. He requested a mediator become involved for a resolution before the next pick. Commissioner Heaney urged all parties to consider – instead of tackling a problem through grievance, he suggested revising the language

of the contract, including the first selectman. The Police Commission has not exercised the power to negotiate these contracts. Mr. Ruddell added, there are many problems in the language of this contract; it will be renegotiated in 16 months. He is not satisfied with this document either. Commissioner Heaney concluded, any progress in revising the contract would be great.

Commissioner Heaney proposed, are you willing to accept the terms of the previous motion by Commissioner Rollinson? Mr. Maluk answered, for this grievance only.

Mr. Ruddell explained that in the normal grievance procedure, the state provides a mediator. Chief Jakubson advised the Board that the state mediation is cost free (except for counsel) and there is no fee. You are not bound by the decision of the mediator, who makes a recommendation. Chairman Geisenheimer added, this will be discussed further in Executive Session. There is another employee who will be affected by the decision.

## **COMMISSIONERS' DISCUSSION**

### **CONSENT AGENDA**

8:46 PM Ruddell and Maluk leave

**MOTION** by Smith, second by Cartledge to accept the minutes of the September 14, 2006 Regular Meeting. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Rollinson to accept the Consent Agenda. All in favor. None opposed. So moved.

8:47 PM

### **OLD BUSINESS**

Atty Burkle leaves.

Commissioner Heaney said he would like to add in the future, as a regular part of the agenda, Committee Reports as mandated by the Board's Policy and Procedure manual (Page 7 – G. Agenda); subsequently there is a list of what committees we shall have (and do have). He continued, he doesn't feel this is discretionary and feels the Board is in violation by not having regular reports. Chairman Geisenheimer responded, he will review the policy manual and will set the agenda for the next meeting. Commissioner Heaney continued, he has made this request for 11 months and asked for a straight answer to his request. He again asked, will you put the committee reports on the agenda as a regular matter? Chairman Geisenheimer reiterated, he will review the policy sections of the manual; if we are required to do so, it will be on the agenda. If there are committee reports to be made, they will be on the agenda.

Commissioner Heaney asked if his other agenda suggestions will be on next month's agenda, as they did not appear this time. Chairman Geisenheimer responded, Commissioner Smith and the Chief made a determination that we could reasonably cover all the grievances when the agenda was set. Commissioner Smith added, he already had set the agenda when Mr. Heaney's requests were received and was unavailable to make changes – not because he didn't want to. Commissioner Heaney said his only request is that they be on next month and he is happy to hold the discussion until next month (special appropriation and CBA) as they might involve extended discussion.

8:59 PM

- Accreditation Process

Chief Jakubson reviewed the memo from Lt. Stimpson relative to the process; Lt. Stimpson gives a sense as to the number of statutes reviewed by the committee which are then approved by the Chief and put into place. Tier 1, which takes the longest, is another 6 months away; tiers 2 & 3 will follow quickly.

9:00 PM

- Staffing Study – Status

Commissioner Smith reported, the study is not yet ready to be published; he will preview the basic conclusions tonight. The written report will be distributed by the next meeting. The basic recommendation is the Commission recommends two additional patrol officers to the permanent head count, raising patrol from 13 to 15; it will not change the number of supervisors. There is a lot of data analysis underlying that decision, which will be presented at the next meeting. There are two other highlights and he would like a recommendation from the Chief for a set of objectives for the department and a measurable criteria of performance for the department. Example, we report on crime, traffic, overtime, etc., but we have no stated program for what it should be. We have no means to measure progress to take action to make corrections. Response times – we measure the aggregate; he has seen other departments where they measure on call priority.

Also, Commissioner Smith continued, he feels it is often said that patrol's basic mission is to deter crime; he feels it would be useful for the Chief to advise what aspects of patrol are targeted to what aspects of crime. We will be able to understand how we deploy our force.

Commissioner Heaney applauded, without reservation, what was just said – to begin a long, fascinating and difficult process to establish goals for the police and he urges the Board to include in the sources that are looked to, two other groups – 1 - the public; 2 - rank & file.

9:09 PM

- Replacement Hiring

The Chief's recommendation is to add two patrol officers to the force. Chairman Geisenheimer added, we have to take action on authorizing the Chief to interview and offer positions to candidates for the Academy. He continued, in the budget for the second half of 07, is funding for two additional officers which are intended to be put in place if in the judgment of the department, attrition is going to occur and we need to fill open slots. We have a 9-12 month delay until the officers are available for patrol. We have 1 open position and several others that are also open, due to health situations. It is reasonable to expect those positions will be available by the time the officers graduate.

**MOTION** by Smith that we participate as a Commission in the hiring process of one (1) replacement and potentially others. Commissioner Rollinson added, we don't know what will happen with the interview process. Chairman Geisenheimer said he assumes we want to go forward and hire two (2) people in addition to the one replacement. Chief Jakubson said the next class is scheduled for 12/15.

Chairman Geisenheimer continued, the Board will not hold the trigger on these two additional January people unless they are convinced we would have attrition. Chief Jakubson said he feels, due to absence of staff and the two long-term absences, that the Board consider the total of three (3) new hires. Chairman Geisenheimer said he doesn't want to breach his earlier discussion with the Board of Selectmen. Chief Jakubson continued, this is not a back door attempt to increase the department. The rules have changed; the hiring of 2 additional people was valid at the time the argument was made and we have two officers on long-term disability with no long term prognosis. He asked that the Board endorse the concept and make the arguments to the boards of selectmen and finance as to why it is necessary to hire the additional two officers.

Chairman Geisenheimer said, this is a resolution to authorize the Chief to fill the two positions for January out of this class; there is one position already on the table (Curry).

Commissioner Heaney stated, he has no problem with hiring 1-2-3 officers in that we represented that we put in the budget 2 new one-half year patrolmen if it appeared we would lose two in the fiscal year; worst case scenario is, the two long term disability come back. We then have 2 more for the balance of the fiscal year. The boards of selectmen and finance will recognize this is a judgment call. There is a strong possibility we will need to replace the attritioned people. The Chief recommends funding the 2 additional officers for the December class going above 24 to 26 which is based on the likelihood of someone retiring;

that likelihood still exists. That is his best judgment. It is the Commission's responsibility to deal with this in the 07/08 budget.

**MOTION** by Smith, second by Cartledge to approve the Chief's request to hire two officers for the slots authorized as of January 1, 2007. All in favor. None opposed. So moved. Commissioner Heaney added, his vote is based on the representation and judgment of the Chief relative to potential retirements between now and June 30.

- Discuss and Take Action on Request(s) as Needed  
Traffic: Overbrook Road and Colonial Road Intersection

Chief Jakubson reviewed the recommendation by Traffic Officer Baxter for two additional stop signs on Overbrook Road due to vehicle speed, as requested by a resident of Colonial Road. The speed trailer details from 10/9-10/11 showed a total of 3,120 vehicles in the intersection. The posted speed is 25; average was 29.8; there was a high of 46 MPH. Based on the data, the recommendation of Officer Baxter is that stop signs not be installed, rather he recommends the installation of three speed limit signs (25 MPH) for speed control. The Chief asked that the Commission act on that recommendation.

**MOTION** by Smith, second by Cartledge to recommend the installation of three speed limit signs on Colonial Road.

- Overtime Results
  - Dollars
  - Hours

The Chief pointed out replacement overtime is at 26% expended at this point; the overtime investigative account is at 74% expended. He advised they are working on the 07/08 budget and informed the Commissioners that there will be requests for review workshops.

As a follow-up, the Chief reported that a DOT engineer reviewed the Island Avenue/ Route 1 intersection northbound regarding the "No Right on Red" sign currently in place. The sign is no longer needed and will be removed.

#### **NEW BUSINESS**

- Set New Hire Interview Dates

Chief Jakubson advised, there are two dates set for Monday and Tuesday (10/16 and 10/17/06); he explained the interview process for patrol candidates. Lt. Stimpson will be the moderator. After the second day of interviews he suggests making conditional offers to three people so we can start the background check process.

#### **MISCELLANEOUS CORRESPONDENCE**

#### **CHAIRMAN COMMENTS**

9:45 PM

#### **COMMISSIONER COMMENTS**

Commissioner Rollinson - none

Commissioner Heaney spoke regarding the Manual of Conduct and that he had asked Mr. Scarpati its status; he said, Mr. Scarpati told him he will try to get back before tonight's meeting; the matter is in limbo. Another matter of concern to him is, last month he referenced letters of recommendation, appreciation – in short – the thanks that we often get in the agenda. He suggested that we make a little more of those. His research shows, in three years we have received 87 letters of appreciation and thinks that is an outstanding sign of the good job the police are doing in the community. Some officer names keep re-surfacing. Commissioner Cartledge thanked Commissioner Heaney for his research and commented that 87 letters is a significant number and it is nice the town's people show their appreciation.

Commissioner Smith – none

The Chief distributed a sample draft of an ordinance which incorporates and goes beyond general statutes put together by Lt. Stimpson, relative to special events. He asked for comments in the near future.

The Chief then discussed a supervisors' training session he is trying resurrect. In the past, the department has sent supervisors to Babson College for participation in the NE Law Enforcement Training Institute which is on a par with college level courses. Recently, he sent Sgt. Fox. The training is a two-week, on campus operation which is credited for college level academics. He will ask for a training budget increase to send 1-2 people/year.

Included in Correspondence is the modified grant approval relative to mobile computers; this has been approved by DOT. Modems have been ordered; waiting on a replacement server and one piece of software and they will deploy the mobile computers on the street.

Chairman Geisenheimer said the ordinance draft will be on the next agenda for approval.

Chief Jakubson highlighted a letter in Miscellaneous Correspondence relative to officers Kim Lauria and Bryan Baxter and the compassion they recently exhibited.

Chief announced he will be out of town for several days as he will be attending the IACP (International Chiefs of Police) Convention in Boston.

**MOTION** by Heaney, second by Smith to open the agenda to add Executive Session to discuss litigation and personnel matters.

**MOTION**, second by Smith, second by Cartledge to adjourn to Executive Session at 9:55 PM. All in favor. None opposed. So moved.

Present in Executive Session: Chief Jakubson; Chairman Geisenheimer; Commissioners Cartledge, Heaney and Rollinson. Topic: Grievance mediation; personnel issues.

10:30 PM: Return to Open Session

**MOTION** by Geisenheimer, second by Smith to adjourn the regular meeting at 10:30 PM. All in favor. None opposed. So moved.

Minutes Accepted: November 8, 2006