

City of Cambridge

The Committee on Public Safety, conducted a public hearing on Monday, August 13, 1990 beginning at 5:40 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to review and update on the hiring process for current vacancies, hiring layed off firefighters from other cities and towns and to discuss general promotional issues including discussion of P.A.R. 10. Those members present were; Vice Mayor Kenneth Reeves, Councillor Sheila Russell, Councillor Timothy Toomey, Councillor William Walsh and City Clerk Joseph E. Connarton.

Vice Mayor Reeves, Chair of the committee recognized Fire Chief Thomas V. Scott asking him to begin the meeting by providing the Committee with an update of the number of existing vacancies and the hiring process for the department.

Chief Scott stated that the workforce of the fire department was 290 full time employees and currently there were 15 vacancies in the ranks of firefighters which is creating a serious personnel stortage. The Chief further stated the city was currently paying overtime to maintain a full complement of firefighters to maintain 14 engine companies which equals 46 firefighters at all times.

Vice Mayor Reeves questioned if any engine company was currently out of service due to the personnel shortage. Chief Scott responded in the negative.

The Committee then heard from Michael Gardner, Director of Personnel, who provided additional details relative to the "minimum manning," policy stating the City Manager and Fire Chief decided, for public safety purposes to pay firefighters overtime rather than shutting down an engine company. He further stated, in response to a question from Vice Mayor Reeves, that the City was currently dealing with the State Department of Personnel Administration (D.P.A.) in an effort to determine which and/or how many lists are available. Furthermore, he informed the committee it was apparent to him and the City Manager that should a requisition be sent to D.P.A. for a certified list from which to select new firefighters, the city would be subject to a so-called re-employment list; this he said is a list comprised of the names of those firefighters who have been laid-off from surrounding cities and towns within our region.

Vice Mayor Reeves questioned if such a list were to be utilized by Cambridge, would any consideration for affirmative action within the fire department be provided. Mr. Gardner responded by stating the "re-employment" list does not provide for it, nor was it a factor in the case of Beecher vs. NAACP, but he was attempting to get some additional information from D.P.A. on this topic.

The Vice Mayor further questioned what criteria was used to define the "region" from which laid-off firefighters are chosen for placement on the re-employment list and requested that the committee be provided with the criteria.

Mr. Gardner responded by stating he would provide what ever information he had relative to this issue. He further stated that the re-employment list is a result of the provisions. of C.31 S 41 M.G.L.A. which provides for certain rights for public employees whose position was terminated or abolished. Such a list, he said, would be certified by D.P.A. prior to any other list making it virtually impossible to hire local residents who are already awaiting appointment from another list.

Vice Mayor Reeves questioned whether or not a list of eligible candidates from Cambridge had in fact been called for earlier. Mr. Gardner responded by stating that during the winter of 1985 the city had in fact made such a request, but given the precarious fiscal condition of the Commonwealth and the potential for a multi-million dollar less in state aid, the city returned the list to D.P.A.

Councillor Timothy Toomey, questioned exactly how much money was being spent to keep each fire company fully operational. Fire Chief Scott responded by stating the department was spending over \$20,000.00 per month to maintain a full compliment of personnel, and that the department began calling firefighters back for overtime assignments, last winter.

Responding to a question by Councillor Sheila Russell, Chief Scott stated the reason why interest from laid-off firefighters is so high for Cambridge is due to the overall benefit package of the city.

Councillor William Walsh further questioned Mr. Gardner relative to what if any impact on affirmative action a re-employment list would have on the fire department.

Mr. Gardner responded by stating that new hires from a re-employment list would be chosen solely by name and date of lay-off from their respective city or town. Councillor Walsh further questioned what, if any, seniority rights these individuals would have should they be appointed. Mr. Gardner responded by stating that these employees would be granted all seniority rights allowed through D.P.A. and the law, but no decision had been made regarding seniority rights within the city workforce. Furthermore, he stated that there was no doubt should the city have to use the re-employment list it will have an impact on the overall hiring practice.

The City Manager stated that given the economy of scale at this time it may be better for the city to continue overtime payments versus making new hires. Vice Mayor Reeves questioned whether the extensive use of overtime would affect the ability of the firefighters. Fire Chief Scott responded in the negative and outlined the schedule and criteria used for the assignment of engine companies and a Deputy Chief for an alarm. The Vice Mayor questioned the role of the Deputy Chief and his Aide when they arrive at a fire. Chief Scott responded by outlining the chain of command at a fire as well as the decisions which need to be made once the Deputy Chief and his aid arrive at the scene.

The committee then heard from John Lawless, President of the Cambridge Firefighter's Union, who spoke in strong support of additional manpower and reminded the committee that he appeared before the Finance Committee of the City Council urging the appointment of additional firefighters.

Although, he said, the fire union understands the fiscal constraints the city has, the department can not continue to function with a reduced staff. He further stated that when you respond to a fire a matter of seconds become very critical.

The committee then heard from Fire Lieutenant Peter Cignetti, who stated having only 46 firefighters to maintain all engine companies was clearly inadequate and does not want to see the city going back to closing fire stations, even on a temporary basis.

Vice Mayor Reeves questioned the use of the civil service rule known as P.A.R 10. as it would relate to the fire department. Mr. William Gomes, Affirmative Action Officer for Cambridge responded by stating that P.A.R.10,. could be applied to any civil service position within a municipality. However, he informed the committee that D.P.A. is the agency which determined the underutilization of affirmative action hiring.

Councillor Toomey questioned whether or not the city had been found to have discriminated in the Fire Department.

Mr. Gardner responded in the negative, but stated that if the city formally requested the use of P.A.R. 10,. D.P.A. would have to determine through a comprehensive analysis of the city's hiring practices that protected groups were prejudiced. Furthermore, he stated that D.P.A. could determine that although the city did not discriminate, past civil service exams were not constructed properly, thereby indicating a form of discrimination.

Councillor Walsh questioned whether or not the city intended to involve P.A.R.10. City Manager Healy responded by stating that largely he and the Personnel Director believe it would be subject to collective bargaining agreements with the fire union.

Councillor Walsh then questioned the City Manager relative to the meaning of an "order" adopted by the City Council. The City Manager responded by stating that any City Manager who is smart pays attention to as many "orders" of the council he can, however he said the word "order" should be changed to the word "motion" as other cities which have a Plan E Charter. Mr. Healy further stated responding to Councillor Walsh that he would not ask D.P.A. to invoke P.A.R 10, for a promotional exam without first dealing with the union. Furthermore, he reminded the committee he has never ignored the opportunity to hire a minority in the department. Finally, he stated that P.A.R. 10. does not apply for entry level positions only for promotional exams.

The committee then heard from Sandy Francis, a Lieutenant in the Fire Department who read a prepared list outlining national statistics as found in the Almanac relative to discrimination against blacks, hispanics and women. Furthermore, he informed the committee he took issue with previous comments indicating that no discrimination existed in the department. If this was true he said, why does the city have an affirmative action plan? He informed the committee that the department has relatively few black firefighters and no women.

Chief Scott took issue with Lieutenant Francis relative to statements of discrimination and outlined to the committee his past history of hiring for the department since becoming chief 7 years ago.

Also speaking to non-discrimination practice for the department were:

Deputy Chief Cornelius O'Brien, Lieutenant Peter Cignetti, Lieutenant Gerard Mahoney, Captain Stephen Boyle, Firefighter John Lawless. Councillors Toomey and Russell both indicated they would not support invoking P.A.R.10, given the fact it is clear no discrimination exists within the department.

Vice Mayor Reeves stated that this was clearly the darkest night of his 8 months tenure on the City Council. He stated it was obvious to him no advocacy for women or blacks exists within various city unions.

Furthermore he stated that if you stood on the steps of City Hall and looked toward Central Square you would see a diverse city; If that same diversity does not exist in the Fire Department, then something is wrong. Clearly that kind of diversity is not reflected in the city workforce and this City Council has a vision to change that through the leadership of the city. However, if the Council cannot achieve it, well then maybe the leadership needs to change. The Vice Mayor stated he wanted everyone to leave this meeting believing only that a discussion had begun on this topic and that future discussions will be following. The hearing adjourned at 8:30 p.m.

For The Committee

s/ Kenneth E. Reeves

Vice Mayor Kenneth E. Reeves, Chair

1. S-981
COMMITTEE REPORTS

Report from the Public Safety Committee for a hearing held on Monday, August 13, 1990 relative to review and an update on the hiring process for current vacancies, hiring laid off firefighters from other cities and towns and to discuss general promotional issues including discussion of PAR 10.

In City Council,

October 15, 1990

*Report accepted
& Placed on file*