

RETURN DATE: JULY 14, 2020 : SUPERIOR COURT
SAMOD RANKINS, ET AL : J.D. OF NEW HAVEN
V. : AT NEW HAVEN
CITY OF NEW HAVEN, ET AL : JUNE 19, 2020

COMPLAINT

COUNT ONE – DECLARATORY JUDGMENT

1. At all times mentioned herein, the plaintiffs Samod Rankins, George Chin, William McMillian, Jordan White, Wayne Ricks, Miguel Rosado, Keith McMillan, Taurese Washington, Troy Ross, Richella Rondon-Smith, Terence Boyle, Neftali Ortiz, Matthew Watkins, Shytanya Floyd, Patrick Davidson, Alexander Gonzalez, Jesse Wollenzack, Darryl Arnold, Joshua Antrum, OJay Lewis, Lawrence Levine, Mark Bascetta, Lisette Nieves, Keith Kerr, Johnathan Clarke, Ernest Jones, Harry Bosley, Ian Cordero, Christian Cordero and Josue Vega Jr., have been employed by the City of New Haven Department of Fire Services. At the time this matter commenced, all held the ranks within the Suppression Unit of the said Department. All have served enough time in grade to be eligible to sit for future Promotional Examinations in particular, Lieutenant and Deputy Fire Chief. Promotions within the Fire Department are effected by the City of New

Haven acting by and through its Board of Fire Commissioners. Said Board of Fire Commissioners is made a party defendant for informational purposes only.

2. At all times mentioned herein, the defendant City of New Haven (hereinafter referred to as "the defendant City,") has been a municipal corporation organized and existing under the laws of the State of Connecticut, acting by and through its Civil Service Board. Said Civil Service Board is made a party defendant for informational purposes only.

3. At all times mentioned herein, the defendant City had a Municipal Charter. Said Charter established a Civil Service Board with "rule making power to prescribe rules for ascertaining the competency of applicants for positions or promotions for all positions in City government ..."

4. At all times mentioned herein, Rule IV, Section 3, "Eligible Lists" provided as follows:

The Board shall set the duration of an eligible list at the time it approved and the Board may thereafter extend the duration of the list. The Board's actions shall be subject to the following:

- a. An eligible list shall initially be in effect for one year, or until 75 percent of the list has been exhausted, whichever comes first;*

provided, however, that the Board shall be notified in advance of a list expiring, so that the Board has the opportunity to extend its duration.

b. Prior to its exhaustion, the Board may extend the duration of a previously approved eligible list provided that no eligible list shall be in effect for more than two years.

The original certification date of any list shall not be changed by subsequent corrections, amendments, or modifications to the list.

5. Prior to May 27, 2020, the defendant City, acting by and through its Civil Service Board, amended certain Civil Service Rules but refused, failed or neglected to comply with applicable procedures and statutory requirements for the amendment of Civil Service Rules.
6. On May 27, 2020, the defendant City, acting by and through its Civil Service Board, extended the duration of the Promotional List for the positions of Lieutenant and Deputy Fire Chief in the New Haven Department of Fire Services by "temporarily suspending Rule IV, Section 3 (b) until Personnel Director's report to CSB by the November, 2020 regular meeting date concerning City's ability to safely gather groups of

- individuals in order to conduct Civil Service testing.” (See attached Exhibit A1 and A2)
7. Said Promotional Lists for Lieutenant and Deputy Fire Chief were due to expire on June 20, 2020. Said expiration would have triggered further testing for the positions and afforded the plaintiffs with the opportunity to participate in said testing.
 8. The actions of the defendant City, acting by and through its Civil Service Board, were violative of the mandatory directive contained within said Rule IV, Section 3 (b), that no promotional list shall be in effect for more than two years.
 9. Based upon the language employed by the defendant City, acting by and through its Civil Service Board on May 27, 2020 when electing to “suspend” Rule IV, Section 3 (b), any promotions made off said Promotional Lists for Lieutenant and Deputy Fire Chief after the June 20, 2020 expiration of the List would be invalid, further diminishing the promotional opportunities or the plaintiffs.
 10. There is an actual bona fide and substantial question or substantial uncertainty concerning the legality of the defendant City, acting by and

through its Civil Service Board, in “suspending” its own rules in light of the clear directive in said Rule IV, Section 3 (b) concerning the length of a Promotional List, and, by extension, the legality of any promotions made after the List has expired. While the City of New Haven’s Civil Service Board may have the discretion to create, amend or abolish certain Civil Service Rules, within prescribed procedures, the City of New Haven’s Civil Service Board does not have the authority or discretion to arbitrarily “suspend” its own rules – nor does the City of New Haven have the authority to administer Civil Service Rules in an unreasonable, arbitrary or capricious manners.

11. There is no other form of proceeding that can provide these plaintiffs immediate redress.

WHEREFORE, the plaintiffs claim the following relief:

1. A Declaratory Judgment that the defendant City, acting by and through its Civil Service Board, did not have the authority to suspend Rule IV, Section 3(b) and extend the duration of Promotional Lists for Lieutenant and Deputy Fire Chief beyond June 20, 2020;

2. A Declaratory Judgment that the defendant City, acting by and through its Civil Service Board, exceeded its authority in extending the duration of the Promotional List for Lieutenant and Deputy Fire Chief beyond June 20, 2020;
3. A Declaratory Judgment that any promotions to the position of Lieutenant made by the defendant City, off Promotional List 18-11EW acting by and through its Board of Fire Commissioners after June 20, 2020 be declared invalid;
4. An Order that the defendant City, acting by and through its Board of Fire Commissioners, make no promotions to the position of Lieutenant off Promotional List 18-11EW after June 20, 2020;
5. An Order that the defendant City, acting by and through its Civil Service Board, adhere to Rule IV, Section 3(b) with respect to the mandatory two year duration of Promotional List 18-11EW;
6. A Declaratory Judgment that any promotions to the position of Deputy Fire Chief made by the defendant City, off Promotional List 18-12E2W acting by and through its Board of Fire Commissioners after June 20, 2020 be declared invalid;

7. An Order that the defendant City, acting by and through its Board of Fire Commissioners, make no promotions to the position of Deputy Fire Chief off Promotional List 18-12E2W after June 20, 2020;
8. An Order that the defendant City, acting by and through its Civil Service Board, adhere to Rule IV, Section 3(b) with respect to the mandatory two year duration of Promotional List 18-12E2W;
9. Costs and fees of this action.
10. Such other and further affirmative relief, and damages, as are within the jurisdiction of the Court.

THE PLAINTIFF'S
SAMOD RANKINS, Et Al

By: _____



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STATEMENT OF AMOUNT IN DEMAND

The plaintiff claims damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

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SAMOD RANKINS, ET AL

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EXHIBIT A1



CITY OF NEW HAVEN

NEW HAVEN, CONNECTICUT



CIVIL SERVICE BOARD

200 ORANGE STREET
NEW HAVEN, CONNECTICUT 06510
Tel. 946-6488

ELIGIBLE LIST ROSTER

ELIGIBLE LIST 18-11EW

DATE OF EXAM 04/14-15/18

CLASSIFICATION CODE M-0705

The following persons, having passed an examination with a score of 70% or more, and having complied with all the Rules and Regulations of the Civil Service Board are hereby certified as eligible for a position in the following classification:

FIRE LIEUTENANT

Rank	Name	Score
1	CHRISTIAN J. CORDERO	93.29
2	THOMAS K. QUINN	90.29
3	JAMES F. TYER	89.70
4	ERNEST M. JONES, JR.	88.81
5	IAN F. CORDERO	87.85
6	MATTHEW FERGUSON	87.80
7	JOSUE VEGA, JR.	86.52
8	CHRISTOPHER FRAKL	86.13
9	WILLIAM C. RIGGOTT	85.17


Chair, CIVIL SERVICE BOARD

This list affected by CSB vote on 5/27/2020 to temporarily suspended Rule IV Section 3(b) and remains active until Personal Director's report to CSB by the November 2020 regular meeting date concerning City's ability to safely gather groups of individuals in order to conduct civil service testing.

5/27/2020
DATE CONTINUED ACTIVE LIST STATUS PASSED

06/20/2018
DATE CERTIFIED
06/20/2019
ONE YEAR EXPIRATION DATE
03/26/2019
DATE EXTENSION APPROVED
06/20/2020
1ST EXTENDED EXPIRATION DATE

18-11EW
Page 1 of 4

The original certification date of this list shall not be changed by any subsequent corrections, amendments, or modifications to this list. In the event the expiration set forth above is less than two years, the Civil Service Board pursuant to its regulations, reserves the right to extend the expiration date for a period not to exceed two years from the date of certification.

10	SEAN		MCGOVERN	84.68
11	HARRY	G.	BOSLEY, III	84.48
12	JAMES		CAREW	84.45
13	JEFFREY		SEWARD	83.58
14	PATRICK		SHEIFFELE	83.49
15	DERRICK		MEADE	83.37
16	JOSEPH		SULLO	83.09
16	WAYNE	D.	VETRE, JR.	83.09
17	HIPOLITO	P.	CLAUDIO, JR.	83.00
18	MATTHEW		MACCLAIN DEMAR	82.96
19	KENNETH	C.	HULSE	82.93
20	ANTHONY		AVITABLE	82.78
21	ERIC	J.	RIGGOTT	82.39
22	MICHAEL		SALZILLO	82.23
23	PETER		LOOMIS	82.17
24	JASON		MOTA	81.74
25	LEAH		HARWIN	81.56
26	DANIEL		KISLUK	81.37
27	DANIEL		DELINE	81.35
28	PETER	J.	CALLAN	81.19
29	ALEX	J.	WORON	81.13
30	JAMES		KILEY	80.77
31	XAVIER	D.	MORALES	80.66
32	DANIEL	W.	SULLIVAN	80.64
33	JEFFREY	R.	JOHNSON	80.52
34	MATTHEW	E.	THOMAS	79.83
35	EDWARD		TAYLOR	79.75
36	ANTHONY		D'ADDARIO	78.94
37	KYLE		WALKER	78.54


 Chair, CIVIL SERVICE BOARD

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38	KEITH	R.	MUNSELL	78.23
39	RYAN		JAYNE	77.72
40	TIMOTHY	M.	CARNEY	77.71
41	ERNEST	P.	OUELLETTE	77.43
42	MAURICE		EDWARDS	77.06
43	KEVIN	J.	REILLY, JR.	76.88
44	JONATHAN	A.	WENGLOSKI	76.79
45	NICHOLAS	J.	LICATA	76.73
45	ROBERT	A.	YATES	76.73
46	DANIEL		DEL PRETE	76.43
47	THOMAS		CONNORS	76.32
48	MICHAEL	N.	RICKABY	76.23
49	RICHARD	M.	GREENE	76.15
49	CHRISTOPHER	J.	HAYDEN	76.15
50	JUSTIN		KUBEK	76.09
51	RYAN		DOHERTY	75.50
52	WILLIAM	C.	REGAN	75.44
53	FREDDY		LOPEZ	75.17
54	MARK		CASSIDY	74.67
55	CHRISTOPHER	M.	QUIELLO	74.56
56	JORDAN	C.	ADAMS	74.22
57	THOMAS		CAREY	73.81
58	TORLEY	J.	DUARTE	73.73
59	WILLIAM		DILEGGE	73.64
60	KEITH	J.	NORFLEET	73.45
61	COLLIN	P.	WHALEN	72.96
62	ERIC		GIANSANTI	72.74
63	ROBERT	J.	GLYNN	72.49
64	NICHOLAS		GIANSANTI	72.42


 Chair, CIVIL SERVICE BOARD

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06/20/2019
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65	MICHAEL		BIANCHI	71.65
66	SHEMICA		FOREMAN	71.64
67	KEVIN	J.	SIEDLARZ	71.08
68	DANIEL	B.	CWIRKA	70.92
69	SHANE	D.	FERGUSON	70.91
70	KEITH		KERR	70.82
71	MARK		STARZECKI	70.04


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EXHIBIT A2



CITY OF NEW HAVEN

NEW HAVEN, CONNECTICUT



CIVIL SERVICE BOARD

200 ORANGE STREET
NEW HAVEN, CONNECTICUT 06510
Tel. 946-6488

ELIGIBLE LIST ROSTER

ELIGIBLE LIST 18-12E2W
DATE OF EXAM 05/19/18
CLASSIFICATION CODE M-0708

The following persons, having passed an examination with a score of 70% or more, and having complied with all the Rules and Regulations of the Civil Service Board are hereby certified as eligible for a position in the following classification:

DEPUTY FIRE CHIEF

Rank	Name			Score
1	BRUCE		GALASKI	83.34
2	JAMES		WATKINS	83.29
3	ROBERT		ORTIZ	83.09
4	TIMOTHY	S.	KIELEY	80.08
5	TERRENCE	M.	ROUNTREE, SR.	78.60


Chair, CIVIL SERVICE BOARD

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5/27/2020
DATE CONTINUED ACTIVE LIST STATUS PASSED

06/20/2018
DATE CERTIFIED
06/20/2019
ONE YEAR EXPIRATION DATE
03/26/2019
DATE 1ST EXTENSION APPROVED
09/20/2019
1ST EXTENDED EXPIRATION DATE
05/29/2019
DATE 2ND EXTENSION APPROVED
06/20/2020
2ND EXTENDED EXPIRATION DATE

18-12E2W
Page 1 of 1

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