

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ARBITRATION

PAWTUCKET FIREFIGHTERS

IAFF LOCAL 1261

VS.

CASE NO: 11-20-1400-0124

CITY OF PAWTUCKET, RI

VOLUME IV

JULY 24, 2015, 10:00 A.M.

AT: 950 WARREN AVENUE  
EAST PROVIDENCE, RI

BEFORE ARBITRATOR:

MICHAEL C. RYAN, ESQUIRE

APPEARANCES

FOR THE UNION:

MCCORRY AND GANNON, PC  
JOEL J. VOTOLATO, ESQUIRE  
JACK GANNON, ESQUIRE  
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FOR THE CITY:

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(Commenced at 10:10 a.m.)

ARBITRATOR RYAN: You have a document you wanted to submit?

MR. BLISS: Yes. At the last hearing we discussed the arbitrator -- Mr. Arbitrator, you asked me to introduce as an exhibit the charter sections that I intend to rely on; so I'm just suggesting -- offer that we make it a joint exhibit, whatever the next one is.

ARBITRATOR RYAN: That would be Joint 11.

MR. BLISS: Counsel will stipulate?

MR. VOTOLATO: Yes.

(Whereupon, Joint Exhibit No. 11 was marked.)

MR. BLISS: I'll just say for the record that the whole -- the entire charter is available online on the City of Pawtucket's website. The address, the Internet address that I printed it from is right on the top of Joint 11.

ARBITRATOR RYAN: Okay.

MR. BLISS: And just to clarify, I assume if the other side is relying on charter sections, they'll bring them in next time and submit them as an exhibit, the same procedure?

MR. VOTOLATO: Okay. Although, as I think

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I've stated, I like to bring in giant exhibits.

MR. BLISS: Well, you can bring in the whole charter. The arbitrator's on board. This is what we were asked to do; so we'll do that. All right?

ARBITRATOR RYAN: Okay.

MR. BLISS: For the City's first and actually only witness today, I call Chief William Sisson.

WILLIAM SISSON, having been duly sworn, under oath, testifies as follows:

DIRECT EXAMINATION

BY MR. BLISS:

**Q. Good morning, Chief Sisson.**

A. Good morning.

**Q. Can you state your full name for the record.**

A. William J. Sisson.

**Q. And you are the chief of the Pawtucket Fire Department currently?**

A. That's correct.

**Q. How long have you been the chief?**

A. I've been the chief since February 22, 2010.

**Q. How long have you been with the Pawtucket**

1 **Fire Department overall?**  
 2 A. Twenty-eight years, six months, and eleven  
 3 days.  
 4 **Q. Okay.**  
 5 ARBITRATOR RYAN: But who's counting?  
 6 THE WITNESS: I am.  
 7 **Q. It seems like you guys all know that right**  
 8 **off the top of your head. How do you know the exact**  
 9 **time you've been with the department?**  
 10 A. Obviously, that's a very important day in  
 11 our careers. I find it was a life-altering day.  
 12 **Q. And you're referring to the date of hire?**  
 13 A. Correct.  
 14 **Q. Do you find that most of the firefighters**  
 15 **in your department know their date of hire off the**  
 16 **top of their head?**  
 17 A. I believe they would, yes.  
 18 **Q. Do you recall what your date of hire was;**  
 19 **was it the day you were sworn in as a firefighter?**  
 20 A. It was actually -- I could not tell you  
 21 exactly, but I reported to work the very next day.  
 22 **Q. Okay. Did you attend an academy?**  
 23 A. At that time they did not have an academy.  
 24 I more or less was brought on the job, and I was  
 25 trained while I was on the job.

1 **Q. When you first were hired, do you recall**  
 2 **whether you were a probationary firefighter?**  
 3 A. Yes, I was.  
 4 **Q. How long were you a probationary**  
 5 **firefighter?**  
 6 A. Six months.  
 7 **Q. And what was the significance of being a**  
 8 **probationary firefighter?**  
 9 A. As far as I knew, I was an employee at  
 10 will. I had to make sure that I towed the line,  
 11 that I was able to perform, and I was under the -- I  
 12 was told that, you know, at the six-month period if  
 13 I would be kept on or let go in the six months.  
 14 **Q. If you know or if you recall, were you a**  
 15 **member of the union while you were a probationary**  
 16 **firefighter?**  
 17 A. I was not.  
 18 **Q. Are you currently a member of the union?**  
 19 A. No, I am not. I had to give that up once  
 20 I became the chief of the department.  
 21 **Q. And in the Pawtucket Fire Department, are**  
 22 **all of the members of the department -- all the**  
 23 **uniformed members of the department, other than the**  
 24 **chief, are they in the union?**  
 25 A. Correct. I'm the sole person that's not

1 in the union.  
 2 **Q. All right. Can you just briefly tell us**  
 3 **the other positions you've held in the department,**  
 4 **if you recall, for approximately how long you held**  
 5 **those ranks?**  
 6 A. I was a firefighter for approximately ten  
 7 years I believe or so. I became a lieutenant. My  
 8 first position as a lieutenant was fire marshal. I  
 9 then transferred out. I was a lieutenant on  
 10 Ladder 1 for two or three years. I then went back  
 11 to the fire marshal's office as a lieutenant. I was  
 12 promoted to captain or was made the fire marshal at  
 13 that time, and from the fire marshal's position I  
 14 was promoted to chief.  
 15 **Q. When did you first meet Sean Gannon?**  
 16 A. More or less the first day of the academy.  
 17 **Q. Did you have any role in hiring him?**  
 18 A. Yes, I most certainly did.  
 19 **Q. Did you meet him during that?**  
 20 A. Oh, excuse me, yes, I met him. I  
 21 interviewed him.  
 22 **Q. You interview all of the candidates?**  
 23 A. 133.  
 24 **Q. Were there any testing components done in**  
 25 **connection to that?**

1 A. Prior to the oral interviews, there was a  
 2 written exam that's given by a vendor, an  
 3 independent company that does our testing for us.  
 4 **Q. All right.**  
 5 A. Then all students that maintained a 70 and  
 6 above were interviewed.  
 7 ARBITRATOR RYAN: 70?  
 8 THE WITNESS: 70 and above.  
 9 **Q. Were given oral interviews?**  
 10 A. Yes, that's correct.  
 11 **Q. And you conducted those interviews?**  
 12 A. Yes, I did.  
 13 **Q. And so did you decide whom to hire based**  
 14 **on those interviews?**  
 15 A. Correct. It was a combination of  
 16 residency, also the score, and the oral interview.  
 17 **Q. All right. When Sean Gannon was going**  
 18 **through the hiring process, were you aware of who**  
 19 **his father was?**  
 20 A. Yes. We worked together before. We  
 21 worked together in his previous role.  
 22 **Q. You know Jack Gannon?**  
 23 A. Yes.  
 24 **Q. How would you describe your relationship**  
 25 **with Jack?**

1 MR. VOTOLATO: Objection. Again,  
 2 relevance as to the grievant's father.  
 3 ARBITRATOR RYAN: Overruled. I think  
 4 there's, you know, enough basis there to ask that  
 5 question in terms of --  
 6 A. We had a working relationship. We knew of  
 7 each other. We knew -- I'd say it was fine. As far  
 8 as I knew it was fine.  
 9 **Q. Was there any animosity between you and**  
 10 **Jack?**  
 11 A. Oh, absolutely not. Not on my end at all.  
 12 **Q. Do you play any role at the fire academy?**  
 13 A. No, I do not.  
 14 **Q. Did you have any direct interaction with**  
 15 **Sean while he was at the fire academy?**  
 16 A. On occasion I would stop in briefly, and  
 17 that was only a handful of times. I didn't really  
 18 interact with any of the students. I was just there  
 19 to just take a look around and just show my face,  
 20 just so they'd know who I am. But I did not, you  
 21 know, take part in any of the training.  
 22 **Q. Do you regularly receive reports from the**  
 23 **instructors at the academy about how --**  
 24 A. Not written reports.  
 25 **Q. Verbal?** ✓

1 A. Verbal. ✓  
 2 **Q. And were you -- what were you -- what**  
 3 **verbal reports, if any, did you receive about Sean**  
 4 **Gannon?**  
 5 MR. VOTOLATO: Objection. It calls for  
 6 hearsay.  
 7 MR. BLISS: He received the reports.  
 8 Somebody reported to him.  
 9 MR. VOTOLATO: Yeah. And you're asking  
 10 him what those reports were.  
 11 ARBITRATOR RYAN: Well, the question is  
 12 did he --  
 13 MR. VOTOLATO: He didn't make the reports.  
 14 ARBITRATOR RYAN: -- did he receive  
 15 reports?  
 16 MR. BLISS: Right.  
 17 MR. VOTOLATO: That's a "yes" or "no."  
 18 ARBITRATOR RYAN: Yes.  
 19 MR. VOTOLATO: What the reports were is  
 20 calling for hearsay.  
 21 MR. BLISS: But he's the chief of the  
 22 department. He makes decisions. People tell him  
 23 things, and he makes decisions based on what they  
 24 tell him.  
 25 ARBITRATOR RYAN: It's for the fact that

1 these reports were made or for the content?  
 2 MR. BLISS: Well, he makes decisions based  
 3 on receiving information. There's a chain of  
 4 command.  
 5 MR. VOTOLATO: It's still hearsay.  
 6 ARBITRATOR RYAN: All right. It's  
 7 hearsay. You know, it's not at the heart of the  
 8 case. This is arbitration. So I'll recognize that  
 9 it's hearsay, and with those deficits I'll allow it.  
 10 **Q. Did you receive any reports about Sean**  
 11 **Gannon in the academy?**  
 12 A. Yes.  
 13 **Q. And what were those reports?**  
 14 A. That he was having some difficulties.  
 15 **Q. Did you take any action as a result of**  
 16 **those reports during the academy?**  
 17 A. Against Sean?  
 18 **Q. Did you do anything after receiving those**  
 19 **reports?**  
 20 A. I took it as information and let the  
 21 training proceed.  
 22 **Q. Did you go to meet with Sean's father,**  
 23 **Jack, during the academy?**  
 24 A. Yes, I did.  
 25 **Q. All right. And was that because of the**

1 **information you were receiving about Sean's**  
 2 **performance or another reason?**  
 3 A. It was on his performance.  
 4 **Q. And when did you go to meet with Jack?**  
 5 A. It was during the academy. I don't know  
 6 the exact date.  
 7 **Q. All right. And why did you go to meet**  
 8 **with Jack?**  
 9 A. On a request of the safety director and  
 10 the mayor. It was to go see what we could do to see  
 11 if Sean wanted to be a firefighter, see what we  
 12 could do to help him to continue on with his  
 13 training, to help him in training.  
 14 **Q. And what happened at that meeting with**  
 15 **Jack?**  
 16 A. We discussed the situation, training. I  
 17 asked what we could do. I informed him that he was  
 18 going to be assigned a firefighter to help him. He  
 19 was offered equipment to take home, Scott Air-Paks,  
 20 to see if he could work with it at home and see if  
 21 it could help him improve his ability.  
 22 **Q. Did he actually take them home?**  
 23 A. To my knowledge, no.  
 24 **Q. Do you have any knowledge why?**  
 25 MR. VOTOLATO: Objection.

1 ARBITRATOR RYAN: What's the objection?  
2 MR. VOTOLATO: I don't know how he can  
3 testify as to why Sean Gannon did or did not do  
4 something.

5 MR. BLISS: Maybe Sean told him. I just  
6 said do you know why Sean didn't take them home.

7 ARBITRATOR RYAN: Okay.

8 A. I did not talk with Sean, but I knew Jack  
9 had said that, you know, he had plenty of stress  
10 during the training and that he was spent by the  
11 time he got home in the evening that, you know, he  
12 didn't have time or could not train with that.

13 Q. Did you go to talk to the parents of any  
14 other recruits during the academy?

15 A. No.

16 Q. Throughout the course of your tenure as  
17 chief, have you ever gone to talk to the parent of a  
18 recruit during a fire academy?

19 A. No.

20 Q. At the conclusion of the academy, did you  
21 engage in any discussions regarding whether Sean  
22 would graduate from the academy?

23 A. No.

24 Q. Did you talk to the public safety director  
25 regarding whether Sean would graduate the academy?

1 able to graduate the academy?

2 A. If he had the passing grade, he was able  
3 to graduate. As far -- if you're getting to the  
4 point of how did he --

5 Q. Well, I'm asking -- Captain Thurber  
6 already testified about what happened with the  
7 grades. My question for you is: When you were  
8 shown the document marked as Union Exhibit 1, which  
9 had the "F" on it, did you note to anybody that  
10 unless the grade was changed Sean would not be able  
11 to graduate?

12 A. No, I did not.

13 Q. Were you part of any discussions with  
14 Director Pires or anyone else about whether or not  
15 Sean should be allowed to graduate the academy?

16 A. No, I did not.

17 Q. All right. After Sean graduated the  
18 academy, what happened next, as far as you were  
19 aware, with respect to Sean?

20 A. Okay. Once they graduated the academy --  
21 well, prior to the graduation the director of  
22 training, Captain Thurber, and I believe some of the  
23 training officers, they set the groups up where they  
24 were going to be assigned, and they presented them  
25 to me, and upon graduation the candidates went to

1 A. We were presented a list of scores from  
2 the head of the training academy at that time,  
3 Captain Thurber. And we had the scores. He had a  
4 failing mark on that final score. When it was  
5 coming time for the graduation, Captain Thurber had  
6 presented all the paperwork to the State Fire  
7 Academy, and they presented certificates in  
8 preparation for graduation day. Sean's name was  
9 there with the certificates.

10 ARBITRATOR RYAN: I'm sorry, who was there  
11 with the -- oh, Sean's name?

12 THE WITNESS: Sean's name was there on the  
13 certificates.

14 Q. I'm going to show you a document that's  
15 been marked as Union Exhibit 1.

16 A. Yes.

17 Q. Is that the document that you're referring  
18 to that Captain Thurber presented to you?

19 A. Yes, that is.

20 Q. So the "F" that you're referring to is  
21 under the State practical portion by Sean's name?

22 A. Correct.

23 Q. Did you have any discussions after  
24 receiving the document marked or viewing the  
25 document marked as Exhibit 1, whether Sean would be

1 their assigned shifts.

2 Q. All right. Actually, if I could just step  
3 back a minute. Previously other witnesses have  
4 testified that Sean had made some allegations and I  
5 believe Jack had made some allegations that Sean was  
6 being harassed, whether it was at the academy or  
7 after he graduated; were you aware of those  
8 allegations at all?

9 A. Jack brought that to my attention. He  
10 asked -- he had texted me saying there had been some  
11 problems.

12 Q. He texted you during the academy or after  
13 Sean graduated, if you remember?

14 A. Well, actually, we spoke of it at that  
15 meeting that we had.

16 Q. Okay. While Sean was at the academy?

17 A. While in the academy.

18 Q. Does the Pawtucket Fire Department have a  
19 policy regarding harassment?

20 A. The City has. It's through the City.

21 Q. All right. And that City policy, does  
22 that apply to the fire department?

23 A. Most definitely.

24 MR. BLISS: All right. I'm going to show  
25 you a document which I ask be marked as Employer's

1 Exhibit --  
 2 ARBITRATOR RYAN: 10.  
 3 MR. BLISS: -- 10.  
 4 **Q. If you could just briefly look at that**  
 5 **document. Do you recognize that document?**  
 6 A. Yes.  
 7 **Q. Can you tell us what that is?**  
 8 A. This is a policy set forth by Mayor  
 9 Grebien relating to harassment in the workplace.  
 10 **Q. Is that policy distributed to members of**  
 11 **the department?**  
 12 A. Yes, it is.  
 13 **Q. All right. So Sean would have received a**  
 14 **copy of that?**  
 15 A. He would have received a copy, yes.  
 16 **Q. All right. And in connection with that**  
 17 **policy, if you know or not, if you could take a**  
 18 **moment to look at it, is there a reporting procedure**  
 19 **for harassment?**  
 20 A. Yes, there is.  
 21 **Q. Okay. Do you know if Sean ever reported**  
 22 **any harassment to anyone, specifically the director**  
 23 **of personnel or yourself?**  
 24 A. I did not receive one.  
 25 **Q. Okay.**

1 A. I cannot speak to the personnel director.  
 2 **Q. Were you ever informed that Sean had?**  
 3 A. I was never informed.  
 4 **Q. Okay. After Jack and --**  
 5 ARBITRATOR RYAN: Any objection on 10?  
 6 MR. VOTOLATO: No.  
 7 ARBITRATOR RYAN: Okay. Thank you. It's  
 8 received.  
 9 MR. GANNON: Did you have a look at that?  
 10 I don't know that it's the same. We have two  
 11 different policies.  
 12 MR. VOTOLATO: We were provided by the  
 13 City an anti-harassment policy that's different than  
 14 the one we just got. I just want to make sure they  
 15 have, in fact, the same language in them.  
 16 ARBITRATOR RYAN: All right.  
 17 MR. VOTOLATO: We'll mark it for  
 18 identification.  
 19 ARBITRATOR RYAN: So just ID at this  
 20 point.  
 21 MR. VOTOLATO: Yeah.  
 22 ARBITRATOR RYAN: Okay.  
 23 MR. VOTOLATO: The one we received still  
 24 had Mayor Doyle's name on it, but that's what we got  
 25 from the City when we requested it. So, again, if

1 there was a newer one, I'm unclear as to why the  
 2 City didn't provide it to us.  
 3 MR. BLISS: Well, just for the record, to  
 4 be clear, I believe the records that you're  
 5 referring to were documents that you received  
 6 pursuant to a Freedom of Information Act request,  
 7 correct?  
 8 MR. VOTOLATO: Yes.  
 9 MR. BLISS: All right. And that request  
 10 was or that Freedom of Information Act response came  
 11 from the City itself, the city solicitor, and the  
 12 document that I just got was from the chief. It's  
 13 very possible that this is the document that's  
 14 currently in effect and the other policy was the  
 15 policy -- this policy hadn't been enacted yet.  
 16 MR. VOTOLATO: Right. And the language  
 17 may be exactly the same. They may have just put  
 18 Mayor Grebien's name on it. That's what we want to  
 19 determine.  
 20 MR. BLISS: Sure.  
 21 ARBITRATOR RYAN: Okay. Well, we'll  
 22 check.  
 23 BY MR. BLISS:  
 24 **Q. After the allegations of harassment of**  
 25 **Sean were made to you, after you became aware of**

1 **them, what was your response?**  
 2 A. I said that we would look into it, and  
 3 Director Pires did look into it. I spoke with  
 4 Captain Thurber and asked if such, you know, actions  
 5 were being taken, and he said that no, they were  
 6 not. You know, he does tend to yell and whatnot,  
 7 and if that was considered harassment, I couldn't  
 8 tell you.  
 9 **Q. Did you believe that there was any**  
 10 **harassment of Sean?**  
 11 A. After speaking with Captain Thurber, and I  
 12 spoke with a couple of other people, you know,  
 13 trainers or whatnot, if anything had been going on,  
 14 and they had felt nothing out of the ordinary was  
 15 going on.  
 16 **Q. So after Sean graduated you said he was**  
 17 **assigned to -- what was he assigned to?**  
 18 A. He was assigned to the Fourth Battalion.  
 19 **Q. All right.**  
 20 A. Under Jay McLaughlin.  
 21 **Q. And do you know what he was assigned to do**  
 22 **for the Fourth Battalion?**  
 23 A. He was assigned to fire dispatch.  
 24 **Q. All right. Did you have a chance to**  
 25 **personally observe him in connection with his duties**

1 at fire alarm?  
 2 A. I do not make it a normal practice to be  
 3 in fire alarm.  
 4 Q. Was any information brought to you  
 5 regarding Sean's performance at fire alarm?  
 6 A. Chief McLaughlin had said he had  
 7 difficulties in dispatch.  
 8 Q. Sean had difficulties?  
 9 A. Yes.  
 10 Q. Did he give you any specifics?  
 11 MR. VOTOLATO: Objection.  
 12 MR. BLISS: Well, Chief McLaughlin's  
 13 already testified; so I would withdraw the question.  
 14 ARBITRATOR RYAN: Okay.  
 15 Q. Based on the information conveyed to you  
 16 about Sean's performance in fire alarm, did you  
 17 reach any conclusions regarding his employment?  
 18 A. Could you repeat, please?  
 19 Q. Did you conclude anything -- based on the  
 20 information -- I withdraw that. Strike that.  
 21 Did you ultimately reach a conclusion that  
 22 Sean's employment should be terminated?  
 23 A. Yes, I did.  
 24 Q. What did you base that conclusion on?  
 25 A. Evaluations that were coming in from the

1 battalion chief.  
 2 Q. Did you have any discussions with anyone  
 3 regarding the decision to terminate Sean?  
 4 A. The public safety director.  
 5 MR. VOTOLATO: Could we clarify the time  
 6 frame you're talking about, like when were these  
 7 conversations.  
 8 Q. When was the decision to terminate Sean  
 9 made?  
 10 A. At the very end of the probationary  
 11 period. He was given every opportunity to be able  
 12 to improve.  
 13 Q. I'm going to show you a document that's  
 14 been marked as Employer's Exhibit 9; do you  
 15 recognize that?  
 16 A. Yes, I do.  
 17 Q. Can you tell us, did you -- is that your  
 18 signature on the letter?  
 19 A. Yes, it is.  
 20 Q. Why did you write that letter?  
 21 A. That letter was -- at that point, November  
 22 12th, we were coming upon the six-month period, and  
 23 at that time we had to make a decision who was going  
 24 to stay on as firefighters and who was not.  
 25 Q. And when you say the six-month period,

1 you're referring to?  
 2 A. Probation.  
 3 Q. Probationary period. All right. There's  
 4 been some discussion about a SAFER grant, it was a  
 5 government grant?  
 6 A. Yes, sir.  
 7 Q. That was received in connection with  
 8 Sean's class, correct?  
 9 A. That is correct.  
 10 Q. And the SAFER grant, can you just tell us  
 11 what the SAFER grant is?  
 12 A. The SAFER grant is a grant that is  
 13 available to all fire departments. Its purpose is  
 14 to maintain manpower levels throughout a department,  
 15 either "A," to bring them back up to full strength  
 16 or to rehire firefighters that have been laid off.  
 17 Q. And the SAFER grant required you to  
 18 maintain a certain number of members of the  
 19 department; is that correct?  
 20 A. We trained -- we were short 21  
 21 firefighters, and that's what we hired, 21  
 22 firefighters, to come up to our 146 member  
 23 department.  
 24 Q. And when you say you hired 21, you mean  
 25 Sean's class was 21?

1 A. Sean's class was the 21, but there was --  
 2 you know, out of 131 we actually created a secondary  
 3 list also.  
 4 Q. A secondary list of additional people that  
 5 would be eligible?  
 6 A. Additional for a secondary school.  
 7 Q. So your decision to terminate Sean, did  
 8 that have any effect on the SAFER grant?  
 9 A. No, it did not because the SAFER grant  
 10 allows -- they understand -- they give you time for  
 11 recruiting, for training, and then eventually  
 12 hiring, and they know that maybe not everybody that  
 13 you hire will stay.  
 14 Q. Okay.  
 15 A. So we were not penalized, if that's what  
 16 you're asking.  
 17 Q. You were not penalized for terminating  
 18 Sean?  
 19 A. No. As a matter of fact, we hired another  
 20 candidate, and we just kept on going with the grant.  
 21 MR. BLISS: All right. Thank you. I have  
 22 nothing further.  
 23 MR. VOTOLATO: If I could just have one  
 24 quick second?  
 25 ARBITRATOR RYAN: Certainly.

1 (P A U S E)  
 2 MR. VOTOLATO: Okay. We can go back on.  
 3 I just wanted to check the language of the  
 4 harassment policy. For the record, it appears that  
 5 the only difference between the version we got and  
 6 the version that was offered by the City is the --  
 7 I'm sorry, the contact information at the end, the  
 8 language is the same, so we have no objection to  
 9 that being entered as a joint exhibit.  
 10 ARBITRATOR RYAN: Okay. Thank you.  
 11 MR. VOTOLATO: I'm sorry, as an employer's  
 12 exhibit.  
 13 ARBITRATOR RYAN: Joint 11.  
 14 MR. BLISS: Might I even suggest, just for  
 15 the record, just so it's complete, we enter maybe  
 16 the exhibit I introduced as Joint Exhibit A and  
 17 maybe the other policy as Joint Exhibit B, just so  
 18 they're both in the record.  
 19 MR. VOTOLATO: We can. I don't see --  
 20 again, the language is the same. My only question,  
 21 which has nothing do with this proceeding, is why I  
 22 was given one that still said Mayor Doyle?  
 23 MR. BLISS: So if you have that question  
 24 or anything, I just ask that it be admitted as Joint  
 25 Exhibit B.

1 MR. VOTOLATO: Sure, I don't really care.  
 2 ARBITRATOR RYAN: That's fine, but you  
 3 don't have the other one in.  
 4 MR. BLISS: But they have it. I was  
 5 asking --  
 6 MR. VOTOLATO: I was going to use it  
 7 today. Again, I don't think it's necessary. I  
 8 think we can stick to --  
 9 ARBITRATOR RYAN: Right, but you don't  
 10 object to it, and he wants it in.  
 11 MR. BLISS: I'm asking if it can be in.  
 12 ARBITRATOR RYAN: So "A" and "B."  
 13 MR. VOTOLATO: So "A" is the current  
 14 Grebien version, and "B" is the old Doyle version.  
 15 MR. BLISS: Correct. Thank you.  
 16 MR. VOTOLATO: Do you want a copy of this  
 17 one?  
 18 MR. BLISS: If you do. If you just have  
 19 one, if we could just give it to the arbitrator.  
 20 MR. VOTOLATO: Again, I was going to use  
 21 it.  
 22 MR. BLISS: Thank you.  
 23 MR. VOTOLATO: That should be two copies.  
 24 ARBITRATOR RYAN: Thank you. So this is  
 25 Employer's 10A and 10B.

1 MR. BLISS: No, it's joint.  
 2 ARBITRATOR RYAN: You're making it joint  
 3 now?  
 4 MR. BLISS: Yes.  
 5 ARBITRATOR RYAN: Then these need to be  
 6 Joint 12.  
 7 MR. VOTOLATO: The harassment policies?  
 8 MR. BLISS: I'm sorry, 12A and 12B. Do  
 9 you want to do it as joint?  
 10 MR. VOTOLATO: I don't care either. I was  
 11 going to use them, too.  
 12 ARBITRATOR RYAN: Joint 12A and 12B.  
 13 (Whereupon, Joint Exhibit Nos. 12A and 12B  
 14 were marked.)  
 15 MR. VOTOLATO: Actually, before I get  
 16 started, let me ask, do you need to take a break?  
 17 THE WITNESS: No, I think I'm good.  
 18 MR. VOTOLATO: I know you've had a bad  
 19 back.  
 20 THE WITNESS: Just keep going.  
 21 MR. VOTOLATO: Why don't we do this, if  
 22 you need one, let us know.  
 23 THE WITNESS: I'm fine, sir. Thank you.  
 24 Thank you. I appreciate it.  
 25 MR. VOTOLATO: Are we all set?

1 ARBITRATOR RYAN: Yes.  
 2 CROSS-EXAMINATION  
 3 BY MR. VOTOLATO:  
 4 **Q. Chief Sisson, you've been the fire chief**  
 5 **for about five years, right?**  
 6 A. Yeah, five years and going into -- I'm in  
 7 my sixth right now currently.  
 8 **Q. Okay. And you called the date of your**  
 9 **hire a life-altering day?**  
 10 A. Yes.  
 11 **Q. Can you explain that?**  
 12 A. Well, it was something that I had always  
 13 wanted to do, become a firefighter. I knew once I  
 14 became a firefighter that my future was pretty well  
 15 set for me.  
 16 **Q. Now, you also testified that you didn't**  
 17 **attend a formal training academy?**  
 18 A. Correct.  
 19 **Q. Okay. And you learned on the job?**  
 20 A. Yes.  
 21 **Q. As the fire chief, do you know what**  
 22 **percentage of your firefighters currently employed**  
 23 **attended a formal fire academy and how many were**  
 24 **on-the-job trained?**  
 25 A. I would believe at this point in our



1 careers -- I was hired -- there was a fire academy  
 2 once I was hired. So it was more or less I was  
 3 being trained on the job and also had classes while  
 4 I was employed. I would say at this point now, I  
 5 would say there's not too many people left that  
 6 didn't go to a fire academy prior to being hired at  
 7 this point.  
 8 **Q. Okay. At the time you were hired, were**  
 9 **academies being used by the City and they just**  
 10 **didn't happen to have one when you were hired, or**  
 11 **did they start up after you were hired?**  
 12 A. They ran academies periodically  
 13 depending --  
 14 **Q. Prior to your --**  
 15 A. Prior to.  
 16 **Q. Okay.**  
 17 A. They ran them, I guess, sporadically. I  
 18 couldn't attest to how they did it at that time.  
 19 **Q. Now, you also testified that during Sean's**  
 20 **class -- did that have some sort of designation,**  
 21 **name, number; do you recall?**  
 22 A. No, I do not recall.  
 23 **Q. So I'll just keep calling it Sean's class.**  
 24 A. Sean's class. That's fine.  
 25 **Q. Now, you interviewed, you said, 133**

1 candidates?  
 2 A. Yes, sir.  
 3 **Q. And when you chose the 21 that would go to**  
 4 **the academy, did you have those 21 possible recruits**  
 5 **ranked in any way, or you just selected 21, and they**  
 6 **were entered?**  
 7 A. How they went into the -- we took the  
 8 written scores, then there was an oral interview,  
 9 which they were given a score, and then there was  
 10 also scoring if they were Pawtucket residents.  
 11 **Q. Okay.**  
 12 A. So they were grouped in a group, and when  
 13 they went into the academy they started out at zero  
 14 again. In other words, you were grouped the top 21,  
 15 then everyone started out at zero. So it was a fair  
 16 and equal basis for all people.  
 17 **Q. Got you. Do you recall what Sean Gannon**  
 18 **received on the written test prior to the academy?**  
 19 A. I do not at this point. I do not  
 20 remember.  
 21 **Q. Okay. Now, you said you scored them on**  
 22 **the oral interview?**  
 23 A. Correct.  
 24 **Q. How is that score reached; was it out of**  
 25 **100, was it out of 5, 10? How did you score that?**

1 A. It was out of 100. It was myself and  
 2 another fire chief.  
 3 **Q. Okay. Do you recall what Sean Gannon got**  
 4 **on that?**  
 5 A. I do not.  
 6 **Q. And do you have any knowledge of whether**  
 7 **or not Sean Gannon's a resident of Pawtucket?**  
 8 A. Yes.  
 9 **Q. Okay. So based on at least the three**  
 10 **things, he scored high enough to get in?**  
 11 A. Yes, he did.  
 12 **Q. And he beat out some 110 other candidates?**  
 13 A. Correct.  
 14 **Q. Now, during the academy, you testified**  
 15 **that you stopped in, I think your word was, a**  
 16 **handful of times; is that correct?**  
 17 A. Yes, sir.  
 18 **Q. I'm going to show you what's been**  
 19 **marked -- I'm losing track because we're getting**  
 20 **high in the numbers. I believe this was -- I'm**  
 21 **sorry, I didn't write whether it was union or**  
 22 **employer's; so I'm trying to figure it out.**  
 23 MR. BLISS: If you tell me what it is, I  
 24 might know.  
 25 MR. VOTOLATO: It's the letter from

1 Captain Thurber to Chief Sisson. I believe it was  
 2 Employer 4. I just have 4 written.  
 3 ARBITRATOR RYAN: No. Is there a date on  
 4 it?  
 5 MR. VOTOLATO: June 11, 2013.  
 6 MR. BLISS: It's not Employer 4.  
 7 ARBITRATOR RYAN: June 11, 2013?  
 8 MR. VOTOLATO: Yes.  
 9 ARBITRATOR RYAN: Employer 6.  
 10 MR. VOTOLATO: That would confuse me why I  
 11 have 4. Okay. Thank you. Employer 6, there it is.  
 12 BY MR. VOTOLATO:  
 13 **Q. I'm going to show you that letter. Take a**  
 14 **second to look at it. Now, have you seen that**  
 15 **letter before?**  
 16 A. Yes.  
 17 **Q. You've received that?**  
 18 A. Yes.  
 19 **Q. Do you recall if the copy you received was**  
 20 **signed or not? The copy you have there is unsigned.**  
 21 A. This is unsigned. I received a signed  
 22 copy.  
 23 **Q. Okay.**  
 24 A. I would believe I did.  
 25 **Q. I'll get to that in a second.**

1 This is a letter from Captain Thurber; is it  
 2 not?  
 3 A. Yes, it is.  
 4 Q. He was the instructor coordinator for that  
 5 fire academy?  
 6 A. Yes.  
 7 Q. And to paraphrase, he's essentially saying  
 8 that Sean Gannon isn't doing well in the academy and  
 9 shouldn't continue; is that correct?  
 10 A. Correct.  
 11 Q. When you received this -- well, strike  
 12 that.  
 13 When did you receive this letter; do you  
 14 recall?  
 15 A. Approximately the same time I think this  
 16 was written.  
 17 Q. Were you handed the letter, or was it  
 18 mailed to you interoffice mail?  
 19 A. Captain Thurber is in my office. He was  
 20 my fire marshal as well; so we share a common  
 21 office. So he would have brought this in and handed  
 22 this to me.  
 23 Q. Okay. Did you discuss it with him?  
 24 A. Yes, I did. We went through it, and he  
 25 said what he wrote, and he felt bad, as it states in

1 that letter, that he wasn't able to reach this  
 2 candidate, and that he highly suggested that he be  
 3 released from the school.  
 4 Q. Okay. But you didn't release Sean Gannon  
 5 at that time?  
 6 A. No, we did not.  
 7 Q. Is there a reason that you did not take  
 8 the advice of your instructor coordinator?  
 9 A. I brought this to the public safety  
 10 director, and there was a discussion, and we were  
 11 going to go forward to see if Sean could pick up his  
 12 abilities, continuing on with the training.  
 13 Q. Is it -- strike that.  
 14 As fire chief do you have the authority to  
 15 terminate employees?  
 16 A. Not without the permission of the public  
 17 safety director or the mayor.  
 18 Q. Okay. Does the personnel director have a  
 19 part in that as well?  
 20 A. I believe they should. At that time  
 21 Director Pires was also the acting personnel --  
 22 copersonnel director as well.  
 23 Q. Oh, okay. So at that time you believe  
 24 Tony Pires was serving as director of  
 25 administration, that was his title at the time,

1 public safety, and codirector of personnel?  
 2 A. Correct.  
 3 Q. Okay. Had you ever received -- during  
 4 your time as chief, had you ever received a  
 5 recommendation from one of your, I'll say senior  
 6 firefighters, regarding the termination of an  
 7 employee?  
 8 A. No, I have not.  
 9 Q. At any time during your employment with  
 10 the Pawtucket Fire Department in a supervisory  
 11 capacity, I'm saying from not when you were a  
 12 firefighter, from lieutenant forward, did you ever  
 13 receive recommendations regarding the termination of  
 14 an employee?  
 15 A. No.  
 16 Q. Have you ever made recommendations -- let  
 17 me limit that.  
 18 From the time you were promoted to lieutenant  
 19 until the day you were promoted to chief, did you  
 20 ever make a recommendation to any firefighter above  
 21 you in the chain of command that a firefighter be  
 22 terminated?  
 23 A. No.  
 24 Q. During your time as chief, have you ever  
 25 made a recommendation that a firefighter be

1 terminated?  
 2 A. Just Sean Gannon.  
 3 Q. All right. During your 28 years with the  
 4 Pawtucket Fire Department, do you know how many  
 5 firefighters have been terminated by the City?  
 6 A. I believe three, possibly.  
 7 Q. Without identifying them, because it's  
 8 none of our business, do you recall the reasons why  
 9 those three firefighters may have been terminated?  
 10 A. Yes. One was inability to achieve the  
 11 emergency medical technician cardiac level.  
 12 Q. Okay.  
 13 A. One other was criminal, drug related  
 14 possibly, and the third one as well, I believe,  
 15 there was some criminal activity or whatever.  
 16 Q. Okay. Now, did you say it was a cardiac  
 17 certification for the first guy?  
 18 A. Yes. It's the advanced level of emergency  
 19 medical technician.  
 20 Q. Okay. Is there a rule in the fire  
 21 department or with the City as to how quickly  
 22 firefighters are supposed to get that certification?  
 23 A. In the CBA it states that it's a one-year  
 24 time frame.  
 25 Q. Okay.

1 A. But it also depends on the -- well, they  
 2 give the class more frequently now, but at one time  
 3 it was very sparse when they gave that.  
 4 **Q. Okay. That particular employee, again,**  
 5 **without identifying him, do you know how long he was**  
 6 **employed by the City without having that**  
 7 **certification?**  
 8 A. Not the exact amount of time, no, I do  
 9 not.  
 10 **Q. Do you have a ballpark? Was it more than**  
 11 **a year?**  
 12 A. Oh, I believe it was more than a year.  
 13 **Q. Was it more than two years?**  
 14 A. It could be in the two-year range. I  
 15 really don't know the exact time.  
 16 **Q. Now, when you took the letter that's in**  
 17 **front of you, Employer's 6, to Mr. Pires, during**  
 18 **your discussion was it his decision to allow Sean**  
 19 **Gannon to continue, or was it a joint decision?**  
 20 A. It was a joint decision.  
 21 **Q. As you sit here today, do you know if**  
 22 **Mr. Pires has any firefighter training?**  
 23 A. To my knowledge he does not.  
 24 **Q. Do you know if he has any experience or**  
 25 **training in the public safety world at all?**

1 A. Only what he's acquired from his tenure  
 2 with the City of Pawtucket. I do not know what his  
 3 prior experience with that is.  
 4 **Q. So as far as you know, he's never been a**  
 5 **firefighter?**  
 6 A. Correct.  
 7 **Q. He's never been a police officer?**  
 8 A. Correct.  
 9 **Q. He's never been an EMT or a rescue worker?**  
 10 A. Correct.  
 11 **Q. Is there some reason you, and I don't want**  
 12 **to put words in your mouth, but is there some reason**  
 13 **you chose to value the discussion with Tony Pires to**  
 14 **keep Sean on more heavily than the discussion with**  
 15 **your instructor coordinator to remove him?**  
 16 A. Can you restate that, please?  
 17 **Q. I'm trying to get to why you would, after**  
 18 **discussing it with Tony Pires, decide Sean should**  
 19 **stay when after discussing it with your instructor**  
 20 **coordinator and the instructor believed he should**  
 21 **go?**  
 22 MR. BLISS: Can I just ask, again, the  
 23 time frame that we're talking about, when this  
 24 discussion was?  
 25 MR. VOTOLATO: When he received this

1 letter.  
 2 MR. BLISS: Okay.  
 3 MR. VOTOLATO: And the subsequent meeting  
 4 with Tony Pires.  
 5 MR. BLISS: So they're still in the  
 6 academy?  
 7 MR. VOTOLATO: Absolutely.  
 8 MR. BLISS: All right.  
 9 MR. VOTOLATO: I actually have an outline  
 10 today. I'm going to try to keep it chronological,  
 11 if I can.  
 12 A. It was their wishes that we continue with  
 13 this candidate.  
 14 **Q. Their wishes; who is "they"?**  
 15 A. Director Pires. That we give this  
 16 candidate the full opportunity to prove himself.  
 17 **Q. Okay. I'm going to show you what's been**  
 18 **marked as Employer 1. That's the spreadsheet I**  
 19 **think you looked at earlier.**  
 20 A. Yes, sir.  
 21 **Q. Now, I think you testified that Captain**  
 22 **Thurber presented you with that document?**  
 23 A. Yes.  
 24 **Q. Okay. Did he give you a piece of paper?**  
 25 **Did he show it to you on a computer screen?**

1 A. It was this exact document but in color.  
 2 **Q. And all the names were filled in?**  
 3 A. Yes, indeed.  
 4 MR. VOTOLATO: Again, for the record,  
 5 Employer's 1 has everyone's name but Sean Gannon's  
 6 it looks like whited out.  
 7 **Q. Do you recall when you received this**  
 8 **document?**  
 9 A. It had to be near the culmination of the  
 10 educational portion of the academy heading towards  
 11 graduation. It could have been a week before. I'm  
 12 not sure. It was within a short time period before  
 13 the graduation.  
 14 **Q. Okay. Was that form completely -- again,**  
 15 **aside from the names, was it completely filled out**  
 16 **and all columns completed as you see now, or were**  
 17 **some columns yet to be completed?**  
 18 A. Exactly as I see it right now.  
 19 **Q. Okay. So just to clarify the time frame,**  
 20 **this would have had to have been presented to you at**  
 21 **some point between graduation and the completion of**  
 22 **all practical examinations; is that right?**  
 23 A. Correct.  
 24 **Q. Okay. Now, you saw the version that's**  
 25 **before you with an "F"?**

1 A. Yes.  
 2 **Q. What is your belief as to the minimum**  
 3 **requirements for passing the Pawtucket Fire Academy?**  
 4 **What does a cadet have to do to complete the**  
 5 **academy?**  
 6 A. You have to acquire the Firefighter I,  
 7 Firefighter II, and hazardous operations  
 8 certificates.  
 9 **Q. And do they need to successfully complete**  
 10 **all the academic testing you see in the first part**  
 11 **of that?**  
 12 A. This is all associated with the Rhode  
 13 Island State Fire Academy, and I do not have really  
 14 any interaction with them.  
 15 MR. BLISS: Can I just add something for  
 16 the record, just while we have a pause? This is  
 17 actually Union Exhibit 1 that he's looking at. It's  
 18 not Employer 1. Just so we're clear.  
 19 MR. VOTOLATO: Sorry, I misspoke.  
 20 ARBITRATOR RYAN: Thank you.  
 21 MR. VOTOLATO: Next time keep it to  
 22 yourself.  
 23 BY MR. VOTOLATO:  
 24 **Q. Chief Sisson, you just said it has to do**  
 25 **with the State, but I'm going to ask you in your**

1 A. Yes, I have.  
 2 **Q. Where did you see that?**  
 3 A. I saw that in the preparation of the  
 4 folders that were going to be given to the  
 5 candidates at the graduation.  
 6 **Q. Okay. And that's his hazardous materials**  
 7 **certificate?**  
 8 A. Yes.  
 9 **Q. I'm going to show you --**  
 10 MR. VOTOLATO: I believe we marked this as  
 11 10, Tim, Joint 10, the certificate of completion  
 12 from the fire academy.  
 13 MR. BLISS: Yes, that's 10.  
 14 MR. VOTOLATO: For some reason I didn't  
 15 mark it there.  
 16 **Q. That's been marked as Joint 10; have you**  
 17 **seen that?**  
 18 A. Yes, indeed.  
 19 **Q. In fact, in the lower left corner of that,**  
 20 **is that your signature?**  
 21 A. Yes, it is.  
 22 **Q. So as we sit here today, is it your belief**  
 23 **that Sean Gannon completed the Pawtucket Fire**  
 24 **Academy?**  
 25 A. I would not have signed that if I did not.

1 **capacity as the fire chief, do you know if it's --**  
 2 **do you know if a firefighter can achieve the**  
 3 **certifications you just talked about without**  
 4 **successfully passing any State practicals or**  
 5 **successfully completing the State practical exams?**  
 6 A. No.  
 7 **Q. They cannot get the certification?**  
 8 A. Not to my knowledge, but I am not really  
 9 acclimated with the rules and regulations of the  
 10 State Fire Academy.  
 11 **Q. Okay. I'm going to show you what was**  
 12 **marked as Joint Exhibit 8. Just take a look at**  
 13 **that.**  
 14 MR. VOTOLATO: It's Firefighter I and II,  
 15 Tim.  
 16 **Q. Have you seen that document before?**  
 17 A. Yes, I have.  
 18 **Q. That is Sean Gannon's Firefighter I and II**  
 19 **certification; is it not?**  
 20 A. Yes, it is.  
 21 **Q. And he received that from the State of**  
 22 **Rhode Island?**  
 23 A. Correct.  
 24 **Q. I'm going to show you Joint Exhibit 9.**  
 25 **Have you seen that before?**

1 **Q. This is dated the 28th day of June 2013.**  
 2 **Do you recall when you actually signed it?**  
 3 A. Can I see that? Thank you. The 28th day  
 4 of June, I believe, was the day of the ceremony; so  
 5 that was signed a day or two before that.  
 6 **Q. Okay.**  
 7 A. Probably.  
 8 **Q. Now, at the time you signed this, you had**  
 9 **already seen the spreadsheet/grade sheet that was**  
 10 **marked as Union 1; is that correct?**  
 11 A. Correct.  
 12 **Q. Between the time you saw the spreadsheet**  
 13 **marked as Union 1 and the time you signed the**  
 14 **certificate of completion of the municipal fire**  
 15 **academy, did you have any discussions with anybody**  
 16 **as to whether or not Sean Gannon did, in fact, pass**  
 17 **all the requirements?**  
 18 A. I did not. Once I saw the Firefighter I,  
 19 Firefighter II combination certificate and the  
 20 hazardous materials operator, there was no  
 21 discussion.  
 22 **Q. Okay. You never asked anybody how did he**  
 23 **go from an "F" to getting the certificate?**  
 24 A. No, I did not.  
 25 **Q. You didn't speak to your instructor**

1 coordinator, Bob Thurber, about that?  
 2 A. No, I did not.  
 3 Q. So as of the date of the graduation  
 4 ceremony, was it your belief that Sean Gannon did,  
 5 in fact, successfully complete all the requirements  
 6 and had passed the academy and gained the necessary  
 7 certifications?  
 8 A. With all the certificates signed from the  
 9 State, yes.  
 10 Q. Okay. I want to go back for a second to  
 11 the letter you received from Captain Thurber on  
 12 June 11, 2013. After you received that letter, and  
 13 again, I think you testified your version was  
 14 signed, what did you do with it?  
 15 A. I brought it to the director of public  
 16 safety.  
 17 Q. Okay. Do you know if that letter -- where  
 18 that letter was retained? Was it put in Sean's  
 19 personnel file? Was it put in some fire department  
 20 file?  
 21 A. I do not know. I have a copy -- I have a  
 22 copy. I had seen a copy. I do not know if it was  
 23 put in his personnel file.  
 24 Q. Okay. Would it surprise you to know that  
 25 we received this within documents we received as a

1 personnel file. Any document usually related to any  
 2 firefighter is usually put in their file.  
 3 Q. If something is added -- if a document is  
 4 added to a firefighter's personnel file, would they  
 5 typically get notice of it?  
 6 A. I do not know.  
 7 Q. Okay. So if a letter was placed in a  
 8 firefighter's personnel file suggesting that  
 9 firefighter's termination, you don't know if that  
 10 firefighter would be notified that the letter was  
 11 being put in his file?  
 12 MR. BLISS: Objection. What do you mean  
 13 suggesting his termination?  
 14 ARBITRATOR RYAN: Removal from.  
 15 MR. VOTOLATO: Removal from the academy.  
 16 MR. BLISS: Okay.  
 17 MR. VOTOLATO: But, again, they were paid  
 18 during the academy. That's termination, being  
 19 removed from a paid position. Let me rephrase the  
 20 question.  
 21 Q. Do you believe that after this letter  
 22 suggesting Sean's removal, washing out, whatever you  
 23 want to say from the academy, do you believe Sean  
 24 Gannon should have received notice that this letter  
 25 was being put into his permanent personnel file?

1 request for Sean's personnel file; that this was, in  
 2 fact, in his personnel file?  
 3 A. It would not surprise me.  
 4 Q. Do you have the authority as chief of the  
 5 fire department to add documents to a firefighter's  
 6 personnel file?  
 7 A. Yes.  
 8 Q. Okay. Did you put this in Sean's  
 9 personnel file?  
 10 A. I did not. I presented that to the public  
 11 safety director. I brought it to my immediate  
 12 supervisor.  
 13 Q. Do you have any specific knowledge as to  
 14 whether or not Mr. Pires put this into his personnel  
 15 file?  
 16 A. I do not have that knowledge.  
 17 Q. Do you have any knowledge of anyone  
 18 placing this letter into Mr. Gannon's personnel  
 19 file?  
 20 A. No, I do not.  
 21 Q. Do you have any knowledge -- strike that.  
 22 Is it safe to say that today's the first time  
 23 you heard that this was in his personnel file, or  
 24 did you know it was there?  
 25 A. I would assume that it would be in the

1 A. I look at it as it was a suggestion from  
 2 one of his trainers.  
 3 Q. It was a suggestion from the head of the  
 4 academy.  
 5 A. From the head of his trainers. I do not  
 6 know.  
 7 Q. During the period of the fire academy, May  
 8 2013 to the end of June, the beginning of July,  
 9 you've already testified that you've had  
 10 conversations with Tony Pires about Sean Gannon; did  
 11 you have conversations with any other member of the  
 12 administration regarding Sean Gannon?  
 13 A. Mayor Grebien probably sat in on one of  
 14 those discussions.  
 15 Q. All right. And do you recall if Mayor  
 16 Grebien expressed his view on whether or not Sean  
 17 Gannon should be allowed to continue or should be  
 18 removed from the fire academy?  
 19 A. He thought that he should be given every  
 20 chance to prove himself.  
 21 Q. During that meeting, was Bob Thurber  
 22 present at that meeting?  
 23 A. No.  
 24 Q. You were present during Bob Thurber's  
 25 testimony in this proceeding; were you not?

1 A. Yes.  
 2 **Q. And you were also here during Tony Pires's**  
 3 **testimony?**  
 4 A. Yes.  
 5 **Q. So you heard Tony Pires testify that Bob**  
 6 **Thurber had altered that "F" on Union Exhibit 1 to a**  
 7 **"P"?**  
 8 A. Yes.  
 9 **Q. When did you first become aware that Bob**  
 10 **Thurber had altered that document?**  
 11 A. At a meeting that we had in preparation  
 12 for this.  
 13 **Q. Okay. Was that a meeting that your**  
 14 **attorney was present for?**  
 15 A. No.  
 16 **Q. Okay.**  
 17 A. The city solicitor.  
 18 **Q. All right. So who was there? Yourself,**  
 19 **Frank Milos?**  
 20 A. And Director Pires.  
 21 **Q. Okay. And was Bob Thurber present at that**  
 22 **meeting?**  
 23 A. Yes, Bob Thurber, Director Pires, Milos,  
 24 and myself.  
 25 MR. BLISS: I'm just going to object as I

1 did before. Not object yet but just say we're  
 2 treading on a line here because Frank Milos was at  
 3 the meeting. So there was some privileged stuff  
 4 going on. We never tried to hide the existence of  
 5 this meeting. We've already heard testimony about  
 6 it. I just want to caution at some point.  
 7 MR. VOTOLATO: All right. I'm going to  
 8 keep going. If you have an issue, speak up.  
 9 MR. BLISS: All right.  
 10 MR. VOTOLATO: In fact, can we just go off  
 11 the record for one second.  
 12 (Off-the-record discussion.)  
 13 MR. VOTOLATO: Back on the record.  
 14 **Q. At that meeting who was -- who first**  
 15 **disclosed that the document we know as Union's 1 was**  
 16 **altered?**  
 17 A. Captain Thurber.  
 18 **Q. And did Captain Thurber explain why he**  
 19 **altered it?**  
 20 A. Yes, he did.  
 21 **Q. And what was that explanation?**  
 22 A. He felt that he was going to be passed  
 23 anyways and that he didn't want Sean to be  
 24 embarrassed at the graduation, to not receive his  
 25 diploma, his paperwork, and go through the ceremony.

1 **Q. Okay. What were your feelings immediately**  
 2 **upon hearing that Bob Thurber had made an alteration**  
 3 **to that document?**  
 4 A. I was surprised.  
 5 **Q. And was it your belief that that document**  
 6 **was passed along to the State, the Division of**  
 7 **Public Safety?**  
 8 A. I do not know about the passing. I didn't  
 9 know if the State would have accepted that Union 1  
 10 document and not give time to retest or was he  
 11 retested prior to the grades going in to the State.  
 12 I was unaware of that.  
 13 **Q. Okay. You read my mind for a second**  
 14 **there. Did Bob Thurber ever explain to you why Sean**  
 15 **received an "F" on the State practical portion of**  
 16 **Union 1?**  
 17 A. He had problems finishing one or two of  
 18 the stages.  
 19 **Q. Okay. And you just touched on it a second**  
 20 **ago. Are you aware if Sean Gannon was ever offered**  
 21 **a retest on those sections?**  
 22 A. I am not.  
 23 **Q. Is it commonplace to allow firefighters to**  
 24 **retest for things that they didn't do well on?**  
 25 A. I do not know if that's in the State rules

1 and regs. I'm not sure. I would assume most people  
 2 are able to get a retest on a stage if they did not  
 3 pass it, but I could be 100 percent wrong on that as  
 4 well.  
 5 **Q. Okay. So at the meeting we're discussing**  
 6 **where you were preparing for these proceedings, at**  
 7 **that time do you know if Tony Pires was aware that**  
 8 **the change had been made to the document?**  
 9 A. The director learned at that meeting as  
 10 well.  
 11 **Q. Okay. Do you know if anybody within --**  
 12 **I'll limit it to the fire department -- if anybody**  
 13 **within the fire department instructed or suggested**  
 14 **to Bob Thurber that he change that document?**  
 15 A. No, no one would have made that.  
 16 **Q. Do you know now or have you learned since**  
 17 **if anybody within the administration of the City of**  
 18 **Pawtucket suggested or encouraged Bob Thurber to**  
 19 **change that document?**  
 20 A. No one in the administration made that  
 21 call.  
 22 **Q. So as you sit here today, you believe Bob**  
 23 **Thurber took it upon himself to make that change?**  
 24 A. Yes, I do.  
 25 **Q. Okay. In your opinion, was that a proper**

1 **thing for Bob Thurber to do?**

2 A. I do not know in the rules and regs or how  
3 the State academy runs if a coordinator has the  
4 ability to change grades.

5 **Q. I didn't ask that. I asked: Do you feel  
6 it was proper for him to do?**

7 MR. BLISS: Objection. How he feels about  
8 it is irrelevant.

9 MR. VOTOLATO: He's the chief of the  
10 department.

11 MR. BLISS: It doesn't matter. It  
12 happened. How he feels is not important. We're  
13 here about Sean.

14 ARBITRATOR RYAN: How he feels, I agree.

15 MR. VOTOLATO: Okay.

16 **Q. After learning that Bob Thurber had made  
17 this change to the document known as Union's 1, was  
18 he disciplined at all by you or anybody else in the  
19 fire department?**

20 MR. BLISS: Objection. This is about Sean  
21 Gannon, who was hired. He was sworn in as a  
22 uniformed member as a result of passing. What  
23 happened with Bob Thurber is irrelevant.

24 ARBITRATOR RYAN: How is it relevant?

25 MR. VOTOLATO: I disagree. I think it's

1 other firefighters who were either simply  
2 disciplined or not disciplined at all but certainly  
3 not terminated. We've got here, and we've been  
4 talking about it a lot, a senior firefighter, the  
5 instructor coordinator, who altered a grade, and I  
6 have not introduced the statute. I mean, you've  
7 made allegations that I've threatened criminal  
8 prosecution. I'm not a prosecutor. I can't do  
9 that. But you've got a senior firefighter, the head  
10 of the municipal academy, changing grades and  
11 passing students to get State certificates, that I  
12 don't know if they've earned or not because again  
13 we've heard "P" and we've heard "F." I'm simply  
14 asking if this person who changed a grade and  
15 admitted to it was disciplined at all by the fire  
16 department.

17 MR. BLISS: But this isn't even something  
18 that would qualify under disparate treatment. First  
19 of all, the evidence is uncontroverted to date that  
20 Sean was a probationary firefighter. Everybody who  
21 has testified made decisions based on the fact that  
22 Sean was an at-will probationary firefighter. If  
23 you want to --

24 MR. VOTOLATO: Right. But you understand  
25 I haven't gone yet.

1 relevant in that we've got and we've heard from this  
2 witness that in his 28 years only three people other  
3 than Sean Gannon have ever been terminated, two of  
4 them for criminal reasons, and you've got a  
5 firefighter who altered a document, a grading  
6 document that was presented, as was testified to  
7 earlier, to the State of Rhode Island. I want to  
8 know if that person was even disciplined, let alone  
9 terminated for his actions.

10 MR. BLISS: Sean was a probationary  
11 firefighter; Bob Thurber was not.

12 MR. VOTOLATO: We have not determined  
13 that. Sean Gannon was being paid. He was an  
14 employee of the Pawtucket Fire Department. He was  
15 terminated. His probationary basis is at issue.

16 ARBITRATOR RYAN: That's part of the  
17 argument.

18 MR. VOTOLATO: But, again, I think we've  
19 been saying this since day one, the disparate  
20 treatment. Now, I know the City has painted this  
21 picture of everything we've done we've done for  
22 Sean, but in the end, they still terminated him.  
23 They terminated him in a fashion that flies in the  
24 face of what they've done in the past. We've tried  
25 to enter testimony of behaviors and incidents with

1 MR. BLISS: If you want to make a legal  
2 argument that he wasn't, then you can do that in  
3 your brief, but you're talking about a man, Captain  
4 Thurber, who had I believe 28 years on the  
5 department, you're also talking about two completely  
6 different things. The uncontroverted evidence is  
7 that Sean was incompetent as a firefighter. What  
8 you're talking about about Bob Thurber has  
9 absolutely no bearing on this.

10 MR. VOTOLATO: What I'm getting to is that  
11 there is a line of discipline that is ignored  
12 commonly in the Pawtucket Fire Department and that  
13 for Sean Gannon -- and, again, I don't believe he  
14 was probationary -- you skipped all the steps of the  
15 disciplinary process, jumped right to the nuclear  
16 option of termination with no due process at all.

17 MR. BLISS: And they've stated exactly --

18 ARBITRATOR RYAN: Listen, listen, this is  
19 at the heart of the dispute.

20 MR. VOTOLATO: Right.

21 ARBITRATOR RYAN: So I'm going to hear  
22 this argument. I heard it in the openings. I'm  
23 going to hear it in the closings. So I'm not going  
24 to assume the answer to that question is one way or  
25 another. Now, disparate treatment does have to have

1 similar facts to be meaningful, but you've got a  
2 case to be made on that, and as far as I'm  
3 concerned, you can argue the relevance of it if you  
4 want, but I think the union's entitled to know  
5 whether or not Captain Thurber was disciplined.  
6 BY MR. VOTOLATO:

7 **Q. Do you need me to ask it again?**

8 A. Nope. Captain Thurber was not  
9 disciplined. I had all the faith in the world that  
10 if that was changed, it was changed in the right  
11 manner. I have all the faith in the world that  
12 Captain Thurber made his decision based on his  
13 experience.

14 **Q. I'll leave it at that. During the  
15 academy, when did you first learn that Sean Gannon  
16 was complaining about being harassed?**

17 A. When I had the meeting with Jack Gannon.

18 **Q. Okay. Do you recall when that was?**

19 A. I do not know the exact date.

20 **Q. All right. Now, I think you testified  
21 that you -- well, strike that. What did you do with  
22 that information you got from Jack Gannon?**

23 A. I discussed it with the public safety  
24 director, and I also questioned Captain Thurber  
25 himself to see exactly what was going on. I

*Before  
The Jury  
W/ Mr. W.*

1 asked -- I put the question to him: Was Candidate  
2 Gannon being treated any differently than any of the  
3 other candidates? And he told me no.

4 **Q. Okay. During your conversation with Jack  
5 Gannon, did he identify any specific firefighters he  
6 thought were harassing and bullying his son?**

7 A. During the academy?

8 MR. BLISS: Objection to the word  
9 "bullying" because that hasn't been testified to at  
10 all.

11 **Q. During your meeting with Jack Gannon, did  
12 he identify any firefighters he believed to be  
13 harassing or treating his son improperly?**

14 A. I do not recall.

15 **Q. You don't recall if he specifically said  
16 he thought Bob Thurber was treating his son  
17 inappropriately?**

18 A. You said firefighters. Yes, he was the  
19 coordinator. He thought that he was riding him  
20 hard.

21 **Q. Okay. Bob Thurber is a firefighter?**

22 A. Yeah.

23 **Q. Or was, he's retired now; is that right?**

24 A. Yes, he is.

25 MR. VOTOLATO: Were you chiming in, Tim,

1 or no?

2 MR. BLISS: I was just going to clarify.  
3 You might want to ask the chief because I know you  
4 don't do a lot of these. The term "firefighter" is  
5 a term of art. It usually refers to privates,  
6 right?

7 THE WITNESS: Yes.

8 MR. VOTOLATO: An employee. I'm a dummy.  
9 No offense to any of you and your rank. If I see  
10 you on the truck, you're all firefighters to me. No  
11 offense.

12 ARBITRATOR RYAN: They're all chiefs to  
13 me.

14 MR. VOTOLATO: Maybe that's the way I  
15 should look at it.

16 BY MR. VOTOLATO:

17 **Q. So Jack Gannon suggested to you that  
18 Captain Thurber was, I think you said riding his son  
19 pretty hard. Okay. So you went to Bob Thurber and  
20 asked, "Are you doing anything wrong?"**

21 A. Yes.

22 **Q. And naturally he said no?**

23 A. Yes.

24 MR. BLISS: Objection.

25 ARBITRATOR RYAN: Sustained.

1 **Q. Did you personally speak to anyone other  
2 than Captain Thurber about these allegations?**

3 A. I spoke to some of the other trainers and  
4 asked if anything was being done to harass anyone or  
5 that anybody was being treated unfairly, and they  
6 stated no, they were all being treated the same.

7 **Q. Okay. Specifically, do you recall who you  
8 spoke to?**

9 A. No, I do not. Trainers. Just trainers.  
10 You know, I would grab an instructor, "Hey, what's  
11 going on in here? Is everything aboveboard?  
12 Everybody being treated fairly?"

13 **Q. Okay. And after your initial meeting with  
14 Tony Pires about this, did you follow up with him  
15 about -- I think you said he said he would look into  
16 it?**

17 A. Director Pires did his own investigation  
18 as well.

19 **Q. All right. Did you follow up with him  
20 about his investigation at any point?**

21 A. At his conclusion he felt that nothing was  
22 being done out of the ordinary. The people that he  
23 spoke to claim that he was being treated the same as  
24 all firefighters, and he wasn't mean in doing what  
25 he had done.



1 Q. Okay.  
 2 A. Or a conspiracy.  
 3 Q. And again, I don't want you to identify  
 4 other firefighters other than Sean Gannon, but  
 5 during your time as chief, had you ever been made  
 6 aware of other allegations, besides Sean Gannon, of  
 7 harassment or -- you can object to it, but I'm going  
 8 to use the word "bullying" again just for a word to  
 9 use. Has anyone else ever made you aware that they  
 10 were complaining of harassment or improper treatment  
 11 on the job?  
 12 A. No.  
 13 Q. Do you as a fire department have a set  
 14 procedure for dealing with complaints or allegations  
 15 of harassment or abuse or bullying?  
 16 A. It goes directly to the personnel  
 17 director.  
 18 Q. Okay. Now, let me back up for a minute.  
 19 You mentioned earlier Tony Pires was the copersonnel  
 20 director?  
 21 A. Yes.  
 22 Q. Who was the other part of the co?  
 23 A. Joanna L'Heureux.  
 24 Q. Did you deal with Joanna L'Heureux at all  
 25 with regards to Sean Gannon's complaints?

1 A. No.  
 2 Q. Only Tony Pires?  
 3 A. Correct.  
 4 Q. Okay. Mr. Bliss showed you what is marked  
 5 as Joint Exhibit 12A. You just saw that a minute  
 6 ago. This is the City's anti-harassment policy; is  
 7 that correct?  
 8 A. Yes.  
 9 Q. And you're familiar with that?  
 10 A. Yes.  
 11 Q. The second paragraph, the second  
 12 sentence -- if I'm reading this incorrectly, please  
 13 chime in, but it says, "Harassment includes without  
 14 limitation verbal harassment (epithets, derogatory  
 15 statements, slurs, etc.); visual harassment  
 16 (posters, cartoons, drawings, etc.); and innuendos."  
 17 Did I read that correctly?  
 18 A. Yes.  
 19 Q. So what would you consider a derogatory  
 20 statement?  
 21 MR. BLISS: Objection. That's so broad  
 22 that -- I mean --  
 23 MR. VOTOLATO: I'll strike that.  
 24 ARBITRATOR RYAN: Sustained.  
 25 Q. In your words, define derogatory statement

1 for me.  
 2 A. I think that would be a statement that an  
 3 individual takes it as offensive.  
 4 Q. Okay. Using profanity directed towards  
 5 another employee of the fire department, do you  
 6 think someone could find that offensive?  
 7 A. It depends on the individual.  
 8 Q. Okay. I apologize to everyone in the  
 9 room, but I've got to bring it up. Do you consider  
 10 the word "cunt" offensive?  
 11 A. No.  
 12 Q. Okay. Do you think a reasonable -- do you  
 13 think a reasonable person finds that word offensive?  
 14 MR. BLISS: Objection. He can't testify  
 15 to that.  
 16 ARBITRATOR RYAN: Sustained.  
 17 Q. Is that a word you use in your everyday  
 18 vocabulary?  
 19 A. I do not.  
 20 Q. Do you know if it is a word used regularly  
 21 by any of the members of the fire department?  
 22 A. I do not know.  
 23 Q. Have you ever heard Bob Thurber use that  
 24 word?  
 25 A. I have not.

1 Q. Would you find -- would you consider  
 2 behavior meant to intimidate as harassment?  
 3 A. Restate. Repeat, please.  
 4 Q. Would you consider behavior that was meant  
 5 to intimidate to be harassment?  
 6 MR. BLISS: I'm going to object, just to  
 7 the extent of intimidate who and a statement by  
 8 whom?  
 9 MR. VOTOLATO: Well, I'm getting to that.  
 10 I'm just asking what he thinks in general.  
 11 MR. BLISS: I don't think you -- in  
 12 general I don't think you have a right to ask. Are  
 13 you talking about the fire department?  
 14 MR. VOTOLATO: Yeah.  
 15 MR. BLISS: And if so, whom?  
 16 MR. VOTOLATO: Well, I'm asking him a  
 17 question right now.  
 18 MR. BLISS: I'm going to object that it's  
 19 too broad. You need to specifically state what  
 20 you're asking.  
 21 MR. VOTOLATO: All right. I'll  
 22 specifically state.  
 23 Q. Would it surprise you to find out that  
 24 under oath, albeit in a separate action, Bob Thurber  
 25 testified that he has sought to intimidate recruits

1 and inexperienced firefighters?

2 MR. BLISS: I'm going to object because we  
3 don't have any proof of that. I mean, do you have a  
4 transcript or something?

5 MR. VOTOLATO: You were there, Tim.

6 MR. BLISS: I don't know what you're  
7 talking about.

8 MR. VOTOLATO: Oh, come on. You were  
9 there. We had a huge argument about you being  
10 there.

11 MR. BLISS: I don't know -- there was a  
12 deposition conducted in another proceeding. I don't  
13 have the transcript of that here.

14 MR. GANNON: We'll supply it.

15 MR. BLISS: I recall the deposition. I  
16 don't recall whether he said he wanted to intimidate  
17 somebody. Can I just object before we go too far  
18 afield? We're talking about harassment allegations.  
19 Sean was terminated. There's been no allegation  
20 that he was terminated because of the harassment,  
21 that I'm aware of.

22 MR. VOTOLATO: Again, it's part of the  
23 grievance.

24 ARBITRATOR RYAN: How does it tie in?

25 MR. VOTOLATO: We said that it was a

1 with his termination.

2 MR. VOTOLATO: I don't know that yet. I  
3 haven't put my case on. I haven't questioned my  
4 witnesses. How do we know it's not a retaliation?  
5 I don't know that yet.

6 MR. BLISS: But we already had everybody  
7 who was involved -- the chief is the last one  
8 involved with the termination decision. You  
9 subpoenaed some firefighters who were in Sean's  
10 class. They had nothing to do with the decision to  
11 terminate him.

12 MR. VOTOLATO: I feel it's part of the  
13 grievance. I should be allowed to bring it up.

14 MR. DONOVAN: If the harassment undermined  
15 his performance, then the harassment goes directly  
16 to why he was terminated.

17 MR. BLISS: A lot of things could have  
18 undermined his performance.

19 MR. DONOVAN: And this is one of them.

20 MR. BLISS: We don't bring all of them  
21 into a termination.

22 MR. DONOVAN: And this is the one we feel  
23 is directly relevant.

24 MR. VOTOLATO: Why wouldn't you bring them  
25 all in? If there were reasons why his performance

1 hostile work environment. Yeah.

2 ARBITRATOR RYAN: The stipulated issues  
3 ask if it violates the collective bargaining  
4 agreement.

5 MR. BLISS: I have the issues here.

6 ARBITRATOR RYAN: Joint 6 is the  
7 grievance.

8 MR. VOTOLATO: There you go. Thank you.

9 MR. BLISS: Yeah, but Joint 5 is the  
10 issue, and it says, "Is the grievance substantively  
11 and procedurally" -- all right. It's the grievance.  
12 "If so, did the termination" -- well, "Is the  
13 grievance substantively and procedurally  
14 arbitrable?" Harassment has nothing to do with  
15 that. "If so, did the termination of probationary  
16 Firefighter Sean Gannon violate the collective  
17 bargaining agreement?" Harassment has nothing to do  
18 with that. "If so, what shall be the remedy?"  
19 Harassment has nothing to do with that. Those are  
20 the three stipulations.

21 MR. VOTOLATO: Okay. I remind the  
22 arbitrator, I'm cross-examining a witness. I  
23 haven't presented my case yet.

24 MR. BLISS: What case are you going to  
25 present regarding harassment? It had nothing to do

1 suffered and he was terminated because of it, how is  
2 that not relevant?

3 ARBITRATOR RYAN: Let me just say this:  
4 The grievance does allege hostile working conditions  
5 as having an impact and is part of the claim.  
6 Although it wasn't in the opening statement, it  
7 seems like it's legitimately part of the claim under  
8 just cause. Go ahead.

9 BY MR. VOTOLATO:

10 **Q. Chief, I'm going to show you what's been**  
11 **marked Union 4, which is the rules and regulations**  
12 **of the Pawtucket Fire Department, and Page 18 is**  
13 **marked "Violations," and it's Rule No. 14, but I'm**  
14 **going to turn you to Page 19. Take a look at that.**

15 A. Rule 19 you said?

16 **Q. If you flip the page back one.**

17 A. I thought you said Rule No. 19.

18 **Q. No, it's Page 19.**

19 A. Yes.

20 **Q. Let me just get there so I can follow**  
21 **along with you. Yes, it's Rule No. 14, Violations.**  
22 **Again, on Page 19 there you'll see a list of what**  
23 **would be considered violations of, I guess, conduct**  
24 **of employees of the fire department. Would I be**  
25 **correct in saying that?**

1 A. Yes.  
 2 Q. Well, first of all, I mean, you're  
 3 familiar with these rules; are you not?  
 4 A. Yes. Yes.  
 5 Q. Did you as chief play any part in the  
 6 creation of these rules and regulations?  
 7 A. These are the same rules and regulations  
 8 that were presented to me as a probationary  
 9 firefighter 28 years ago.  
 10 Q. So the new mayor just keeps slapping his  
 11 name on the front?  
 12 A. Correct.  
 13 Q. Okay. If we go down one, two, three,  
 14 four, five, six, seven, eight, nine, the ninth item  
 15 says, "indecent, profane, or abusive language." Did  
 16 I read that correctly?  
 17 A. Yes.  
 18 Q. So if you became aware that a  
 19 firefighter -- again, I apologize -- any employee of  
 20 the fire department was using indecent, profane, or  
 21 abusive language, that would be a violation of the  
 22 fire department rules; would it not?  
 23 A. If there was a complaint put in.  
 24 Q. Okay. Let me give you back Joint  
 25 Exhibit 12. In the third paragraph, one, two, three

1 lines up -- actually, it's under "Sexual  
 2 Harassment," and it's quite frankly the longest  
 3 sentence I think I've ever read, but down towards I  
 4 think the third line from the bottom of that  
 5 paragraph begins, "Employment decisions or." Now, I  
 6 look after the "or" it says, "When such conduct has  
 7 the purpose or effect of unreasonably interfering  
 8 with an individual's work performance or creating an  
 9 intimidating, hostile, or offensive work  
 10 environment." Do you see that?  
 11 A. Yes.  
 12 Q. So aside from profanity and abusive  
 13 language in the fire department rules, any behavior  
 14 whose purpose or effect was to create a hostile or  
 15 offensive work environment or to interfere with an  
 16 individual's work performance would also be a  
 17 violation; would it not?  
 18 ARBITRATOR RYAN: I'm sorry, I think  
 19 that's a misleading reading of that paragraph. That  
 20 paragraph pertains to sexual harassment.  
 21 MR. VOTOLATO: Okay.  
 22 ARBITRATOR RYAN: And you're excerpting  
 23 out a piece. I haven't heard any allegation that  
 24 this could possibly be related to sexual harassment.  
 25 Is there evidence of that?

1 MR. VOTOLATO: Oh, I think the language  
 2 that was used could certainly be -- I mean,  
 3 sexual -- okay. I'll back up.  
 4 Q. So that whole paragraph says, "Sexual  
 5 harassment is a violation of state and federal law";  
 6 would you agree with that?  
 7 A. Yes.  
 8 MR. BLISS: Now we're talking -- this is  
 9 not sexual harassment.  
 10 MR. DONOVAN: That's not for you to  
 11 define.  
 12 MR. BLISS: Sexual harassment -- sexual  
 13 harassment, as you're aware, Mr. Arbitrator, is  
 14 again another term of art. It's a specific thing.  
 15 Just because somebody uses a term --  
 16 MR. VOTOLATO: Which is defined right  
 17 here; so if you let me continue. "Sexual  
 18 harassment," it says here in the second sentence,  
 19 "includes unwelcome sexual advances."  
 20 ARBITRATOR RYAN: Unwelcome sexual  
 21 advances.  
 22 MR. VOTOLATO: We're not alleging.  
 23 ARBITRATOR RYAN: Okay.  
 24 MR. VOTOLATO: "Requests for sexual  
 25 favors." Again, not alleging. "Sexually motivated

1 physical contact." Again, not alleging. "Or other  
 2 verbal or physical conduct or visual forms of  
 3 harassment of a sexual nature when submission to  
 4 such conduct is either explicitly or implicitly made  
 5 a term or condition of employment or is used as a  
 6 basis for employment decisions."  
 7 MR. BLISS: And it was none of those  
 8 things.  
 9 MR. VOTOLATO: Sean Gannon, when I get to  
 10 my case, was continually called -- again, excuse the  
 11 language -- "cunt," "pussy." He was called these  
 12 things.  
 13 MR. BLISS: But that wasn't because of his  
 14 sex. Thurber testified to that. He called  
 15 everybody names.  
 16 MR. DONOVAN: It's an undermining of his  
 17 sexual and gender identity.  
 18 MR. BLISS: Are you serious?  
 19 MR. VOTOLATO: I take great offense at  
 20 that. We are absolutely -- haven't we proven that  
 21 we are dead serious about all of this?  
 22 MR. BLISS: Okay. Can we go off the  
 23 record?  
 24 ARBITRATOR RYAN: Yes.  
 25 (Off-the-record discussion.)

1 BY MR. VOTOLATO:  
 2 Q. Chief Sisson, I'm going to move on in just  
 3 a second. I think I asked you this earlier, and if  
 4 I did, I apologize. During your time as chief, I  
 5 asked, I believe, if you had ever received  
 6 complaints from any fire department employees about  
 7 harassment; did I ask you that?  
 8 A. Yes.  
 9 Q. And what was your response?  
 10 A. No.  
 11 Q. Okay. Didn't you receive complaints from  
 12 two firefighters -- and I'll name them, Miniati and  
 13 Sheppard -- about harassment?  
 14 A. Can I see that, please?  
 15 Q. Well, unfortunately, I have to say no.  
 16 It's just a response to an APA request the City  
 17 received -- that the union received. Isn't it  
 18 true --  
 19 A. There was a disagreement. They were  
 20 fighting with each other over there.  
 21 Q. Okay.  
 22 MR. BLISS: Well, can I -- what were the  
 23 names of the firefighters?  
 24 MR. VOTOLATO: Miniati and Sheppard.  
 25 Q. Would you consider their, for lack of a

1 better word, dispute, would you consider they were  
 2 harassing each other?  
 3 A. They were arguing with each other. You  
 4 could take it as harassment I would say.  
 5 Q. Okay. And isn't it true that each of  
 6 those firefighters were suspended for a time?  
 7 A. That's correct.  
 8 Q. Moving on from the academy, finally, to  
 9 the time Sean was assigned to Battalion 4 I think  
 10 you testified; is that right?  
 11 A. Yes.  
 12 Q. And he was placed under the -- what's the  
 13 right word -- supervision of Battalion Chief  
 14 McLaughlin?  
 15 A. Yes.  
 16 Q. What -- how do I phrase this question?  
 17 How did you determine which recruits would be  
 18 assigned to which battalions?  
 19 A. As I stated earlier, that was by the  
 20 instructor coordinator. And the reason why he went  
 21 to the Fourth Battalion, first of all, he had the  
 22 battalion chief that was already a State instructor  
 23 and also himself eligible to be the coordinator.  
 24 Each officer on Ladder 1 and Engine 2 that's  
 25 stationed in headquarters where fire alarm is, both

1 of those are instructors in the fire academy, and  
 2 also each one of those trucks also had instructors  
 3 that were firefighters. So that was the area where  
 4 there were the most instructors available on one  
 5 shift.  
 6 Q. Okay. And is it true that Battalion Chief  
 7 McLaughlin came to you with a list of recruits that  
 8 he wanted assigned to him?  
 9 A. He suggested he wanted some of those  
 10 recruits, yes.  
 11 Q. Was Sean Gannon on that list?  
 12 A. No, he was not.  
 13 Q. In fact, you had a meeting with Battalion  
 14 Chief McLaughlin regarding which recruits would be  
 15 assigned to his battalion?  
 16 A. Once I had gotten the list, correct.  
 17 Q. And he testified last time, you were not  
 18 here, he testified that he felt the City was trying  
 19 to get him to do their dirty work?  
 20 A. That's absolutely a falsehood. ✓  
 21 Q. So as of the date of -- do you recall when  
 22 that meeting happened?  
 23 A. No, I do not.  
 24 Q. As of the date of that meeting, whenever  
 25 it occurred, sometime early July; is that a safe

1 bet?  
 2 A. Yes. Are you talking about a meeting with  
 3 myself and Director Pires?  
 4 Q. Yourself and Battalion Chief McLaughlin  
 5 about who would be assigned to his battalion.  
 6 A. All right.  
 7 Q. At that time was it the intent -- strike  
 8 that.  
 9 Was it your intent that Sean Gannon be  
 10 assigned to Battalion Chief McLaughlin's battalion  
 11 so that he could then terminate Sean?  
 12 A. Absolutely not.  
 13 Q. Was anything like that ever communicated  
 14 by you to Battalion Chief McLaughlin?  
 15 A. Absolutely not.  
 16 Q. In your presence, did anyone else ever  
 17 communicate something to that effect to Battalion  
 18 Chief McLaughlin?  
 19 A. Absolutely not.  
 20 Q. Backing up for a second. I apologize, I  
 21 thought I was done with the earlier stuff.  
 22 Mr. Pires testified earlier in this proceeding  
 23 that he felt that Sean should be trained up, could  
 24 get additional training during his probationary  
 25 period; do you recall him saying that?

1 A. Yes, I do.  
 2 Q. When Sean was brought on and assigned to  
 3 Battalion 4, did you assign any additional training  
 4 for Sean Gannon to go through?  
 5 A. They had -- in his capacity as being a  
 6 fire dispatcher, they do go out to training, company  
 7 training as far as monthly training, and the  
 8 dispatchers are usually allowed certain time to come  
 9 out and train with the companies that are there.  
 10 Q. Okay. Do you know -- you said they're  
 11 usually allowed. Do you know if Sean ever took part  
 12 in any of that training?  
 13 A. I believe he did some driver training.  
 14 Also I've seen him myself do like the 0800 radio  
 15 check, where you check all the equipment, and he was  
 16 operating equipment and checking the truck.  
 17 Q. Okay. But as far as training specific to  
 18 Sean Gannon, did he ever receive any individual or  
 19 personalized training that he was required to do  
 20 after being assigned to Battalion 4?  
 21 A. No.  
 22 Q. I want to show you what's been marked as  
 23 Joint Exhibit 7.  
 24 A. Do you want these back?  
 25 Q. You can leave them there, or I can take

1 them back. Whatever.  
 2 A. I don't want to confuse them.  
 3 Q. Do you prefer a tidy workspace?  
 4 A. Yes, I do.  
 5 Q. Would you take a look at that letter for  
 6 me, please. Have you ever seen that before?  
 7 A. Yes.  
 8 Q. And what do you know that document to be?  
 9 A. That is from the training officer,  
 10 director of training Lieutenant Moreau cosigned by  
 11 Steve Johnson.  
 12 Q. Scott Johnson?  
 13 A. Scott Johnson, excuse me. Stating that he  
 14 needed more training and that he didn't pass the  
 15 fire academy and that he should return to another  
 16 fire academy for further training.  
 17 Q. Well, to be fair, it says, "He should  
 18 return to another fire academy or should not  
 19 continue to be a full-time employee"; am I reading  
 20 that correctly?  
 21 A. Correct.  
 22 Q. Now, how did you receive this? Was this  
 23 handed to you, or was this mailed to you?  
 24 A. Handed to me by Lieutenant Moreau.  
 25 Q. And did you have a conversation with

1 Lieutenant Moreau about it at that time?  
 2 A. Yes, I did.  
 3 Q. Did you inquire with Lieutenant Moreau  
 4 about why he thought Sean Gannon had not passed the  
 5 fire academy?  
 6 A. I asked him why he brought this up, and he  
 7 said that he felt that he did not pass the --  
 8 successfully complete the Firefighter I,  
 9 Firefighter II training.  
 10 Q. Okay. And did he tell you why he felt  
 11 that Sean did not pass Firefighter I and  
 12 Firefighter II in the academy?  
 13 A. Because of the document that you had shown  
 14 me before, that Union 1, that there was a fail on  
 15 that grade that he seen.  
 16 Q. Okay. And he told you that he had seen  
 17 that spreadsheet?  
 18 A. That's what he told me.  
 19 Q. Okay. Did you ever have conversations  
 20 with now Lieutenant Johnson about this letter?  
 21 A. No, I have not.  
 22 Q. And at the time you received this, what  
 23 did you do with it?  
 24 A. I presented it to the public safety  
 25 director. ✓

1 ARBITRATOR RYAN: I'm sorry, you presented  
 2 it to what?  
 3 THE WITNESS: The public safety director.  
 4 ARBITRATOR RYAN: Okay.  
 5 Q. And did you have conversations with  
 6 Mr. Pires about this letter?  
 7 A. Yes.  
 8 Q. And tell me about that conversation; what  
 9 did you say to Director Pires?  
 10 A. That I had received this from Lieutenant  
 11 Moreau, and July 9th I had brought it to him, and  
 12 not much was said about it.  
 13 Q. Okay. Did you place this letter into  
 14 Sean's permanent personnel file?  
 15 A. I did not.  
 16 Q. Did Mr. Pires tell you he was going to put  
 17 it in Sean's personnel file?  
 18 A. It was not told to me.  
 19 Q. As you sit here today, do you have any  
 20 knowledge if back in July of 2013 a copy of this was  
 21 ever provided to Sean Gannon?  
 22 A. I do not know.  
 23 Q. As you sit here today, do you have any  
 24 knowledge that back in July of 2013 Sean Gannon was  
 25 notified that a letter was going to be placed in his

1 personnel file?

2 A. Not by me.

3 Q. I'm going to show you now -- Chief,  
4 earlier I believe you testified that the first time  
5 you learned that Sean Gannon had not successfully  
6 completed the requirements of the academy was during  
7 a meeting in preparation for this arbitration. Did  
8 you say that?

9 A. Yes.

10 Q. But isn't it now true that sometime in  
11 July of 2013 you were at least made aware that there  
12 was a doubt as to whether or not Sean Gannon had  
13 passed?

14 A. This is July?

15 Q. July 2013.

16 A. July. Okay.

17 Q. Is it safe to assume --

18 A. It's safe to assume I would have had to.

19 Q. Okay. When you discussed this letter with  
20 Lieutenant Moreau, did he show you a copy of that  
21 spreadsheet?

22 A. No, he did not.

23 MR. VOTOLATO: My foolproof system isn't  
24 that foolproof. Tim, I can't find a number. The  
25 e-mail from Battalion Chief McLaughlin to the Chief,

1 employment? Can you even narrow it down like that?

2 A. No, I can't. I don't know.

3 Q. That's fine, but you remember getting it?

4 A. Yes.

5 Q. And is it safe to say that you received  
6 this prior to the meeting you had with Director  
7 Pires and others in preparation for this  
8 arbitration?

9 A. I want to clarify when you say that I did  
10 not know. I learned that he had changed the mark.  
11 That's what I thought you were asking me before.

12 Q. Okay.

13 A. That's what I thought you meant, the  
14 grades being changed.

15 Q. That you learned at that preparation  
16 meeting?

17 A. At that meeting, yes, indeed. Indeed.

18 Q. So let me follow up with this. When did  
19 you first learn that Sean Gannon did not  
20 successfully complete all the requirements of the  
21 academy?

22 A. Through these e-mails.

23 Q. Okay. So back in July of 2013?

24 A. Yes.

25 Q. Okay.

1 what number is that? My stuff is marked terribly.

2 ARBITRATOR RYAN: Employer 8.

3 MR. VOTOLATO: Employer 8. Thank you.

4 Q. Chief, I'm going to show you what's been  
5 marked as Employer's 8. Have you ever seen this  
6 before?

7 A. Yes.

8 Q. Okay. And this is an e-mail from  
9 Battalion Chief McLaughlin to you?

10 A. Yes, it is.

11 Q. When Battalion Chief McLaughlin was here,  
12 we were trying to get to the bottom of it. Do you  
13 recall when you received this?

14 A. No, I do not. I see that it says January  
15 1st of the year 1. ✓

16 Q. Right.

17 A. No, I do not.

18 Q. But you did receive it?

19 A. Yes.

20 Q. Could you narrow it at all for us? Did  
21 you receive it in July?

22 A. I cannot. I'm sorry, I cannot.

23 Q. Okay. Is it safe to say at least that you  
24 received it, we'll say, towards the beginning of  
25 Sean's employment, toward the middle of his

1 A. At least we have one valid date here, July  
2 9th, but we do have printed the 14th. I don't know  
3 if that's --

4 Q. So you received it before July 14th at  
5 least?

6 A. Yes.

7 Q. That's fine.

8 MR. BLISS: Can I just make one point on  
9 Employer's Exhibit 8? We keep using the word  
10 "received." I think nobody's really -- we've been  
11 talking about dates and things. Nobody's really  
12 pointed out, I don't believe -- on the bottom of the  
13 e-mail it says, "This message has not been sent."  
14 There's two ways to receive it, in hard copy or  
15 electronically. So I don't know what you're asking  
16 him.

17 MR. VOTOLATO: That's a good point.

18 Q. Did you receive this as an e-mail, or was  
19 it handed to you?

20 A. You know, most things that I've ever  
21 received from McLaughlin is usually by hand.

22 Q. Okay.

23 A. So I've seen this context. I just don't  
24 know if it was e-mailed or was it handed to me.

25 Q. Do you use e-mail?

1 A. I do all the time.  
 2 Q. I'm not putting you down, but you don't  
 3 have your secretary do it for you?  
 4 A. I live by it.  
 5 Q. Okay. But however you received it, you  
 6 received it?  
 7 A. Yeah, I received it.  
 8 Q. And this also says that, and I'll read  
 9 directly in the second sentence, "It has come to my  
 10 attention that FF Gannon failed the practical  
 11 portion of the Pawtucket Fire School." When you  
 12 received this e-mail, what did you do with it? Did  
 13 you again take it to Mr. Pires?  
 14 A. Yes. All the correspondence I get I bring  
 15 right directly there.  
 16 Q. And did you personally take any action  
 17 after receiving this e-mail with regards to Sean  
 18 Gannon?  
 19 A. Did I take any action?  
 20 Q. Did you call him in for a meeting?  
 21 A. No, I did not speak with him.  
 22 Q. Did you send him a letter?  
 23 A. No.  
 24 Q. Okay. So aside from providing it to  
 25 Mr. Pires, did you do anything else? ✓

1 A. No.  
 2 Q. Okay. Did you place this into Sean  
 3 Gannon's personnel file?  
 4 A. No, I did not.  
 5 Q. Do you have any specific knowledge if  
 6 Mr. Pires did?  
 7 A. I do not, no.  
 8 Q. Okay. Well, let me ask you this: Are you  
 9 aware that this is in Sean Gannon's personnel file?  
 10 A. No, I am not.  
 11 Q. Okay. Are you aware of anybody within the  
 12 fire department who may have notified Sean Gannon  
 13 that this letter had come in about him or this  
 14 e-mail had come in about him?  
 15 A. I'm not aware if anyone would have.  
 16 Q. Okay. During your various meetings with  
 17 Tony Pires regarding both this e-mail and the letter  
 18 from Lieutenants Moreau and Johnson, during your  
 19 conversations with Mr. Pires, did you ever suggest  
 20 to Mr. Pires, you know, geez, if this kid didn't  
 21 pass, we've got to let him go?  
 22 A. We spoke of -- I'm trying to recall. It  
 23 was always to the fact that let him continue on to  
 24 keep training to see if he could do the job, and  
 25 that's what the discussion always related around --

1 revolved around.  
 2 Q. Okay. Was that the discussion on your  
 3 side, or is that Mr. Pires's side of the discussion?  
 4 A. They wanted to give him the benefit of the  
 5 doubt to see if he could do the job.  
 6 Q. You keep saying "they"; is there someone  
 7 other than Mr. Pires?  
 8 A. No, Mr. Pires.  
 9 Q. Was the mayor involved in any of these  
 10 meetings about the correspondence you just looked  
 11 at, the e-mail or the letter?  
 12 A. Not that I recall.  
 13 Q. Okay. And did Mr. Pires ever explain to  
 14 you that we're going to give him until the very end  
 15 of his probationary period and then decide, or was  
 16 it always we want him to succeed, let him keep  
 17 going?  
 18 A. I believe -- being the person who he is  
 19 and just being related, he was given more leeway  
 20 than probably a normal candidate would have been  
 21 given.  
 22 Q. Okay.  
 23 A. They were -- he was going to be given the  
 24 full amount of time to see if he could rally.  
 25 Q. Okay. But, again, just to be clear, did

1 you ever suggest to Mr. Pires after receiving either  
 2 the e-mail from Battalion Chief McLaughlin or the  
 3 letter from Moreau and Johnson that -- did you ever  
 4 tell Mr. Pires I've got to fire this kid if he  
 5 didn't pass?  
 6 A. I did not say that in those words, no.  
 7 Q. Did you say it with any other kind of  
 8 words?  
 9 A. I didn't think he had the ability to make  
 10 it as a firefighter.  
 11 Q. Okay. So if it were up to you alone, you  
 12 probably would have terminated him sooner?  
 13 A. Yes.  
 14 Q. Is that safe to say?  
 15 A. That's safe to say.  
 16 Q. We've heard testimony -- I believe even  
 17 you said that Sean was assigned to fire alarm  
 18 dispatch?  
 19 A. Yes.  
 20 Q. Did you have any occasion to observe him  
 21 performing his duties on dispatch?  
 22 A. No, I did not.  
 23 Q. Okay. During the time from early July  
 24 2013 through November of 2013, other than the e-mail  
 25 and the letter from Moreau, did you receive anything

1 in writing that dealt specifically with Sean  
 2 Gannon's qualifications to be a firefighter?  
 3 A. Only the evaluations that you have in  
 4 front of you.  
 5 Q. Okay. Well, that was my next question.  
 6 When I say "qualifications," I mean anything else  
 7 that said he passed, didn't pass?  
 8 A. No.  
 9 Q. Received a certificate?  
 10 A. No, I did not.  
 11 Q. Okay. And you've just answered my next  
 12 question, but other than the weekly evaluation  
 13 forms, did you receive anything else from any member  
 14 of the fire department regarding Sean Gannon's  
 15 performance?  
 16 A. No. You have everything in written form  
 17 that we have here.  
 18 Q. Okay. The internal weekly evaluations,  
 19 they've been marked as Employer Exhibit 7A  
 20 through E, I'm going to show those to you. Are  
 21 those the evaluations you just referred to?  
 22 A. Yes. They were done on every -- all 21  
 23 recruits by all four battalion chiefs.  
 24 Q. Okay. And it was your policy as chief  
 25 that an evaluation form was done on every one of the

1 21 recruits every week during their first few months  
 2 on the job?  
 3 A. The reason why it went to a weekly  
 4 evaluation was the fact that the influx of 21 out of  
 5 146 employees we wanted to get an evaluation to see  
 6 how everyone was doing due to the fact that the  
 7 great impact the 21 had on each platoon, four or  
 8 five candidates per each shift.  
 9 Q. Okay. Prior to this class, you didn't do  
 10 weekly evaluations?  
 11 A. No. We would just do the normal  
 12 evaluations that are sent over from personnel.  
 13 Q. Okay. So personnel provides you with  
 14 evaluations that you're supposed to fill out?  
 15 A. Mm-hmm.  
 16 Q. How often are those to be done?  
 17 A. There's -- I believe it's three months,  
 18 and then at the six-month period whether they're  
 19 going to be retained or released.  
 20 Q. Do you know why personnel sends those out?  
 21 A. They've always sent them out, as I stated  
 22 earlier, since I've been a firefighter.  
 23 Q. Now, we'll get to the termination letter  
 24 in a second, but is it your position that at the  
 25 time Sean Gannon was terminated he was a

1 probationary employee?  
 2 A. Yes.  
 3 Q. And where is that probation laid out?  
 4 What gives the City the authority to make employees  
 5 probationary?  
 6 A. It's always been six months. That's what  
 7 I've always been told. It's always been six months.  
 8 Q. Do you know if that comes from the CBA?  
 9 A. No, I do -- no, it's not in the CBA.  
 10 Q. I'm kind of leading you along a little  
 11 bit. I apologize. Would it surprise you to know it  
 12 comes from a rule?  
 13 A. Yeah.  
 14 Q. Okay. So you're aware of the personnel  
 15 rules?  
 16 A. Sure.  
 17 Q. This has been marked as Joint Exhibit 3.  
 18 Would you take a look at -- I've turned it to the  
 19 page. They're not numbered, but it's Rule 10, and  
 20 it's marked "Probation." And under Section 2, would  
 21 you read Section 2. You don't have to read it out  
 22 loud, but read it to yourself.  
 23 A. Yup.  
 24 Q. Doesn't that say that reports shall be  
 25 given to personnel every 60 days during a

1 probationary period?  
 2 A. Yeah. I would have to pull those records.  
 3 I know whenever they're sent from personnel they're  
 4 forwarded to the battalion chiefs. Whether they're  
 5 60 days, three months. I know there's the  
 6 three-month period, but the major one is the  
 7 six-month period.  
 8 Q. But that does say 60 days?  
 9 A. Yeah. And it very well could be. I could  
 10 have misstated.  
 11 Q. Okay. Going back to Employer's 7, who  
 12 created those evaluation forms, personnel or the  
 13 fire department?  
 14 A. Fire department.  
 15 Q. Okay.  
 16 A. Actually, it was just -- I believe it was  
 17 just taken from personnel, one of their forms. It's  
 18 actually, I think, 60-day, three-month, six-month  
 19 evaluation, and it's just added Pawtucket Fire's  
 20 information on it.  
 21 Q. Okay. And did you receive these  
 22 evaluation forms for all 21 recruits on a weekly  
 23 basis?  
 24 A. Many times I had to go out and ask the  
 25 battalion chiefs, due to their high workload. I did



1 not receive all of them all the time on a timely  
 2 basis on a weekly basis. I would ask for them to be  
 3 filled out and returned to me, and if they were on  
 4 vacation, you know, to state that they were on  
 5 vacation.  
 6 **Q. Okay. And did you require that they were**  
 7 **filled out fully?**  
 8 A. I asked them to be filled out.  
 9 **Q. And we're going to look at these.**  
 10 **Actually, keep those in front of you for a second.**  
 11 **I'll come back to those in a second. You've already**  
 12 **testified that Sean was assigned to the fire alarm.**  
 13 **During his employment with the City of Pawtucket**  
 14 **Fire Department, do you know if he was ever assigned**  
 15 **to -- again, I apologize for the terminology -- a**  
 16 **truck or a ladder company?**  
 17 A. His assignment was fire alarm. Whether  
 18 his battalion chief allowed him to come out and work  
 19 on a ladder or an engine company, that would be at  
 20 the discretion of his battalion chief.  
 21 **Q. Okay. So you don't get involved in those**  
 22 **decisions?**  
 23 A. I don't micromanage. That's for my  
 24 battalion chiefs. They run their platoons.  
 25 **Q. So essentially once you decide who goes to**

1 **what battalion, you leave the running of that**  
 2 **battalion to that battalion chief?**  
 3 A. That's the chain of command.  
 4 **Q. Okay. As we sit here today, do you have**  
 5 **any knowledge of whether Sean was ever given an**  
 6 **opportunity to get out of the fire alarm room and**  
 7 **get onto a truck?**  
 8 A. No, I do not.  
 9 **Q. Do you have any knowledge if he was ever**  
 10 **allowed to get onto a rescue?**  
 11 A. I don't believe so, no.  
 12 **Q. Let's come back to Exhibit 7.**  
 13 **Specifically for Sean Gannon, do you remember**  
 14 **receiving these as the weeks rolled on, or did you**  
 15 **receive them all at once?**  
 16 A. Some of them came in weekly. With Chief  
 17 McLaughlin I had to constantly ask him, not only for  
 18 Sean Gannon's but all the candidates that were in  
 19 his class. I had to constantly prod him to make  
 20 sure they came in. Sometimes they came in a weekly  
 21 fashion. Sometimes they didn't. Sometimes I  
 22 received multiple at one time.  
 23 **Q. Did a review of these evaluations play any**  
 24 **part in your determination -- I should say the**  
 25 **department or the City's determination to eventually**

1 **terminate Sean Gannon?**  
 2 A. Yes.  
 3 **Q. And I apologize, we've gone through these**  
 4 **with a lot of witnesses, but I'm going to go through**  
 5 **them with you, too. The first one there is marked**  
 6 **as 7A. It's dated from 7/5 to 7/15/2013?**  
 7 A. Correct.  
 8 **Q. That's actually filled out by Captain**  
 9 **Thurber; is it not?**  
 10 A. Yes.  
 11 **Q. Do you have any knowledge as to why**  
 12 **Captain Thurber would have filled one out?**  
 13 A. Because that was in the beginning, and  
 14 Captain Thurber was overseeing some of the  
 15 dispatchers just in the beginning, taking a look at  
 16 the dispatchers, and he filled them out for the  
 17 dispatchers, the people that were assigned in  
 18 dispatching.  
 19 **Q. Okay. And do you recall what date these**  
 20 **21 cadets graduated from the academy?**  
 21 A. The 28th of June, I believe.  
 22 **Q. Okay. And do you have any knowledge as to**  
 23 **when Sean's first day, I'm going to say, on the job**  
 24 **was?**  
 25 A. To be exact, no. I mean, it's obviously a

1 rotating shift. I do not know what day he started.  
 2 **Q. Well, this is dated July 5th; so that's**  
 3 **probably pretty close?**  
 4 A. Pretty close. Yeah, so the 28th. He had  
 5 his four days off.  
 6 **Q. In this particular -- I mean, it does say ,**  
 7 **that Sean continues to struggle with fire alarm**  
 8 **operations?**  
 9 A. Mm-hmm.  
 10 **Q. But again, that's more than likely Sean's**  
 11 **first week on the job, right?**  
 12 A. Yes, but all the candidates, they had  
 13 received 40 hours of training in fire alarm  
 14 dispatch. So that was in the academy as well. So  
 15 they had -- during their time during school, during  
 16 the training period they would have taken the  
 17 classroom time, but they also would have been  
 18 assigned to dispatching and actually dispatch prior  
 19 to their graduation.  
 20 **Q. Okay. Now, when Sean was first assigned**  
 21 **to -- dispatch and fire alarm can be used**  
 22 **interchangeably; is that right?**  
 23 A. Yes, sir, that's fine.  
 24 **Q. So when he was first assigned to dispatch,**  
 25 **isn't it true that he was assigned with another**

1 member of his recruit class?  
 2 A. Correct.  
 3 Q. And on a constant basis there was not a  
 4 more experienced firefighter in the room with them?  
 5 A. Not once they graduated from the school  
 6 and they were assigned.  
 7 Q. Okay.  
 8 A. Previous to, they would have been in there  
 9 with firefighters that were dispatchers.  
 10 Q. In your opinion, if you know, is it common  
 11 for firefighters not assigned to dispatch to sort of  
 12 wander in and out of that fire alarm room?  
 13 A. Always. We've always used it since -- the  
 14 28 years that I've been there, they've always been  
 15 there to assist.  
 16 Q. Okay. If we turn to -- let me stay on "A"  
 17 for a second there. Under the first category there  
 18 for a "yes" or "no" it says "work satisfactory."  
 19 "Yes" is checked; isn't it?  
 20 A. Yes, it is.  
 21 Q. I mean, there are other boxes checked?  
 22 A. Yeah.  
 23 Q. I mean, this is in evidence.  
 24 A. It's his first week.  
 25 Q. If we go to the second week, 7B, I think

1 this was the first week that Chief McLaughlin  
 2 provided an evaluation?  
 3 A. Yes.  
 4 Q. And it says he's having trouble. "Work  
 5 satisfactory" is not checked. Is that something you  
 6 would have spoken to Chief McLaughlin about?  
 7 A. Yes. This was an ongoing struggle with  
 8 Chief McLaughlin. He was --  
 9 Q. Well, let me stop you. Is this an ongoing  
 10 struggle as it relates to Sean Gannon or all of the  
 11 recruits under his command now?  
 12 A. I've looked at other reports, and he  
 13 completed everybody else's.  
 14 Q. Okay. So he just chose not to check that  
 15 box for Sean Gannon?  
 16 A. Correct.  
 17 Q. And that is dated July 17th?  
 18 A. The 14th through the 17th, correct.  
 19 Q. But at the bottom there next to his  
 20 signature, 7/17?  
 21 A. Yes.  
 22 Q. 7C. We're going to go in order. I'll  
 23 make it easy for you. I won't jump around. This is  
 24 for July 22nd to July 25th. Again, "Work  
 25 satisfactory" not checked?

1 A. That's correct.  
 2 Q. There are some written comments there, and  
 3 this was signed and dated on the 25th of July?  
 4 A. Correct.  
 5 Q. 7D, again, "Work satisfactory" not  
 6 checked?  
 7 A. Correct.  
 8 Q. The only comment there is, "No real  
 9 improvement"; is that correct?  
 10 ARBITRATOR RYAN: Do you have any real  
 11 questions for him because you're just stating what's  
 12 there, which we've been over. So if you have a  
 13 specific question for him.  
 14 MR. VOTOLATO: I'm getting to it, but I  
 15 need to go through cumulatively.  
 16 ARBITRATOR RYAN: Get there more quickly,  
 17 would you please. Because, yes, he can answer that  
 18 "Work satisfactory" box is not checked, but that  
 19 doesn't tell us anything.  
 20 MR. VOTOLATO: I disagree, but okay.  
 21 Q. Let's see. Let's jump ahead to -- let's  
 22 jump ahead to 7N. That's dated October 16th to  
 23 October 21; is that correct?  
 24 A. Correct.  
 25 Q. Now, "Work satisfactory" is checked there,

1 isn't it?  
 2 A. Yes, it is.  
 3 Q. And if we go to the next one, 7O, again,  
 4 "Work satisfactory" is checked?  
 5 A. Yes.  
 6 Q. And it's safe to say if you look through  
 7 the preceding evaluations, work satisfactory, that  
 8 category is not checked either "yes" or "no"?  
 9 A. Well, you can take it as you can see that  
 10 he's only saying "yes" when he thought it was "yes,"  
 11 and obviously, he's leaving no blank.  
 12 Q. Well, he didn't put anything?  
 13 A. Right.  
 14 Q. Okay.  
 15 A. But when you're stating -- when he thought  
 16 that he had a good week he put "yes." Obviously,  
 17 when he has all the negative statements, he never  
 18 marks "yes" or "no."  
 19 Q. Well, I don't think that's obvious. He  
 20 didn't mark it. That would be reading into his  
 21 thoughts; wouldn't it?  
 22 A. Reading into his thoughts but knowing --  
 23 Q. So I'm going to stop you there, and I'll  
 24 ask you another question.  
 25 MR. BLISS: Objection. The witness is

1 answering what he thinks, and he's arguing with him.

2 MR. VOTOLATO: There's no question before  
3 him. He's providing a narrative.

4 ARBITRATOR RYAN: We can read it back, but  
5 you stated a proposition to him that he's  
6 disagreeing with, and he's explaining why. That's  
7 the way I recall.

8 MR. VOTOLATO: I said that the preceding  
9 ones are not marked, yes or no? That's a yes or no  
10 question.

11 ARBITRATOR RYAN: Can you go back to the  
12 last question or go back to where the objection was  
13 raised.

14 (Whereupon the question and answer was  
15 read back.)

16 MR. VOTOLATO: I'm going to -- well, I  
17 think my question -- going back to my question.

18 ARBITRATOR RYAN: You can ask your  
19 question.

20 MR. VOTOLATO: The original question I  
21 asked was: Nothing was marked either "yes" or "no"?  
22 I'm going to move to strike the explanation,  
23 although I'm sure Mr. Bliss is going to ask the same  
24 question on redirect.

25 MR. BLISS: Can we --

1 MR. VOTOLATO: Again, I would just object  
2 to the answer as there was no question before him,  
3 and he's trying to read the mind of Battalion Chief  
4 McLaughlin to see what he did.

5 MR. BLISS: All I was going to say is, in  
6 the interest of just speeding this along, yes, I'm  
7 going to ask him the same question, can you just not  
8 move to strike it. We leave it on the record, then  
9 I won't ask him the question. We know --

10 ARBITRATOR RYAN: That's what I recommend.  
11 That's a sensible solution.

12 MR. VOTOLATO: But I think to protect the  
13 record I have to move -- again, in my opinion, there  
14 was no question before him that he was answering. I  
15 asked a yes or no question, and then he preceded to  
16 give an explanation.

17 ARBITRATOR RYAN: In terms of protecting  
18 the record in arbitration, I don't think that that's  
19 critical. So I'm going to -- I'm going to deny the  
20 motion to strike because the employer's lawyer has  
21 represented that he's going to ask the questions  
22 that would lead to those answers, and we would just  
23 save time that way.

24 MR. VOTOLATO: Okay.

25 BY MR. VOTOLATO:

1 Q. Now, Chief Sisson, looking back at these  
2 in total, and you've already alluded to this,  
3 Battalion Chief McLaughlin did not fill them out on  
4 a weekly basis; is that true?

5 A. No, he did not.

6 Q. In fact, quite a few are dated November  
7 11, 2013; is that correct?

8 A. Yes.

9 Q. And during the course of we'll say from  
10 July through November of 2013, how many times do you  
11 believe you had to speak to Battalion Chief  
12 McLaughlin about preparing these in a timely manner?

13 A. Almost weekly.

14 Q. And with regards to the ones that were  
15 signed on November 11th, do you recall what would  
16 probably be the final time you spoke to Battalion  
17 Chief McLaughlin about this?

18 A. Around the 11th. Yeah, I needed his  
19 report.

20 Q. And why did you need them?

21 A. So we could make a decision whether we  
22 were going to keep the employee or terminate.

23 Q. And what was so special about the 11th  
24 that you needed them that day?

25 A. We were heading towards the six-month

1 period.

2 Q. Okay. And when did the six-month period  
3 end?

4 A. His first day of employment was May 13th,  
5 six months from May 13th is 11/13.

6 Q. Okay. So, again, you think --

7 A. Calendar, not day.

8 Q. You've got to let me ask my questions  
9 before you jump in.

10 So you think a six-month period runs from the  
11 13th to the 13th of the six months?

12 A. Correct.

13 Q. Okay. I asked this question of Mr. Pires.  
14 If I were to ask you what the date one year from  
15 January 1st was, what would you say?

16 MR. BLISS: Can I just object to this,  
17 because this is another example of we're talking  
18 semantics with witnesses of whether the 13th is  
19 within the six-month period. It's completely  
20 irrelevant because he was terminated on the 12th.  
21 So whether the witness is correct that November 13th  
22 is inside or outside the period is irrelevant. He  
23 was terminated. We have the document, November  
24 12th.

25 ARBITRATOR RYAN: Is there --

1 MR. VOTOLATO: Are you going to let me try  
2 my case, or no? You're just going to do it for me?  
3 MR. BLISS: I'm going to object.  
4 ARBITRATOR RYAN: There's an objection.  
5 Is there a point that you would be making that's  
6 relevant?  
7 MR. VOTOLATO: Yeah, that the 12th is  
8 outside the six-month period as well.  
9 ARBITRATOR RYAN: Okay. All right. You  
10 may proceed.  
11 MR. VOTOLATO: Chief, I'm going to give  
12 you back --  
13 COURT REPORTER: There was a question  
14 pending.  
15 MR. VOTOLATO: I have a question pending?  
16 COURT REPORTER: Yes.  
17 MR. VOTOLATO: If I could have the last  
18 question read back. I lost my place.  
19 (Whereupon, the pending question was read  
20 back.)  
21 A. January 1st.  
22 **Q. Just to clarify, you wouldn't consider a**  
23 **year January 1st to December 31st?**  
24 A. A year from January 1st to me is the next  
25 January 1st.

1 **Q. Okay. And when dealing with a six-month**  
2 **period, again, you've said that comes from the**  
3 **rules, personnel rules. I'm going to show you again**  
4 **Rule 10 in the personal rules.**  
5 ARBITRATOR RYAN: Joint 3.  
6 **Q. Joint 3. If you look at Section 2 for me,**  
7 **could you read that first sentence out loud for us**  
8 **for the record?**  
9 A. "Procedure during probationary periods.  
10 All original appointments and promotional employment  
11 shall be made for a probationary period of six  
12 months."  
13 **Q. Okay. It doesn't say six calendar months?**  
14 A. Six months.  
15 **Q. Six months. Okay. Is it reasonable to**  
16 **you that there are different ways to calculate six**  
17 **months?**  
18 A. Of course.  
19 **Q. Okay. And I'm a lawyer; I don't do math,**  
20 **but I'm going to have to ask this question: Is it**  
21 **safe to say that a six-month period, depending on**  
22 **the start date, could be different lengths?**  
23 A. In my opinion, if I'm hired February 1st  
24 and I know I have a six-month period, to me it's 7/1  
25 will be my six-month period.

1 **Q. Okay. But do you think it's possible that**  
2 **if you were hired on say --**  
3 ARBITRATOR RYAN: Can't this be argued to  
4 me because I understand what you're getting at, and  
5 I think it's an argument that can be made?  
6 MR. VOTOLATO: I assumed you wanted to  
7 hear testimony on it.  
8 ARBITRATOR RYAN: I don't think you need  
9 evidence to argue what you're going to argue --  
10 MR. VOTOLATO: Okay.  
11 ARBITRATOR RYAN: -- based on your point.  
12 I do know math.  
13 MR. VOTOLATO: Okay. I don't. Thankfully  
14 my cell phone speaks to me, and she does it for me.  
15 **Q. So on November 11th -- well, was it**  
16 **November 11th that you spoke with Battalion Chief**  
17 **McLaughlin to get his evaluations in?**  
18 A. I asked for them no doubt probably before  
19 that, and he finished them and completed them I  
20 would think on that date that he signed it, but they  
21 were asked for well in advance of that date.  
22 **Q. Do you recall when you received them?**  
23 A. No, I do not.  
24 **Q. Now, at some point in time prior to**  
25 **November 12th, a determination was made to terminate**

1 **Sean Gannon; is that correct?**  
2 A. That's correct.  
3 **Q. When was that determination made?**  
4 A. We waited until the very bitter end.  
5 **Q. Again, was that -- was it the 11th, was it**  
6 **the 12th?**  
7 A. Probably around the 11th or the 12th. The  
8 11th. It was just prior to that letter being  
9 written by myself.  
10 **Q. Was there a meeting between you and anyone**  
11 **prior to making that determination?**  
12 A. I wasn't involved in any meetings at that  
13 time.  
14 **Q. Okay. Did you make the determination to**  
15 **terminate Sean Gannon?**  
16 A. It was discussed, and I was the one that  
17 wrote the letter to terminate.  
18 **Q. Okay. You said you weren't involved in a**  
19 **meeting, but it was discussed; who was it discussed**  
20 **with?**  
21 A. I'm not privy to who was in the  
22 discussion.  
23 **Q. Were you part of the discussion?**  
24 A. I was not in a meeting. We had a phone  
25 conversation going back and forth, the director and

1 I, whether this candidate was going to be  
 2 terminated.  
 3 Q. Okay. That clears it up for me. Thank  
 4 you.  
 5 A. Sorry.  
 6 Q. So you didn't make the determination to  
 7 terminate Sean?  
 8 A. I did not have the final say on that, no.  
 9 Q. Okay. Do you know who did?  
 10 A. No, I do not.  
 11 Q. Who communicated to you that Sean Gannon  
 12 was going to be terminated?  
 13 A. Director Pires.  
 14 Q. Did you have any discussions with anyone  
 15 other than Director Pires -- again, I'm talking  
 16 November 11, November 12th -- about whether Sean  
 17 Gannon would be retained or terminated?  
 18 A. Other than the director?  
 19 Q. Other than Mr. Pires.  
 20 A. No.  
 21 Q. I'm going to show you what was marked as  
 22 Joint Exhibit 4. It's the termination letter.  
 23 A. Yes.  
 24 Q. You've seen that?  
 25 A. Yes, sir.

1 Q. And it is, in fact, the termination  
 2 letter?  
 3 A. Yes.  
 4 Q. And is that -- on the bottom right, is  
 5 that your signature?  
 6 A. Yes, it is.  
 7 Q. And Mr. Pires has also at least apparently  
 8 signed this?  
 9 A. Yes.  
 10 Q. Do you recall if he signed it in your  
 11 presence, or was it already signed when you received  
 12 it?  
 13 A. I do not recall.  
 14 Q. Let me ask you, who drafted this letter?  
 15 A. Myself.  
 16 Q. Okay. So you typed it up, and then you  
 17 presented it to Mr. Pires?  
 18 A. Yes.  
 19 Q. Did he have to approve it?  
 20 A. It was approved by the director, of  
 21 course.  
 22 Q. Okay. And after you and Mr. Pires signed  
 23 it, what was done with it?  
 24 A. I signed it, and it was given to the  
 25 director.

1 Q. Okay. So you didn't see that this was  
 2 mailed out?  
 3 A. No, I did not.  
 4 Q. Okay. Now, if you look in the bottom  
 5 right, there is a received stamp?  
 6 A. Yes.  
 7 Q. "Received" I can read. I think the rest  
 8 is hard to read; so I'm not going to -- what does  
 9 that say to you?  
 10 A. Received November 13th.  
 11 Q. What about under "received," can you make  
 12 that out?  
 13 A. No, I can't.  
 14 Q. Did Director Pires tell you what he  
 15 planned on doing with this letter?  
 16 A. No, he did not.  
 17 Q. Did you do anything else, other than sign  
 18 this letter, to see that Sean Gannon was terminated?  
 19 A. Could you explain?  
 20 Q. Aside from signing this letter, did you do  
 21 anything else with regards to Sean?  
 22 A. As far as calling him or notifying him?  
 23 Q. Anything at all. Did you make any  
 24 telephone calls regarding Sean Gannon's termination?  
 25 A. No.

1 Q. Did you write any other letters regarding  
 2 Sean Gannon's termination?  
 3 A. No.  
 4 MR. VOTOLATO: Can we go off the record  
 5 for one second?  
 6 ARBITRATOR RYAN: Yes.  
 7 (Off the record.)  
 8 MR. VOTOLATO: We'll go back on the  
 9 record.  
 10 Q. Chief, I'm going to show you what I've so  
 11 carefully marked as Employer's No. 9. Have you seen  
 12 that before?  
 13 A. Oh, yes. I didn't recall this before when  
 14 I was being questioned.  
 15 Q. That's fine. So you did?  
 16 A. Yeah. It's obviously my handwriting.  
 17 Q. Okay. Is there a reason you sent this  
 18 letter to Joanna L'Heureux?  
 19 A. This letter was sent to Joanna -- I  
 20 believe there was another letter as well. At that  
 21 point they request whether you're going to keep or  
 22 terminate employees at that six-month period. There  
 23 was a letter that also went out for the 20  
 24 candidates that were going to be retained, and then  
 25 this one letter for the one candidate that was going

1 to be terminated.  
 2 **Q. So this was, you believe, required of you?**  
 3 **A. Yes. I'm sorry if I'm losing track of**  
 4 **some of these letters, but there's so many of them.**  
 5 **Q. It was a few years ago. Again, bottom**  
 6 **right, do you see that received stamp again?**  
 7 **A. Yes.**  
 8 **Q. Again, can you make out -- this one's a**  
 9 **little clearer, in my opinion.**  
 10 **A. It looks more like personnel division.**  
 11 **Q. Okay. I'm not asking you to be an expert**  
 12 **in stamping at all, but does it look, in your**  
 13 **opinion, the same as the stamp that's on the**  
 14 **termination letter?**  
 15 **A. Yes.**  
 16 **ARBITRATOR RYAN: Well, it may look the**  
 17 **same, but it's got a different time on it.**  
 18 **A. A different time on it.**  
 19 **Q. A different time?**  
 20 **A. Yeah.**  
 21 **Q. The stamp on the termination letter -- let**  
 22 **me go back to that. Okay. That's fine.**  
 23 **But it's safe to say that each of these were**  
 24 **stamped received by the personnel division?**  
 25 **A. Yes.**

1 **Q. Okay. Now, without specifically talking**  
 2 **about a single one, the evaluation forms which were**  
 3 **marked as Exhibit 7, you have in front of you?**  
 4 **A. Right.**  
 5 **Q. Were there other documents that you relied**  
 6 **on in -- strike that. You didn't make the**  
 7 **determination.**  
 8 **I think you said there were telephone calls**  
 9 **back and forth with Director Pires as to whether or**  
 10 **not Sean should be retained or terminated; was it**  
 11 **just the two of you on the phone, or was it a**  
 12 **conference call?**  
 13 **A. Just the two of us.**  
 14 **Q. Okay. And you didn't disagree with**  
 15 **Director Pires when he said he wanted to terminate**  
 16 **Sean?**  
 17 **A. No.**  
 18 **Q. Do you have any specific knowledge as to**  
 19 **whether or not Sean Gannon ever received the**  
 20 **termination letter?**  
 21 **A. I do not have any knowledge of that.**  
 22 **Q. Do you have any knowledge as to when it**  
 23 **was -- if it was put in the mail?**  
 24 **A. I do not have any knowledge of that.**  
 25 **Q. Do you have any knowledge as to whether or**

1 **not it was handed to him?**  
 2 **A. I do not have knowledge of that.**  
 3 **Q. Prior to his termination, had Sean Gannon**  
 4 **ever been disciplined by the department in any way?**  
 5 **A. No.**  
 6 **Q. He had never been suspended?**  
 7 **A. No.**  
 8 **Q. You're not currently in the union?**  
 9 **A. Correct.**  
 10 **Q. But you were for many years?**  
 11 **A. Correct.**  
 12 **Q. Do you have any knowledge of any meeting**  
 13 **prior to his termination with Sean Gannon and any**  
 14 **representative from the union?**  
 15 **A. No, I do not.**  
 16 **ARBITRATOR RYAN: Pardon?**  
 17 **THE WITNESS: No, I do not.**  
 18 **ARBITRATOR RYAN: Okay.**  
 19 **Q. In your time as chief, have you ever had**  
 20 **to terminate a probationary firefighter before?**  
 21 **A. No.**  
 22 **Q. I know you testified as to the positions**  
 23 **you held. I would assume prior to chief you were a**  
 24 **battalion chief?**  
 25 **A. I was a fire marshal, which was at the**

1 **captain's level.**  
 2 **Q. Okay.**  
 3 **A. But in fire prevention, I was fire**  
 4 **prevention battalion chief.**  
 5 **Q. Okay. Do you have any knowledge in your**  
 6 **28 years if any probationary firefighter had ever**  
 7 **been fired?**  
 8 **A. I do not know.**  
 9 **Q. You don't know if it ever happened or**  
 10 **you --**  
 11 **A. I don't know if it's ever happened.**  
 12 **Q. Okay. Were you aware that prior to**  
 13 **November 12th, before the termination letter, were**  
 14 **you aware of any meetings that took place between**  
 15 **Director Pires and Jack Gannon?**  
 16 **A. I know they had met.**  
 17 **Q. Did Mr. Pires tell you about the meeting?**  
 18 **A. No. That they just had met. That's all**  
 19 **that I can recall being told.**  
 20 **Q. Were you also told that the mayor was**  
 21 **present at that meeting?**  
 22 **A. I was not aware of that.**  
 23 **MR. VOTOLATO: If I could just maybe have**  
 24 **five minutes? I just want to make sure I'm wrapping**  
 25 **up. Is that okay? Is everybody okay with that?**

1 MR. BLISS: Sure.  
 2 ARBITRATOR RYAN: Okay. Let's take a  
 3 five-minute break.  
 4 MR. VOTOLATO: Thank you.  
 5 (Break taken)  
 6 MR. VOTOLATO: So back on the record.  
 7 After discussing with the arbitrator and Mr. Bliss,  
 8 the union has decided to withdraw our objection. It  
 9 was a hearsay objection when Battalion Chief  
 10 McLaughlin at the last session testified to an  
 11 instance where Captain Correia --  
 12 MR. BLISS: Yeah. It was in fire alarm.  
 13 MR. VOTOLATO: -- captain Correia entered  
 14 the fire alarm room and saw Sean Gannon with his  
 15 head in his hands and multiple phones off the hook.  
 16 Sufficient?  
 17 MR. BLISS: Yes. And you're withdrawing  
 18 your objection so Battalion Chief McLaughlin's  
 19 testimony can be considered by the arbitrator.  
 20 MR. VOTOLATO: Yes.  
 21 ARBITRATOR RYAN: And thus we'll avoid  
 22 having to call Captain Correia.  
 23 MR. BLISS: We'll avoid having to call  
 24 Captain Correia.  
 25 ARBITRATOR RYAN: Okay. Thank you all.

1 MR. VOTOLATO: Chief, thank you. We're  
 2 almost done. I just wanted to make sure I wasn't  
 3 missing anything big.  
 4 BY MR. VOTOLATO:  
 5 **Q. A couple of final questions. To the best**  
 6 **of your knowledge, during his time with the**  
 7 **Pawtucket Fire Department, did Sean Gannon ever**  
 8 **cause an injury to -- through any action of his,**  
 9 **ever cause an injury to any resident in the City of**  
 10 **Pawtucket?**  
 11 A. Not that I know of.  
 12 **Q. Do you have any knowledge of him causing**  
 13 **an injury to any other firefighter?**  
 14 A. Not that I know of.  
 15 **Q. Any employee of the fire department?**  
 16 A. I get you. Not that I know of.  
 17 **Q. Do you have any knowledge of him causing**  
 18 **injury to himself?**  
 19 A. No, not that I know of.  
 20 **Q. During the time back in 2013 when Sean was**  
 21 **there, it was the policy of the fire department that**  
 22 **sort of those recruits that finished towards the**  
 23 **bottom of their academy were placed in fire alarm;**  
 24 **is that correct?**  
 25 A. Correct.

1 **Q. Is that still the fire department's**  
 2 **policy?**  
 3 A. No.  
 4 **Q. Who mans fire alarm now?**  
 5 MR. BLISS: Objection.  
 6 A. We have a civilian.  
 7 MR. BLISS: This is after Sean. It had  
 8 nothing to do with Sean.  
 9 MR. VOTOLATO: Just a couple quick  
 10 questions.  
 11 ARBITRATOR RYAN: Generally speaking, I  
 12 try to avoid going into incidents that happened  
 13 after the grievance was filed.  
 14 MR. VOTOLATO: Okay.  
 15 ARBITRATOR RYAN: Because it just opens up  
 16 more areas for litigation which generally -- and  
 17 they weren't known at the time, and they generally  
 18 don't factor in.  
 19 MR. VOTOLATO: Okay. I'll move on.  
 20 ARBITRATOR RYAN: Okay.  
 21 **Q. Back in 2013, during Sean's time with the**  
 22 **fire department, do you, in your capacity as Fire**  
 23 **Chief, have any knowledge as to an average call**  
 24 **volume coming through that fire alarm room?**  
 25 A. 2013?

1 **Q. However you may know it -- daily, weekly,**  
 2 **monthly?**  
 3 A. Probably at that point in 2013, it would  
 4 only be speculation, but it'd probably be about  
 5 11,000 runs a year, maybe more.  
 6 ARBITRATOR RYAN: Well, speculation, I'm  
 7 not interested in speculation. Maybe you can ask a  
 8 different question.  
 9 MR. VOTOLATO: Now this came into --  
 10 Mr. Ryan, it was so large that I don't have a copy,  
 11 but I put in as Union Exhibit 2 the report by --  
 12 ARBITRATOR RYAN: The audit.  
 13 MR. VOTOLATO: The audit. Do you have a  
 14 copy of that?  
 15 ARBITRATOR RYAN: I do.  
 16 MR. VOTOLATO: I'm just going to ask one  
 17 question about it. I figured I'd put it in front of  
 18 him when I ask.  
 19 ARBITRATOR RYAN: Do you want to use my  
 20 copy of it?  
 21 MR. VOTOLATO: If we may. I have an  
 22 electronic copy.  
 23 ARBITRATOR RYAN: I'm going to toss it to  
 24 you.  
 25 MR. VOTOLATO: That's all right. Give it

1 to the guy with the bad back.  
 2 ARBITRATOR RYAN: Injured on duty.  
 3 THE WITNESS: I'm going to need counsel.  
 4 BY MR. VOTOLATO:  
 5 Q. Chief, are you familiar with the document  
 6 that's put in front of you?  
 7 A. Yes.  
 8 Q. And what do you know that to be?  
 9 A. That's the public safety audit that was  
 10 commissioned regarding the Pawtucket Fire  
 11 Department.  
 12 Q. And are you familiar with the report?  
 13 A. Yes.  
 14 Q. And this was commissioned during your time  
 15 as chief; was it not?  
 16 A. 2012, yes.  
 17 Q. And I don't have the exact page reference,  
 18 but I've read most of the report. Would you  
 19 disagree with the report's assertion that back in  
 20 2011 there were a total of 13,527 calls for service?  
 21 A. No, I wouldn't disagree with that.  
 22 Q. Okay. Now, aside from calls for service,  
 23 don't regular -- we'll call them business calls --  
 24 come through fire alarm as well?  
 25 A. Yes, some of them do, yes, indeed.

1 Q. So if I were to call the fire department  
 2 to speak to you, for example, fire alarm would  
 3 answer?  
 4 A. You have the option to call the city hall  
 5 number and dial my extension directly, but some  
 6 calls could come through fire alarm.  
 7 Q. Okay. If I was looking for another  
 8 firefighter, I'd probably dial the fire station, not  
 9 911, I would call the fire station, and I would be  
 10 patched through from someone in the fire alarm room?  
 11 MR. BLISS: Objection. You said when you  
 12 would call you would probably call the fire alarm.  
 13 What are you asking him?  
 14 MR. VOTOLATO: I said not 911. I'd call  
 15 the fire department number. Okay. Let me ask a  
 16 different question.  
 17 Q. What's the telephone number for the  
 18 Pawtucket Fire Department, the main number?  
 19 A. The main number? It depends. If you're  
 20 going to call the office, there's a direct number to  
 21 the office, which is 725-2331, which goes directly  
 22 to my office upstairs and to fire prevention.  
 23 Q. Okay.  
 24 A. Then there's business numbers also,  
 25 725-1422, -23, -24.

1 Q. Is there a main number that's given out to  
 2 the public?  
 3 A. It would probably be the nonbusiness,  
 4 probably the 725-1424 number, I believe.  
 5 Q. Okay. Where would that ring to?  
 6 A. That would ring in fire alarm.  
 7 Q. That's what I was trying to get at. So  
 8 unless you know a specific extension for an  
 9 individual office, you would call a main number?  
 10 A. Mm-hmm.  
 11 Q. And those calls do get routed through the  
 12 fire alarm room?  
 13 A. Correct.  
 14 Q. That was a lot just get to that one little  
 15 thing. I apologize.  
 16 And during your time on the fire department,  
 17 again, I don't want you to identify any individual  
 18 firefighters, but are you aware of any firefighters  
 19 who through any action of theirs a member of the  
 20 public was injured?  
 21 A. To my knowledge, to my direct knowledge of  
 22 knowing of any case, I don't know the particulars of  
 23 any case.  
 24 Q. Okay. Do you have any knowledge of any  
 25 firefighter injuring himself on the job?

1 A. Other than -- are you talking in respect  
 2 to firefighting activities?  
 3 Q. Yeah.  
 4 A. Firefighters get injured, yes.  
 5 Q. Okay. Do you have any knowledge of any  
 6 member of the fire department through any action of  
 7 their own causing injury to another firefighter?  
 8 A. On purpose?  
 9 Q. No. Just has it ever happened?  
 10 A. With firefighter activities someone could  
 11 get injured by another firefighter, yes.  
 12 MR. VOTOLATO: I think that's all I have.  
 13 I think that was plenty for you though. Thank you  
 14 very much for your time.  
 15 MR. BLISS: I just have one follow-up.  
 16 ARBITRATOR RYAN: Okay.  
 17 REDIRECT EXAMINATION  
 18 BY MR. BLISS:  
 19 Q. Chief Sisson, you testified a number of  
 20 times regarding documents that were in Sean's  
 21 personnel file and whether you had notified Sean  
 22 that you were placing the documents in his file. Do  
 23 you notify any probationary firefighters when you  
 24 put documents in their personnel files?  
 25 A. No, I do not.



1 **Q. Do you notify any uniformed members of the**  
2 **fire department when you put documents in their**  
3 **personnel files?**

4 A. No, I do not.

5 MR. BLISS: Okay. I have nothing further.  
6 Thank you.

7 MR. VOTOLATO: I have 15 -- no, I'm just  
8 kidding. I'm all set.

9 ARBITRATOR RYAN: Okay. Thanks, Chief.

10 MR. DONOVAN: We can't really be done yet,  
11 can we?

12 ARBITRATOR RYAN: So off the record.  
13 (Arbitration adjourned at 1:25 p.m.)  
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1 C E R T I F I C A T E  
2

3 I, CINDY M. TANGNEY, do hereby certify that  
4 the foregoing is a true, accurate and complete  
5 record taken of my stenographic notes in the above  
6 hearing.  
7

8 IN WITNESS WHEREOF, I have hereunto set my  
9 hand this 13th day of August, 2015.  
10

11 \_\_\_\_\_  
12 CINDY M. TANGNEY, RMR/COMMISSIONER  
13 My Commission expires 01/31/2020

14 IN RE: Pawtucket Firefighters IAFF Local 1261

15 DATE: July 24, 2015  
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