

Firefighter gets \$450,000 in age-bias suit

By Denise Buffa
Staff Writer

BRIDGEPORT — A federal jury awarded a Stamford fire captain at least \$450,000 in damages yesterday after finding the city's Fire Commission did not promote him to deputy chief in 1986 because of his age.

"I didn't do this just for myself," an overwhelmed Capt. Robert LaBlanc said after the verdict.

Filled with emotion, LaBlanc paused, took a deep breath and continued.

"I did it for everybody that wears the uniform and maybe it's time that every city took a long, hard look at the type of system that is used for

promoting," he said. "Apparently, this doesn't work for everybody."

The five 1986 commissioners, named as defendants in the case, insisted they did not decide against promoting LaBlanc based on his age.

"I certainly don't understand it. I mean, it's beyond my comprehension," former commissioner Diane Handley said of the verdict.

LaBlanc's attorney, Victoria DeToledo of Stamford, and Stamford Deputy Corporation Counsel Deborah Steeves, provided different calculations of the award yesterday. Steeves said the award was \$450,000. DeToledo said LaBlanc should receive \$600,000 in damages under

federal law.

The city, responsible for paying the damages, plans to ask U.S. District Court Judge T.F. Gilroy Daly within 10 days to overturn the verdict, Steeves said. DeToledo then must file a response within 10 days.

If the judge upholds the decision, Steeves said she plans to appeal on behalf of the city on the grounds that various errors were committed during the three-day trial in U.S. District Court in Bridgeport that began Wednesday. She declined to elaborate.

Daly will now decide whether to order the city to promote LaBlanc to deputy chief or to at least pay him a

deputy chief's salary. A deputy chief currently earns an average of \$54,000 annually and a captain earns an average of about \$47,600 per year, according to Stamford Budget Director Frank Harrison.

LaBlanc declined to comment on whether he will resign as fire captain if the judge decides against ordering his promotion.

LaBlanc applied for one of three deputy chiefs positions in November and December of 1986. LaBlanc, then 53, did not get the job. Instead, the Stamford Fire Commission promoted Kevin Tappe, then 34; Peter Brown, then 36 and Anthony Milone, then 48.

Trial testimony indicated that Fire Chief Joseph Vitti, with the support of Assistant Fire Chief Julian Nosenzo, recommended LaBlanc for the job over the others.

LaBlanc's lawsuit against the city maintained in part that the commissioners told Vitti that LaBlanc was not promoted because they wanted to "to get in some new blood."

The testimony showed that Tappe scored 87, the highest of the four on a written examination for the promotion. LaBlanc and Milone each scored 80 and Brown scored 77.

Further testimony indicated that LaBlanc did not take as many advanced firefighting courses as the

other candidates. But witnesses said LaBlanc had more experience as acting deputy chief than each of the others and more experience in fighting fires than some of them.

The jury of six found the commissioners each violated the federal Age Discrimination and Employment Act of 1969 and conspired to violate and violated the 14th Amendment of the U.S. Constitution, which secures civil rights.

Two of the five commissioners involved in the case are still on the Fire Commission. They are John Keenan and Joseph Arnette, who heads the commission.

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Keenan declined to comment on the verdict yesterday, citing the city's intention to appeal the case. He also declined to comment on whether he is considering resigning as a result of the verdict. Arnette could not be reached for comment.

Mayor Thom Serrani, who appointed the commissioners and has the power to remove them, could not be reached at his office or at home yesterday afternoon.

LaBlanc said the mayor was the root of the promotion problem because he appoints the commissioners.

"If someone has to answer these discrimination charges, it's the root of the problem . . ." LaBlanc said. "He has to be considered the root of the problem."

Attorney deToledo said Serrani was not named as a defendant in the case because "there wasn't a direct

link" to him.

Handley, who testified, said in a telephone interview yesterday that the mayor had nothing to do with the decision against promoting LaBlanc. She said he never interfered in promotions she considered during her four years as commissioner.

She said she did not think Keenan and Arnette should resign because the commission's decision was based on information about the candidates gathered from personnel records and interviews.

"They did the right thing for the right reason," she said. "We all did."

Besides Handley, Julian Melmed and Salvatore "Chip" Cingari, sat on the 1986 commission. They did not return telephone calls by late yesterday afternoon.

The jury verdict was reached after slightly more than four hours of deliberations which began at about 3:30 p.m. Thursday and ended at about

12:15 p.m. yesterday.

The jury awarded LaBlanc \$150,000 because it found that the commission discriminated against him because of his age, a violation of the Age Discrimination and Employment Act. It awarded LaBlanc \$3,000 in compensatory damages because it found the commission violated his civil rights. It also awarded LaBlanc \$50,000 in compensatory damages and \$247,000 in punitive damages as a result of finding the commission conspired to violate LaBlanc's Constitutional rights.

The total is \$450,000. But deToledo said federal law mandates that the \$150,000 be doubled if the jury found the commissioners willfully discriminated against LaBlanc, which she said it did.

If the verdict stays, the award could come from the city's insurance or self-insurance accounts, said City Risk Manager Allan Brown. He

could not immediately say how much money is available, but he said, "I don't see why we shouldn't be able to" handle the loss.

"You plan for these," he said.

LaBlanc's attorney's fees are to be added to the \$450,000. DeToledo could not estimate her fees, which must be approved by the judge.

"There will never be enough money to compensate what I've been through for these past three years," LaBlanc said.

The fire captain said he had not thought of what he would do with award money.

"I didn't enter into this for money at all," he said. "I've entered into this for justice. That's all I wanted."

In 1987 the state Commission on Human Rights and Opportunities stated that six Stamford police officers, ordered to retire by the city because they were over 65 years of age, could continue working.