

1 CITY OF EAST CHICAGO
2 BOARD OF PUBLIC SAFETY

3 BOARD MEMBERS

4 Milton Reed, President
5 Richard Trembczynski, Vice President
6 Thomas Davis, Member

7 Regular Meeting Minutes
8 Wednesday, August 28, 2019 @ 5:30 p.m.
9 Reported for Fissinger & Associates
10 By: Lisa Pena

11 Call to Order: 5:25 p.m.

12 Pledge of Allegiance:

13 Roll Call: Present: Milton Reed, Richard Trembczynski,
14 Thomas Davis.

15 Approval of Minutes: Regular Meeting August 14, 2019.

16 Motion to approve August 14, 2019 Regular Meeting Minutes
17 made by Richard Trembczynski. Second by Thomas Davis.

18 Questions/Comments: None.

19 Roll Call: "All in Favor": All Abstain: None.

20 Opposed: None Motion Carries.

21 Correspondence: None.

22 New Business:

23 MR. REED: I know we'll have an addition after this
24 section of our New Business. And we will get to that. But I
25 think we will let the attorneys and the Building Department
have their presentation.

MR. SMITH: Good evening, Mr. President, Board. My
recollection is we didn't have anybody check in on any of the
specific properties. So I think I can just run through these
very quickly.

These are all status. There aren't any new ones.
We'll have new ones next month I believe or maybe October.
We'll see. But I can just run through these if you would

1 like.

2 MR. REED: Yes, please.

3 MR. SMITH: 4862 Baring. The good news is the rehab is
4 progressing significantly and that Mr. Portalatin has
5 informed me that it can be removed from the list. That would
6 be a closed file and removed from the Demolition List.

7 1117 Beacon the inspection has been done. There's
8 a rehab beginning. I'm sorry. The inspection has been done.
9 We're waiting on a Rehab Agreement to be finalized before the
10 Board. That will probably come before the next week or two.
11 So we're asking for a status date on this one of October 30
12 to allow that work to begin and hopefully gets substantially
13 completed.

14 617 Chicago Avenue West. James pointed out to me
15 that if you look next to the Burger King here on Chicago
16 Avenue you can see that the exterior looks great. And it
17 will be removed from list. We're going to close that file.

18 MR. REED: Excuse me. James, were they in the Facade
19 Program?

20 MR. PORTALATIN: They're going to.

21 MR. REED: Okay. I didn't know if they were officially
22 in it or not.

23 MR. PORTALATIN: Yes.

24 MR. REED: Excuse me. I'm sorry.

25 MR. SMITH: No. 3912 Deodar the roof has been
completed. It needs an inspection. So we're going to ask
that the Board allow the company to continue repairs. And
that would be set up for status on 9/25 of '19. So September
25, next month.

4128 Euclid the rehabilitation is completed. We'll
close the file. And we'll remove it from the list. More
good news.

3507 Fir Street there is a lot of work going on.
There's a lot of work to be done and a lot of work is going
on. However Mr. Portalatin has reported that it looks good
and it's continuing. So we're going to ask for another 60
days on that to October 30 for another status.

1 3914 Guthrie Street, in the front, unfortunately
2 the owner had met with James and was wanting to rehab.
3 However nothing has been done since we got the order. There
4 hasn't been an inspection. And we are going to request the
5 ability to bid out this property.

6 3914 Guthrie Street we'll bid out to get a bid for
7 demolition.

8 3809 Ivy Street the last time that we were before
9 the Board I believe it was in July. Or it might have been
10 June actually. Mr. Tremaine Hemmingway showed up. And he
11 was supposed to schedule an inspection. That inspection
12 hasn't happened yet. Mr. Portalatin would like some time to
13 just confirm with Mr. Hemmingway. So we're asking for a
14 status date of September 25.

15 4825 Ivy Street. This is an estate. We were going
16 to donate it to the Housing Authority. But you suggested
17 that we do it through the Redevelopment Commission which is
18 happening. We're just trying to get authority from the
19 Probate Court to have it donated. And as soon as we do that
20 with Attorney Harris it's going to be donated to the East
21 Chicago Redevelopment Commission. In the meantime we're
22 going to bid it out because it is important.

23 MR. REED: Right. And is Redevelopment aware that it's
24 coming their way.

25 MR. SMITH: They are. I spoke to Mr. Rivera and he's
aware of it.

 4714 McCook work is being performed. We would like
to give the owner 60 more days for a status to October 30,
2019.

 And finally 4010 Parrish Avenue, garage, no work
has been done. And Mr. Portalatin is requesting the Board to
allow him to bid out that work and have a City demolition
contractor demolish that garage because the owner is not
making progress.

 Those complete my comments.

 MR. REED: Thank you for the report. Anything else?
Thank you.

 Moving on we have an agenda item that we will allow
per the recommendation of our attorney. If you would like to

1 lead this part, Mr. Morrisroe.

2 MR. MORRISROE: This concerns Marcia Key who is here
3 with two friends. And it concerns a City mandated drug test
4 for employees. We have both Miss Key and we have Laura
5 Corpus, Human Resource Director.

6 I would like Miss Key to have five minutes to
7 present her results of the drug test and then give five
8 minutes to Miss Corpus as well.

9 MR. REED: If you wouldn't mind just stating your name.
10 We did receive a copy of your letter that you sent to our
11 Board. And we have that under advisement at this point in
12 time. But go ahead you can address us. State your name
13 please.

14 MS. KEY: My name is Marcia Key. And I got drug tested.
15 I took it right after that. And I got drug tested the same.
16 I don't do drugs.

17 MR. MORRISROE: She has given a copy of that test to
18 both Miss Corpus and myself.

19 Do you want to give that to the Board as well? If
20 you have one copy, that's --

21 MS. KEY: I only have one copy.

22 MR. REED: We can get it from HR. I'll take your word
23 for what it is.

24 MR. MORRISROE: Is that your only copy, the one you have
25 there?

MS. KEY: Yes.

MR. REED: We can get a copy from HR.

MS. KEY: I never did no drugs in my life. Never. So I
am like, well, where did the drugs come. I don't know.

MR. MORRISROE: My understanding is that you did not do
the drug test with the hospital again, but chose to do it
with a private doctor.

MS. KEY: Right. I went to a clinic on my own.

MR. MORRISROE: And you waited for your payroll to come

1 through so that you were able to pay for it.

2 MS. KEY: Yes.

3 MR. MORRISROE: Do you have anything else to want to
4 add?

4

How long had you worked for the City prior?

5

6 MS. KEY: I worked for the City from July 17 to July of
7 this year, July 5.

8 MR. MORRISROE: So almost a year.

9 MS. KEY: Almost a year, yeah

10 MR. MORRISROE: And the work you were doing?

11 MS. KEY: I worked at the golf course with Mayra. And I
12 worked at Public Works with Kenny.

11

12 MR. MORRISROE: Are there any questions that the Board
13 Members have?

14 MR. REED: Not at this time. Thank you for appearing
15 before us. We'll take it all under advisement. But thank
16 you for appearing.

17 MS. KEY: Do I get another meeting or something?

18 MR. MORRISROE: Miss Corpus, we would like Miss Corpus
19 to have her opportunity to speak as far as the position of
20 the Human Resource Department. And then they will take it
21 under consideration.

18

19 MS. KEY: And I also got a drug test that I was going to
20 take for a company that I was trying to get a job after I got
21 fired. And I passed the drug test. It was a 10 pattern.
22 The one I got is a 12 pattern.

23 MR. REED: Thank you for appearing.

24 MS. KEY: You're welcome. I got one more question.
25 Excuse me. I'm sorry. If I don't get my job back, I would
26 just like my name cleared of all this, the drug test and all
27 of that because I know I don't do drugs. That's all. Thank
28 you.

29 MR. REED: We appreciate you coming. That takes a lot

1 of courage. We appreciate that.

2 MS. CORPUS: I'm Laura Corpus. I'm the Director of
3 Human Resources for the City of East Chicago. On June 25 we
4 did a drug screening, a random drug screening of our
5 employees. And at that time Miss Key was one of the people
6 who were tested.

7 Now, we do three types of tests. We do breath
8 alcohol. We do urinalysis and we also do hair follicle.

9 We did the test on June 25. And the results came
10 back for Miss Key. The breath alcohol was fine. The
11 urinalysis was fine. But the hair follicle came with a
12 positive for cocaine.

13 So with that we had to terminate. In accordance
14 with the Substance Abuse Policy for the City we had to
15 terminate Miss Key.

16 I met with her on July 5. And I explained to her
17 the results that we received. And she expressed to me that
18 she had never done drugs and she didn't understand how she
19 could have possibly failed it.

20 Nevertheless I gave her the Letter of Termination,
21 took her ID badge and gave her instructions. I gave her the
22 segments of the policy that shows that we terminate people
23 for positive drug test. And I also gave her the information
24 about appealing.

25 One way to appeal is to pay for the specimen to be
retested. And that would be done through our clinic with the
very same specimen. The other way is to appeal to the Board
of Public Safety.

The next thing I heard from Miss Key is really
through the unemployment.

MR. REED: Can I interrupt with one question? To appeal
to the Board of Public Safety, that is a formal process. I
wouldn't necessarily consider this the appeal.

The appeal you're thinking about there's a formal
process to get on the Board of Safety Agenda? Can you tell
me exactly what that process is?

MS. CORPUS: It just says that you appeal to the Board
of Public Safety. That's all it says.

1 MR. MORRISROE: If I may I communicated to Miss Key
2 when she contacted Human Resource and the Law Department. I
3 neglected and I apologize for that to have our secretary put
4 it on the agenda. But I had told her of this meeting, of
5 this being the opportunity to appeal.

6 MR. REED: So this is her formal appeal is what I am
7 asking?

8 MR. MORRISROE: Yes.

9 MR. REED: And it falls within the policy of her ability
10 and rights to appeal?

11 MS. CORPUS: Correct.

12 MR. REED: Just wanted to know that.

13 MR. MORRISROE: This is part of the City's Personnel
14 Policy.

15 MR. REED: That's what I wanted to know. So this is a
16 formal appeal. That's what I wasn't sure of. Thank you.

17 MS. CORPUS: Then we got information from Workforce
18 Development that said that Miss Key was applying for
19 unemployment for unjust discharge. We presented them with
20 our argument about the drug screening. And they then found
21 in our favor and denied her future benefits.

22 Then we received the drug screening from Miss Key
23 regarding a drug test that she had taken on her own at a
24 different lab. She took it at I think it's Clinic Express --
25 Midwest Express Clinic. But the test that she took was a
26 urinalysis test. We had already known that she passed the
27 urinalysis test that we conducted on the 25th of June.

28 Nevertheless Attorney Morrisroe asked me to have
29 our MRO, our Medical Review Officer, Dr. Turkmani from
30 St. Catherine Occupational Health review that result and to
31 give his opinion.

32 And what he stated was, "I reviewed the drug test
33 documents and the medications."

34 Also she provided us her medical list of
35 medications she was taking because sometimes medications that
36 the employees take cause them to have a false positive.

37

1 But he says, "I reviewed the drug test documents
2 and the medications which I was provided. The test was done
3 properly and showed positivity for cocaine usage, not simply
4 secondhand exposure. Medications provided don't give
5 positive cocaine results."

6 So that was the doctor's review. And that's
7 really all that we have. Any questions?

8 MR. REED: You mentioned that outside of the appeal to
9 the Board of Safety there was an option to retest?

10 MS. CORPUS: Yes.

11 MR. REED: And that option was not exercised?

12 MS. CORPUS: It was not. I should tell you that that
13 also costs. There's a cost to it that the employee assumes.
14 And the cost of that test if retested is \$225.

15 I have copies if you want of the drug screen, of
16 our letter and the attachments, of the Workforce Development
17 information, of the documents that Miss Key was trying to
18 provide you and the doctor's note as well as the Termination
19 Letter.

20 MR. REED: Well, I think at this point those may be HR
21 documents that's unresolved. If you would make them
22 available to our secretary upon request, and we can let her
23 know because I want to control those documents. I think they
24 should be controlled.

25 MS. CORPUS: Very much so. The thing is it all comes
out of this policy that the City has for substance abuse.

 MR. REED: I guess since this is an appeal is there
anything she should expect as the next step or is this just a
matter for us?

 The only thing we can do is take it under
advisement today. But should she be aware of the next step
or from the HR Department their recommendation is done?

 MS. CORPUS: As far as HR is concerned her termination
stands unless the Board of Public Safety determines
otherwise.

 MR. REED: We'll have to take it under advisement.

1 MS. CORPUS: Thank you. Any other questions?

2 MR. REED: I have none. Thank you for your time as
well.

3

Old Business: None.

4

Other/Audience Participation:

5

6 MR. REED: Please come forward and state your name. And
if you could limit your comments to two minutes, that would
be protocol.

7

8 MS. PICASSO: I will try. My name is Martha Picasso.
And I've been friends with Marcia Keys for 30 years plus.
Not once has she ever touched any drugs.

9

10 If they were to test the same follicles that they
accused of her using cocaine, it's going to come out with the
same result.

11

12 Take her positive -- take her screen test now and
pay for it because that was an unjust dismissal of her job.
And then to deny her to eat because you don't want to the pay
13 the unemployment when it was wrong. That is not fair to
Marcia. She's a good person. She's a good person.

14

15 And as an individual and as a friend I consider her
my sister. And the three of us been together for a long
time. And we don't do drugs unless the doctor gives it to
16 us.

17

Marcia should be given her unemployment if the City
doesn't want to give her her job back and pay back what she
18 lost because of the unjust discharge of her job.

19

Marcia is a good person. Test her. Test her. She
has never done drugs. She doesn't go hang around with people
20 who does drugs. We don't of any kind unless it's prescribed.

21

And Dr. Turkmani better check it because her
urinalysis should come out clean always. Anything they
22 should do for her, me or Olga.

23

I would reconsider the unemployment and give her
back all that she has lost. She doesn't have anything to
24 provide for herself or her rent.

25

And luckily her landlord is compassionate enough to

1 give her time to get back on her feet which is not fair.
2 That's another bill that's being added on to her. And that's
3 not her fault.

4 Whoever took that test I don't think they did it
5 right because Marcia doesn't do drugs of any kind unless it's
6 prescribed.

7 She needs her unemployment. She needs her name
8 cleared that she's not a drug addict and let her live her
9 life in peace. She's a good person. And because another
10 week she's going to be a whole year they dismissed her.
11 Pretty shady to me.

12 MR. REED: Thank you for your comments and thank you for
13 being an advocate for your friend.

14 MS. PICASSO: Yes, sir.

15 MR. REED: Are there any other audience participation?
16 Yes, ma'am. Would you please come forward and state your
17 name. And if you would limit your comments to two minutes,
18 that would be the proper protocol.

19 MS. FLORES: My name is Olga Flores. And we've been
20 friends for close to 40 years. She don't do drugs. I don't
21 have to emphasize that because my other friend already did.
22 But really all I want if they not going to give her her job
23 all I want really is for the people to clear her name because
24 she is a good citizen.

25 You could go in any street of East Chicago and the
26 Harbor right here in the City and you will not find a person
27 that will tell you that she does drugs.

28 Drink, yeah. We drink here and there. But drugs,
29 no. We don't do drugs.

30 So please all I'm asking you guys is to remove her
31 name from all this bad doubts and just clear her name. Thank
32 you.

33 MR. REED: Thank you for your comments as well.

34 There is no one else for audience participation.

35 * Next Regular Meeting Date: Wednesday, September
36 11, 2019 @ 5:30 p.m.

37

1 Motion to adjourn made by Thomas Davis. Second by Richard
Trembczynski.

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Roll Call: "All in Favor": All Abstain: None.

3 Opposed: None Motion Carries.

4 * Meeting ended at 5:47 p.m.

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Approval of the Meeting Minutes of
Wednesday, August 28, 2019

Approved and Signed _____

Milton Reed, President

Richard Trembczynski, Vice President

Thomas Davis, Member

Olga Cosme, Board Secretary

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1
2 C E R T I F I C A T E
3

4 I, Lisa Pena, a competent and duly qualified
5 court reporter, do hereby certify that I did report in
6 machine shorthand the foregoing proceedings and that my
7 shorthand notes so taken at said time and place were
8 thereafter reduced to typewriting under my personal
9 direction.

10 I further certify that the foregoing
11 typewritten transcript constitutes minutes of said
12 proceedings taken at said time and place, so ordered to
13 be transcribed.

14 Dated at Portage, Indiana, this 9th day of
15 September, 2019.
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22 _____
23 Lisa Pena
24 Notary Public Porter County
25 Certified Shorthand Reporter
License Number 084-003483