

Personnel Committee Minutes

Honorable Council
City of Newark, Ohio
June 15, 2016

There was a meeting of the Personnel Committee in Council Chambers on Monday June 13, 2016 following the Economic Development Committee with these members in attendance:

Ryan Bubb, Chair
Alex Rolletta
Doug Marmie
Jeremy Blake for Dee Hall
Curtis Johnson

We wish to Report:

1. **Ordinance No. 16-17** amending the position classification, pay range and department authorization tables of the Department of Safety, Division of Fire by creating the classification of Deputy Fire Chief, and setting the compensation therefore, and abolishing one Assistant Chief position by attrition was considered.

Director Spurgeon- the Department of Public Safety and Divisions Police, Fire and EMS are doing great things. We believe with your support we can do things even better. Chief Connor and I agree and believe that we need a Deputy Chief. We would do this through attrition. We would abolish one position if somebody left us and create that at that time. Chief Connor has been kind enough to join us tonight should you have any questions for him.

Chief Connor- we have been thinking about this for a long time. I served in the position of Assistant Chief and to break it down for you real quickly, we have four Assistant Chiefs. Three of them function on their 24 hour shifts as Shift Commanders. They function as Battalion Chiefs basically and they lead the operations during the day. The fourth Assistant Chief is the Administrative Assistant Chief who assists me during the day on the day to day operations. That person is and has always been bargaining unit. At some point there is not a true second in command because they are all the same rank as far as that is concerned. In my absence there needs to be someone specifically here that has the interest of the city when in my absence needs to be able to manage things like grievance hearings and disciplinary situations other than a bargaining unit member. This is not uncommon. There are many organizations that have a second in command of the Fire Department or the Police Department for that matter that handles things in the Chiefs absence. Situations and I will give you an example specifically, when Chief

Stickradt was here I served as his Administrative Chief for four years. In his absence I served as the acting Chief many times and in some cases I found myself sitting in grievance hearings on the same side as the administration with a bargaining unit member grieving and I was a bargaining unit member. There is a conflict of interest there. Senior levels managers of our organization need discretion. They need to have the functional authority to function in my absence and have my interest as well moving forward. Right now the Fire Chief is the only person outside of the bargaining unit so it would be nice to have somebody second in command, somebody that could be there for you.

Mr. Blake- you said that this was going to happen through attrition so how many years have the Assistants been here? Is anyone expected to retire?

Chief Connor- we have an Assistant Chief who may retire within a year and a half or so. There is always a chance for people to leave and move on to other things. There is always a possibility of one of our Assistant Chiefs being hired by another organization. That just happened in the Police Department so we do have some great qualified candidates as Assistant Chiefs that could be looking outside of the organization for employment. The point is we don't want to harm anybody by demoting anybody to create this position. We think through attrition it would serve us in a good time frame.

Motion by Mr. Johnson to send to full Council, second by Mr. Marmie

Mr. Blake- the salary stated in Section 2, \$79,000.00 is that what the current Assistant Chief make? What is the current salary?

Chief Connor- we took the Assistant Chiefs salary and the Chiefs' salary and split it in half so that is between the Assistant Chiefs and Chiefs salary. An Assistant Chief wears three vehicles a Deputy Chief would wear four. To be the second in command you have to be ranked over the Assistant Chiefs. In some cases operationally the Administrative Assistant Chief we currently have is the same rank as the Battalion Chiefs but manages some things for me as far as getting training done and making sure reports are on time, however there is a conflict because they are the same rank so we need a ranked employee who is over our other Assistant Chiefs that can get things done. Sometimes I feel as though I am forced to micromanage things from the Chiefs' level that could be handles from the next level down. I manage more of the strategic plan of the whole division and the Administrative Chief who would be the Deputy Chief would manage more of the daily operations of getting those things done based on our strategic plan.

Mr. Rolletta- Chief it is my understanding that the Assistant Chiefs are able to work on calls for service, medic runs, fire runs things of that nature, would this position be able to do that?

Chief Connor- yes this position would fall into making runs if needed. They would be a command level person; they would be an administrative type of person however we do have Battalion Chiefs and Assistant Chiefs that function as a Battalion Chief. I am trying to use those terms interchangeably. I don't know what you know about the Fire Department but in the need that they need to take over commanding a fire; twice this week we have had two fires in town and we needed an incident commander at each so that Deputy Chief would be able to take command of that fire and manage the Fire Department. We still have the responsibility as fire fighters and leaders of our division to

handle the emergencies as the community would expect so yes they would have the authority to do that.

Mr. Rolletta- I definitely understand where the Chief is coming from on this but I guess my issue with would be removing a bargaining unit position and essentially replacing it with a pay increased non bargaining unit position outside of negotiations. I believe that should be handled in negotiations so on those grounds I am going to respectfully disagree and not support this legislation at this time.

Dave McElfresh, 153 N 39th St- speaking as President of Newark Firefighters Local 109. Once again we find ourselves here at Council discussing things that should be discussed in negotiations and negotiated with the bargaining unit. Replacing a bargaining unit member with a non-bargaining unit member must be negotiated. I don't understand why we continue to have these items come to Council when they should be in negotiations. We negotiate this year, our contract is up and negotiations usually start in October, 90 days prior to the expiration of the current agreement, that is the time and place for this. The fact that it is here and has a motion to move forward I would like to comment on a couple of things regarding public safety regarding this. We continue to run with less staffing. We clearly need more full time firefighters on the streets. Station 4 is basically closed down; it is open very little due to cuts in staffing. Station 3, the west end station is cross staffed a large percentage of the time due to low staffing which means you either have an engine or a medic not both. Yet with this ordinance we seek to put another person in an office in a managerial position and do away with a position that currently can and does assist with staffing. Last week you abolished a Police Officers position that was only on paper and was not actually filled to create an office position. I can't speak to the Police Department, maybe they need it maybe they don't. Obviously the Chief felt that they did and this Council passed it. This is a little different, you are being asked to abolish a fire officer position to create a managerial position in the Fire Department that clearly takes away from available funding for personnel that currently handles emergency runs in the city. This is not a position on paper this is an actual person a real employee, currently a firefighter, paramedic and Assistant Chief. If we truly care about public safety how can we continue to eliminate safety positions and create office positions? This should not be a partisan issue. This should not be a union versus non-union issue. It comes down to simply do you believe that more firefighters on the street available to take emergency calls will help make our citizens safe or possibly have the ability to make them safer or do you believe creating an office, strictly managerial position will believe our citizens safer? I believe that is the answer and I believe that it should be obvious.

Mr. Marmie- because of a lot of different issues and I'm not going to point fingers right now but in one aspect Mr. McElfresh is correct. We don't have proper staffing at different times. Whether it be a holiday weekend or a sunny Saturday we don't have adequate staffing for the safety of our citizens. This Council and administration wants to come up with a model that will work and that is what the Fire Chief and Safety Director are asking for, we need to change something because what we have is broken as far as a model. We don't have the money for anymore full time firefighters it would be great if we did. We cut paving dollars this year to save Firefighters and Police Officers because

that is a priority in our city but so are our streets. It is not a higher priority than the safety of our citizens but it is a priority. That is what government is in place for to make sure there is infrastructure available. I am going to support the Chief and the administration in trying to coming up with a solution to our current model that we have that we just can't afford at this point and we have to find a way to afford it so that we have properly paid and trained Firefighters with the proper equipment and we are not sacrificing at any level in there in order to make sure we meet a budget.

Mr. Blake- how often does the current Administrative Assistant Chief go out? The claim is that we are taking someone from fighting a fire, the real services provided, is this person clearly just administrative now?

Chief Connor- he is administrative every day, he works a 40 hour work week with me. The difference is that currently he qualifies for overtime. If there is a need he could do that. He also contractually has the ability to ride a paramedic unit one 24 hour shift a month in order to qualify for a bonus that is in the contract. That is the minimum requirement and that is what he does in order to get that bonus. This Deputy Chiefs position would not do that because that would not fall under the same collective bargaining unit agreement as the Firefighter Paramedics currently do. His job is administrative, he does a lot of the spreadsheets, data, runs the website, manages physical resources, all of our apparatuses replacement and maintenance as well as personnel issues. It is a 95% administrative job. He chooses to do some of the contractual benefits in order to get a bonus at the end of the year.

Mr. Blake- the numbers that we are arguing and trying to keep all four of our fire stations open this person is administrative anyways so it's not really helping that.

Chief Connor- he could come in on overtime, he doesn't generally do that. He would do that in a pinch. We were having issues getting our current staff to come in and staff the fire department. There are a whole plethora of issues moving forward that you can't blame reclassifying one person's job as shutting fire stations down. Those are apples and oranges at this point.

Mr. Blake- why now versus waiting for the bargaining discussions?

Chief Connor- this is something that I have been thinking about for a while. I have been a part of the executive team in the Fire Department for a number of years now and I sat in that position and realized there are some conflicts of interest with that. I believe that the Fire Chief does need to have a second in command. It is confusing when you don't have a defined rank structure that defines a second person that is in charge. If I get hit by a bus on 4th and Main leaving this place who is charge? We don't have anybody else except a bargaining unit member to step up and be the acting Chief at the time. Not to say that person wouldn't have the city's interest in mind but we'd like to guarantee that person would have the city's interest in mind moving forward to things like contract negotiations this year that we will have coming up. I lived it I know that it is uncomfortable sitting in a grievance hearing and handling discipline when you are disciplining another bargaining unit member so there needs to be a true second in command in the Fire Department.

Mr. Rolletta- when you said that the current Assistant Chief rides a medic once a month is that correct? For a full shift?

Chief Connor- that is a full 24 hour shift that is voluntary, it is not something he is required to do it is something he does for a bonus, there is an incentive there.

Mr. Fraizer- are you able to hire people within the bargaining unit, somebody within the Newark Fire Department to fill this position?

Chief Connor- when this position becomes available through attrition if there is someone who is able to retire and they qualify for the position they can apply.

Motion passed by a vote of 4-1 (Rolletta)

Ryan Bubb, Chair