



MICHIGAN CITY FIRE MERIT COMMISSION

100 MICHIGAN BOULEVARD
MICHIGAN CITY, INDIANA 46360
219-873-1570
PRESIDENT
CHARLES WILLIAMS, VICE PRESIDENT
EDWARD ZAKNOEN, SECRETARY
ROBERT POLLOCK, COMMISSIONER
RICKY JACKSON COMMISSIONER
GREGORY DEUTSCHER, COMMISSIONER

Minutes of a Special Meeting of the Michigan City Fire Department

Merit Commission, February 12, 2019

The meeting was called to order at approximately 3:00 p.m. by Vice President Charles Williams. Commissioners, Jackson, Pollock, Williams, and Zaknoen were present. One member of the Department was present.

The purpose of the meeting was to rule on the appeals filed by firefighters regarding the promotional test held on December 1, 2018. Each firefighter who appealed had been given the opportunity to review his or her test, to raise any appropriate issue, to submit written material to the Commission and to appear in Executive Session to present any material or argument to the Commission.

Appeal No. 1, (Test No. ____), had informed the Commission that, by email communication, that he did not wish to pursue his appeal any further and raised no issues during his appeal. Commissioner Pollock moved that his appeal be considered withdrawn and that no adjustment be made to his test score as a result of his appeal, which was seconded by Commissioner Jackson. All Commissioners present voted in favor of the motion, which passed 4-0.

Appeal No. 4, (Test No. 452), appeared at the Executive Session scheduled for him on February 11, 2019, and informed the Commission that he no issue to present to them on appeal. Commissioner Pollock moved that his appeal be considered withdrawn and that no adjustment be made to his test score as a result of his appeal, which was seconded by Commissioner Zaknoen. All Commissioners present voted in favor of the motion, which passed 4-0.

Appeal No. 2, (Test No. 379), appeared at the Executive Session and presented written material and argument to the Commission regarding Test Question No. 76. The Commission debated and discussed the Question and the material at the Special Meeting. Commissioner Pollock moved that the grading on the Question remain the same and that no adjustment be made to the score

based on his appeal. Commissioner Zaknoen seconded the motion. All Commissioners present voted in favor of the motions which passed 4-0.

Appeal No. 3, (Test No. 108), appeared at the Executive Session and presented argument to the Commission regarding the calculation of his overall promotional score because only 3 evaluations were included in his composite performance score which then was divided by 4. The Commission debated and discussed the matter extensively at the Special Meeting. Reference was made to Section 54-173(3) and the directive to include 4 evaluations regardless of the number of evaluations existing prior to any vacancy and the other language contained in Section 54-173(3). Commissioner Pollock moved to include 4 evaluations in the calculation. Commissioner Zaknoen seconded the motion. All Commissioners present voted in favor and the motion passed 4-0.

A discussion was held to determine whether any re-calculation should be done only for this Appellant for any test-takers affected by this error. Reference was made again to Sections _____ and _____ of the Ordinance and that this appeal or error did not relate to a test question being ambiguous or unfair and that it was in the nature of a computational error. Commissioner Zaknoen moved that any score affected by this computational error should be corrected as well, which was seconded by Commissioner Pollock. All Commissioners present voted in favor of the motion, which passed 4-0. Commissioner Williams stipulated that this should be done as soon as possible.

Appeal No. 5, (Test No. 357). Appellant appeared at the Executive Session scheduled to hear his appeal on February 11, 2019, and presented written material and argument to the Commission regarding 5 test questions. The Commission debated and discussed his appeal at the Special Meeting. Two Test Questions, (Nos. 37 and 62) had been answered correctly but were mistakenly marked incorrect by the Test Grader. Motion was made by Commissioner Pollock to adjust his score to account for this error and to adjust any other scores affected by this error for these two questions. Commissioner Williams seconded the motion. All Commissioners presented voted in favor, the motion passed 4-0.

Discussion was held regarding Question No. 51. Commissioner Pollock moved to keep the score on this Question the same. Commissioner Zaknoen seconded the motion. Commissioners Pollock, Zaknoen, and Jackson voted in favor of the motion. Commissioner Williams voted in opposition, stating his belief that the question was unfair or ambiguous. The motion passed 3-1.

Discussion was held regarding Question No. 81. Commissioner Pollock moved to keep the score on this Question the same. Commissioner Zaknoen seconded the motion. Commissioners Pollock, Zaknoen, and voted in favor of the motion. Commissioner Jackson voted in opposition, stating his belief that the question was unfair or ambiguous. The motion passed 3-1.

Discussion was held regarding Question No. 98. Commissioner Pollock moved to sustain the Appeal and adjust the score on this Question. Commissioner Zaknoen seconded the motion. All Commissioners present voted in favor of the motion. The motion passed 4-0.

A discussion was held regarding whether this Question should be corrected for all test scores affected by this Question or only for this firefighter's test score. Commissioner Zaknoen stated his belief that there was a difference, based on the language of the Ordinance, between an "error" for which all tests should be corrected and an individual firefighter challenging a question as being unfair or ambiguous. In the former case, the Ordinance is clear that an error should be corrected for all, but in the latter case, the Ordinance was not clear. Discussion was had that if a firefighter did not take the time and effort to raise the issue with the Commission, should they get the benefit of someone else's work? Commissioner Zaknoen moved to adjust the score on this test only. Commissioner Pollock seconded the motion. Commissioners Zaknoen and Pollock voted in favor of the motion. Commissioners Jackson and Williams voted against. The motion failed 2-2. Commissioner Williams then raised the issue that he believed this question had been raised recently at a regular meeting and that the Commission stated that all tests would be corrected. Discussion was held that we should review that meeting or the minutes.

Appeal No. 6, (Test No. 137), appeared at the Executive Session scheduled for him on February 11, 2019, and reviewed his test but did not raise any issue about his test score. At the Special meeting, Commissioner Pollock moved to make no adjustment to his score since no issue was raised. Commissioner Zaknoen seconded the motion. All Commissioners present voted in favor. The motion passed 4-0.

Appeal No. 7, (Test No. ____), did not appear at the Executive Session because he was out of town but submitted written material. The Commission informed him that it would discuss the material but would not take any adverse action without giving him the opportunity to appear. The Appeal was discussed at the Special Meeting. The written material established that he had marked the correct answer but it was incorrectly graded by the Test Proctor. Commissioner Pollock moved that his test score be corrected to reflect the point for the correct answer and that all other tests affected by this error also should be corrected. Commissioner Zaknoen seconded the motion. All Commissioners present voted in favor. The motion passed 4-0.

Thereupon the motion was adjourned at approximately 4:00 p.m.