



MICHIGAN CITY FIRE MERIT COMMISSION

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KEITH HARRIS, PRESIDENT
LOUISE MOCK, VICE PRESIDENT
ROBERT POLLOCK, SECRETARY
GEOFF PLUMMER, COMMISSIONER
CHARLES WILLIAMS, COMMISSIONER

Michigan City Fire Merit Commission Meeting Minutes: December 2, 2013

President Harris called the meeting to order at 5:00 p.m. A quorum was noted with Commissioners Keith Harris, Louise Mock, Robert Pollock, Geoff Plummer, and Charles Williams in attendance. Also present Attorney Pamela Krause, Fire Chief Ronnie Martin and Councilman Chris Schwanke.

At this time, election of officers took place. Commissioner Pollock made a motion to nominate Keith Harris as president. Roll call then took place with all commissioners voting Commissioner Harris remaining president. Commissioner Pollock then made a motion to nominate Louise Mock for Vice President. Roll call took place with all commissioners voting Commissioner Mock be Vice President. Lastly, Commissioner Mock made a motion to nominate Robert Pollock as Secretary. Roll call took place with all commissioners voting Commissioner Pollock as secretary. The new officers for 2014 are: Keith Harris, President; Louise Mock, Vice President; Robert Pollock, Secretary; Geoff Plummer, Commissioner and Charles Williams, Commissioner.

A motion was made to approve the minutes from the November 4, 2013 meeting. Commissioner Mock made a motion to accept and Commissioner Pollock 2nd. **Ayes 5 Nays 0; motion carries.**

Communications/Claims- Commissioner Mock stated the payroll claim was for \$1,426.67. Commissioner Pollock made a motion to accept and Commissioner Plummer 2nd. **Ayes 5 Nays 0; motion carries.**

Report from City Council Liaison, Chris Schwanke- No report.

Report from Union Local 475- No report

New Business- Disciplinary action reviews held November 7, 2013 in an executive session were as follows:

- a) Disciplinary action from September 19, 2013. Commissioner Pollock made a motion to uphold the actions. Commissioner Mock 2nd. Roll call of votes showed Commissioner Mock-Yes, Commissioner Plummer-No, Commissioner Pollock-Yes,

Commissioner Williams-Yes and Commissioner Harris-No. **Ayes 3 Nays 2; motion carries.**

- b) Disciplinary action from September 26, 2013. Commissioner Plummer made a motion to reverse the action. Commissioner Pollock 2nd. Roll call of votes showed Commissioner Mock-No, Commissioner Plummer-Yes, Commissioner Pollock-Yes, Commissioner Williams-Yes and Commissioner Harris-Yes. **Ayes 4 Nays 1; motion carries.**

At that time, Commissioner Harris stated to everyone attending the meeting that the commission was going by original dates of the disciplinary actions. If there was any confusion, to please see him after the meeting.

- c) Disciplinary action from October 31, 2013. Commissioner Plummer made a motion uphold the actions. Commissioner Pollock 2nd. Roll call of votes showed Commissioner Mock-No, Commissioner Plummer-Yes, Commissioner Pollock-Yes, Commissioner Williams-Yes and Commissioner Harris-Yes. **Ayes 4 Nays 1; motion carries.**

There were two request for reviews from disciplinary actions dated November 7, 2013 and November 13, 2013. It was stated that the request for reviews were submitted in a timely matter. Commissioner Plummer asked to check the dates of availability for the firefighters. Commissioner Harris stated the commission is to pick the date and if the firefighter is working, they will need to make arrangements with another firefighter to cover for him. Commissioner Plummer stated that the need to find out availability was important to both the firefighter and commission since we are into the holiday season. Mike Neulieb President of Local Union 475 stated that if the commission could tell him the shift, he would be able to provide the commission with dates available. Mike then listed several dates available and the commission agreed upon December 12, 2013 at 4:30 pm. The disciplinary review from November 7 would be at 4:30 pm and the one from November 13 would be at 5:00 pm. Mike Neulieb then asked if the firefighters were not available for that day and time, could they contact Commissioner Harris. Commissioner Harris said yes, but that to reschedule all depended on the circumstances.

Commissioner Harris asked the Commissions attorney, Pamela Krause to speak to the board and all in attendance about the handling of disciplinary actions. But first he wanted it known that the commission does not make it a practice to see every piece of paperwork for a verbal/written warning unless the firefighter asks for a review. And that the commission needs to continue this practice. If a review is requested, then the commission will request the paperwork from the chief's office. For the past several years, the commission has not looked at everything.

Attorney Pamela Krause stated a reprimand or suspension of 5 days or less, the firefighter could request in writing a review and had to be done within 48 business hours. The commission is to schedule the review. A hearing can be scheduled when the firefighter is demoted, terminated or suspended more than 5 days. At that time, witnesses can be called upon, it can also be recorded, the firefighter can be represented, and evidence provided.

Mike Neulieb asked if a verbal/written reprimand can still ask for a review and Commissioner Harris stated that was correct. Mike then asked if at that time, the board can take away, uphold, or give more? Both attorney Pamela Krause and Commissioner Harris stated no, that the commission could only uphold or take away. There was then some confusion as to what a verbal/written reprimand was and a verbal reprimand because the ordinance does not state verbal. Mike Neulieb explained that a verbal/written reprimand is a verbal warning that is written and documented in the employees file. Then if the firefighter gets in trouble again, then there is something in their file. Commissioner Harris stated that unless the firefighter asked for a review, the commission would not know how many times they had been in trouble for this one action. Mike Neulieb then asked when does a first offense start? Is it the verbal/written reprimand or when the commission finally sees the paperwork? Chief Martin then added that each Captain has a guideline that they have to follow. Commissioner Pollock asked if the commission could get a copy of these guidelines. Mike Neulieb commented that he thought what needed to be addressed is why a verbal/written reprimand needs to be put in someone's file? Chief Martin commented that the guidelines were written by the chief's office and the commission. Mike Neulieb asked if the commission never seen or had these? Attorney Pamela Krause stated that no one said the commission never saw, just that some of the newer commissioners probably haven't and the others just don't have the guidelines in front of them. At that time, a firefighter asked if the commission does not see all the paperwork, what do they base their information on during a review? Commissioner Harris provided an example, the disciplinary action review for October 31, 2013. The firefighter asked for a review, commission will see what is in file and give a date for a review, the firefighter will be able to provide their side of the story. But it is up to the firefighter to ask for the review. Commissioner Mock added that all the paperwork that comes from the chief's office has been signed by the firefighter. So they know what is being said and put in their file. At this time, the commission has asked for a copy of the guidelines.

At this time, the commission asked the board attorney, Pamela Krause to stay on for the 2014 year, which Pamela said she would. Commissioner Mock made a motion to keep attorney Pamela Krause and Commissioner Pollock 2nd. **Ayes 5 Nays 0; motion carries.**

Old Business- Final review of the proposed Fire Merit Ordinance changes. Commissioner Harris read through the 11 proposed changes that the commission would

like to take the City Council. Mike Neulieb stated that there were several things he did not agree with.

- 1) Sec 54-172 (2) should read Lieutenant-One year as a driver/operator and successful completion of the Officers Training course.

Mike then asked when was probation over, and Commissioner Harris stated one Year from the date of hire, that portion has not changed.

- 2) Mike commented that he didn't like the change to #9. He thought that evaluations are working fine at every 6 months. Why change it to a year? Commissioner Harris stated that if a Captain sees a firefighter slipping, they can address it during the course of the year. Mike again stated he didn't like this change, that it was working fine the way it was, but this was just a suggestion.

Mike asked the commission to look at Sec 54-177 and 178. In a workshop, he was very pleased with the suggestion of how many years it would take to be a deputy chief and chief. But why were these changes not in the ordinance? Commissioner Harris stated that the city's administration would not sign off the changes if that was added. Mike commented that how would the administration know that the firefighters want this if it is not in the ordinance changes? He would like the commission to add this and let the council and administration decide whether to keep it or not. Councilman Chris Schwanke commented that the changes brought forth by the Fire Merit Commission was just the first step. It then goes to the city council, they may want to change and can amend any of this ordinance change. He will definitely talk to the mayor before he signs the changes, but after the city council, it will go before a 3 member committee and there is still plenty of time and opportunity to change. Mike Neulieb again stated that if these changes are not added now, how will anyone know that the firefighters want this? Chris Schwanke added that he wants to know what the mayor is ok with first. Changes can be made, but if the mayor won't sign because of one line, everyone needs to be aware of that. What the mayor is ok with is very important.

Mike asked the commission to look at Sec 54-153. The firefighters would like to add "must have Indiana EMT basic or higher certificate at time of application" It will save the city money and people that really want to be firefighters will apply.

A representative and president of the NAACP made a comment that they received a complaint about Ratio and dual list system for hiring minorities. They brought up some statistics for Michigan City populations, showing who was considered Caucasian, black and minorities. Attorney Pamela Krause commented that when all the changes for hiring minorities started when Mayor Chuck Oberlie was in office, they did their homework and researched the definition of minority. There were several meetings with the city attorney, administration, Director of Human Rights and the commission. All decided it was in the city's best interest to use the wider term for Minority by breaking classes out. Commissioner Harris also stated that the commission works from two

hiring list, not one. Wes, the president of the NAACP stated that the minority is everyone. That if we break out other minorities then it will only push the African American back more. The language to break out other minorities was not in their agreement. Commissioner Harris stated that the commission is only trying to be inclusive. Attorney Pamela Krause stated that it was not the commission that drafted the ordinance to include these terms as far as other minorities, but it was approved and given to the commission to follow. It was the commission that asked how to define minorities. Commissioner Harris asked for both emails so he could provide the representatives with a copy of what the commission uses to make decisions. Attorney Pamela Krause stated that the commission can only recommend changes, the council is the one that can make them. Chris Schwanke stated there will be workshops held for all changes and then it will come back to the commission for a second reading.

Commissioner Plummer asked the commission to look at 54-153. He stated he looked online for about 30 minutes to find where an individual can get an EMT certification. Ivy Tech wanted \$850, Porter Memorial wanted \$900. It would save the city money if it was added to the application that the individual must have an EMT certification at the time of applying. Commissioner Plummer made a motion to add in Sec. 54-153 (6) must have an EMT certification at time of applying. Commissioner Mock stated that not everyone has the money to pay to be EMT certified. Commissioner Harris asked if there was a 2nd. There was no 2nd. **Motion fails.**

Commissioner Plummer brought to the commission's attention that under Sec. 54-172 (3) it should read "At least one year as a Lieutenant or 2 years as a Driver Operator" and include the Officers Training course. Chief Martin commented that what if there was not a course available at that time. Commissioner Harris stated that the commission would have to get with the city attorney to add language that states the next available course if one is not available. Chief Martin added that this course was insurance based and it all depends if they will come here or not.

Commissioner Pollock made a motion to present the Ordinance Changes with the changes addressed tonight to the council. Commissioner Mock 2nd. Roll call votes was carried out with all commissioners voting yes. **Ayes 5 Nays 0; motion carries.**

Commissioner Harris added that these changes were not a done deal.

Report from Chief Martin- Chief Martin asked the commission for the next five names to be hired along with the sixth name. He is hoping to establish an EMT class and to host the 2014 academy and would like the sixth name so he can see what the city will allow him to have.

Commissioner Pollock made a motion to provide Chief Martin with the six names and Commissioner Plummer 2nd. **Ayes 5 Nays 0; motion carries.**

Commissioner Harris stated that for hiring, they hire 2 minorities and 1 non-minority. So the next will look like this: just hired 2 minorities, next will be 1 from the non-minority list, 2 from the minority list, 1 from the non-minority, the 5th name will come from the minority and the sixth name Chief Martin requested will come from the minority list as well.

Chief Martin stated evaluations are going on from December 16-27. He hopes to have completed by December 31, 2013.

Chief Martin read a card he received on October 4, 2013 from an individual that had a garage and house fire. She thanked the fire department for being prepared and professional.

Lastly, Chief Martin stated that everyone can disagree about things, but in the end it is how we serve the public.

Commission Comment- None

Public Comment- There will be three firefighters retiring in January and February. The department just wanted to thank them for all they have done,

A Lieutenant stood up and said he was a little confused. In the Ordinance he would like added that if the driver operator courses and the officers courses were not available, that they would be required to attend the next course.

Mike Neulieb stood up and stated Sec. 54-176 temporary assignments. He read the current ordinance and thought it was unfair that someone could hold this position and not get the benefits. He didn't like how the testing is handled, no section for just captains, and doesn't like that the EMT section was turned down. Firefighters do think education is important. So how can the EMT section be turned down? Anywhere you go to work, the employer will look at what kind of education you have. He feels it is important to have the training before you apply so the city doesn't get someone that thinks they might want to be a firefighter, go to the EMT course and then realize it is not for them. Several other firefighters joined in and stated the city would get a better product if people applying were already educated.

Chief Martin added he never said it was easy, nothing is easy. That he has been working for the past year and a half to get into the school system a program that lets kids see if that is something they want. Once they decide, they can go to Ivy Tech or volunteering to get the certifications they need. So by the time they are 21, they can apply and have these certifications in place. Chief suggested lets raise the bar, say you have to be EMT certified to get a promotion if that is what the firefighters want. Several firefighters then explained how they got their certifications through volunteering without spending a penny.

Commissioner Harris commented that he was speaking for himself, but that there has to be an EMT Certification course in place before they can hire anyone and require the applicant to be EMT certified at time of applying.

It was added by a firefighter that there are grants out there to help the applicant pay for the training they need to be a firefighter and there are also churches that will help.

An update was giving on the training facility on Hitchcock Rd. All the footers are in place and the concrete was poured the morning of December 2. Chief Martin added that this was a positive step in the right direction. And that again he hopes to hold the 2014 Fire Academy here in Michigan City.

Commissioner Pollock added the he would like to see a Fire Science class added and Chief Martin stated that he was meeting with Audra Petersen with the Michigan City Area Schools in January, and the union along with the commission was invited to attend with him.

Motion to adjourn by Commissioner Pollock and 2nd by Commissioner Plummer. Ayes 5 Nays 0; motion carries.

Next meeting will be Monday, January 6, 2014 @ 5:00 pm.