

A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WAS HELD IN ROOM 100 AT NEW ALBANY CITY HALL ON TUESDAY, APRIL 19, 2022 AT 10:00 A.M.

PRESENT: Cheryl Cotner-Bailey, member and David Brewer, member and Mickey Thompson, president.

OTHERS PRESENT: Police Chief Bailey, Fire Chief Juliot, Fire Marshal Mayfield, Arson Investigator Koehler, Linda Moeller, Phil Aldridge, Joe Ham, Larry Summers, Bryan Slade, Brad Fair, Sean Payne, Jessica Campbell, Krystina Jarboe, David Hall and Vicki Glotzbach

CALL TO ORDER:

Mr. Thompson called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE:

BIDS:

NEW BUSINESS:

1. Josh Thiebe with Vivint Security re: Solicitors permit

Mr. Thiebe was not present.

2. Deborah Brown re: Request for a solution to speeding through Heritage Hills

Ms. Brown was not present.

3. Ralph Berryman re: Request to widen driveway at 1657 Harriet Court

Mr. Berryman stated that he is closing on this property this week which is back in a cul-de-sac and has limited parking on the street, so he would like to pour a slab about the same size as the existing driveway.

Mr. Thompson asked if the entrance to the driveway will be the same and then wider in the driveway or if he wants to widen the entrance as well.

Mr. Berryman stated that it will go all the way out to the cul-de-sac and will go from a one-car to a two-car drive.

Mr. Summers asked what the proposed width is.

Mr. Berryman stated that the current drive is 10.6 feet and they are going to add another 10.5 feet to that.

Mr. Summers stated that the standard drawings for the City of New Albany have a maximum of 20 feet for a driveway. He said that as long as he keeps it within 20 feet at the curb line, it will be okay.

Mr. Berryman stated that would be no problem.

Mr. Thompson stated that he will have to submit a curb cut permit request which would have a drawing of what is being proposed and then the board would have to approve that.

Mr. Berryman said that he doesn't know if that is totally necessary with what he is trying to do there because there is no actual curb and is just sort of a washout that goes around the cul-de-sac. He stated that they wouldn't be making any changes to that or cutting that.

Mr. Thompson stated that it is a rolled curb there which is still a curb for the conveyance of water.

Mrs. Cotner-Bailey asked Mr. Berryman if he could provide a drawing of the project.

Mr. Berryman provided an overhead drawing and showed Mr. Thompson what he had planned.

Mr. Thompson stated that he will be eliminating some of the on-street parking so he needs to contact the planning and zoning department and they can contact him and he will get Mr. Berryman the form that he needs.

Mr. Summers stated that they basically want to look at it to make sure there is nothing going over property lines and things of that nature so they just need a little more time.

Mr. Brewer asked Mr. Berryman when his contractor was planning on starting.

Mr. Berryman stated that he was probably wanting to get that done sometime next week.

Mrs. Cotner-Bailey asked if it would be okay for the board to take action on it next week.

Mr. Berryman stated that would be totally reasonable.

4. Excel Excavating re: Sanitary sewer repair at 324 E. Main Street

Dennis Dixon requested an extension for the work on the sewer main across E. Main Street. He stated that the sewer department has told him that right now it is just a lateral line out of Agave and Rye and they will be putting a manhole at the southside of E. Main Street and extend the main across the street.

Mr. Thompson stated that the board has the Maintenance of Traffic Plan requesting to close E. Main Street between E. 3rd and E. 4th streets and asked what hours they would be working.

Mrs. Cotner-Bailey asked for the dates.

Mr. Dixon stated that they would work normal working hours from 7:30 a.m. until 5:00 p.m. but the date is negotiable. He said that they had originally told the sewer board that they could start next week but with Derby coming up, they may want to push it back. He added that they anticipate the whole project being completed within a week. He said start on Monday and end on Friday.

Mr. Thompson asked if the road would be open after hours.

Mr. Dixon stated that it would be closed full-time because they are digging a trench and it wouldn't be safe for the public to cross.

Mr. Thompson stated that he was of the understanding that it would be open in the evenings and wanted to know if they could plate it at night.

Mr. Dixon stated that they do not have that in their price for the contract but they can go back to the sewer board and ask permission.

Mrs. Cotner-Bailey stated that it is not their practice to keep a road closed especially for that amount of time.

Mr. Thompson asked if the cut would be all the way across Main Street and if they have enough road plates to do it all at once.

Mr. Dixon stated that the cut would cross the entirety of Main Street and he thinks that it would have to be done half at a time because he isn't sure that they have enough plates.

Mr. Thompson asked if that would extend the work.

Mr. Dixon stated that it possibly could.

Mr. Thompson stated that they typically ask that work not start until 9:00 a.m. to allow for morning and bus traffic.

Mrs. Cotner-Bailey asked if they are looking to start the second week of May.

Mr. Dixon replied yes.

Mr. Summers stated that the only issue he can think of is possibly coordination with the water company when they get their modified plans back to the city and their time frame.

Mrs. Cotner-Bailey moved to approve the work on E. Main Street the week of May 9th subject to work hours 9:00 a.m.-5:00 p.m. and the site being plated after hours to allow the street to be opened, Mr. Brewer second, motion carries.

COMMUNICATIONS – PUBLIC:

UNFINISHED BUSINESS:

TABLED ITEMS:

COMMUNICATIONS – CITY OFFICIALS:

1. Vicki Glotzbach re: Sidewalk at E. 10th Street and E. Market Street

Mrs. Glotzbach explained that Ms. Marcey Wisman contacted them about the sidewalk in front of her shop that is uneven and has caused a few elderly people to fall. She is requesting that the sidewalk be repaired.

Mr. Thompson stated that he has already placed a barricade and asked Mr. Ham if he received the photos.

Mr. Ham stated that they are working on getting the repairs made.

2. Vicki Glotzbach re: Dumpster permit request for 1303 Culbertson Avenue

Mrs. Glotzbach explained that Ms. Andrea Burdette is having a dumpster delivered today but didn't realize that she needed a permit until a neighbor told her yesterday afternoon. She stated that Ms. Burdette would like to place the dumpster on the 13th Street side next to her address.

Mr. Thompson stated that he visited the site yesterday and they do not have access to the back of the property so they street is the only location she can place the dumpster and he would prefer it be on the 13th Street side.

Mr. Brewer moved to approve, Mrs. Cotner-Bailey second, motion carries.

3. Vicki Glotzbach re: Dumpster permit request at 1522 Culbertson Avenue

Mrs. Glotzbach explained that her office received a request for a dumpster from Mr. Derrick Bobay for house/yard cleanup. She stated that he will not need it until Thursday or Friday but didn't know he needed a permit until someone told him yesterday. She asked if the board could approve the request contingent upon Mr. Thompson's inspection.

Mr. Brewer moved to approve contingent upon Mr. Thompson's inspection and approval, Mrs. Cotner-Bailey second, motion carries.

4. Mickey Thompson for Duke re: ROW permit request for 1130 Eastridge

Mr. Thompson stated that Duke applied for a permit to do work behind 1130 Eastridge and started the work before the permit had been processed. He explained that he visited the site and it is necessary for them to work in the right-of-way to replace some unground cable that has failed.

Mrs. Cotner-Bailey moved to approve, Mr. Brewer second, motion carries.

APPOINTMENTS:

CLAIMS:

Mrs. Moeller presented the following ARP claim:

ARP PREMIUM PAY (BANK 6) \$675,818.40

GRAND TOTAL: \$675,818.40

Mr. Brewer moved to approve the above ARP claim, Mrs. Cotner-Bailey second, motion carries.

APPROVAL OF MINUTES:

Mrs. Cotner-Bailey moved to approve the Regular meeting minutes for April 12, 2022, Mr. Brewer second, motion carries.

THE MEETING RECESSED AT 10:25 A.M. AND RECONVENED AT 10:45 A.M.

**GRIEVANCE HEARING FOR LOCAL #410 OF THE FIREFIGHTERS' UNION
RE: PROMOTIONS**

PRESENT: Cheryl Cotner-Bailey, member and David Brewer, member and Mickey Thompson, president.

ALSO PRESENT: Fire Chief Juliot, Fire Marshal Mayfield, Arson Investigator Koehler, Shane Gibson, Richard Rush, Firefighter Ben Fee (former union president), Firefighter John McCormick (present union president), Firefighter Timothy Bailey and Vicki Glotzbach

Ben Fee passed out a packet of information for the board to review. Said packet is on file in the city clerk's office.

Mr. Thompson asked if he is the person that filed the grievance or the union's representative.

Mr. Fee stated that he is the union's representative and he also filed the grievance. He added that when it was initially filed, he was president of the union but that has since changed and Mr. McCormick is now the president. He reviewed the packet presented to the board that included timeline of the events which is pretty self-explanatory, a list of arguments and resolutions presented by the union with their base argument being that these either need to be appointments or promotions because they cannot be both. He stated that Battalion Chief is a promoted rank and if they are promoted, they have to be posted according to the current collective bargaining agreement, and if they are appointed, they have to be given the rank of Deputy Chief.

Mr. Thompson asked if the union is requesting that they rescind the promotions and make an appointment to Deputy Chief for both Mr. Kyle Mayfield and Mr. Chris Koehler.

Mr. Fee stated that is correct.

Mr. Thompson asked what the city's position is on this.

Mr. Gibson stated that he has some questions to ask Fire Chief Juliot. He asked him how long he has been on the department.

Fire Chief Juliot replied 27 years.

Mr. Gibson asked him how long he has been chief.

Fire Chief Juliot replied since 2008.

Mr. Gibson stated that he is going to hand Fire Chief Juliot what is marked as City Exhibit #5 and ask him read what it says. Said City Exhibit #5 is on file in the city clerk's office.

Fire Chief Juliot stated that it is their organizational chart of the department with rules and regulations. He explained that it basically shows the chain of command which is Firefighters, Sergeants, Captains, Battalion Chiefs which are Chief of Fire Prevention, Chief Investigator and Chief of Training, then Deputy Chiefs and then the Chief of the Department.

Mr. Gibson asked how long this organizational chart has been in place.

Fire Chief Juliot stated that it was updated in 2018.

Mr. Gibson asked if it has been similar to that for a while.

Fire Chief Juliot replied yes.

Mr. Gibson asked if it has been like that for as long as he was chief or before that.

Fire Chief Juliot stated that it has been in the rules and regulations since he has been on the department which is 27 years.

Mr. Gibson asked Fire Chief Juliot to tell the board who currently fills those positions in the organizational chart.

Fire Chief Juliot stated that the Chief of the Department is his position, and then you have Deputy Chief of Operations, Deputy Chief of Personnel, Battalion Chiefs which are the Crew Bosses of A, B and C crew, Chief of Fire Prevention which is Kyle Mayfield, Chief Investigator which is Chris Koehler and Chief of Training which is Jake Barnes.

Mr. Gibson asked what role they fill for him.

Fire Chief Juliot explained that the Chief of Fire Prevention handles all of the fire prevention codes and inspections and the Chief Investigator handles all of the reports of arson and death investigations. He added that they both share duties in those two positions. He stated that the Chief of Training is over training members of the department.

Mr. Gibson asked how long Mr. Koehler has been in the position that he is in.

Fire Chief Juliot replied nine years in the Fire Prevention Arson Bureau.

Mr. Gibson stated that he gave the board a copy of the fire contract that is in place now and that is City Exhibit #12. Said City Exhibit #12 is on file in the city clerk's office.

Mr. Gibson asked if he recalls when the board of works put Mr. Mayfield and Mr. Koehler in the positions that they are in.

Fire Chief Juliot stated that it was in November of last year.

Mr. Gibson stated that he is going to hand Fire Chief Juliot what is known as City Exhibit #3 and ask him to identify what it is.

Fire Chief Juliot identified the document as Article 30 of the contract for the year 2018-2019. He stated that section one is an explanation of titles from Rookie all the way to Chief and their salaries

Mr. Gibson presented City Exhibit #4 and ask him to identify what it is. Said City Exhibit #4 is on file in the city clerk's office.

Fire Chief Juliot identified the document as the contract for 2020-2021 and stated that it is the same thing, which is an organizational pay and ranking system.

Mr. Gibson asked to clarify that this document doesn't have the categories any longer.

Fire Chief Juliot stated that the union had them removed from the contract at the end of 2019.

Mr. Gibson asked if the positions they are talking about are frontline or fire suppression individuals.

Fire Chief Juliot stated that they would be Monday-Friday office/on-call positions that were removed from the contract.

Mr. Gibson asked if they may go to a fire scene depending on what is going on but at the end of the day, they are not in the line of fire suppression or assigned to a fire apparatus.

Fire Chief Juliot replied yes and added that they can't take overtime on a crew in a suppression position.

Mr. Gibson presented City Exhibit #9 and ask him to identify what it is. Said City Exhibit #9 is on file in the city clerk's office.

Fire Chief Juliot identified the document as promotional requirements that were adopted in 2018 which lays out the minimum qualifications for certifications to move up to the suppression ranks. He explained that prior to filling a sergeant vacancy they must meet the requirements of three years in a fire-fighter position before they can apply and hold specific certifications mentioned in the contract. He stated that prior to filling a captain vacancy they must have a minimum of five years on the department along with all the sergeant requirements plus instructor classes. He stated that prior to filling the battalion chief vacancy they must have ten years on the department along with all previous requirements. He explained that if all requirements are met article 18 section 2 will be used to make the selection for a qualified candidate. He stated that this article basically states that when there is a vacancy in fire suppression a notice must be posted in ten days and be filled within 30 calendar days. He added that this policy in no way affects moving from a staff to line position.

Mr. Gibson asked if staff position would include the positions they are talking about today.

Fire Chief Juliot replied yes. He explained that if someone wishes to move from staff and had obtained their rank in a staff position, they must meet the eligible requirements of that position before seeking a transfer.

Mr. Gibson asked how that policy came about.

Fire Chief Juliot stated that this policy came about through a grievance that went to arbitration resulting in the city and union agreeing to write a promotional policy that both the city and the union agreed to. He added that once they agreed that policy, it was adopted by the Board of Public Works on May 1, 2018.

Mr. Gibson asked if the policy recognizes times when rank will be bestowed upon an individual and it accounts for how that will work in a situation that this person is no longer in the command staff.

Fire Chief Juliot stated that is correct.

Mr. Gibson stated that in order for them to hold a permanent position in one of those other spots, they still must meet all of the necessary requirements.

Fire Chief Juliot stated that is correct.

Mr. Gibson stated that at that point it would also fall to seniority levels as far as who is most senior in that next position.

Fire Chief Juliot stated that is correct and added that if two or more members have all the qualifications for a position then seniority would be the guide.

Mr. Gibson stated that the policy, that was mutually agreed upon, does recognize situations where rank will be bestowed upon a person and how to account for it if that person is no longer in that spot.

Fire Chief Juliot stated that is correct.

Mr. Fee asked how other battalion chiefs on the department received their rank and whether it was an appointment or promotion.

Fire Chief Juliot stated that in the past it was seniority and qualifications.

Mr. Fee asked if it was posted for promotion.

Fire Chief Juliot stated that is correct.

Mr. Fee asked if these are the only two battalion spots in 15 years that haven't been posted for promotion.

Fire Chief Juliot stated that they aren't covered in the contract. He explained that in the past they were posted for promotion.

Mr. Fee stated that the rank is covered in the contract.

Fire Chief Juliot clarified that it is listed under fire suppression.

Mr. Fee asked if he is saying that these positions are not front-line positions for fire suppression.

Fire Chief Juliot replied yes.

Mr. McCormick asked if the chief is saying that the difference is that the battalion chief in the contract is not suppression.

Fire Chief Juliot stated that is correct.

Mr. McCormick asked if any battalion chief positions on the department are suppression.

Fire Chief Juliot stated that A, B, and C are covered in the salary classification as suppression.

Mr. McCormick stated that he doesn't think it is pertinent that it says arson or investigation after it because they are considered battalion chief even if they transfer. He asked if they were promoted to the rank of battalion chief.

Fire Chief Juliot replied yes, through the Board of Public Works.

Mr. McCormick stated that in the contract as far as he can see, it doesn't say battalion chief of suppression so the distinction doesn't really make sense. He then asked if they have all the qualifications to be battalion chief.

Fire Chief Juliot stated that he would have to look because it would be different than for suppression.

Mr. McCormick asked if they have the qualifications to be investigator and arson.

Fire Chief Juliot stated that Battalion Chief Koehler does and Battalion Chief Mayfield will obtain the certifications but it isn't a class that is offered very often.

Mr. McCormick asked historically what kind of promotions were made when people came to those positions.

Fire Chief Juliot stated that historically, under the old contract, they would come in as sergeant unless they had rank in suppression as captain Jody Wilson obtained rank as a sergeant on up to captain through the bureau and Matt Hunter also obtained rank through the bureau, Jerry Banet obtained rank to battalion chief in the bureau, Jake Barnes was promoted to battalion chief in the training bureau and Joe Squire also was promoted to battalion chief in the training as well as an investigator.

Mr. Fee asked if there is a specific reason to automatically promote a battalion chief instead of the way they historically would have done it by working up the ranks.

Fire Chief Juliot stated that the past practice is no longer in the contract.

Mr. Fee asked if Jake Barnes' position was posted.

Fire Chief Juliot stated that it would have been because the contract at the time required it.

Mr. Fee stated that Kyle Mayfield was promoted to battalion chief of fire prevention but they aren't sure if he has the qualifications.

Fire Chief Juliot stated that he has obtained all of the arson certifications and is currently working on fire prevention certification.

Mr. Fee asked if there were other people more certified or capable of doing this position on the department.

Fire Chief Juliot stated that he isn't aware of any.

Mr. Thompson asked about the job titles that were removed between City#3 and City#4 and the reasoning for this.

Mr. Fee stated that one was to condense it down to make it simpler and there were also discussions regarding if every one of the positions needed to be filled at all.

Mr. McCormick asked if this is the first time the board has laid eyes on these grievances.

Mr. Thompson replied yes.

Mr. McCormick stated that they were filed in December.

Mr. Gibson stated that the grievance committee didn't approve them until March. He handed out City Exhibit #6 which is Indiana statute that governs fire departments that do not have a merit system. He asked Fire Chief Juliot if it is correct that the NAFD does not have a merit system. Said City Exhibit #6 is on file in the city clerk's office.

Fire Chief Juliot stated that is correct.

Mr. Gibson stated that the statute talks about appointments to rank other than fire chief or deputy chief which he interprets as the statute authorizing the appointment of rank to individuals

within the fire department. He asked how appointments outside of chief and deputy chief are governed.

Fire Chief Juliot replied through the Board of Public Works.

Mr. Gibson stated that the board did appoint the individuals in question.

Fire Chief Juliot stated that is correct.

Mr. Gibson stated that statute permits it and the board did appoint them. He spoke to the promotional policy in place and stated that according to the policy, Battalion Chief Mayfield will have to meet all of the qualifications before he can permanently fill the spot, so the policy recognized that this instance may occur and addressed it.

Mr. Brewer asked Mr. Gibson to define active personnel as described in state statute.

Mr. Gibson stated that this would be within the ranks.

Mr. Fee stated that according to the state statute, rank is rank and you have to be duly demoted because it can't be taken away because of a promotional policy or anything else.

Mr. Gibson stated that the Board of Public Works is the appointing body except for certain positions and the person was appointed to rank and that is exactly what was done so according to that argument, it can't be taken away from them. He added that the city accommodated and factored it into the promotional policy, which means that a person no longer in a senior position has to meet all of the other criteria before they get permanent status.

Mr. Fee stated that Indiana code lists the reasons for demotion and requires a person to be duly demoted under these reasons.

Mr. Thompson asked them to clarify what their grievance is asking for.

Mr. Fee stated that they are asking that either these positions need to be promoted and posted for all qualified members to apply or if it is an appointment, it needs to be appointed to the correct rank of deputy chief. He stated that these were appointed promotions and they can't have both. He asked if all three battalion chiefs were notified/consulted regarding these promotions.

Mr. Gibson explained that there is a promotional process for fire suppression positions that were agreed upon in the contract and there are policy making decisions of the department that the Board of Public Works and Safety has the authority to appoint rank as they see fit.

Mr. Fee stated that he just sees them as battalion chief positions regardless and the policy says that the chief and deputy chief shall consult the three battalion chiefs.

Mr. Brewer asked if there is no longer a rank of major and if it goes from captain to battalion chief.

Mr. Fee stated that is correct. He added that there are also positions that are appointed without rank such as fire marshal and fire investigator. He stated that an appointment is just a title and rank is something different according to the state.

Mr. Thompson asked how that would affect the individual if they were appointed and not given rank.

Mr. Fee stated that it doesn't affect them.

Mr. Thompson referenced City#5 and asked Chief Juliot if the positions have to be the rank of battalion chief in order to be appointed.

Chief Juliot stated that those positions have always had rank. He added that this isn't the first time that someone has jumped from firefighter to battalion chief and no grievances were filed.

Mr. Fee stated that those positions were also posted.

Mr. Brewer asked Chief Juliot why there is a probationary period.

Chief Juliot stated that it is a requirement of the state.

Mrs. Cotner-Bailey asked what this entails.

Chief Juliot explained that if they had disciplinary actions the Board of Public Works would have the authority to demote them within that first year.

Mr. Brewer asked if this time is also used to get any needed certification.

Chief Juliot stated that is correct.

Mr. Fee stated that the code says the only one that requires a probationary period is a first-class firefighter.

GRIEVANCE HEARING FOR FIREFIGHTER TIMOTHY BAILEY RE: STAFFING AND MANDATORY OVERTIME

PRESENT: Mickey Thompson, vice president, Cheryl Cotner-Bailey, member and David Brewer, member.

ALSO PRESENT: Fire Chief Juliot, Fire Marshal Mayfield, Arson Investigator Koehler, Shane Gibson, Richard Rush, Firefighter Ben Fee (former union president), Firefighter John McCormick (present union president), Firefighter Timothy Bailey and Vicki Glotzbach

Timothy Bailey stated that his grievance was filed in December of last year over minimum staffing, physical fitness policy and mandatory overtime. He added that the difficulty with his grievance is that they are no longer in December of last year, so he is looking for a ruling as of December of 2021 when it was filed. He explained that the demands listed in the grievance can't be awarded by this board but they need to go to arbitration, therefore he is looking for confirmation of the grievance. He stated that under their contract in article 21 regarding minimum staffing requirements it states that "no less than 80 firefighters, including staff and command, and no less than 21-line personnel per crew" and in December they were not at 80, in fact a majority of the time in the last ten years have been spent under 80. He explained that there have been numerous grievances filed about this issue but they keep ending up in the same place and this is why under the resolution demands, he is asking for overtime to be paid at double rate anytime they are under 80. He stated that the unfortunate part about a public safety union is that they cannot strike so they have no recourse against the city when they are in breach of contract. He added that their only options are to file a grievance or go to the public. He stated that he is open to other ideas than what it listed in the grievance but they need some way to hold the city accountable for their 50% ownership of this contract. He reiterated that he knows this board isn't going to rule to increase the overtime, but as far as ruling regarding the validity of the grievance, they were under 80 in December and this is his main goal in coming before this board. He referenced the shift requirements in the contract and stated that understaffing does not constitute an emergency, but it resulted in him working past his required 24-hour shift. He referenced article 25 regarding physical fitness and stated that it states that their union and the employer agree to develop a physical fitness policy, but that hasn't happened. He added that had they had a physical fitness policy in place it may have prevented a lot of injuries that could have been prevented with physical fitness, and this also resulted in more overtime.

Mr. Thompson stated that the grievance they have in front of them does not reference any sections regarding physical fitness.

Mrs. Cotner-Bailey stated that the form they received was dated 12-10-21 and asked if that was correct.

Mr. Bailey replied yes and stated that it was in the grievance when he submitted it.

Mr. Gibson stated that the grievance he is referencing is different than the one is that the office received.

Mr. Bailey explained that what they have is the original form that he wrote when informing the union that he planned to file a grievance and the formal grievance was rewritten, but the gist of what they have in front of them is still the same.

Mr. Thompson asked if their grievance committee decide that the physical fitness part should not be part of the grievance.

Mr. Bailey replied no and stated that the copy the board has is the one that they decided should not be filed because of the personal matters referenced and so the formal grievance was rewritten and that is what should have been submitted.

Mr. Rush asked Mr. McCormick to clarify what grievance they are supposed to be considering.

Mr. McCormick stated that he wasn't president when this all got started but it sounds like the first draft was sent instead of the second one, which is the revised version and what they should be considering.

Mr. Rush stated that none of them have the second draft.

Mr. Bailey stated that he is fine to not discuss the physical fitness part of the grievance and just move forward with the numbers because what they have in front of them still lists the contractual violations.

Mr. Thompson asked if they know what the current staffing is.

Mr. Bailey stated that at this moment they are at 86 and by the end of next month they will be back down to 82.

Mrs. Cotner-Bailey stated that this is dated in December of 2021 and asked for clarification of the process. She asked what happens after the chief denies the grievance and it goes to the union.

Mr. McCormick explained that historically the grievance committee will meet if the chief denies the grievance and there is not a resolution. He stated that if they push it forward that means that they still find a valid reason for the grievance to be heard by this board. He explained that for some reason this time they are using the grievance committee finding and they are taking notes at the meeting saying that they have found it to be valid.

Mr. Bailey reiterated that he is looking for the board to acknowledge that this was a valid grievance at the time it was filed and would ask that the board consider moving the minimum personnel from 80 to 81 to take into account the six people in the administration roles rather than the five they previously had.

Mr. Thompson stated that he isn't sure that the minimum staffing is something this board could change if it is in the contract.

Mr. Bailey stated that the board could suggest that to the administration because it is well within their rights.

Mr. Gibson asked Chief Juliot how many people they have on the books.

Chief Juliot replied 88.

Mr. Gibson asked Chief Juliot to explain what “on the books” means.

Chief Juliot explained that they have six that are in the process of retiring but they are still on the books and are being paid by the city until they reach their drop date.

Mr. Gibson asked if they don’t account for the individuals that are in the process of retiring, how many would that leave.

Chief Juliot stated that when they all come off the books, they will be at 83.

Mr. Gibson asked how hiring is done for the department.

Chief Juliot explained that the Board of Public Works adopted a resolution that they will advertise in October every two years which will start the process. He stated that candidates will have to take an aptitude test that is usually administered in November and interviews are usually held in December. He added that the list would have been two years old in December so they had already started the process in October.

Mr. Gibson asked how many were hired from the most recent process.

Chief Juliot stated that they have hired nine so far and continue to have interviews this week with the possible addition of three.

Mr. Gibson stated that Mr. Bailey is saying that they weren’t completely staffed in December and asked Chief Juliot if he is incorrect about that.

Chief Juliot stated that he is not.

Mr. Gibson asked if they were in the process of hiring new firefighters during that time.

Chief Juliot stated that they had started that process.

Mr. Gibson asked if Mr. Bailey was called in because of mandatory overtime.

Chief Juliot stated that is correct.

Mr. Gibson asked him to explain how that works.

Chief Juliot explained that article 16 stated that (cannot hear his answer)

Mr. Gibson asked if that was done.

Chief Juliot replied yes.

Mr. Gibson asked if that is what he has in front of him (City#8).

Chief Juliot replied yes and explained that it was originally done in June 2017 but was revised per the union’s request in November of 2021.

Mr. Gibson asked what the revisions were between the two.

Chief Juliot explained that in the past the list reset in January to the lowest senior members of the department but the union requested that the chief’s office update it to a rotating overtime list that never resets, but rolls around.

Mr. Gibson asked what that change looks like in practice.

Chief Juliot stated that it rotates through everyone in the department at some point and doesn't reset. He added that every evening at 6:30 p.m. the crew boss of A, B and C do a call-in, from a call log/list, for what they are short for the following day to fill those positions and the list continues on from the last person called. He explained that this was one of the reasons for the requested changes because in the past if they went through that list and didn't get anyone to cover, it would fall to the on-duty crew to cover it.

Mr. Gibson stated that basically they have a voluntary list and then a mandatory list.

Chief Juliot stated that is correct.

Mr. Gibson stated that it sounds like at some point all may be called in for mandatory overtime.

Chief Juliot explained that mandatory is to fill the shift for the next day to keep the minimum staffing at 21 and then they have an emergency call-in of all off-duty firefighters to handle the emergency.

Mr. Gibson stated that unfortunately this fell on a day when Mr. Bailey was working.

Chief Juliot replied yes and explained that they would have done the regular call-in and if no one answered to fill those shifts, they would have gone to mandatory overtime and Mr. Bailey was on shift that evening and had to fill a 12 hour shift the following day.

Mr. Gibson asked if others have had to deal with mandatory overtime since this policy was adopted.

Chief Juliot replied yes.

Mr. Thompson asked if the correct procedure was followed in this instance as far as going through the list.

Mr. Bailey stated that he was assigned mandatory overtime according to what is written in the rules and regulations. He then asked Chief Juliot how many people were on the books when his overtime was mandated.

Chief Juliot stated that he believes it was 77.

Mr. Bailey asked how many people of that 77 were already off on their retirement time.

Chief Juliot stated that he would have to go back and look at the list because he isn't sure.

Mr. Bailey listed 3 which means they were at 74. He asked Chief Juliot how long they had been under 80 prior to this incident.

Mr. Gibson stated that they have already agreed that they were understaffed at the time.

Mr. Bailey stated that they are also saying they were going through the hiring process and pointed out that it takes time to go through that process so what he is wanting to expand upon is how long they were short-staffed prior to that process.

Mr. Gibson stated that he doesn't see the relevance because his complaint is regarding a December incident and they have admitted to being short-staffed at that time.

Mr. Bailey stated that at the time that this was filed, he had a meeting with the chief and was told that the holdup on hiring was coming from the mayor's office, which is why this was filed, and he wants to make the point that they had been short for several years prior to this incident.

Mr. Gibson stated that no other grievances had been brought to the administration's office regarding this.

Mr. Bailey stated that they had and he will send copies.

Mr. Gibson asked when the last one was filed regarding the 80 minimum.

Mr. Bailey stated that he believes it was three months prior to the one he filed.

Mr. Thompson stated that Mr. Bailey asked at the beginning of this discussion that it be based on when he filed the grievance and through their conversation it was clarified that it has been rectified already. He added that Mr. Bailey also talked about not having any power because they can't strike, but there is power in the ability to file a grievance and if that is not settled to his satisfaction then they proceed to arbitration. He stated that the city has already remedied the issue.

Mr. Bailey stated that the biggest part for him is the future and explained that he is trying to set it up so they don't have to continuously file grievances for the same issue. He added that if he hadn't covered that shift, he would have been suspended so there are consequences for him not holding up his side of the contract.

Mr. Thompson stated that even if this board agrees that Mr. Bailey was aggrieved, he is unable to take it to arbitration because it is already resolved.

Mr. Gibson stated that they are not denying that the department was understaffed and they were in the process of trying to remedy that when the incident occurred.

Mr. Bailey stated that at this time he is happy with an agreement that he was aggrieved and it was a breach of contract. He reiterated that he would like to see the minimum staffing changed to 81 but he understands that they don't believe it can be done by this board. He stated that the acknowledgement is useful if this would continue to arbitration or if it is an issue that continues to get brought up. He added that he is happy to leave with the acknowledgement without the rest of the demands.

Mr. Thompson asked him if they have a negotiating committee.

Mr. Bailey replied yes. He added that unfortunately this happened after negotiations had taken place.

Mrs. Cotner-Bailey asked if they need to take any other actions on this matter.

Mr. Bailey stated that he is more than happy to let this go with a written acknowledgement that he was aggrieved and there was a breach of contract.

Mr. Gibson stated that they remedied the problem and are now moving forward.

Mrs. Cotner-Bailey asked if they need to schedule the executive session to discuss these grievances today or if they can do it after they adjourn.

Mr. Gibson stated that they can do it either way but they have to give a 48-hour notice.

Mrs. Cotner-Bailey asked if next Tuesday at 9:00 a.m. would work for the other board members.

The board members agreed.

Mrs. Cotner-Bailey asked Mrs. Glotzbach to schedule that meeting.

Mr. Brewer asked what happens if they have someone out for a prolonged injury that would drop them below the 80 minimum.

Mr. Bailey stated that there are still staff members and they count towards minimum requirements.

ADJOURN:

There being no further business before the board, the meeting adjourned at 12:16 p.m.

Mickey Thompson, Vice President

Vicki Glotzbach, City Clerk