

Minutes

Asheville Civil Service Board

December 7, 2012 8 a.m.

HR Training Room on Sixth Floor of City Hall

Present Board: Larry Harris, Virginia Robinson, Jacquelyn Hallum, Marv Rosen and Alan Coxie.
Staff: Kelley Dickens, Adam Diaz, Derrick Swing, Holly Waltemyer and Fire Chief Scott Burnette
Guests: Patsy Brison (Board Counsel)

I. Welcome

Larry Harris calls meeting to order at 8:00 a.m..

II. Approval of November Minutes

Two changes to the November draft minutes were suggested:

- The first bullet under item IV on page one references "Code of Ordinances." This should read "Charter and Related Laws."
- The bullet on page three referencing "Section H.8.b." incorrectly uses the word "council." This should be changed to "the Board's counsel."

Alan Coxie asked for clarification on the procedures for introducing changes and/or corrections of minutes. Larry Harris replied that future changes and/or corrections to draft minutes should be emailed to the Board and Board's secretary before the Civil Service meeting, if possible, to allow a corrected version to be presented for approval. Changes and/or corrections to approved minutes should be added to a meeting agenda for discussion by the Civil Service Board.

Virginia Robinson made a motion to approve the November minutes as amended. Marv Rosen seconded the motion. The motion carried unanimously.

III. New AFD Company Officer and Chief Officer Requirements

The last several years AFD has offered development opportunities for future and incumbent Company Officers and Chief Officers. AFD will offer the 3rd Company Officer Academy in January 2013. The goals of this program are to:

- formally certify someone as a Fire Officer I through the State and
- provide training in preparation to become a Company Officer

The role of an AFD Company Officer is to lead and be responsible for a 2-3 firefighter crew for a 24 hour shift. The Company Officer Academy has been approved by the office of the State Fire Marshall for a Fire Officer I Academy. AFD encourages incumbent Company Officers and anyone interested in the Lieutenant position to attend the academy. This academy is a 6 day program.

AFD partnered with UNC-Asheville to identify 5 courses for the Chief Officer Development Program. Participants would complete those 5 courses, 40 hours of the Incident Command and Control class, and multiple ICS Certifications.

Currently these are voluntary programs. AFD would like to institute these programs as minimum requirements in the future. Chief Burnette recommends the Company Officer Academy requirement in 1-2 years and the Chief Officer Development Program requirement in 3-5 years.

These timeframes give employees a chance to complete the program before the requirements are initiated.

Marv Rosen asked how AFD makes these courses accessible.

- AFD provides courses at Station 1

- Employees are permitted to attend on duty. Course availability will be distributed among the three shifts.
- Courses are at no cost to employees

Alan Coxie asked who teaches the courses.

- UNCA provides instructors and utilize AFD personnel to team teach
- UNCA uses AFD specific tools to teach (AFD and/or City of Asheville policies)

Larry Harris commented that the proposal looks excellent. He asked Chief Burnette if he would like to set the requirement effective dates and communicate those to AFD.

- Chief Burnette stated that one evaluation piece still remaining, especially for the Chief Officer Development Program, is how long it would realistically take someone to complete the program.
- UNCA will provide two courses each semester allowing for completion of the Chief Officer Development Program in two years. The 3-5 year timeframe seems more realistic considering the different demands on employees.
- Chief Burnette plans to vet this proposal throughout the AFD and solicit their responses after he spoke with the Civil Service Board.
- The Promotional Criteria Advisory Committee felt very comfortable with the requirement timeframes presented.
- If the Civil Service Board approves, the next step is to evaluate specific effective dates for the new requirements and present those to the Civil Service Board for approval.

Marv Rosen asked Chief Burnette if these programs will be required of existing personnel in those positions.

- Incumbent employees are encouraged to participate in these programs.
- Chief Burnette believes in order for a new requirement to be culturally accepted it would be best not to impose the new requirements on incumbents. The focus is to prepare employees for a higher position.

Alan Coxie asked Chief if any psychology class would satisfy the psychology requirement on the Chief Officer Development Program description.

- A psychology class was recommended by UNCA and the Promotional Criteria Advisory Committee.
- The specific psychology class has not been determined. One potential course discusses psychology of teams tailored to firefighters working 24 hour shifts together.

The Incident Command and Control section references NIMS IS 100, 200, 300 and 400. Alan Coxie asked how long it takes to complete those four online courses.

- 8 hours – 2 hours for each course

Alan Coxie asked how long it takes to complete the All Hazard IMT (Incident Management Team) courses listed on the bottom line.

- This is a 40 hour online course
- It can also be done in person
- AFD plans to deliver both formats
- The All Hazard IMT course is free training provided by FEMA

Chief Burnette asked the Board for their initial thoughts. The Promotional Criteria Advisory Committee's next steps are to solicit feedback from AFD employees and select an effective date for the new requirements. At that time Chief Burnette will seek final approval from the Civil Service Board.

Alan Coxie asked for clarification on who makes up the Promotional Criteria Advisory Committee.

- There are eight members

- Four members are elected by the Fire Department. Two are elected every year for two year terms.
- The other four are appointed by Chief Burnette. He historically appoints the next four highest vote recipients

Alan Coxie asked if the Promotional Criteria Advisory Committee works with the curriculum advisors or had the programs reviewed.

- Chief Burnette stated the Company Officer Academy was submitted to the Office of the State Fire Marshall. It was approved based on the knowledge, skills and abilities a Company Officer should have.
- UNCA's Office of the Provost assisted in the composition of the Chief Officer Development Program.

Larry Harris offered the Board's support for the proposal thus far. Chief Burnette will return to the Civil Service Board in 3-4 months to present effective dates for the new requirements.

IV. Civil Service Board Rules and Procedures

The Civil Service Board discussed changes to the rules and procedures with Patsy Brison during the November meeting. Larry Harris asked Patsy to review all changes made.

- In subsection A
 - "Chapter 13 of the 2004 Session Laws and Chapter 401 of the 2009 Session Laws" was added to reflect the two amendments since the 1999 Session Laws.
 - Asheville Civil Service Law was defined so "as amended" would not need repeating.
 - "which established a Civil Service Commission for the City of Asheville, to hear the grievance of any full-time regular City employee (as defined in the City of Asheville Personnel Policy), who is a member of the classified service" was deleted because it related to an earlier provision and was no longer necessary. The Civil Service Law incorporates more than is included in this language.
- In subsection B.1
 - "(Section 33 of the Related Laws)" was added as a parallel section reference between the Session Laws and Related Laws.
- In subsection C.2
 - "or his/her" and "has been designated by the City Clerk to" were added to match the language of the law.
 - A subsection was added referencing "other duties" of the secretary.
 - "and otherwise comply with North Carolina law for minutes of public record" was added to incorporate other legal responsibilities regarding minutes
- In subsection D.2
 - The word "Board" was capitalized.
- In subsection E.3
 - "Board meetings, when necessary, shall be held on the first Wednesday of each month with a pre-Board meeting beginning at 3:30 p.m., and the regular meeting convening at 4:00 p.m." was replaced with "The Board shall meet in January of each year to adopt a regular meeting schedule. Regular meetings shall be held".
 - "By" was added and "at least seven (7) calendar days" replaced "on the Wednesday" to restate when agenda items are to be submitted for Board consideration.
"limited to emergency items requiring the Board's immediate consideration and other general discussion with the Board" was replaced with "as required by the Civil Service Law" to comply with section 32 of the Ratified Laws.

- In subsection E.4
 - “The Board shall hold two (2) work sessions each calendar year. Other” was removed to allow the Board to determine if work sessions were necessary.
- In subsection F.1 and F.2
 - “pursuant to subsection (H) below” was removed
- In subsection G.3
 - “or during any closed session during or following the hearing” was added
- In subsection H.1
 - “with the City Clerk” was added for clarification
 - “(see also: Section 8 of Chapter 303 of the 1999 Session Laws of the North Carolina General Assembly; and Chapter 2, Section 2-229, Step 4, of the Code of Ordinances of the City of Asheville)” was removed because Asheville Civil Service Law was defined earlier.
- In subsection H.2
 - “Section 8 of Chapter 303 of the 1999 Session” was removed because the Asheville Civil Service Law was defined earlier
 - “in consultation with” replaced “shall notify the Board’s secretary” to clarify the City Clerk is not the Board’s secretary
- In subsection H.3
 - “Section” was added and “North Carolina General Statue Section” replaced “G.S.” provides clarification on how to refer to the Statutes
- In subsection H.6
 - “When addressing the Board, all parties shall stand unless permission is granted to the contrary” was removed because lawyers are require to sit, except for certain circumstances, under North Carolina law
- In subsection H.7.b
 - “hearing” was added for clarification
 - “If bias is show, the Board shall excuse that Board member from participating and voting on that matter” was added for clarification
- In subsection H.8.b
 - “at” replaced “prior to” and “for distribution to the Board” was removed because the Board wishes to receive grievance material at the meeting, not prior to.
 - “Five (5)” replaced “Six (6)” and “with five (5) of the copies for distribution to Board members and the other copy to the Board’s attorney” was removed
 - “and the Board’s attorney no later than ten (10) days before the hearing” was added so that both attorney’s would receive all documents submitted
- In subsection H.8.c
 - “about the type of testimony given” was added for clarification
- In subsection H.9
 - Capitalization of “motion” was corrected
 - “take action on” replaced “make” for clarification that action is to be taken in open session
- The signature lines were edited to replace the old language

Jacquelyn Hallum asked for clarification about giving the Board time to review grievance documents due to the documents being disseminated at the hearing, not prior to.

- Larry Harris stated the evidence at a hearing will be handled in accordance with judicial proceedings. Receiving evidence beforehand allows for discussions prior to the hearing. The Board will need to take appropriate time during and/or after a hearing to review evidence.

Alan Coxie requested Patsy add editorial comments to the track change copy of the Rules of Procedures document.

- The Board supports Alan's request
- The editorial comments can be in a memorandum if Patsy is unable to add those comments to the Rules of Procedures document
- Alan Coxie would like to review those editorial comments before approving the changes made

Alan Coxie, to better assist the public to understand the Board's purpose, motions to:

- Keep the language removed from section A which starts with "which established a Civil Service"
- Include language here that Patsy added to subsection C.3 stating "and performing other duties and functions as required by the Civil Service Law."
- Clarify that last statement by listing functions

Patsy offered a more detailed explanation as to why she removed the language from section A.

- The current language is incorrect as it uses the word "commission" instead of "Board"
- Civil Service Law provides more detail of which employees are covered by the Civil Service Board than the explanation of "any full-time regular employee (as defined in the City of Asheville Personnel Policy)" provided in this document. Patsy referenced the Charter and Related Laws instead of including its lengthy description.

The Board is in favor of including language detailing the Civil Service Board purpose.

Marv Rosen understands the Board's role in making a grievance vote is to either affirm or overturn the existing action of the City. He asked if this should be stated in the Rules document.

- Marv Rosen and Alan Coxie would like language in section H.10 changed to clarify the Board has authority to "reverse or affirm" the City's decision

Alan Coxie requests information on the provision stating what happens when the Board ties when voting on a grievance.

- Patsy will research this, but believes if not stated otherwise, Robert's Rules is default and means motion fails.

For the January meeting Larry Harris asked Patsy Brison to:

- Create the editorial comments in the Rules of Procedures document or in a memorandum
- Provide a succinct, yet comprehensive, explanation of the Board's role in section A
- Change language in section H.10 to reflect "reverse or affirm" authority of board
- Research and provide an answer on tie votes

The January Civil Service Board meeting will be at 8 am on Friday, January 11th.

V. Upcoming Grievance

Larry Harris reminds the board of the upcoming grievance on Monday, December 17th at 8 am.

VI. Other Business

Marv Rosen heard the Chief of Police is creating a Deputy Chief position which he assumes would be at an Asst Director level. He asked Kelley Dickens if this is correct.

- Kelley responded that the Chief is considering reorganization. To her understanding Chief has not finalized any plans or structure.
- There is a Captain position open currently and another will become open at the end of December
- Marv asked if someone could fill the Deputy Chief position from outside the City of Asheville organization. As he understands the policy no position higher than a Senior Police Officer can be filled externally.
- Kelley would need to review the APD recruitment policies before she can answer Marv's question
- A position at the Asst Director level does not fall under the Civil Service Laws
- Marv requested an email response from Kelley Dickens with an answer

VII. Adjourn

Larry Harris adjourned at 9:12 a.m.