

**AGENDA**  
**FIRE MERIT COMMISSION**  
**Monday, September 13, 2021**  
**3:30 P.M.**

**Council Chambers**

**Municipal Building, 229 S. Second Street, Elkhart, IN 46516**

<https://coei.webex.com/coei/j.php?MTID=m3452e734bda3f0e624ccc87c0d25c99f>

MEETING NUMBER (Access Code): 2310 862 3893

MEETING PASSWORD: Fire21

JOIN BY PHONE: 1-415-655-0001

- 1. Call to Order**
- 2. Roll call**
- 3. Approve Agenda**
- 4. Approve Minutes- June 14, 2021**
- 5. Fire Department**
  - Approval of Amendment to the Fire Merit Commission Rules Policy 1304 Promotional Process (tabled)**
  - Disciplinary Notice- Recruit Firefighters J. DeWitt, E. Escobedo, C. Fullmer, B. LeClaire**
- 6. IAFF Local 338**
- 7. Public Participation**
- 8. Adjournment**

FIRE MERIT COMMISSION  
Monday, June 14, 2021

President Jim Rodino called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, June 14, 2021. Clerk Nancy Wilson called the role. Commissioners Jim Rodino, Mandy Leazenby, Cary Miller, Rev. McNeal Stuart and Doug Bowlby attended in-person.

1. RESOLUTION 21-R-01 POLICY FOR ELECTRONIC MEANS OF COMMUNICATION

City Attorney Rose Rivera presented the resolution to the Commissioners. She explained the Governor's Orders expired, and this policy allows the Commission and the public to do the meeting with electronic means of communication and continue having meetings with WebEx and Facebook.

On motion by McNeal Stuart, seconded by Doug Bowlby and carried 5-0, the FMC approved Resolution 21-R-01, a Resolution establishing the Policy by which members of the Fire Merit Commission may participate by electronic means of communication.

2. AGENDA

On motion by Mandy Leazenby, seconded by Doug Bowlby and carried 5-0, the agenda was approved as presented.

3. MINUTES May 10, 2021

On motion by Doug Bowlby, seconded by Mandy Leazenby and carried 5-0, the minutes from May 10, 2021 were adopted.

4. FIRE DEPARTMENT

Chief Edgerton told the Commissioners the Amendments to the Fire Merit Commission Policy 1304 Promotional Process is still on the agenda. They are close to getting that done. He said it should be ready for the next meeting. The lack of a Promotional Testing Policy is creating issues in the EFD that need to be rectified.

Chief Edgerton presented commendations for several major incidents that have occurred on the last 30-40 days. He asked the FMC to recognize the exemplary performance for the following:

Recognition of Outstanding Effort and Achievement:

Medic 24 and Engine 4 – Battalion C for treatment of child gunshot victim

24 – Lt. Rick Becola

24 – D/O Kody Turner

4 – Lt. Cory Wise

4 – D/O Victor Valdez

4 – FF Kevin Alber

Rescue of Fire Victims – House fire on Oakland Avenue

18 - Lt. Robin Anderson

18 - FF Derek Englehart

22 - A/Lt. Ethan Pasternak

R2 - Capt. Scott Smeltzer (on OT assignment; normally Captain at ST3(B-shift))

## FIRE MERIT COMMISSION

Monday, June 14, 2021

These companies received Unit Citations:

1824 Oakland Avenue – House Fire with Entrapment –

- Rescue 2 (A),
- Engine 3 (A),
- Rescue 4 (A),
- Engine 5 (A),
- Truck 18 (A),
- Fire Unit 10 (A & B),
- Fire Unit 11 (A & B),
- EFD Bureau of Investigation

1080 Middleton Run Road – Entrapment –

- Engine 5 (C),
- Rescue 4 (C),
- Truck 18 (C),
- Medic 25 (C)

Chief Edgerton presented a disciplinary notice for Firefighter Abdul Robinson. Chief said it was his understanding that Driver/ Operator Robinson asked for a review of his discipline. Subsequent to that, Chief told the Commissioners he sat down with FF Robinson and had a conversation about the discipline. The Chief said FF Robinson decided he is not looking for a review. Chief said he will continue the conversation with FF Robinson and come to some sort of disposition. Chief Edgerton told the FMC when they come to some sort of disposition, he will come to them and let them know what that is going to be. Doug Bowlby asked Chief Edgerton if he was on his eight hours? Chief said he was issued eight hours, and he came to me and he and I had a conversation. Chief said he understood what the issuing officer's mindset was, and then Driver/Operator Robinson gave him his point of view. A basic tenant of the EFD is that you never leave your post without being relieved. He explained certain things to the Chief that he has taken under advisement and he is still giving it some thought. McNeal Stuart asked the Chief if this firefighter had any other incidents on his record, and the Chief said he has had some write-ups over the years but nothing significant. He is actually a very good Firefighter.

Doug Bowlby asked the President of the Union Dustin Flagg if he brought the discipline to him? He said yes, they spoke about it and they spoke to the Chief about it. What he believes the resolution to be is going to be acceptable.

On motion by Doug Bowlby, seconded by Mandy Leazenby and carried, the FMC took the Approval of Amendment to the Fire Merit Commission Rules Policy 1304 Promotional Process off the table for discussion. Doug said he is on the committee reviewing the rules and referred the Commissioners to paragraph two of the document. Mandy said she felt like everyone should have the same document in front of them to discuss it. Doug said it referred to the Promotional Process and it was struck for seniority. Dustin Flagg approached the podium and said point of order, then asked Commissioner Bowlby if he was referring to the proposed changes because he didn't believe those changes were presented to the Commission, and didn't believe they were able to be discussed until they are presented. The Clerk responded to Dustin that the Commission did have a document and it was tabled. Mandy said it didn't have their changes it had the department changes. The clerk said Doug was

## FIRE MERIT COMMISSION

Monday, June 14, 2021

referring to the original document that was tabled. Doug said yes, that is correct. Dustin asked Doug if he was speaking to the original changes that nobody agreed to? Doug responded to Dustin, not yet. Doug asked Jim if he could proceed and Jim said yes. Doug said the basic question he has is for the Chief and or for the IAFF. He said looking the document over, it says 12 times prior to so many years or so many months on an individual making an application. Chief Edgerton said if he was referring to what he thought, there are benchmarks you have to have in order to be considered for promotion. Using Battalion Chief as an example, to be a Battalion Chief you have to have twelve years of seniority. We do not want someone with three years' experience going for the Battalion Chief job. There are benchmarks that those individuals have to meet in order to be considered. What we do not want is seniority to be the end all and be all of that individual being considered for promotion. Just because you have twenty years on the department does not mean you have done what it takes in order to garner the knowledge in order to sit in that seat. There are other things that have to be considered other than how much time you have on the job. Doug asked Dustin if he had any statements to add to that. Dustin said that is why they are still within this process of amending the rules. We are lucky that the State Law actually lays the authority back to the local level to allow us to amend these rules to better suit our needs. If anything, we strengthened the seniority for promotional process by the way we are proposing to amend the weighted average for testing scores, but we certainly did not remove seniority from the mix. We adjusted a couple of the time frames required for promotional positions but we did not remove any seniority. Doug asked Dustin if they were going to have a meeting soon? Chief Edgerton said yes, we will have one or two meetings and they will be scheduled later this week if schedules allow so that we can get this off everyone's plate. We need to move on, and as I said before, not having promotional policy and not testing and moving people up is causing issues that need to be taken care of now. The Clerk asked the Chief if they need another Public Hearing? Dustin responded they will have a whole new packet to submit prior to publication prior to the meeting, so unless Rose tells us differently we will have to have another publication. City Attorney Rose River came forward to explain their options. It is possible to do this both ways. Certainly we can submit a new packet, but it was her understanding that we originally published, we held the public hearing, and we tabled it before making any decisions. It would be within our rights, so long as there are no changes, to move forward on those parts of the rules. Alternatively, if we wanted to deal with it in one package, we could submit everything for a new public hearing. Chief Edgerton said their original aim, and he acknowledged what Dustin said, was to amend the promotional policy as it were, and then some other things came into play. Chief Edgerton said we can amend the promotional policy, and then deal with the other things and submit another packet for those rule changes. Dustin told the Chief they made tons of changes, and Chief said all right, then we need to have another meeting. Chief Edgerton said he wants to have that meeting this week as schedules allow so we can get it done. On motion by Doug Bowlby, seconded by Mandy Leazenby and carried, the FMC re-tabled the Approval of Amendment to the Fire Merit Commission Rules Policy 1304 Promotional Process.

## FIRE MERIT COMMISSION

Monday, June 14, 2021

### 5. IAFF LOCAL 338

Dustin Flagg, President of IAFF Local 338 came forward to speak. He said we spoke a little bit on Firefighter Robinson's Disciplinary Notice you guys received and said he believes that's all going to be worked out without any time in front of you guys, however, I did submit a request for hearing. Did anybody, any of the Commissioners receive that request for hearing? No? I submitted to the Clerk for Firefighter Robinson's request for a hearing and I had a feeling it wouldn't make it to you guys. She did deny the request. Rose did also chime in with some State code that requires the Chief to submit that request to you, however our local code, our local Ordinance states that a Firefighter must submit himself in writing to the Commission within five days. The Clerk stated she did not receive anything from him in writing. Dustin told the Clerk you received something from me in writing. The Clerk responded that she received an email, and Dustin responded that is in writing. The Clerk asked the City Attorney to come up, and Dustin said he had the floor. Dustin said he is asking the Commission, before we get into too much of an argument here, who has the authority to deny a request for an agenda item? As a representative of Firefighter Robinson it is my duty to submit a request to you, but if that request never makes it to you, then certainly we are never going to make the timeframe. In addition, having the City Attorney weigh in on whether or not a member can submit his own request for you and then argue against that same member at the review certainly presents a very clear conflict of interest. So, as we alluded to before, State Code, Title 38 of the State Code, Section 1 subsection F lays the authority back to the local Commission on amending rules and weighing in on their own rules. The State Code does have a Section that says the Chief submits for discipline, however, that is not how we have done it here in Elkhart, and that is not what our local rules say. So, I need the Commission to decide what is the procedure? What is the interpretation of our procedure then? The rules clearly state member has to submit within 5 days to the Commission. Is email writing? I believe it is. Dustin said we'll let Rose speak. Rose Rivera came to the podium and said she heard the Chief say at this time the Firefighter is not asking for a hearing, so this seems like this is a little bit hypothetical in that sense. So, the State Statute, if our rules contradict the State Statute they are void. We can't go against State Law. The State Statute says that the Firefighter himself must submit in writing that he wants a hearing. Rose explained she highlighted that part of the State Statute for Dustin and the Firefighter. The Firefighter is welcomed to submit in writing, and she said an email could count, usually you would formally walk it into Nancy's office, but I would not have been against him submitting an email himself, but we need to follow the State Law. It's just that simple. If we have a local Commission rule that goes against that, we really need to change it because we can't go against State Law. Dustin returned to the podium and said once again, the State Law allows us to amend our local rules and operate within our local rules. The entirety of our local rules have been amended or will be shortly to fit our local needs. The State Law allows us to do that. So we certainly don't have to defer back to State Code if our local Ordinance says something different, the Code allows us to do that. That is what that Section of the Code was put in place to do, to allow the local Commission to decide. Rose just said it is absolutely ok for the Firefighter to submit for his request for a hearing. The denial that came from the Clerk was that the

## FIRE MERIT COMMISSION

Monday, June 14, 2021

Chief had to submit for that Firefighter's review. That seems contrary to the entire procedure. The Firefighter is requesting review of discipline he received from the Chief or the Chief's staff. Why then would the Chief be the one to submit back to the Commission? That's where we were hung up at. I didn't think continuing the email chain between myself and Nancy and Rose was the appropriate place to hash out this particular argument. This is an argument for the Commission to decide on. How do the members of the Fire Department get an audience with the Commission? That has been the question we have asked since the inception of this Commission for three years. That has been the biggest problem we have run up against this entire time. That is why we originally requested rule changes. The Clerk asked the President, I respectfully request a brief recess to make a copy of the document this entire discussion is revolving around that you have never seen. Jim Rodino took a short recess. Doug Bowlby accepted the document the Clerk presented and noted it for the record. President Jim Rodino said he didn't have his copy of the rules and regulations with him today. Rose can correct me. To the best of my knowledge, the individual has to present his letter of referral to the board within five days to be considered. Dustin Flagg was at the podium and responded "correct". Jim said he did not see any of that in this documentation. Dustin responded right, this was an email asking to add to the agenda. Let's see if we can find a response. I don't see Nancy's response in here. Yah, we're missing Nancy's response. Nancy said my response is there and it says when there is a disciplinary matter, the discipline is presented to the Commission by the Chief, with the person requesting a hearing. If it is within the Chiefs 5 days, the Commission can accept it or decide to hear the case. Dustin responded, correct, so the question then is how does he get to the Commission? Does he have to present a hard copy piece of paper to the Clerk? Can he submit an email? Is his representative allowed to submit for him? Because that's what we have done in the past also. In the Eddy Salinas case I submitted that and the Board accepted it no problems. We are all filling our roles here. Abdul asked me to submit for him and I did. Jim said to Dustin you went through Nancy for the submittal. Dustin responded correct, that has been the procedure in the past. Go to Nancy with your request. Jim said with the individual's request. Dustin said yes, that's what I did. Jim said the individual did not provide the request. Dustin said he asked me to provide it for him. Jim said he asked you but he didn't write it himself to give to you to present it. Dustin said that is where we are landing on this is the individual himself has 5 days. Jim said yes, and Dustin said Okay, perfect, we just needed clarity. Dustin said once the individual submits and requests his disciplinary request be on the agenda; does that go on the agenda if it is within those 5 days? Doug responded he believes it does. Dustin said okay, perfect, and Rose is 100% correct this is a moot point because this person already decided. Jim Said it has to be on the agenda for us to talk about it. Dustin said correct, that is 100% correct and that is exactly my point. You guys will never see it if it doesn't make it to the agenda. Jim responded exactly. Dustin said so now that we are here in public forum I want to make it very clear how to make sure something for disciplinary review makes it in front of this Commission, and the procedure is the individual takes it to Nancy himself or herself and then it will appear on the agenda. Dustin said perfect, thank you guys very much. Doug Bowlby said he has one question for the Chief. Chief Edgerton said

FIRE MERIT COMMISSION  
Monday, June 14, 2021

for everyone's edification here, it's not that the Board won't see it. I'm a big boy and I have broad shoulders. I will tell you that what the Statute says is that when I discipline somebody, the Commission should receive notification within 48 hours. I have been lax at that, but I will be better at that from this point on. Rose has pointed that out to me, so from this point on, if someone is disciplined at the Elkhart Fire Department, the board will receive notification through Nancy that that person was disciplined. So they (the Commissioners) will know, and if at that point they want a review of their discipline, then it would be up to them to notify the board within 5 days in order to receive their review of their discipline. Doug said his question is this all transpired after he accepted? Chief said no, this all transpired after he received his discipline. Doug said that is what he meant. The Chief said he received his discipline, and then everything else transpired after that. Doug asked why he didn't do that before he accepted his discipline. Chief Edgerton said that is a good question. He may have been mulling it over. They were weighing what their options were. I think there was some discussion as to; Dustin interrupted the Chief and said he requested the review upon receiving the disciplinary notice. He didn't necessarily accept the discipline but he got the notice. He has no choice but to receive the notice. Dustin said at that time is when he decided he wanted a review by the Commission. So, after that, he and the Chief had a conversation and he decided to drop that request. Doug told Chief Edgerton that he did not handle this process properly. Doug said he doesn't think that's the problem. The problem he has with it is if he had a problem, he should have presented it before he accepted the disability. Chief Edgerton said here is where the problem lies. As far as discipline goes, as far as the Merit Board and discipline goes, if you haven't been disciplined before or gone before the Merit Board before, the process in and of itself is basically new to everybody. So, if you are a person who hasn't been disciplined before, it's strange ground to you. So as you know, if you are late for work and you receive a disciplinary notice, the shift Chief writes you up. He hands you the paperwork, hey you were late to work on such and such date and you reported at such and such time. Here's your notice, and you sign the notice acknowledging that you have seen the notice. Whether you agree with it or not is not the issue. It's "here's the notice". Chief said the paperwork comes across my desk. I read the paperwork as it is right there. This individual was late to work, he reported at such and such time etc. and this was what we recommend. We recommend that he receive a written notice. Ok fine, so then I go yes or no. Yes, that is an appropriate punishment for that and I sign off. If he doesn't agree with my final disposition, then he petitions the board. All of that has to happen in 5 days. Understand this, if he is late to work on Friday, and he gets that disciplinary notice on Friday afternoon, then the weekend rolls around and it may not get to my desk until Monday or Tuesday. At that point, that is just something else we have to work out. I tend to give leeway on those kinds of things because things lay on people's desks, things happen, this, that, and the other. I tend not to go you missed your 5-day notice, I want everybody to have a chance, if you don't agree, then I want to know why you don't agree. If there were some extenuating circumstances, then I want to know what those circumstances were. Were you here and they just didn't know it, had you called someone and that person was holding over for you and that information didn't get to the shift Chief? There's any number of things that can happen. So I want to know

## FIRE MERIT COMMISSION

Monday, June 14, 2021

what those things are. So I tend to go outside and give everyone a little leeway until I get the full story. Once I get the full story and sign off on it, if you (the Commission) decide you want to review then you review it. I think everybody in this room understands that I am trying to be as fair as I can possibly be to everybody. So if you have a story to tell and you don't agree, then hey, let's go to the board and you can tell your story. You tell your side, I will present my side, and then we will let the board decide. If the board thinks I'm outside the limits in some way, fine you think I'm outside the limits. That is what an overview is for. I have no issues with that. Jim Rodino said for clarification purposes while you are still working on the rules, when you are talking about days, 5 days or 10 days, those are work days not calendar days so weekends will have no effect. Dustin responded that they can make it say something that would reflect our grievance process and that is already clarified in the contract. Chief Edgerton said if he is not mistaken State Statue defines it, and said he would have to read it but whatever, we will make it work. We will figure it out. Dustin pointed to the Chief and said we have no dispute over this at all. The dispute came in how does the member get in front of the Commission. If they are asking their representative to submit for them and that is unacceptable, well that's okay, we know that now. Going forward, we will make sure Nancy gets emails from every person individually that she can pass on to you guys. Chief Edgerton said, to be perfectly honest, I sat in that chair (pointing to Dustin) for nine years, and from my standpoint when I was the Union President I made everybody write their own. The reason I made them write their own was because it is real easy for me to go to the Union President and go hey, do this for me. Dustin adds "I'm mad about it". Chief says I'm mad about take care of it. If you are truly mad about it, you have to have some skin in the game. So if you are truly mad about it, go write your notice and I will take it up there for you but you are going to write it. Nancy told the President that she wanted to clarify something that when the Chief sent the Disciplinary Notice on this Firefighter, and I sent it to all of you Commissioners. On that email did I not tell you that I understand this Firefighter wants a review? Jim Rodino responded "yes". Nancy added and please don't discuss it with anyone else? Jim Rodino said yes, exactly. Nancy said yes, they did get that from me Dustin. Nancy told Dustin she wanted to make sure that he knew they were notified as soon as she was notified. I told them. They received the discipline, and I told them that the Firefighter, it is my understanding he is requesting a review of his discipline even though I didn't have anything from him in my hand signed by him. Jim Rodino asked Rose if she had something to add. Rose Rivera said the only thing she was going to add is just for clarity's purposes, when Nancy does take an action it is almost always in communication with the Legal Department and at the Legal Department's direction. I don't ever want people to have the misunderstanding that she has sort of gone off on her own and done something. I have never experienced that to be the case.

### 6. PUBLIC PARTICIPATION

Jim Rodino asked if there was any public participation or comments on the web. Nancy said that 8 people were watching and there were no comments.

### 7. ADJOURNMENT

On motion by Cary Miller, seconded by Doug Bowlby and carried 5-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned 4:22 p.m.



FIRE MERIT COMMISSION  
Monday, June 14, 2021

\_\_\_\_\_ Jim Rodino, President

Attest: \_\_\_\_\_ Cary Miller, Secretary

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE**

Employee name: J. DeWitt Position : Recruit Firefighter  
 Department/Division: Fire Shift: N/A  
 Date of Notice: 8/2/2021 Time: 1100 hours  
 Date of Alleged Incident: See Attached. Time: N/A

**ALLEGED VIOLATION**

- Failure to follow orders
- Rudeness to Employees or customers
- Unsatisfactory Work Quality
- Safety Violation
- Willful Damage to Materials or Equipment
- Policy/Procedure Violation
- Non-Job related Activities
- Other

**SUPERVISOR STATEMENT (use attachment if necessary)**

Facts and Work Rule(s) Violated:

\* See Attached Document from Division Chief of Training Will Kornrumph.

- |                                     |                 |                          |            |
|-------------------------------------|-----------------|--------------------------|------------|
| <input checked="" type="checkbox"/> | Verbal Warning  | <input type="checkbox"/> | Suspension |
| <input checked="" type="checkbox"/> | Written Warning | <input type="checkbox"/> | Dismissal  |
| <input checked="" type="checkbox"/> | Probation       | <input type="checkbox"/> | Other      |

I HAVE READ THIS EMPLOYEE DISCIPLINARY NOTICE. I UNDERSTAND THAT I HAVE THE OPPORTUNITY TO RESPOND TO THE ALLEGED VIOLATION BELOW OR TO REQUEST TO DISCUSS IT IN PERSON WITH THE CHIEF OR HIS DESIGNEE.

**EMPLOYEE STATEMENT (use attachment if necessary)**

  
 Signature of Employee

  
 Signature of Supervisor

Date: 8/2/2021

Time: 1100

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE (Continued)**

PREVIOUS DISCIPLINARY ACTION: Verbal Warning, Written Warning, Suspension, Etc.

	TYPE	DATE	LENGTH	GIVEN BY WHOM
1	None			
2				
3				
4				
5				
6				
7				

(All or portions of applicable progressive disciplinary records may be attached)

**FINAL DETERMINATION:**

Verbal Warning \_\_\_\_\_ Suspension  
 Written Warning \_\_\_\_\_ Dismissal  
 Probation [extension of Recruit Academy by two (2) weeks]  
\_\_\_\_\_  
Other(See attachment, if applicable)

(Other Desc) \_\_\_\_\_

**ACTION TO BE TAKEN IF CONDUCT OCCURS AGAIN:**

Termination from employment from the Elkhart Fire Dept.

  
\_\_\_\_\_  
Signature of Employee


8/2/2021  
\_\_\_\_\_  
Date

N/A  
\_\_\_\_\_  
Signature of Union Steward (if applicable)

N/A  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
D.Cushwa  
Signature of Issuing Supervisor

8/2/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Department Head

\_\_\_\_\_  
Date

ROUTING: File  Human Resources \_\_\_\_\_ Other \_\_\_\_\_

August 2, 2021

#### Incidents for Recruit Academy

The recruits are not coming together as a group. They act as individuals and only are looking out for themselves. They cannot remember the basic skills that we do every day. They do not display common sense thinking or listening. Currently the recruits' energy level is not up to par. They get exhausted too easily and want to give up in the middle of scenarios.

July 7, 2021 - Vehicle Fires - This training took place at the training tower with the recruits. We started the scenarios at 1300 hours. Each recruit took turns being on the nozzle and putting the fire out. I had them in groups of two. One group was on the hose line and the other group was sitting out waiting. We were out there for an hour and they were complaining how tired they were and they needed a break.

July 15 & 16, 2021 - Live Fire @ Goshen - We had live fire at Goshen's Training Facility and ran the recruits through scenarios. The facility was just smoked up so we could build the muscle memory of skills that we do when it comes to house fires. They kept forgetting what to do and were not working together as a team. The instructors have to reteach everything that we already went over.

July 29 & 30, 2021 - Live Fire @ South Bend - We did scenarios with the recruits on live fire to put all the skills that they learned together. They did not meet our expectations on completing the tasks. One of the recruits walked out on their partner; another forgot how to force a door then started kicking it and running his shoulder into the metal door. One of the recruits froze when they were upstairs to put the fire out and stated "I can't do this." One of the recruits threw a fit and started yelling at their partner and took their partner's tool from them. The recruits didn't listen to instructions. One of the recruits pulled the bundle line and then asked the instructor "how do I stretch this, I don't remember." We had to pull one of the recruits off of a ladder because they were about to fall carrying a chainsaw. The South Bend instructors said that our recruits were horrible. They stated that our recruits were not listening and were not working as a team. During the search evolutions the recruits were not listening and keep saying that they were tired.

William Kornrumpf

Division Chief of Training

Elkhart Fire Department.

ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE

Employee name: E. Escobedo Position : Recruit Firefighter
Department/Division: Fire Shift: N/A
Date of Notice: 8/2/2021 Time: 1100 hours
Date of Alleged Incident: See Attached. Time: N/A

ALLEGED VIOLATION

- Failure to follow orders
Rudeness to Employees or customers
X Unsatisfactory Work Quality
Safety Violation
Willful Damage to Materials or Equipment
Policy/Procedure Violation
Non-Job related Activities
Other

SUPERVISOR STATEMENT (use attachment if necessary)

Facts and Work Rule(s) Violated:

\* See Attached Document from Division Chief of Training Will Kornrumph.

- X Verbal Warning Suspension
X Written Warning Dismissal
X Probation Other

I HAVE READ THIS EMPLOYEE DISCIPLINARY NOTICE. I UNDERSTAND THAT I HAVE THE OPPORTUNITY TO RESPOND TO THE ALLEGED VIOLATION BELOW OR TO REQUEST TO DISCUSS IT IN PERSON WITH THE CHIEF OR HIS DESIGNEE.

EMPLOYEE STATEMENT (use attachment if necessary)

Signature of Employee

Signature of Supervisor D. Cushwa

Date: 8/2/2021

Time: 1100

ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE (Continued)

PREVIOUS DISCIPLINARY ACTION: Verbal Warning, Written Warning, Suspension, Etc.

Table with 4 columns: TYPE, DATE, LENGTH, GIVEN BY WHOM. Row 1: 1, None, , .

(All or portions of applicable progressive disciplinary records may be attached)

FINAL DETERMINATION:

- Verbal Warning  Suspension
- Written Warning  Dismissal
- Probation [extension of Recruit Academy by two (2) weeks]
- Other(See attachment, if applicable)

(Other Desc) \_\_\_\_\_

ACTION TO BE TAKEN IF CONDUCT OCCURS AGAIN:

Termination from employment from the Elkhart Fire Dept.

  
\_\_\_\_\_  
Signature of Employee

8/2/21  
\_\_\_\_\_  
Date

N/A  
\_\_\_\_\_  
Signature of Union Steward (if applicable)

N/A  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Issuing Supervisor

D. Cushwa

8/2/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Department Head

\_\_\_\_\_  
Date

ROUTING: File  Human Resources  Other \_\_\_\_\_

August 2, 2021

#### Incidents for Recruit Academy

The recruits are not coming together as a group. They act as individuals and only are looking out for themselves. They cannot remember the basic skills that we do every day. They do not display common sense thinking or listening. Currently the recruits' energy level is not up to par. They get exhausted too easily and want to give up in the middle of scenarios.

July 7, 2021 - Vehicle Fires - This training took place at the training tower with the recruits. We started the scenarios at 1300 hours. Each recruit took turns being on the nozzle and putting the fire out. I had them in groups of two. One group was on the hose line and the other group was sitting out waiting. We were out there for an hour and they were complaining how tired they were and they needed a break.

July 15 & 16, 2021 - Live Fire @ Goshen - We had live fire at Goshen's Training Facility and ran the recruits through scenarios. The facility was just smoked up so we could build the muscle memory of skills that we do when it comes to house fires. They kept forgetting what to do and were not working together as a team. The instructors have to reteach everything that we already went over.

July 29 & 30, 2021 - Live Fire @ South Bend - We did scenarios with the recruits on live fire to put all the skills that they learned together. They did not meet our expectations on completing the tasks. One of the recruits walked out on their partner; another forgot how to force a door then started kicking it and running his shoulder into the metal door. One of the recruits froze when they were upstairs to put the fire out and stated "I can't do this." One of the recruits threw a fit and started yelling at their partner and took their partner's tool from them. The recruits didn't listen to instructions. One of the recruits pulled the bundle line and then asked the instructor "how do I stretch this, I don't remember." We had to pull one of the recruits off of a ladder because they were about to fall carrying a chainsaw. The South Bend instructors said that our recruits were horrible. They stated that our recruits were not listening and were not working as a team. During the search evolutions the recruits were not listening and keep saying that they were tired.

William Kornrumpf

Division Chief of Training

Elkhart Fire Department.

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE**

Employee name: C. Fuller Position: Recruit Firefighter  
 Department/Division: Fire Shift: N/A  
 Date of Notice: 8/2/2021 Time: 1100 hours  
 Date of Alleged Incident: See Attached. Time: N/A

**ALLEGED VIOLATION**

- Failure to follow orders
- Rudeness to Employees or customers
- Unsatisfactory Work Quality
- Safety Violation
- Willful Damage to Materials or Equipment
- Policy/Procedure Violation
- Non-Job related Activities
- Other

**SUPERVISOR STATEMENT (use attachment if necessary)**

Facts and Work Rule(s) Violated:

\* See Attached Document from Division Chief of Training Will Kornrumph.

- Verbal Warning  Suspension
- Written Warning  Dismissal
- Probation  Other

I HAVE READ THIS EMPLOYEE DISCIPLINARY NOTICE. I UNDERSTAND THAT I HAVE THE OPPORTUNITY TO RESPOND TO THE ALLEGED VIOLATION BELOW OR TO REQUEST TO DISCUSS IT IN PERSON WITH THE CHIEF OR HIS DESIGNEE.

**EMPLOYEE STATEMENT (use attachment if necessary)**

Cory M. Sullivan  
Signature of Employee

D. Cushwa  
Signature of Supervisor

Date: 8/2/2021

Time: 1100

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE (Continued)**

PREVIOUS DISCIPLINARY ACTION: Verbal Warning, Written Warning, Suspension, Etc.

	TYPE	DATE	LENGTH	GIVEN BY WHOM
1	None			
2				
3				
4				
5				
6				
7				

(All or portions of applicable progressive disciplinary records may be attached)



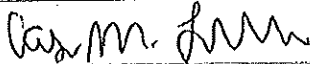
FINAL DETERMINATION:

- Verbal Warning  Suspension
- Written Warning  Dismissal
- Probation [extension of Recruit Academy by two (2) weeks]
- Other(See attachment, if applicable)

(Other Desc) \_\_\_\_\_

ACTION TO BE TAKEN IF CONDUCT OCCURS AGAIN:

Termination from employment from the Elkhart Fire Dept.



Signature of Employee

8/2/2021

Date

N/A

Signature of Union Steward (if applicable).

N/A

Date



D. Cushwa

Signature of Issuing Supervisor

8/2/2021

Date



Signature of Department Head

        
Date

ROUTING: File X Human Resources        Other

August 2, 2021

#### Incidents for Recruit Academy

The recruits are not coming together as a group. They act as individuals and only are looking out for themselves. They cannot remember the basic skills that we do every day. They do not display common sense thinking or listening. Currently the recruits' energy level is not up to par. They get exhausted too easily and want to give up in the middle of scenarios.

July 7, 2021 - Vehicle Fires - This training took place at the training tower with the recruits. We started the scenarios at 1300 hours. Each recruit took turns being on the nozzle and putting the fire out. I had them in groups of two. One group was on the hose line and the other group was sitting out waiting. We were out there for an hour and they were complaining how tired they were and they needed a break.

July 15 & 16, 2021 - Live Fire @ Goshen - We had live fire at Goshen's Training Facility and ran the recruits through scenarios. The facility was just smoked up so we could build the muscle memory of skills that we do when it comes to house fires. They kept forgetting what to do and were not working together as a team. The instructors have to reteach everything that we already went over.

July 29 & 30, 2021 - Live Fire @ South Bend - We did scenarios with the recruits on live fire to put all the skills that they learned together. They did not meet our expectations on completing the tasks. One of the recruits walked out on their partner; another forgot how to force a door then started kicking it and running his shoulder into the metal door. One of the recruits froze when they were upstairs to put the fire out and stated "I can't do this." One of the recruits threw a fit and started yelling at their partner and took their partner's tool from them. The recruits didn't listen to instructions. One of the recruits pulled the bundle line and then asked the instructor "how do I stretch this, I don't remember." We had to pull one of the recruits off of a ladder because they were about to fall carrying a chainsaw. The South Bend instructors said that our recruits were horrible. They stated that our recruits were not listening and were not working as a team. During the search evolutions the recruits were not listening and keep saying that they were tired.

William Kornrumpf

Division Chief of Training

Elkhart Fire Department.

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE**

Employee name: B. LeClaire Position: Recruit Firefighter  
 Department/Division: Fire Shift: N/A  
 Date of Notice: 8/2/2021 Time: 1100 hours  
 Date of Alleged Incident: See Attached. Time: N/A

**ALLEGED VIOLATION**

- Failure to follow orders
- Rudeness to Employees or customers
- Unsatisfactory Work Quality
- Safety Violation
- Willful Damage to Materials or Equipment
- Policy/Procedure Violation
- Non-Job related Activities
- Other

**SUPERVISOR STATEMENT (use attachment if necessary)**

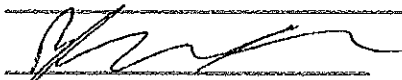
Facts and Work Rule(s) Violated:

\* See Attached Document from Division Chief of Training Will Kornumpp.

- |                                     |                 |                          |            |
|-------------------------------------|-----------------|--------------------------|------------|
| <input checked="" type="checkbox"/> | Verbal Warning  | <input type="checkbox"/> | Suspension |
| <input checked="" type="checkbox"/> | Written Warning | <input type="checkbox"/> | Dismissal  |
| <input checked="" type="checkbox"/> | Probation       | <input type="checkbox"/> | Other      |

I HAVE READ THIS EMPLOYEE DISCIPLINARY NOTICE. I UNDERSTAND THAT I HAVE THE OPPORTUNITY TO RESPOND TO THE ALLEGED VIOLATION BELOW OR TO REQUEST TO DISCUSS IT IN PERSON WITH THE CHIEF OR HIS DESIGNEE.

**EMPLOYEE STATEMENT (use attachment if necessary)**

  
Signature of Employee

 D.Cushwa  
Signature of Supervisor

Date: 8/2/2021

Time: 1100

**ELKHART FIRE DEPARTMENT - EMPLOYEE DISCIPLINARY NOTICE (Continued)**

PREVIOUS DISCIPLINARY ACTION: Verbal Warning, Written Warning, Suspension, Etc.

	TYPE	DATE	LENGTH	GIVEN BY WHOM
1	None			
2				
3				
4				
5				
6				
7				

(All or portions of applicable progressive disciplinary records may be attached)

**FINAL DETERMINATION:**

Verbal Warning \_\_\_\_\_ Suspension  
 Written Warning \_\_\_\_\_ Dismissal  
 Probation [extension of Recruit Academy by two (2) weeks]  
\_\_\_\_\_  
Other(See attachment, if applicable)

(Other Desc) \_\_\_\_\_

**ACTION TO BE TAKEN IF CONDUCT OCCURS AGAIN:**

Termination from employment from the Elkhart Fire Dept.

  
\_\_\_\_\_  
Signature of Employee

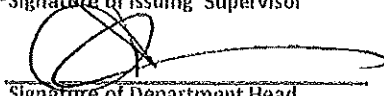
8/2/21  
\_\_\_\_\_  
Date

N/A  
\_\_\_\_\_  
Signature of Union Steward (if applicable)

N/A  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
D. Cushwa  
Signature of Issuing Supervisor

8/2/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Department Head

\_\_\_\_\_  
Date

ROUTING: File  Human Resources \_\_\_\_\_ Other \_\_\_\_\_

August 2, 2021

#### Incidents for Recruit Academy

The recruits are not coming together as a group. They act as individuals and only are looking out for themselves. They cannot remember the basic skills that we do every day. They do not display common sense thinking or listening. Currently the recruits' energy level is not up to par. They get exhausted too easily and want to give up in the middle of scenarios.

July 7, 2021 - Vehicle Fires - This training took place at the training tower with the recruits. We started the scenarios at 1300 hours. Each recruit took turns being on the nozzle and putting the fire out. I had them in groups of two. One group was on the hose line and the other group was sitting out waiting. We were out there for an hour and they were complaining how tired they were and they needed a break.

July 15 & 16, 2021 - Live Fire @ Goshen - We had live fire at Goshen's Training Facility and ran the recruits through scenarios. The facility was just smoked up so we could build the muscle memory of skills that we do when it comes to house fires. They kept forgetting what to do and were not working together as a team. The instructors have to reteach everything that we already went over.

July 29 & 30, 2021 - Live Fire @ South Bend - We did scenarios with the recruits on live fire to put all the skills that they learned together. They did not meet our expectations on completing the tasks. One of the recruits walked out on their partner; another forgot how to force a door then started kicking it and running his shoulder into the metal door. One of the recruits froze when they were upstairs to put the fire out and stated "I can't do this." One of the recruits threw a fit and started yelling at their partner and took their partner's tool from them. The recruits didn't listen to instructions. One of the recruits pulled the bundle line and then asked the instructor "how do I stretch this, I don't remember." We had to pull one of the recruits off of a ladder because they were about to fall carrying a chainsaw. The South Bend instructors said that our recruits were horrible. They stated that our recruits were not listening and were not working as a team. During the search evolutions the recruits were not listening and keep saying that they were tired.

William Kornrumpf

Division Chief of Training

Elkhart Fire Department.