

AGENDA
FIRE MERIT COMMISSION
Monday, March 13, 2023
3:30 P.M.

Council Chambers

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

<https://coei.webex.com/coei/j.php?MTID=m823a3ef8b2fdecd289504087d4212782>

MEETING NUMBER (Access Code): 2307 258 6041

MEETING PASSWORD: Fire23

JOIN BY PHONE: 1-415-655-0001

- 1. Call to Order**
- 2. Roll call**
- 3. Approve Agenda**
- 4. Approve Minutes- Regular Meeting February 27, 2023**
- 5. Fire Department**
 - Request to Hire Zach Hoetger**
 - Swearing in Ceremony**
 - Tabled Item: Request to Modify Fire Merit Commission Rules: Policy 1304.1 Promotional Process**
- 6. IAFF Local 338**
- 7. Public Participation**
- 8. Adjournment**

FIRE MERIT COMMISSION
Monday, February 27, 2023

President Mandy Leazenby called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, February 27, 2023. Nancy Wilson called the role. Commissioners Mandy Leazenby, Doug Bowlby, Bunita Fields-Buggs and Jim Rodino were present. There is one vacancy on the FMC.

1. AGENDA

On motion by Jim Rodino, seconded by Doug Bowlby and carried 4-0, the agenda was approved as presented.

2. APPROVE MINUTES- Regular Meeting February 13, 2023

On motion by Jim Rodino, seconded by Doug Bowlby and carried 4-0, the Minutes from February 13, 2023 were approved.

3. PUBLIC HEARING: FIRE MERIT RULES CHANGES TO ELKHART FIRE DEPARTMENT POLICY 1304.1 PROMOTIONAL PROCESS

President Mandy Leazenby opened the Public Hearing. Deputy City Attorney Kevin Davis presented proof of publication which appeared in the Elkhart Truth on February 16, 2023. Mandy Leazenby opened the floor for public comment.

Jason Gour, President of the IAFF Local 338 can forward to speak to the changes. He told the Commissioners he had an issue with Section D that says three copies of the proposed changes must be retained on file in the Chief's office ten days prior to the hearing and available for inspection by all members of the Department. Jason said he had no knowledge of the changes. He was aware of the Assistant Battalion Chief, but knew nothing about the Division Chiefs. He said he heard upper level policy making position is the reason for pulling that and cited State Code 36-8-1-12 which states that upper level policy making position refers to the position held by the Police Chief or the Fire Chief, and to each position held by members of the Police Department or Fire Department. In Section B, more than 10 but less than 201 members in the case of a Fire Department, that would be the next pay grade immediately below the Fire Chief for upper level policy making decisions. He asked the Commissioners to either deny or table for further discussion.

Seeing no other public coming forward to comment, President Mandy Leazenby closed the Public Hearing.

4. FIRE DEPARTMENT

Chief Shaun Edgerton presented a Request to Modify the Fire Merit Commission Rules: Policy 1304.1 Promotional Process. Chief Edgerton said the changes they are seeking are being asked for to right some wrongs that were done initially. There are issues with the Merit Rules. They include ranks that should not be included in the merit system. They have been addressed through the Mayor's Office with appointments. Those ranks were included in the merit system, meaning they were included in the bargaining unit, they were included in the pay ordinance. It took certain individuals pay and put it out of kilter. In order to address those issues, the rules need to be changed so we can bring those individuals back into the pay grade they should be. Right now we have Battalion Chiefs making more than Division

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Chiefs, and the Division Chiefs sit at a higher responsibility level than the Battalion Chiefs. Some pay increases are dictated by the pay ordinance, and others are by other circumstances. What you will see is some individuals outpace the others with the pay ordinance increases. These issues have to be rectified in order for the Fire Department to operate smoothly. Otherwise we have chaos within the ranks and people who are not being compensated correctly. Those individuals need to be out of the merit rules and out of the bargaining agreement in order to move them where they need to be. Chief Edgerton said the Battalion Chiefs and the Assistant Battalion Chiefs do the same job. His solution is to take the Assistant Battalion Chiefs out and make them all Battalion Chiefs. Mandy said they don't have enough information about the Division Chiefs to make a decision today. Chief Edgerton said they don't have to decide today. Deputy City Attorney Kevin Davis came forward and said the Division Chiefs are part of the Fire Department Regulations. The reason we need to make the change is to make the Fire Department Regulations match the State Statute, the Collective Bargaining Agreement, and the City Ordinance. The Division Chiefs are all Policy positions appointed by the Mayor. They can only be fired by the Mayor. The Fire Merit Commission does not have the power to fire a Division Chief. They are political appointees that are made on recommendation from the Fire Chief, and it is the Mayor that appoints them to that particular position. If you look at the Fire Department Regulations, they are confusing because they include the Division Chiefs in the Promotional Policy. It's not an actual promotional position, it's an appointed position. Under the statute, only the unit executive can appoint that position. We need to make the Fire Department Regulations match the state statute, and we need to make it match the Collective Bargaining Agreement, and we need to make it match the City Ordinance. Doug Bowlby asked Chief Edgerton if this is because they have a two-Battalion system (north and south). Chief Edgerton said yes, it is. Chief Edgerton explained the position of Battalion Chief will be tested and scored, and the Chief will make the recommendation to the Mayor for the appointment. Chief Edgerton said the Battalion Chief is one of the most important positions, because when someone gets there, they rarely leave, and that structures the Fire Department for decades. Mandy said she would like to table it to the next meeting. On motion by Doug Bowlby, seconded by Bonita Fields-Buggs, the Request to Modify the Fire Merit Commission Rules: Policy 1304.1 Promotional Process was tabled.

5. PUBLIC PARTICIPATION

Jason Gour came forward to comment on the Request to Modify the Fire Merit Commission Rules: Policy 1304.1 Promotional Process, but was unable to speak on that topic because it was tabled by the Commissioners.

6. ADJOURNMENT

On motion by Doug Bowlby, seconded by Jim Rodino and carried 4-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned 3:53 p.m.

Mandy Leazenby, President

Attest: _____ Doug Bowlby, Secretary



March 8, 2023

Rod Roberson
Mayor

Shaun Edgerton
Fire Chief

Rodney Dale
Assistant Fire Chief

Kristi Sommer
Assistant Fire Chief

David F Cushwa
Division Chief Operations

Fire Department
500 East Street
Elkhart, Indiana 46516

Phone: (574) 293-8931
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Email:
fire@elkhartfire.org

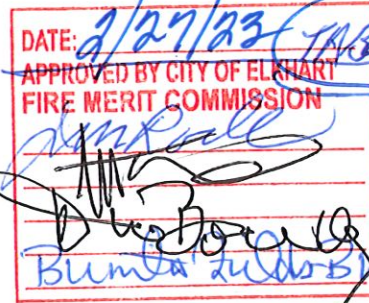
City of Elkhart Fire Merit Commission
Municipal Building
229 S. Second Street
Elkhart, IN 46516

Dear Commissioners,

Prospective Firefighter, Zach Hoetger, has passed all of the required testing, medical and psychological screenings, as well as the appropriate background searches, necessary to be employed with the Elkhart Fire Department as a Firefighter. I am requesting that you approved the hiring of this candidate and that he be sworn in at the Fire Merit Commission on March 13, 2023.

Thank you,

David F. Cushwa
Division Chief of Operations
Elkhart Fire Department



Fire Merit Board
229 S. Second St
Elkhart, IN 46514

02/22/2023

Rod Roberson
Mayor

Shaun Edgerton
Fire Chief

Rodney Dale
Assistant Fire Chief

Kristl Sommer
Assistant Fire Chief

Fire Department
500 East Street
Elkhart, Indiana 46516

Phone: (574) 293-8931
Fax: (574) 522-1023

Email:
fire@elkhartfire.org

Commissioners,

As Chief of the Fire Department, I am requesting that the rules of this Commission be modified. As configured currently, the Department rank structure enlists both Battalion Chiefs and Assistant Battalion Chiefs. I would ask that the rank of Assistant Battalion Chief be removed completely from the rank structure and all currently designated personnel be re-designated as "Battalion Chief". In conjunction with this change, I would request that the time-in-service requirement for "Battalion Chief" be amended to twelve (12) years from the published fifteen (15) currently in use. Requirement (ii) under section (I) would also need to be modified to read: "Have served in good standing at the minimum level of Captain with the Elkhart Fire Department for a minimum of two (2) years". In addition, remove all Division Chiefs from the promotional process to adhere to State statute. Those positions should be appointed by the Mayor.

The promotional testing for both positions is the same, and the requested changes would reflect the departments' current operational needs.

If there are any questions, please feel free to contact me.

Respectfully submitted,

Shaun Edgerton
Fire Chief

Cc: File

Promotional Process

1304.1 PROMOTIONAL PROCESS

A. The promotable ranks within the Elkhart Fire Department consist of:

- Driver/Operator (EMS and Fire)
- Suppression Lieutenant
- EMS Lieutenant
- Suppression Captain
- EMS Captain
- Inspector/Investigator
- ~~Assistant Battalion Chief~~
- Battalion Chief
- ~~Division Chief of Training~~
- ~~Division Chief of Bureau~~
- ~~Division Chief of EMS~~

B. The Fire Chief, ~~and~~ Chief of Operations, Division Chief of Training, Division Chief of Bureau and Division Chief of EMS are appointed by the Mayor of Elkhart.

C. Each position shall be described in a written position classification (job description) on file at the Elkhart Fire Department headquarters.

D. Each position has prerequisites of educational standards and years of experience that must be met before the promotional process is started.

E. The promotional prerequisites are as follow:

- Suppression Driver/Operator
 - i. Completed four (4) years of service as a career firefighter with a department.
 - ii. Obtain Indiana State Driver/Operator certification prior to promotion application deadline.
 - iii. Active status Indiana or Michigan Driver's License.
 - iv. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.
 - v. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.
 - vi. Complete the promotional testing process for said position.
- EMS Driver/Operator
 - i. Completed two (2) years of service as a career firefighter with a department.
 - ii. Active status Indiana or Michigan Driver's License.
 - iii. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.

Elkhart Fire Department

Policy Manual

Promotional Process

iv. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.

v. Placed on eligibility list by the Elkhart Fire Department seniority list.

- Suppression Lieutenant

i. Completed six (6) years of service as a career firefighter with a department.

ii. Have served in good standings as an Elkhart Fire Department Suppression Driver/Operator.

iii. Obtain Indiana Fire Officer I and Instructor I by promotion application deadline.

iv. Active status Indiana or Michigan Driver's License.

v. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.

vi. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.

vii. Complete the promotional testing process for said position.

- EMS Lieutenant

i. Completed six (6) years of service as a career firefighter with a department with a minimum of two (2) years as an Indiana State licensed/certified Paramedic, that has been cleared to perform alone as a Paramedic by the Elkhart County Medical Director.

ii. Obtain Indiana Fire Officer I and Instructor I by promotion application deadline.

iii. Active status Indiana or Michigan Driver's License.

iv. Have served in good standings as an Elkhart Fire Department EMS Driver/Operator.

v. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.

vi. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.

vii. Complete the promotional testing process for said position.

- EMS Captain

i. Completed ten (10) years of service as a career firefighter with a department.

ii. Hold a valid Paramedic License issued by the state of Indiana

iii. Must be clear and affiliated with current providing hospital.

iv. Have served in good standings as an Elkhart Fire Department EMS lieutenant for a minimum of two years.

v. Obtain Indiana Officer II within one year from time of promotion.

vi. Active status Indiana or Michigan Driver's License.

vii. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.

viii. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.

Promotional Process

ix. Complete the promotional testing process for said position.

- **Suppression Captain**

- Completed ten (10) years of service as a career firefighter with a department.
- Have served in good standings as an Elkhart Fire Department Suppression Lieutenant for a minimum of two years.
- Obtain Indiana Fire Officer II within one year from time of promotion.
- Active status Indiana or Michigan Driver's License.
- Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.
- Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.
- Complete the promotional testing process for said position.

- **Inspector/Investigator**

- Completed eight (8) years of service as a career firefighter with the fire department.
- Have served in good standings at the minimum level of Lieutenant with the Elkhart Fire Department.
- Obtain Indiana Fire Inspector I, II, and Fire Investigator I, by promotion application deadline.
- Active status Indiana or Michigan Driver's License.
- Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.
- Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.
- Complete the promotional testing process for said position.

- ~~**Assistant Battalion Chief**~~

- ~~Completed twelve (12) years of service as a career firefighter with a department.~~
- ~~Have served in good standings at the minimum level of Captain with the Elkhart Fire Department for a minimum of two years.~~
- ~~Obtain Indiana Fire Officer II by promotion application deadline.~~
- ~~Active status Indiana or Michigan Driver's License.~~
- ~~Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.~~
- ~~Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.~~
- ~~Complete the promotional testing process for said position.~~

- **Battalion Chief**

- Completed ~~fifteen~~ twelve (15/12) years of service as a career firefighter with a department.

Promotional Process

- ii. Have served in good standings at the ~~position of Assistant Battalion Chief, or~~ higher minimum level of Captain with the Elkhart Fire Department for a minimum of two years.
- iii. Obtain Indiana Fire Officer II by promotion application deadline.
- iv. Active status Indiana or Michigan Driver's License.
- v. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.
- vi. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.
- vii. Complete the promotional testing process for said position.

~~• Division Chief of Bureau~~

- ~~ii. Completed twelve (12) years of service as a career firefighter with a department.~~
- ~~iii. Have served in good standings at the minimum level of Inspector/Investigator with the Elkhart Fire Department for a minimum of two (2) years in such position.~~
- ~~iv. Hold Indiana Inspector I/II and Investigator I certifications.~~
- ~~v. Obtain Indiana Fire Officer II within one year from time of promotion.~~
- ~~vi. Active status Indiana or Michigan Driver's License.~~
- ~~vii. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.~~
- ~~viii. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.~~
- ~~ix.i. Complete the promotional testing process for said position.~~

~~• Division Chief of Training~~

- ~~ii. Completed twelve (12) years of service as a career firefighter with a department.~~
- ~~iii. Have served in good standings at the minimum level of Captain with the Elkhart Fire Department for a minimum of two years.~~
- ~~iv. Indiana Fire Officer II, current Instructor II/III, Driver/Operator, Investigator I, and Inspector II/III certifications.~~
- ~~v. Active status Indiana or Michigan Driver's License.~~
- ~~vi. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.~~
- ~~vii. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.~~
- ~~viii.i. Complete the promotional testing process for said position.~~

~~• Division Chief of EMS~~

- ~~ii. Completed fifteen (15) years of service as a career firefighter with a department.~~
- ~~iii. Obtained Indiana Fire Officer II by application for promotion deadline.~~
- ~~iv. Obtain Indiana Fire Instructor II/III by application for promotion deadline.~~
- ~~v.i. Current Indiana licensed Paramedic, and has held Paramedic license/certification for a minimum of ten (10) years.~~

Promotional Process

- ~~vi. Active status Indiana or Michigan Driver's License.~~
- ~~vii. Successful completion of a department Emergency Vehicle Operations course within twelve months of the promotion application deadline.~~
- ~~viii. Be in good standings without receiving any disciplinary suspension within twelve months prior to the application deadline.~~
- ~~ix. ii. Complete the promotional testing process for said position.~~

F. The Commission hereby recognizes and approves any eligibility lists established by the 2016 promotional process. The Commission upon recommendation by the Fire Chief shall appoint any person from those eligibility lists to the applicable rank. These eligibility lists shall expire two (2) years from the date each list was established, and the selection process described herein for establishing each eligibility list shall be applicable.

1304.2 PROMOTIONAL TESTING PROCESS

A. The Chief of Training will submit a request to conduct a promotional exam process to the Merit Commission when deemed necessary, after the previous eligibility list for said rank is exhausted, or has reached the two (2) year eligibility date.

B. The promotional process will consist of:

- Written exam
- Practical/Assessment
- Interview/Evaluation
- Performance Record Review

C. The application deadline for promotion will be set ten (10) days prior to the first exam date. Qualifying firefighters must submit their application for promotion by 5:00 pm of the application deadline date.

D. The firefighter is responsible for attaching all and any certifications applicable to the position, to their application. The application shall include a professional resume for the desired position.

E. All applications must be submitted in writing to the Chief of Training, by the application deadline. Email applications are not accepted.

F. An information packet will be provided to the firefighter, upon submission of their application for promotion. The packet will include, but is not limited to; details about the process, a copy of the policy governing the test, contact personal (if applicable), additional information and/or directions.

G. In the event the Chief of Training is testing for any position, the Chief of Operations will conduct the examination process.

H. Notification of the process with specific times and locations for the exams for the written and practical (assessment) portions of the promotional exam process will be published by email and posted at each fire station, thirty (30) days prior to the written exam. Two exam sessions will be provided, however firefighter's will be allowed to sit for a promotional exam, while on-duty if they have submitted such request in writing to the Chief of Training, ten (10) business days prior to