

MEMORANDUM

DATE: September 29, 2015

TO: Fire Chief Brad Jones
Deputy Fire Chief Cam Haller
Fire Lieutenant Bret Kittle
Fire Lieutenant Dallas Davis (IAFF Local 912 President)
Firefighter Mark Pleiman (IAFF Local 912 Vice President)

FROM: Mark S. Cundiff, City Manager

SUBJECT: Fire Lieutenant Kittle's Allegations of Harassment and Discrimination Against Deputy Fire Chief Haller and Fire Chief Jones

On June 12, 2015, Fire Lieutenant Bret Kittle sent an email alleging that Deputy Fire Chief Haller was discriminating and harassing him to myself, Human Resources, and Union Officials. On June 19, 2015, he sent another email making the same claims as well as a number of other allegations against Fire Chief Jones. As a result of these allegations, I ordered HR Manager Allen and Assistant City Manager/Public Works Director Clough to perform an internal investigation. They interviewed all current Sidney Fire Department employees, as well as former SFD employees, during this investigation. This memorandum of findings is broken into three parts: 1) Findings relating to discrimination allegation against Deputy Fire Chief Haller and Fire Chief Jones; 2) Findings relating to harassment allegation against Deputy Fire Chief Haller and Fire Chief Jones; and 3) Findings related to other allegations against Fire Chief Jones.

Findings: Alleged Discrimination:

The investigation showed no evidence of Lieutenant Kittle being discriminated against by either Fire Chief Jones or Deputy Fire Chief Haller. Lieutenant Kittle indicated he felt that he was being discriminated against due to his medical restrictions by being asked to fulfill all the duties of a Fire Lieutenant. These restrictions, however, were not placed by a medical professional, but rather by Lieutenant Kittle himself. In fact, the City's doctor had released Lieutenant Kittle to full duty, but it was Chief Jones who agreed to temporarily accommodate Lieutenant Kittle by not having him respond to events happening between 11:00 pm and 7:00 am. Requiring Lieutenant Kittle to be seen by a medical professional to assess his fitness for full duty as a Fire Lieutenant is not discrimination.

Findings: Alleged Harassment:

Lieutenant Kittle accused Deputy Chief Haller of harassment when Deputy Chief Haller informed Lieutenant Kittle that he needed to trim his moustache to his jaw line in order for there to be a tight seal when wearing SCBA equipment. Lieutenant Kittle further alleged that Deputy

Chief Haller continued to make comments about his moustache in front of others, and he felt that this was harassment. However, he felt that other Fire personnel could tease him about his moustache, but not Deputy Chief Haller. Every Fire Department employee interviewed indicated they had joked or heard others joking about Lieutenant Kittle's moustache and that he did not seem offended. They also indicated that they had heard Lieutenant Kittle himself joke about his moustache. The investigation concluded that this claim of Harassment over Lieutenant Kittle's moustache was without merit as Deputy Chief Haller was following departmental policy and other Fire personnel had received similar orders to trim their moustaches in order to have a tight seal.

Findings: Other Allegations:

In the course of the investigation, the interviews of the current Fire Department personnel revealed some other issues the department personnel were having with the Fire Department Administration, particularly with Chief Jones. Some of these issues, when taken alone, are not a major issue, and can be described as hurt feelings. However, when taken together and discussed amongst the department, become a bigger issue impacting departmental morale.

There were, however, complaints that arose from the departmental interviews in the following areas: Interpersonal Communication; Staffing; Leadership; Radios; and Promotional Testing.

Interpersonal Communication: This complaint centered on the perception that Chief Jones doesn't communicate directly with the firefighters (he has other staff do it), he doesn't always follow up with firefighters when they ask questions, and when provided a list of issues that the firefighters had, he agreed to meet to discuss them, and then didn't discuss the issues to their satisfaction. Chief Jones indicated that he has gotten back with answers to his questions and feels they are kept informed. Clearly this difference of opinion needs to be addressed.

Staffing: There is a feeling that the fire crews are answering more calls with less staff, and that Chief Jones has added required training on open days, particularly on Fridays. Chief Jones has made budget requests to add back the staff that was cut during the Great Recession the past four years. Unfortunately, the City's finances have not allowed this. I can attest that Chief Jones has argued passionately to add these positions back. The establishment of required training is an effort to have a highly trained department. Finding the time to conduct this training without impacting employees on open dates would be almost impossible to do.

Leadership: The firefighters feel that Chief Jones changes directives and the way they are supposed to fight fires on a regular basis. They mentioned two major rescues that the Chief did not show up at. They also are concerned that he doesn't take charge at fires/rescues and this causes them to question if he has the ability to manage a major event. They also mentioned that he does not hold himself to the same high standards that he holds them to. Much of these concerns also deal with communication. There likely is a very good reason why the Chief was not at the two rescues or he doesn't always take charge at an incident, and that was not relayed effectively to the firefighters. Chief Jones' experience as a firefighter in a larger community would have provided him with experience in incident command.

Radios: Communication at fire scenes used to be on the Main Channel. The firefighters feel that this worked fine most of the time, and if they were inside a structure fire they could communicate directly with the incident commander outside the structure and that commander could send more personnel into the structure if there was a “mayday” call. Chief Jones moved the communication to the OPS Channel which has the firefighters communicating with dispatch. The firefighters are of the opinion that this puts them in harm’s way since they cannot communicate with the incident commander directly. Chief Jones has fought for budget requests that would make his personnel safer over the past four years. I am very confident, in fact certain, that he would never take any action that would endanger the firefighters. He has asked for and received in the 2016 Budget for funding to have a consultant come in and look at the radio system. I would expect that the Union leadership will be involved with, and have input into, this study.

Promotional Testing: There are perceptions that Chief Jones did not answer questions regarding the Assessment Centers given as part of the most recent promotional testing, and that he back-dated a letter of interest. A firefighter wanted to review the tape of his assessment center. Chief Jones indicated when he contacted the Ohio Fire Chiefs Association they told him that candidates were not allowed to see the tapes, and he passed that information along to the firefighter. The firefighter indicated that the Chief never got back to him. A member of the department indicated that he had turned in a letter of interest on a Monday which was after a Friday deadline. He told investigators that he was called in by the Chief or the Clerk/Typist to sign a letter which was dated for the Friday deadline. It is a mystery to me why the Fire Chief is so involved with Human Resource matters. Apparently at some point in the past a previous City Manager gave the authority to the Fire Chief to be more involved in the Civil Service processes. To resolve this issue, from this point forward all Letters of Interest and any questions about Assessment Centers or the Promotional Process will be handled by the Human Resources Department rather than the Fire Administration.

Conclusion:

In summary, I offer the following findings:

The investigation found no evidence of Lieutenant Kittle being discriminated against by either Fire Chief Jones or Deputy Fire Chief Haller.

The investigation concluded that the claim of Harassment over Lieutenant Kittle’s moustache was without merit.

There is improvement that needs to be made in how the Fire Administration and the Fire personnel communicate with each other. The Administration and the Union need to meet to work out a plan to improve communications and address other issues impacting morale. Perhaps Team-Building and other exercises would be helpful.

Chief Jones has not ignored staffing issues and has requested additional staff in every budget since I’ve been City Manager. The City’s finances have not allowed these requests to be approved, but that is not the fault of Chief Jones.

Both the Fire Administration and Fire Union need to work together with the radio consultant to find a solution that is satisfactory.

Human Resources will be charged with the handling of all Civil Service testing.