

SPRINGDALE CIVIL SERVICE COMMISSION

AGENDA

Police Dept. Tactical Training Room
201 Spring Street

Tuesday December 9, 2024 8:30 a.m.

1. Call to Order - Chairman Bob Downum
2. Roll Call
3. Approval of minutes from 10/14/24 & 11/12/24
4. Fire Dept-Chief Blake Holte
 - Request to extend the fall application deadline (see attachment)
5. Enter Executive Session for Police Dept entry level candidate interviews
6. Close Executive Session to certify candidate list
7. Adjourn



SPRINGDALE FIRE DEPARTMENT

■ www.SpringdaleAR.gov ■ 417 Holcomb St. ■ (479) 751-4510

Request application deadline extension:

Our current application deadline is December 13th. Fayetteville Fire Department, who organizes the Candidate Physical Ability Test for the region added a date of December 14th to the schedule. Our hiring policy requires that applicants upload a current CPAT certification prior the application deadline.

We request that the deadline for fall of 2024 be extended to 5pm Wednesday, December 18th. This will allow us to accept certifications for any who complete the December 14th exam.

Civil Service Commission members in attendance:

Bob Downum
Greg Tuck
Danny McGinley
Terry Page
Julie Loper

Others in attendance:

Asst. Police Chief Derek Hudson
Captain Derek Wright
Captain Jeff Taylor
HR Director Gina Lewis
Sarah Manweiler
Fire Chief Blake Holte
Asst. Fire Chief Michael Bronner
Asst. Fire Chief Jim Vaughn
City Attorney Ernest Cate
Mayor Doug Sprouse
Captain Pat Lee
Police Chief Frank Gamble-Via Zoom

Bob Downum called the meeting to order at 10:00 a.m.

APPROVAL OF MINTUES

Commissioner Danny McGinley made the motion to approve the Civil Service Commission minutes for the meeting on September 30, 2024. Terry Page made the second.

There was a voice vote of all ayes and no nays.

FIRE CHIEF COMMENTS

No one was present from the mentoring/recruiting group. Chief Holte explained that there is a mentor for each applicant that applies to the Fire Dept. The mentor reaches out to let the applicant know what steps need to be done. The mentor group was wanting to know from the Civil Service Commission what they are looking for when they interview applicants.

Tim Campbell is the member of the recruitment team that asked about this, and will reach out to the commission if they need anything further.

Chief Holte said he changed his approach on changing the Civil Service Manual after he reflected on it. Instead of a change to the wording on the medical marijuana policy, he is proposing an addition to it. He handed the commissioners a print out from the Civil Service Manual, The City of Springdale Personnel Manual, and his proposed addition was the highlighted portion. Commissioner Tuck read the proposed addition and said he was against changing the Civil Service Manual because it seems like a work around the Springdale Personnel manual policy. He said he thinks the City Personnel manual would need to change before he felt comfortable changing the Civil Service manual because of it setting a precedent. He also said they would have to answer to the citizens of Springdale since that's who they represent.

Chief Holte explained that he disagreed because there are ways of accommodating employees that are not in safety sensitive positions, or can have a medical marijuana card and still work for the city.

Commissioner Bob Downum said yes, but they don't work in a safety sensitive position. Ernest Cate added those employees also don't have a right to appeal their termination like Civil Service employees do.

Chief Holte said an employee that is terminated and rehired, can apply and get another position. For the Fire Dept they have to go through the whole hiring/testing process again. He added changing the wording to allow reinstatement, would just give the option of doing this, not making it mandatory that they would have to reinstate an employee.

Commissioner Downum used the example of: if this change was made and they reinstated someone that tested clean, then that employee had an accident, where would the city be since the person had a history of marijuana use.

Chief Holte stated he understands the hesitance. As a dept head there are other substances he is more worried about because they can use them and still work. He said their practices are the supervisors on duty are supposed to identify if anyone is impaired. On duty use of drugs and alcohol is something they are aware of every day. It doesn't matter if its hydrocodone, marijuana, or amphetamines that people take for ADHD. He continued, people identify marijuana as being the problem, but as a dept manager its no different than alcohol, prescription medication, etc.

Commissioner Greg Tuck stated he understands all of that, but if the police or fire dept want to change the civil service manual, it needs to be changed in the Springdale personnel policy first. Its not the responsibility of the Civil Service Commission to change a whole Springdale policy.

Chief Holte said it would only change that they would be able to be reinstated. Tuck said but again, that sets a precedent for the next person and what ever that situation may be.

HR Director, Gina Lewis said they try with the City of Springdale Personnel manual to follow the Civil Service manual. This would be a section that something got missed and the Civil Service manual doesn't match the personnel policy. She continued saying she didn't see this as a work around so much as adding to the Civil Service policy to mirror what the city is already doing for non-civil service employees.

Cit Attorney Ernest Cate said he doesn't disagree with that, but also wanted to point out that what they want to add to the Civil Service side is if an employee is terminated for medical marijuana use, they have already violated the city policy in the Civil Service manual that states they are required to disclose

if they become a user of medical marijuana. The city will attempt to make accommodations for a non-safety sensitive position, and if one is not available the employee would be terminated and eligible for rehire. If you add in the Civil Service manual; after termination for medical marijuana policy, they have already either violated city policy on disclosing that they were a user of medical marijuana or they did disclose and city was unable to make accommodations, in which they will be eligible for rehire.

Chief Holte said yes, rehire but not reinstatement, and that's what they are trying to get added.

Ernest stated his understanding of reinstatement provision is as stated; resigned with a good record. Those that may want to do something else, and decide within a year they wanted to come back. He added this is the way it's always been utilized.

Commissioner Tuck said which is what we did in the appeal. We upheld the Chief's decision to terminate which was based on not following the policies and procedures of the City. We were charged with agreeing or not agreeing.

Ernest Cate added that he is eligible for rehire.

Commissioner Bob Downum asked Chief Holte if the medical marijuana thing a problem for the Fire Dept, and asked if this is for one person or is this an issue with a lot of people.

Asst Chief Michael Bronner said it's not necessarily a problem, but it's used for PTSD. One thing to look at is if a member had a very traumatic incident; tried multiple options and followed the city's policy to a tee; but the City was not able to accommodate, so the employee takes the termination. Then in six months they feel better without having to use it anymore, and wanted to come back, the way the Civil Service manual currently states, they wouldn't be able to be reinstated. This isn't something that happens a lot, but given that example, he wouldn't say it wouldn't ever happen.

Ernest Cate said he could see the proposed language to change to allow someone that followed all the rules and an accommodation couldn't be made, then they could be reinstated. However, that is not what happened with Mr. Kidd in this particular situation because he did not disclose that he was becoming a user.

Michael Bronner mentioned it does have to be an employee the dept would want back as well. Its not just to give anyone a free pass to come back. The dept needs to have the desire for the person to come back. Regardless of all that being met, it should still be up to the Chief and dept if they want the person back.

Greg Tuck said he thinks this could set the city up for problems down the road and possible suing the city because we have set that precedent.

Bob Downum said getting back to the one individual, Mr. Kidd, this is not the same situation.

Commissioner Terry Page said he understands what they're talking about, preventative measure which is separate from Mr. Kidd's issue.

Michael Bronner said if something was more spelled out, than a person might not have to feel as there is nothing, they can do other than choose between their health or their job. It would give people more hope, and wouldn't make people as desperate as he was at that time. Especially when the argument of something that is occupationally induced.

Terry Page thinks the City Personnel Policy has to bear it instead of putting it on the Civil Service Commission.

Ernest Cate again mentioned the way the policy is written in medical marijuana policies if accommodations can't be made then there's termination, but they are eligible for rehire.

Bob Downum said safety is number one priority. A fire dept employee could cause another employee to be injured.

Chief Holte understood what they were what they were saying, but explained that's not how it works. Just as an example with Mr. Kidd, he wouldn't come back at the rank he was because there are no Driver/Operator positions open, so he would be demoted, lost over 2100 hours of PTO, all his retirement is now reduced. The reality is that there is a severe penalty which hurts for the rest of your career.

Greg Tuck stated they all know the rules. It's not a surprise, so if it were to happen, the result would likely be what is happening here.

Chief Holte said if the commission elects to do nothing, he respects them all as a board; however, just looking globally as industry; things are changing and there will change over the next few years. Fayetteville does not test, Central EMS has an exception for medical marijuana, as well as Bella vista, Centerton, and others.

Greg Tuck stated what he was saying is if the policy needs to change, it shouldn't fall on the Civil Service Commissioners. It should change from the City's personnel manual first.

Chief Holte agreed. Tuck continued saying the commission can't decide whether the City of Springdale tests or doesn't test.

Chief Holte state he was not saying Springdale shouldn't test; just that there are agencies that don't test or have exception because of how big this issue has become. We don't want to change the policy today, we just want an option for reinstatement.

Commissioner Julie Loper said she knows this doesn't have to do specifically with it, but thinking back to the last interviews, the dept is doing something right because they had a lot of very qualified applicants.

Mayor Doug Sprouse stated he's not sure this is a good idea either but in the broader spectrum of things when talking about pay and incentives as a city, as he thought about what the chief said, the city is competing to retain our employees. There are some cities that we can't keep up with just pay, so we have to be willing to adjust and look at other things, even if we don't personally like, in order to compete in that realm in retaining our talent. He continued, not saying specific to this issue, but talking about other cities and regions, the reality is we may have to stretch ourselves.

Greg Tuck added, and that's where I think the city policy needs to change, not have the commission change the Civil Service manual.

Michael Bronner said even if the city did change the personnel manual, the Civil Service manual would still have to be amended.

Greg Tuck said at that point he didn't have a problem to discuss changing the policy.

Bob Downum mentioned he would still have an issue with it because of safety. Stating if Springdale doesn't test as much, how many others would slip through.

Greg Tuck said, we would be more open to giving this consideration if the overall city policy was already there.

Bob Downum asked if there was a position in the Fire Dept that isn't a safety sensitive position.

Chief Holte answered that they are all safety or security sensitive. He also asked how many positions are safety positions that aren't Police or Fire.

Gina Lewis answered that there are several. Examples were: people that deal with chemicals (like aquatic center), drive public works big trucks, etc. are all safety sensitive.

Bob Downum said so currently if it's a safety sensitive position that is not civil service and you tested them for marijuana...

Gina said if they were safety sensitive they would be fired. Then they could be rehired if they do alternative treatments and follow through with what the city set up for them as ongoing drug testing for a period of time. It would depend if a position was open whether it could be reinstatement or rehired.

Ernest Cate stated he felt the policy already addresses that. It says they can be eligible for rehire. Not reinstatement, which is completely different.

Greg Tuck said if Mr. Kidd would have accepted the other position within the city what would he have lost?

Gina answered, he would have most likely gone to a civilian position so he would lose his LOPFI retirement, and most likely lose pay due to a lower pay grade.

Mayor Sprouse said he would just like to remind everyone that Chief Holte, Chief Gamble, or any other dept head, he can assure you that while Chief Holte may be asking for a tool in his tool chest, but none of them would ever do anything to put anyone in harms way. Once they're gone, the commission will hire someone that will also never not have safety as their first concern. So, I want you to separate having this tool to use, doesn't mean we would have to use it. It just means its there incase we need to. We will still have safety as the utmost priority. Maybe this is something we need to look at as a city policy. It might be permissible but will never sacrifice anyone's safety.

Bob Downum agreed, saying he thinks these guys are wonderful, it's just something that slipped through the crack where the policies don't align.

Terry Page said they are looking at 2 different situations. Employees coming forward in truthfulness and Mr. Kidd's situation. He said this needs to be worded different in order to protect our employees going forward.

Julie Loper said one change from what is currently proposed should be; in order to be eligible for reinstatement they will be required to have extra testing.

Chief Holte stated, regarding Mr. Kidd, they did talk with him and HR to develop a protocol that if he were to be reinstated, he would have to follow. If he was to be rehired it is different because then he starts as a new employee and would be just like any other new employee.

Ernest Cate said again, the way the personnel manual is currently written, it requires the employee to come forward if they are about to become a user of medical marijuana. If someone doesn't follow the rules and gets terminated, that's a different situation. He continued saying he's not sure there is much that needs to be changed. As long as the employee is truthful, its there already.

Michael Bronner said the difference is any other employee can get rehired and start within a couple weeks; the Fire Dept (and Police Dept) is tied to a specific hiring schedule, testing process, etc, which depending on when it is, could be months later.

Bob Downum asked, if we changed the wording to "would be required to have additional drug testing", would you be good with that? If we go with reinstatement, with alternative treatment.

Chief Holte answered, essentially that's what we're going for. We have more control with reinstatement because we can put conditions on a reinstatement, whereas a rehire we don't because its essentially a new hire.

Ernest Cate stated, the way the policy is written, it's set up to help someone that comes in and is upfront. If someone hasn't followed policy by disclosing, they are going to be a user, then they're terminated. Civil service employees do have the right to appeal. He doesn't feel like a change needs to be made because if the person is up front about it and is honest, there are conditions already in the policy for that.

Greg Tuck asked, did the Chief have to terminate Mr. Kidd?

Ernest Cate answered, in this case yes, but if the policy had been followed, then these alternate accommodations could have possibly been made at that point.

Chief Holte said to keep in mind, until 2023 we didn't have provisions in the policy for medical marijuana. Mr. Kidd would have been terminated because there were no other chances.

Terry Page asked if the city has education for the employees that they know they can come forward for PTSD, so they don't have to be untruthful.

Chief Holte answered they don't encourage marijuana use, and they don't want to. They do have a well-developed behavioral health program, and the employees are aware it's available.

Mayor Sprouse added that it is city wide

Commissioner Danny McGinley agreed with Mayor. Saying that they may need that tool, but it will have stipulations.

Michael Bronner stated just because we don't want something to happen, doesn't mean its not going to. We have been trying to be proactive in ways to reduce the risks. There are things we do to make sure that anyone responding to emergencies is not under the influence of any substances.

Danny McGinley said to let the Chief change the wording like the commission asked.

Bob Downum said he wasn't sure about changing it at this point.

Danny McGinley added, the reinstatement issue is the tool the dept needs. If it's not today, they will need it in the future.

Bob Downum asked Ernest Cate if he thinks they should do anything with the way it is written.

Ernest responded that he felt the way it is, it already contemplates this situation if handled properly unless someone doesn't follow policy. As the way it's currently written, employees are obligated to come forward if they become user of medical marijuana. At that point other accommodations can be explored, and they don't get terminated. They are eligible for rehire, but not reinstatement.

Civil service has extra rights that regular employees don't have. They have the right to appeal to Civil Service Commission and Circuit Court.

Julie Loper said we want the most options within the safety realm, but asked Ernest if what he's saying is the policy is already written in such a way that if the employee is forthcoming, he already has that tool available.

Michael Bronner said there were some options for Mr. Kidd. He wanted to continue using the medicine, and the job offered was less than half of what he was making. Which is why he chose to say no, I'll take the termination. We thought we could work this out if things change, then realized the policy was different in the Civil Service manual from what we thought we could do. We thought we were on the same page until we realized the policies don't align.

Greg Tuck said no one is going to make a motion today to accept this. If there is different wording brought, they could look more into it then.

Bob Downum stated, no disrespect Mr. Kidd, but you did lie. If you would have been up front, I do think things would have been different. He said they are at a no on this for now. He continued, saying they were going to executive session to discuss applications.

Commissioner Julie Loper made the motion to enter into executive session. Greg Tuck made the second.

Entered into executive session at 11:14 am.

Exited executive session at 12:01 pm.

Bob Downum stated what the commission determined is Human Resources will pre-interview the applicants, and get those to the commission by November 8th. There will be a called Civil Service meeting on November 12th at 9:30 am in the Police Tactical Training room, to go over the interviews in executive session.

Julie Loper added, what they would like from HR is a summary of what was discovered in their interviews.

Bob Downum said right now there are 9 applicants that we will narrow down a little for HR.

The meeting adjourned 12:03 pm.

Bob Downum, Chairman or Greg Tuck, Secretary

Date

Civil Service Commission members in attendance:

Bob Downum
Greg Tuck
Julie Loper
Danny McGinley-Zoom
Terry Page-Absent

Others in attendance:

Police Chief Frank Gamble
Asst. Police Chief Derek Hudson
Captain Derek Wright
City Attorney Ernest Cate
HR Director Gina Lewis
Chief of Staff Colby Fulfer
Sarah Manweiler
Fire Chief Blake Holte

Bob Downum called the meeting to order at 9:30 a.m.

Commissioner Julie Loper made a motion to move into Executive Session. Greg Tuck made the second.

The meeting adjourned into executive session for Fire Department Interviews at 9:31 a.m.

Civil Service Commission returned from executive session at 12:40 p.m.

Commissioner Greg Tuck said the commission decided they would interview 3 candidates for the police chief position. Asst Chief Derek Hudson, Captain Derek Wright, and Dustin Ivey, a captain for Maumelle Police Dept.

Commissioner Bob Downum said at the meeting on December 9, they would decide when to interview the candidates.

There were no other comments

The meeting adjourned at 12:42 p.m.

Bob Downum, Chairman or Greg Tuck, Secretary

Date