

**Official Proceedings of the Battle Creek Civil Service Commission
City Hall
10 N. Division Street
Commission Chambers
Battle Creek, Michigan
January 31, 2023
1:00 P.M.**

MEMBERS PRESENT: Commissioners Calvin Hardin and Chris McCoy

MEMBERS ABSENT: Commissioner Chris Dopp

STAFF PRESENT: Victoria Houser, City Clerk: Bill Beaty, Fire Chief: Jonathan Baber, Deputy City Attorney: Michelle Hull, HR Director: Chelsea Sears, HR Generalist

OTHERS PRESENT:

CALL TO ORDER: Commissioner McCoy called the meeting to order at 1:00 PM.

APPROVAL OF MINUTES

Commissioner McCoy noted the first order of business was to approve the December 19, 2022 Civil Service Commission minutes.

Comm. McCoy, supported by Comm. Hardin, made a motion to approve the Civil Service Commission meeting minutes of December 19, 2022. All in favor, none opposed. Motion approved.

PETITIONS AND COMMUNICATIONS: Clerk Houser noted a request from Kevin Lohrke to be removed from the 2021 Fire Training Officer Eligibility List.

REPORTS: There were no reports.

UNFINISHED BUSINESS: There was none.

NEW BUSINESS:

1. Acceptance of the request from Kevin Lohrke to be removed from the “2021 Fire Training Officer Eligibility List”

Comm. Hardin, supported by Comm. McCoy, made a motion to accept the request of Kevin Lohrke to be removed from the 2022 Fire Training Officer Eligibility List. All in favor, none opposed. Motion approved.

2. Proposed Rule Changes

A. Rule 4: Filling Vacancies above the rank of Firefighter: (2) Time in Lower Grade

- 1. Fire Marshal and Fire Inspector position and next lower rank**
- 2. In the event no person in the next lower rank meets the minimum criteria for eligibility for promotion and/or if persons eligible for the promotion in the next lower rank do not seek promotion, the Civil Service Commission authorizes the City to lower the requirements for promotional testing in accordance with MCL 38.512 Sec. 12(2) of the act, without coming before the Commission, as follows:**
 - a. First Sign-Up: to candidates with 2 years in the next lower rank and 5 years in the department, if none;**
 - b. Second Sign-Up: to candidates with 2 years in the next lower rank and 3 years in the department, if none;**
 - c. Third Sign-Up: to candidates who do not have 2 years in the next lower rank: as to all intent and purposes as though 2 years of service had been completed.**

Jonathan Baber, Deputy City Attorney, stated the request to have the Civil Service Commission approve this amendment to the Civil Service Rules, in accordance with Public Act 78, to allow the Fire Department to continue the sign-up for the promotional testing process. Attorney Baber noted this rule amendment would not affect more senior fire staff as the allowance for candidates with lesser service would only be allowed when staff that are more senior do not express an interest in participating in the promotional testing.

Michelle Hull, HR Director, stating she has been in contact with the Labor Attorney, noted more senior fire staff would have been eligible to sign-up for the promotional testing before an opportunity to sign-up was offered to fire staff with lesser service in the department.

Bill Beaty, Fire Chief, agreed there were some concerns when less senior staff members provided training to more senior fire department staff. Chief Beaty noted that with the promotional restrictions of the Public Act, there is a limitation on the ability to formally train fire officers without a Training Officer in place. Chief Beaty noted that although the Public Act allows the appointment of a Training Officer for a 90-day period, he did not have the ability to simply assign this role to a staff member who has no interest in the position.

Ms. Hull stated it was important to offer the opportunity for fire staff members to participate in the promotional process. Ms. Hull also noted some newer fire officers might have received training from their prior employer that may have provided them the skills and knowledge to be a training officer. Ms. Hull also noted that candidates who signed up for the promotional testing, was still required to pass the written test, the assessment exercise, and the probation period, noting formal training is also offered once a candidate is promoted.

Comm. McCoy expressed concern that the lowering of the standards not be a means to promoting someone as a favor, but to ensure the promotional process follows the law.

Chief Beaty expressed understanding of the Commission's concerns, however noting that it was important to ensure candidates had an interest in the Training Officer position.

Comm. Hardin stated he is still concerned with the lowering of the standards, particularly less service in the department or the next lower rank.

Comm. McCoy expressed concern with equity and diversity in the Fire Department.

Ms. Hull stated that the City could not consider hiring outside of the department unit the opportunity to participate in the promotional process was offered to all candidates as noted in the Public Act, noted the language proposed to be added to the Civil Service Rules were directly from the Public Act.

Comm. McCoy, supported by Comm. Hardin, made a motion to approve the rule changes to Civil Service Rule 4: Filling Vacancies above the rank of Firefighter: (2) Time in Lower Grade in accordance with MCL 38.512 Sec. 12(2). All in favor, none opposed. Motion approved.

B. Rule 6: Eligibility Lists – (2) Maintenance of Eligibility Lists

1. Eligibility Lists are to be maintained and kept current for all positions except Fire ~~(Inspector)~~ Marshal, **Fire Inspector**, Battalion Chief, Fire Lieutenant, Fire Captain and Training Officer, which will be, established when a vacancy occurs.

Comm. McCoy, supported by Comm. Hardin, made a motion to update the language for Rule 6: Eligibility Lists (2) Maintenance of Eligibility Lists to add Fire Marshall and Fire Inspector to establish an eligibility list when a vacancy occurs. All in favor, none opposed. Motion approved.

PUBLIC COMMENT: There were no public comments.

COMMISSION COMMENT: There were no commission comments.

NEXT MEETING: February 28, 2023 at 4:00 PM.

ADJOURNMENT: Commissioner McCoy adjourned the meeting at 1:36 PM.