

**Battle Creek Civil Service Commission
City Hall, Commission Chambers
10 N. Division Street
Battle Creek, Michigan
August 25, 2025
9:00 A.M.**

MEMBERS PRESENT: Commissioners Calvin Hardin and Chris McCoy

MEMBERS ABSENT: none

STAFF PRESENT: Victoria Houser, City Clerk: Marcel Stoetzel, Deputy City Attorney: Chelsea Sears, HR Generalist: Shannon Bagley, Interim Public Safety Chief: Kimberly Holley, DEI Officer

OTHERS PRESENT: Yoshimitsu Fujita, Union Representative, Kaciana Champlin, Jeffrey Lillard

CALL TO ORDER: Comm. McCoy called the meeting to order at 9:00 AM.

APPROVAL OF MINUTES: Comm. McCoy, supported by Comm. Hardin, made a motion to approve the Civil Service Commission meeting minutes of August 25, 2025.

All in favor, none opposed. Motion approved.

PETITIONS AND COMMUNICATIONS: Commissioner Flores has tendered her resignation from the Civil Service Commission, due to her appointment to the Board of Education.

REPORTS:

1. Removal of Candidate from 2025 Entry Level Firefighters Eligibility List:
Michelle Hull, Human Resource Director
Testing Materials, organization that provides information related to testing, CPI
JRI inc, producer of test, 2nd page, bottom, widespread adoption and industry standards, major federal and state agency approved, conclusion, evidence supports fairness of CPI test, show not clinically different scores based on ethnicity, evaluated fairly
McCoy, is there any evidence verifying this is not racially bias,
Hull, 2nd page samples
McCoy percentages are who took the test, or who passed the test, no evidence the test is not racially bias, does not tell number of minorities who passed the test, adverse impact,
Hull evidence in document suggest it is not biased, document provided has information, Personality Inventory, do not exhibit bias
McCoy feel that the scores of black applicants are high, but they do not pass psychological
Hull, sine 1997, had 18 failed psychological, and all were affirmed by CSC except one candidate in 1997, they asked about marriage, children, which are allowed during psychological, but not allowed in employment interview. Also, does not seem Mr. Franklin is contesting the psychological. Franklin was appeal as we did not deem him disabled, must pass psychological first, this is a condition of employment, rule in CS rules,
McCoy, 2 concerns, Mr. Franklins and mine, racial bias, concern about black applicants, who score high but then fail the psychological.
Hull, Appeal is about psychological, not number of applicants, Ms. Alred was allowed to take another psychological at her expense.

UNFINISHED BUSINESS: Continuation of Appeal Hearing for Jarvion Franklin

NEW BUSINESS: There was none.

APPEAL HEARING:

Jarvion Franklin, curious, about my process with Bluestone Psych, was not aware what could be asked, conversation intimate, just had a child in February, when go to first fire, pull child from a car, will be hard for you, will be hard for anybody. Asked the psychologist if he ever served, NO, asked if he counselled public safety officers, NO, through out all credibility,

Hull, cannot ask during interview, can ask during psychological,
Franklin, the JRO test is not a psychological, but a personality assessment, PAI, CPI, last hearing had character witnesses, was not a matter of character, similar to personality, but to psychological fitness,
Hull, we call it a psychological evaluation

Franklin, lot of people are not aware, did not look at it as me being targeted, been an athlete all my life, failed several times, my overall perception, did the physical portion, I trained for for several months, but when failed, failed on technicality, this psyc portion, feel same is happening, technicality, did not

1st time took the PA test, failed, fireman carry, but talked with FD staff conducting PA test, in rules, says allowed to be penalized 3 times, should not have been penalized, not terminated, was allowed to retake test.

McCoy asked Batt. Chief McCarthy, physical assessment, explain

McCarthy, BC always run their own PA, this year, we followed national standard, added stair climber, with weighted vest, for endurance. Moving toward this, guidance national standard, started accepting other organizations cards. In Mr. Franklins instance, 2 items, fire extinguisher and rolled hose, when come back, most people put the items down individually, but Mr. Franklin lifted both items at same time, discussion, cleaned up for next time.

McCoy, penalized for being strong

Franklin, then moved to Assessment Panel, answered to best of my ability, not to taking psychological, was told was just a physical, but turnout to be NFL combat. Overall message do not think the psychological should be a requirement, does not adhere to PA 78 of 1935, do not add up to my past, termination letter as if, read letter, June 23, 2025, will request name be removed from list, took test in August, not June, reasonable person could assume breach in system, Took test August 15th, received letter on August 18th,

Hull, mistake, form letter, dated August 18th, templates, error in removing date from prior candidate letter. Make it a PDF with blanks, this is an error,

Franklin, thank you for clarifying, just as an individual, with my past, my test was terminated PA test, would not say I was targeted, but with this hurts to look at it, wonder how this could happen, schedule meetings all day, do not see this happening, I am in sales now, think test should , not saying do away with test, but best way to reach, as a person in leadership my life, coaching, value in psychological, should not be in pre-employment screening, not adhering to law, verbiage in termination letter does not adhere to this. Mistakes like this, still wish to start on 15th, do not feel I failed the test, do not want to retake the test. Interviewed by board, passed that test, if indeed psych test, seems redundant, what is the purpose, for me not getting my results

McCoy so the pshychological test, is it an opinon of the pshychologist, or is it determined by how answered the questions

Hull is a not passed, scoring is outside of industry standards, testing results, as being poorly rated, is poorly suited for public safey, is given test, scored on test, outside of normal ranges, deemed not suited

McCoy, problem with psychological, have to sign waiver, but is not given information as to why he did not pass, do not know cannot make a decision, an intelligent decision, so they can fix it, whatever it is, that caused the department not to hire the candidate

Hull, do psychological but with a different provider,

McCoy so he could pass the PD psych, but not the FD psych, do not go home that day, should be same testing service, makes no sense for two different providers, we can discuss this, seem like you are irritated, you are a public servant, Hull I am, McCoy seem irritated because of what I am asking, I need to know if it is fair, everytime I am talking, you are irritated, this is not the first time, I have the right as a commissioner to ask questions, sometimes the rules can be changed, not right for City of Battle Creek. My question again is why we are not using the same service

McCoy like to ask the Chief a question; is there a difference between African Americans, minorities, passing the psychological test

Bagley, very surprised if there was a huge difference in how these tests are applied,

McCoy black hires has increased

Bagley, not where we want to be, having difficult time attracting people of color and women to this profession, we have cadets, pay to do service, get to see character, work ethic, if had not had cadet program, people of color, through cadet recruiting. Talking about current process, what the act allows, I am a process guy, more diverse pool of candidates, contractually have to follow the act, but without willingness to change, impossible, repetition with most diverse candidate pool, list is hard. Hard nationally, not an easy process, have conversations with chiefs across the nation, do not have a good sense of why

McCoy how do we change it

Bagley, cudos to the fire department, experiment with testing process, opportunity, expand and open up, other opportunities to see PA process, put applicant in better position to practice. One concern I we have a list, rather have a process, can recruit as a team for the process, can come back and apply again, antiquated approach to recruiting, not reaching bench marks we wanted to reach,

McCoy, you being the one that changed, who do we talk to

Chief, talk to 335, discussion has not happened

McCoy, have we discussed this

Chief

McCoy act says if they do not pass, they are to be removed

Chief, rules, List good for 2 years, no opportunity to reapply as exhaust the list, before reapply in the future

McCoy, reapply in 2 years

Chief will exhaust or expire in 2 years,

McCoy, psychological test, said all departments do not use psychological test, all departments do not use a psychological test

Bagley, all departments I know of do have a psychological test,

McCoy, what did you mean it was not required

Chelsea, brother at ST. Claire Shores, came from Texas and did not have to have a psychological

McCoy, shown documents African American men, black FF, Africans, tested high, but were not hired first, when psychological test came to be, you could see the number of black candidates in hire did not get hired. Go from here to now going to add psych to it, see the years go, black candidates are not hired. Kim Holley said last week saw some bias, that bothers me, our city, our department heads see this but do nothing about it. I know what Mr. Franklin is appealing, but this is a much bigger concern, especially for black men who do not have jobs, those documents show there is bias, early 2000 to now, if there is bias and there is proof and we keep moving along like there is not problem, I do not know how many black candidates there are, pushing to hire black FF, when

started to fire, no blacks were being rehired. And I believe, it eliminated a lot of black fire applicants, hard to disprove, that is why I am having a problem today. I am going to ask questions. I know these meetings have been 5 minutes, but I am going to ask questions.

McCoy, do you have any more

Franklin not at this time

Hull, clarify, at bargaining, make changes to recruiting process, Bargaining Board, do value PA 78, they stand by it, feel process removes bias, everyone held to same standard, same test, same physical agility, same assessment panel To remove Pa 78, must go before voters

5 or 6 members on bargaining board

Hull, closing comment, understand, heard him say, like to start on the 15th, it is all candidates who apply, meet minimum qualifications, pass psychological evaluation did not meet minimum standards not because he is disabled, did not pass conditional pre employment, stand by and enforce the rules that have been in place for many years. Mr. Franklin is not contesting the psych, seeking resolution that we hire him despite the fact he did not pass the psych, important this condition of 3851 2 a, lacks any established requirements. Follow current rules, concern if deviate, discrimination, From an HR perspective, it is difficult to maneuver, it has not been repealed and we have CS rules, never been limited to a list,

McCoy some challenges you have with

Hull because of CS, have to follow rules and act,

McCoy talked to a higher staff member, could not get his brain off the rules, talk as human beings just one time, can we talk, is this right, I know the rules, but I am asking, ask so many questions, to see if rules are right for getting the best people, my question still is, a person who tested #1, my questions isn't why, they are the best and some of them are black. Letter was a mistake, All I am asking, we just have to talk human, cause controversy, say things people are thinking, but not saying

Carl Turner, come before you today, retired FF, 27 years, history of bias and fraud within BCFD, hired 1995, #1 but 10th candidate hired, in 1995, 9 blacks, 1997 is when psychological, 4 blacks, none hired. 2024, #1 and #4, neither hired, Michael did not pass the psych, came out #1 on 2026 list, As of today, only know of one black candidate hired, Ms. Alred last person to take a 2nd psychological, 2006 Cody Titus took psych test twice, done away with psychological profile in the past In 2009 Calvin Hardin and myself look at fraud in fire hiring, 2008, story ran about voter mandated, approved PA 78, understanding process, CSC take same test, look at that list, inundated with African American candidates on that list, 6-8 people, I was #1 on the list, but #10 hired. But also if look, break down from 2002-2008 tell caucasian men applied and hired, African applied and hired, as it goes down, after 2002 no African americans hires, breakdown on next page, how many caucasian and African hired, wrote an article to Enquirer, I said PA is fair to African americans, these articles, under Affirmative Action act an CS act, Police Chief Jerry Kreitoff, the only fair chance I have to be promoted is under act 78, people are promoted on their knowledge. Wanted to give a little history, see the discrepancies, believe it is biased, Cody Titus was allowed to test 2nd time, shows bias and unfairness

McCoy, this information, and I know BC is small, in your opinion, would something like this keep African American, and other minorities, from applying, went to KCC in off time, our instruction was to bring paperwork back to Batt Chiefs after recruiting, after that AA stopped applying for the FD, we were in the top 10th percentile, Michael Ramsey, well before that they charged a fee to take the application, every body knows how work of mouth gets around.

Kate Flores first thank you been a pleasure to serve, not my intention to resign, same day we had the first meeting, that evening I was appointed to the school board, in the process, there are

qualification rules that make me ineligible to serve on CSC. Spent a lot of time thinking about this, reading rules, history, looking at what was available in meeting minutes. Have not heard why the testing is in place, why do we need to have a test, prior meeting important to follow rules when the safety of the public, fully capable of taking care of our diverse community, taking care of lives, has the skills, knowledge. Last 2 weeks, struggled, think it is messy to be in the position of making exceptions, are there ways the rules can be questioned, be revised, I am not an expert, I do question if there are items in current rules that can be or that can allow Mr. Franklin to retake the test, applicable to everyone, want something that is fair for everyone, ways to adjust the rules, make more fair for everyone, PA 78, I think it is an important question, is it the right thing for our community, The Equity audit, would recommend changes, recommendations very clear, takes a vote of the people, cation by city commission, this commission cannot do this, but this commission can make a recommendation to the CC to get this on the ballot for consideration. Those are the conversations that have not been had. Lots of other recommendations, has progress been made. That's all I have, thank you for your consideration and care.

McCoy one more question Michelle, has his 45 days ended,

Hull, yes, topic of last meeting, must schedule psychological within 45 days,

Franklin offer letter July 31st,

McCoy would have to schedule another psych test within the 45 days,

Hull, do a 2nd psychological, passed the physical agility, preemployment requirement is that they pass psych and physical, preemployment condition

McCoy only way to stay on the list, take a 2nd psychological

Hull, leave that up to the CS commission

McCoy, believe what Mr. Franklin was appealing was not correct, believe he would need to take the psychological test a second time

Hull, do not believe possible to time, difficult to schedule, offered to previous applicants

McCoy trying to get to understanding so that I can make a recommendation, if he does, does he have enough time, can we recommend the time be extended

Could the 45 days be extended because of the circumstances

Marcel not sure if anything in the rules provide for that, something not being proven,

McCoy not sure if proven, not resolved

Marcel: Mr. Franklin did not pass the psychological as required, no case law, no evidence, to qualify City had followed the rules and PA 78, burden as applicant to prove. Keep going back 25 years, with Ms. Alred there was show some evidence what was appropriate, CS afforded her the opportunity to retake, she had to provide 3 evaluators, needed to agree on providers. All applicants are allowed to retake the test, whether or not the candidate passed the examination

Mr. Franklin cross reference with subsection B, defined disabled, a person who has a physical or mental condition that affect life....., Termination letter, August 18th, says do not possess attributes of the City of Battle Creek, based upon elements of report,someone not the doctor, not within the acceptable range, sounds like an opinion, before we were speaking about rules, should abide by the rules, numerous testimony, Mr. Carl you spoke to being the first on the list, but the 10th hire, The 45 day period, when you said I could retake the test, when Chelsea and I spoke, brought up something about \$1500, that is not really an option. Must be scheduled within 45 days, asked if retook the test, Not trying to promote a culture of not following the rules, I am not trying to be the exception, hold the power of picking and choosing the rules, this decision was pushed out 2 weeks to make it impossible to retake the test, Based upon minutes, I would have won and had an opportunity to retake the test. In the law it says the applicant must be tested by medical doctor, nurse, Dr. Lamsome is a PHD, not a medical doctor, asking is Mr. Lamsome is qualified to make a recommendation, a psychologist is a medical doctor, a My whole argument is that I question if I

failed the test, I do not believe I failed, unfit for duties, failing the exam defines, Disability, do not think we are adhering to the rules, address the lack of adhering to the laws and grant me the approval of being hired by the BCFd, do not want to retake the test, but want to be hired, I did not fail the test, not adhering to the rules

Hull important to note, he is referring to B, there is an a – g. Comm may refuse to certify as suitable, lacks any of the preliminary, read the items, a – g, Mr. Franklin I basing appeal on B, city is using A, it is the psychologist opinion he did not pass. You can augment PA with CS rules,

The psychologist is not a medical doctor, he did not pass the psychological screening

McCoy, you gave me the answer you did not want to take the test again

Franklin, can I clarify, if up to me, my argument is that I did not fail the test, believe I have the right to move forward in the process, but if given the option to retake the test, I would do that, the reason I said that, my argument is that I passed the test. I would take the test again, I just do not believe I failed it.

McCoy to clarify with attorney and Michelle, do we have ability to allow him to retake the test, he was within the 45 days, but we tabled it, are we allowed to allow him to retake psych

Hull, let Marcel speak on this, within 45 days, if making exception, then 45 days is mute

McCoy was within the 45 days, basically not exception, but we extended it, could have scheduled within the 45 days, can we allow additional days as we delayed our decision.

Hull do understand under mercy of commission, continue with the process. If take 2nd psychological and does not pass

McCoy need discussion on PA 78, CS rules, hear there are some challenges, then from Mr. Turner, thought more applicable to promotions not hiring, challenges with all 3 of you all, open up things for him to hire more. Right now have to abide by what is written.

To hear the appeal of a candidate #11 being removed from the “2025 Entry Level Firefighter Eligibility List”.

Comm McCoy closed the appeal process at 10:53 am

Motion McCoy to allow Mr. Franklin to retest the psychological, Hardin 2nd, one question, do I have to have a time limit

Marcel recommend time limit, and other items, same evaluator or different, every thing is stopped until resolved.

McCoy

Hull, need to agree on provider, cost of evaluation, realistic to schedule within 7 days, taken within 20 days. Do not recommend the same provider, do not believe there would be value. HR and CA can recommend provider, Mr. Franklin can provide suggestion. All parties must agree.

Marcel, in example 25 years ago, during time applicant allowed to retest, person removed from list so that BCFD can progress with hiring, and if passed 2nd psych, will be replaced on the list.

McCoy we would, he would have certain number of days to take a new psych evaluation, after we provide a provider, assume can get done within 20 days. Mr. Franklin needs to meet with HR and CA before he can make an appointment with approved provider. Counselor is stating he would be removed from the list so the BCFD can continue to move forward, and if passed can be replaced on the list.

Hull Already temporarily removed from the list, when passed the psych can be placed back on the list.

Motion to withdraw first motion, McCoy, Hardin second

Motion, McCoy move to allow Mr. Franklin to retake psychological within 25 days, to meet with HR and CA to agree on a provider, and will be temporarily removed from the list, and if pass, will be placed back on the list. All yes, none opposed. Motion approved.

PUBLIC COMMENT:

COMMISSION COMMENT: Comm. McCoy thanked everyone for their time and thanked Mr. Franklin for fighting to be a fire fighter.

NEXT MEETING: September 22, 2025 at 9:00 am

ADJOURNMENT: Commissioner McCoy adjourned the meeting at 11:02 A.M.