

Civil Service Commission Minutes

On March 21, 2018, the Civil Service Commission of the City of Amarillo met at 8:30 am at City Hall, 509 Se 7th, Amarillo, TX, 79101, in the City Council Chambers for a Regular Meeting.

	Present	No. Meetings Held Since Appointment	No. of Meetings Attended
Lawrence Walker, Vice Chairman	Yes	33	33
David Hurt	Yes	40	38
Sally Jennings, Chairman	No	11	10

Also in attendance were the following:

Mitchell Normand, HR Director

Earnie Baten, HR Manager

Viola Frausto, Sr HR Generalist

Leslie Spear-Schmidt, Senior Asst City Attorney

Bryan McWilliams, Interim City Attorney

Jeff Greenlee, Fire Chief

Tyler Drackley, Fire Driver

Dana Havlik, Fire Captain

ITEM 1: Call to order. Lawrence Walker established a quorum and called the regularly scheduled meeting of the Civil Service commission to order at 9:00 am

ITEM 2: Lawrence called to make an amendment to the minutes. Correction was made on the attendance of David Hurt. Minutes were marked that he was at the 1-03-18 meeting, but he was not in attendance. Correction was made. Approval of minutes from the Regular Meeting held on January 3, 2018. David Hurt motioned to approve minutes, Lawrence Walker seconded. Motion passed to approve minutes.

ITEM 3: Approve the eligibility register for the position of Fire Driver exam on February 28, 2018.

Motion made by David Hurt to approve and seconded by Lawrence Walker. Motions passed to approve.

ITEM 4: Consider appeal filed by Fire Driver Tyler Drackley regarding temporary suspension given on February 13, 2018.

Bryan McWilliams asked to be called to the podium to present the case. He discussed housekeeping rules and presented that the stipulations that are presented are facts.

He stated the rules and facts that Mr. Drackley signed off on. This eliminates the need for testimony since he signed the rules.

Continued on to say that Mr. Drackley knew the rules the night of the incident. He did not stop at the intersection. Stated that public safety was the name of the game and that discipline is necessary,

He thanked everyone for extending the meeting to accommodate everyone's schedule. Goes on to say that Mr. Drackley made a temporary lack of judgment in running the red light.

Bryan presented an evidence folder showing; in fact that Mr. Drackley did run the red light going 5 mph.

Chief Greenlee was called to the stand and all that were presenting were sworn in by Sally Jennings.

Bryan McWilliams asked Chief Greenlee to review exhibits presented. Passed witness to Dana Havlik.

Mr. Havlik reviewed the significant incident report with the board, including the Fire Dept policies and SOG's.

The exhibits were presented to the board. Mr. Havlik went on to explain to on-line tolls to access SOG's, policies and training manuals.

Bryan McWilliams interjected saying that the evidence he is presenting is not relevant.

Mr Havlik then went to speak in relation to the disciplinary action. Bryan reminded Mr Havlik that they only need to consider the local City violation. Mr Havlik continued on going over the exhibits. Went over rules being updated. Old rules should to go away, and new ones replaced.

Mr. Havlik went over the significant incident report including the violation of rules and personnel

Complaints. He went on to review and read the additional tabs on the exhibits. He explained the responsibilities of a Fire Chief and went over rules of what Mr. Drackley received as far as notification of the incident. He said that the Chief did not follow correction time line of notifications to Mr. Drackley, including oral and written.

Mr. Drackley responded that he was appealing the 1 day suspension because the timing was all wrong. He said that he requested to give a response to the incident and was told that he was not allowed to. He figured that a decision was already made before he had a chance to respond and that the disciplinary action was already decided before he even came in to the office.

David Hurt asked them to continue on through the tabs.

Chief Greenlee was called to the podium.

Bryan McWilliams asked Chief Greenlee if he was aware of any other violation of the same policy since it was in effect or any knowledge of SIR's in the past where time off was given.

Chief Greenlee said 'no'.

The board went over the crash report including the report that was reviewed by the driving review board.

Bryan McWilliams objected to the evidence submitted related to the driving review board.

He said that this was not part of the disciplinary procedure and can't be presently to the CC board.

Mr. Havlik asked for consideration in this matter because the discipline given to Mr. Drackley was not imposed correctly and argued that Fire Administration incorrectly imposed the process of discipline.

Bryan McWilliams approached the podium and called Chief Greenlee back up to the podium to question.

Mr. Havlik asked Chief Greenlee if Mr. Drackley was asked if he could have time to respond in writing later. He responded that he should have had ample time to respond to the discipline, and did not have sufficient time to digest what had happened.

Mr. Havlik called Mr. Drackley to the podium. He asked Mr. Drackley if the timing was correct on the receiving the suspension notice. Drackley said that he did not have any prior notice of the suspension.

He said that he was also told by Fire Admin that nothing further would happen regarding the incident. They did not mention anything about the suspension.

Mr. Havlik asked Drackley again if he had any prior knowledge of any discipline coming.

Drackley said he was not aware or told of any discipline coming.

There were no further questions from either side.

Bryan McWilliams gave the City's closing statement and made sure the rules were clear, including going over the deliberation on the disciplinary action, and the Chiefs ability to give the disciplinary for the 1 day off. Civil Service rules take precedence over all other rules.

He asked the question "Can the Chief give Mr. Drackley a day off for discipline?"

Need to consider the safety of public safety and the public. What are the rules for? and is one day off reasonable? How important is it?

Mr. Havlik came to podium to give his side. He said that his intent was not to minimize what happened. But the issue was the process of the discipline given. There was a delay in giving Mr. Drackley the appropriate time to respond to the incident. The Fire Dept broke their own policy. The suspension was not delivered properly.

At 10:12, Leslie Spear-Schmidt stated the Govt Rule and the board for recess to confer and they went into executive session.

At 10-57 the board was back in session and Leslie called the meeting back to order.

Lawrence Walked asked if there was a motion. David Hurt stated that all facts had been presented and the City's motion was to not uphold the 1 day suspension. Motion was made to approve and adjourn.

Attest:



Mitchell Normand, Civil Service Director



Sally Jennings, Chairman