

CIVIL SERVICE COMMISSION

MINUTES

Thursday – March 28, 2013 – 5:30 p.m.

Reno City Hall – Room 709

One East First Street, Reno, Nevada

MEMBERS

Jeannie Atkinson, Chair
Bertha Mullins, Vice Chair
Tray Abney
Maureen Cole
Milven Hooper
Paul Lane
Jenny Martinez
Ric Bailey, Chief Examiner

1. CALL TO ORDER/ROLL CALL

Chair Atkinson called the meeting to order at 5:30 p.m. A quorum was established.

MEMBERS PRESENT: Tray Abney, Jeannie Atkinson, Milven Hooper, Paul Lane, Jenny Martinez and Bertha Mullins.

MEMBERS ABSENT: Maureen Cole.

MEMBERS EXCUSED: None.

ALSO PRESENT: Ric Bailey – Chief Examiner; Bryan Biggs – Local 731; David Cochran – RFD; Brad Drum – Local 731; Tom Dunn – Local 731; Michael Hernandez – Fire Chief; Jo Ann Malugani – Civil Service Technician; Tim O'Brien – RFD; Tray Palmer – RFD; Joan Presley; Susan Rothe – Deputy City Attorney; Jennifer Trippett – RFD and Jeff Voskamp – Local 731.

2. PUBLIC COMMENT – This item is for either public comment on any action item or for general public comment and is limited to no more than **three (3) minutes** for each commentator.

Tray Palmer, Reno Fire Prevention Captain: I have been with the Fire Department for 18 years. I have been in charge of over a thousand fire investigations. I think that I have inspected every commercial building in this town. I have a Bachelors of Science in Business Administration. I am an ICC Certified Inspector. I am a state certified fire investigator and I am a state certified fire inspector. I am here today for the discussion on the proposed minimum qualifications (MQ's) for the Fire Marshal test coming up. As it stands now on the current test, I do qualify to take the test. But, the proposed changes will not qualify me to take the test. I am here today because I believe this unfairly shuts the door on people currently in Fire Prevention. During the discussion of these two proposals, I would request that the committee understand exactly what the certification changes are and how it relates to the code that we will be enforcing. The fact is current testing for the 2012 Inspector and Plans Examiner tests will not be available until July 1st. The biggest problem that I see in the proposed language is that it requires five years as a Reno Fire Department (RFD) Prevention Captain. Nobody in the entire department right now has that experience. Prior to me, the last Captain's promotion was made in 2001. The last Captains retired in 2009, freeing up three Captain's positions. Due to financial constraints, testing and promotion for these positions were delayed and two positions were eliminated. In the meantime, acting positions were rotated within the division. If the internal requirement of Fire Prevention Captain is to remain in the MQ's, I would ask that you explore lowering the years and allowing acting Captain time to be included. Again, I would like you to look at the certifications and the differences in the current MQ's and what's proposed and ask, "Why?" Don't get me wrong, I think a lot of these are

justified and I do believe in the education and certification requirements, but you need to understand why. Is it truly a minimum qualification to get somebody in the door to test or should that be something that should be examined during the testing process to pick the best candidate.

Joan Presley: My name is Joan Presley. I was the Fire Marshal and I retired in 2012. I worked for the Fire Prevention division for 24 years as an Inspector, Captain and Fire Marshal. I have written you a letter (copies distributed to Commissioners and copy on file), and I will summarize some points.

Fire service uses the National Fire Protection Association (NFPA) standards as its guidelines. NFPA has professional guidelines for every position held by fire service personnel. In each of the disciplines there are interrelated sets of performance standards that require various levels of achievements in career ladder positions and they build upon each other. For example, in prevention, there is Inspector I, Inspector II, Inspector III (which we call Captain in Reno) and then Fire Marshal. Fire Inspectors spend years becoming technically competent in their field. They do this by meeting standards set up by NFPA, by following policies and procedures of their particular department and by getting specialized technical training. When those skills are mastered, and if there is an opening and they meet the requirements, then they may promote to Captain. Captains follow the same road mapping. If there is an opening and they meet the requirements, then they have the opportunity to promote.

In the last several years, the RFD has upgraded their standards to follow NFPA. We began that in 2004 when we had the last formal recruit academy and that met NFPA standards. In 2009 we brought before you the Fire Inspector position and added some certifications that brought that into compliance with NFPA and you approved that. In the recent Captain's test we also added some certifications that brought that up to area standards because other area fire departments require that as well and that was approved as well.

The Captain's position is supervisory and the Fire Marshal's position is management. So, Inspectors = journeyman; Captains = supervisory and Fire Marshal = management. Both the City's job description and NFPA say that the Fire Marshal's duties require that the applicant have a baseline level of experience managing both personnel and programs before promoting into the position. That baseline is learned at the Captain's level. For example, Captains supervise, direct and evaluate personnel assigned to them. They review subordinate's work product, division policies and procedures, manage programs, make recommendations. They need to learn these things at the Captain's level before they become a manager.

I agree that we didn't fill these positions because of economic downturn. There have been other times in the bureau where people held positions for long periods of time and the people therefore couldn't promote. I was a Captain for eight years. Larry Farr was the Fire Marshal forever so promotions were denied at that time and work arounds weren't granted.

3. APPROVAL OF AGENDA (For Possible Action)

Chair Atkinson stated that before we approve the agenda there is a modification. Under Item 7, we presently have Item 7.A and B. That item is consolidated into a single item which is a request from the Reno Fire Department for review of the MQ's for Fire Marshal and direction to staff. There are

individuals present in the room today who wish to provide comment on that and I will open public comment at that time. As a clarification, if you have already commented on that item then you may not comment a second time during the open comment section. If you have not commented, and you wish to, there will be an opportunity for comments.

It was moved by Vice Chair Mullins, seconded by Commissioner Abney, to approve the March 28, 2013 agenda as amended. The motion carried: Chair Atkinson, Commissioners Abney, Hooper, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Cole absent.

4. LIAISON REPORT

None.

5. MINUTES – Approval of the February 28, 2013 regular meeting minutes. (For Possible Action)

It was moved by Vice Chair Mullins, seconded by Commissioner Hooper, to approve the February 28, 2013 minutes as submitted. The motion carried: Chair Atkinson, Commissioners Abney, Hooper, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Cole absent.

6. CONSENT AGENDA

- A. Request to approve employee confirmations. (For Possible Action)
- B. Request to be placed on the re-employment list for Senior Park Maintenance Worker from Michael Berry, Sr. (For Possible Action)
- C. Request to be placed on the re-employment list for CSO Supervisor from Lori Heidenreich. (For Possible Action)
- D. Request to be placed on the re-employment list for Park Ranger from John Nash. (For Possible Action)
- E. Request to be placed on the re-employment list for Maintenance Worker I from Adam Overstreet. (For Possible Action)
- F. Request to be placed on the re-employment list for Network Analyst from Jenna Rahner. (For Possible Action)
- G. Request to be placed on the re-employment list for Open Space & Trails Coordinator from William Sibley. (For Possible Action)

It was moved by Vice Chair Mullins, seconded by Commissioner Lane, to approve Consent Agenda Items A, B, C, D, E, F and G as submitted. The motion carried: Chair Atkinson, Commissioners Abney, Hooper, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Cole absent.

7. REGULAR AGENDA

- 7-A. Consideration, discussion and direction to staff regarding request from Fire Chief Michael Hernandez for a temporary revision of minimum qualifications for Fire Marshal. (For Possible Action)

Fire Chief Michael Hernandez: You have a staff report in your packet and it is self explanatory. It is my belief that due to the City's economic downturn beginning in the mid 2000's – 2008, 2009 that the staffing in the Prevention Bureau was greatly diminished. Positions were frozen I believe going back to July 2009 when Fire Marshal Presley was promoted into her position that was the last time, I believe, we had a Captain staffing that division. They acted, they rotated through, they took turns acting up in the capacity as Captain. I want to make sure that the Commission clearly understands my intent for wanting to lower the MQ's for this particular position is to allow those individuals that could have (had our economy not tanked) had the opportunity to promote into the Captain's position. They would have had enough time and experience to be qualified for a promotional advancement within the bureau and more importantly a career path. There is a definitive career path for the membership within the bureau. I have read the staff report and I find myself in a unique position in that I completely agree with the second staff report in that this is a significant managerial level position where a higher level of education is certainly desired. However, I believe that we do have some very well qualified and very experienced individuals within the bureau that, at the very least, be afforded the opportunity to at least test for the position. I am certainly not opposed to doing an outside recruitment in conjunction with an internal testing procedure. That way, clearly the highest and best qualified candidate would certainly bubble up to the top of the list. My intent with this action was to merely give the individuals within the bureau the opportunity to at least test for the position. There are post certification requirements that we could ask – for example, the International Code Council's certification requirement for the credential of Fire Marshal. It is a very well respected credential. It is something that the individual that may not have the academic degree – the individual does test for and is reasonably successful in the testing process. This is something that we could certainly require or ask them to get post appointment and allow them a certain amount of time to get that. It is a well-rounded, very respected credential; however, speaking to the staff report I would submit that we consider either the one-time lowering the MQ's or we keep the qualifications as they are currently published. I only ask that we make a definitive decision tonight so that we can move forward with the process because the position has been vacant for quite some time. Whether I am successful or the Commission keeps the qualifications as they are, all I ask is that we don't delay or postpone. We make a decision. We move forward. I am frankly very comfortable in whatever direction the Commission elects to move forward with. Again, my intent was not to exclude individuals that are currently in the bureau that could have the potential to test. I just feel that because of the economics of our area, we may be prohibiting people from the opportunity for advancement. That is my only intent. I am very receptive to doing an outside recruitment in conjunction with allowing our internal members to have that opportunity to test.

Commissioner Hooper asked under the qualifications is the only objection, so far to your knowledge, the five year experience.

Deputy City Attorney Susan Rothe: What qualifications are you talking about, the existing qualifications? We don't know what you are looking at. You need to identify.

Commissioner Hooper stated it is Item 7.B.

Chair Atkinson asked Chief Examiner Bailey to clarify.

Chief Examiner Bailey: You have two sets of MQ's in your packet. The first set is Item 7.A. which is coming from Chief Hernandez. The second set is Item 7.B. which is coming from the IAFF and RFDAA.

Deputy City Attorney Susan Rothe stated that is what is being and reviewed and considered right now is the proposal coming from the Chief. The modifications to the MQ's from the other groups are coming to you in the form of public comment. Like any other process comes for you to consider if you are going to revise the MQ's. Right now we are discussing Item 7.A.

Chair Atkinson: Effectively the proposal that the Fire Chief himself has brought forward. In that proposal, as I am understanding, is to suspend the MQ's for the upcoming examination to permit individuals who have not had the opportunity to promote an opportunity to go through the gate and take the test. It would be a one time thing. As an alternative, the Chief has requested that the MQ's stay status quo.

Chair Atkinson stated that also in the packet are comments from members of the department who have a different perspective on where those MQ's will be. We will allow them, if they wish, in public comment to bring forward their ideas and then the Commission can look at the totality of the testimony.

Commission Hooper stated that his question is: Specifically, why are there objections – in other words, if we pass this tonight, who objects and why.

Deputy City Attorney Susan Rothe stated when the other people, if they so choose to public comment to propose why their presenting a revision to the MQ's, then you can consider. Right now we are just dealing with the Chief's request for a temporary suspension or to leave them alone.

Commissioner Abney asked the Chief what specifically are the two changes.

Chief Hernandez: The issue is that we lack an appropriate number of Captains in the division. The other issue is that the Captains that have been recently promoted lack the number of years of experience. This entire region has seen a significant economic downturn. We have laid off a significant number of employees. Ric, do we have a three to one rule. For every position, we need to have a minimum of at least three applicants.

Chief Examiner Bailey responded that for a final eligible list we need three.

Chief Hernandez: As it stands now, a little over year ago we promoted a Captain and several weeks ago we promoted a second Captain. As the MQ's are currently written, based on the Commission's guidelines of at least three eligible candidates for a position, that will never occur. That's why I am asking for a temporary suspension of the MQ's until we can address more permanently the future MQ's for this position as we move forward. As it stands now, we have a vacancy – we need to fill that vacancy. As the MQ's are currently written, it completely eliminates anyone within the division for even testing. That was my concern. We have potential candidates within the division who would otherwise qualify, but they lack the experience in the rank of Captain. Again, I would submit that we would consider either the temporary lowering of MQ's or we just adhere to the MQ's as they are currently written. Again, I am receptive to the direction that the Commission takes.

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Commissioner Abney stated that right now it is required that they have five years experience at the Captain level. Commissioner Abney asked the Chief if he is recommending that it be lowered to a certain number of years or just suspending that five years altogether.

Chief Hernandez stated the proposal is five years experience within the bureau as an Inspector and/or Plans Examiner. It doesn't take away the requirement for an Associate's Degree.

Commissioner Abney asked what is the change in the training portion.

Chief Hernandez stated it actually closely mirrors the existing language. Currently, the MQ's are five years of supervisory experience in Prevention Captain or Fire Marshal. We basically put an Associate's Degree in fire administration or a related field; five years supervisory experience in RFD Prevention Bureau or similar division at an urban fire department comparable to the City of Reno; course work in plan checking and blue print reading or the ability to read and understand plans and blueprints. It closely mirrors the existing training requirements right now.

Chair Atkinson stated she understands the current MQ's to have an alternative there of five years as a Fire Captain. Ms. Atkinson asked if she is correct in that.

Chief Hernandez responded, "Yes."

Chair Atkinson stated so the proposal from the Fire Chief simply removes the Captain level experience and then proposes to accept five years of supervisory experience in a Fire Prevention Bureau similar to City of Reno. Chair Atkinson asked if below the level of Captain are there supervisors.

Chief Hernandez: No. We have had staff that has rotated through a supervisory position over the course of three years. So they have acted in the capacity of a supervisor on a rotating basis because we had the position, but we did not have the ability to fill that position so we had individuals who were "acting up" in that supervisory role.

Chair Atkinson asked when they were assigned to the temporary status of Acting Fire Captain was that a recognized status.

Chief Hernandez responded, "Yes."

Chair Atkinson asked if there was a pay increment and could it be measured in days based on payroll records.

Chief Hernandez stated that he believes so.

Chair Atkinson opened public comment. Ms. Atkinson requested that public comments be kept within the three minute time frame.

Jeff Voskamp, Local 731: I am a little confused on that because we are presenting the same thing as the Chief did. Do we get the same open forum?

Chair Atkinson: No. The item before us is an item that came from the RFD management. The materials that were submitted as part of our agenda packet were comments from employees or representatives of employees within the department. It all goes back to the primary item which is a request that generated from the Fire Chief. What we are doing is conducting this in exactly the same way we have conducted all prior meetings. We are inviting the comment of the employees that are potentially affected.

Jeff Voskamp: To sum this up in three minutes is going to be fairly difficult. For the record, when I submitted it I did not know that the other thing was being submitted and we were submitting it as a change.

For the record, Jeff Voskamp. I am here representing Local 731. The basic premise is the same reason that we were here the last time for the Fire Prevention Captain. The goal has always been to increase our education of our employees. We did that successfully with Fire Prevention Captain. What many of you probably don't know is that in 2007 this same Commission was asked to reduce the quals once already, and it was done. So what we are talking about now is the quals that are being proposed by Fire Chief Michael Hernandez is going to reduce the quals back to 1988 standards. I have a copy of those Fire Marshal quals if you want. It is unfortunate because of the downturn in the economy and just the way things work that our employees are not available. They don't have the experience. That is unfortunate; however, the rules are the rules even when they don't work in your favor. Especially, for the position of Fire Marshal which is literally the second in command in the Fire Department. There is a lot of work that the Fire Marshal does that is invaluable to the City. To lower the quals back 23 years is a disservice to the Fire Department that is already in some financial straits with education, with lack of training and everything else. We just all heard that there is no one currently qualified. So, none of our members are being harmed in our viewpoint. Nobody is qualified now and you don't have three members with five years of supervisory experience as a Captain. The way the current quals stand you would have to go to the outside anyhow. That is already a reduced qual from 2008. If you go back to the Fire Marshal qualification of I think it was 1990 or 2008 was the last one that was Fire Prevention Captain – five years experience and it required an AA degree before that. It was changed then to five years of Captain's experience with an AA degree or six years of supervisory experience could be substituted for the AA. It boils down to when you are talking about the lead position for a department you are talking about having somebody who could possibly be in there that would have less education, less experience, less certifications than the people they are supervising. In a position that reflects on the City of Reno so immensely it is actually unable to be discussed in three minutes. We are talking about people deal with a new casino being built. They decide what type of fire sprinkler system goes in there. They have the final say on that kind of thing. It is a pretty incredible position to take back 23 years to a certification level.

Commissioner Abney asked what was the reason we reduced them in 2008.

Jeff Voskamp: The Chief at the time was Chief Wagner who came in and wanted the quals reduced. I wasn't at that meeting. I read the notes (minutes) and they were pretty vague as to what actually happened at the meeting. The minutes now (that she has been taking them – she should be commended) are very incredible with detail. I couldn't tell you exactly what the reason was, except that they were already reduced once. There is also a side letter and Chief O'Brien can talk about this more. The position of Fire Marshal between 1990 and 2000 was always considered a Battalion Chief position and it was just paid at a higher rate. Then in 2000 because of the

consolidation it was raised and the levels were increased, but we already had a Fire Marshal at the time which was Larry Farr. When Larry Farr left in 2005 there was an opening.

Chair Atkinson asked Jeff if he knew why the MQ's were amended.

Jeff Voskamp: I'm just giving you the history. I'm sorry, I do not know exactly.

Commissioner Abney: Is this proposal to actually increase the standards from what they are right now?

Jeff Voskamp: Yes, sir.

Commissioner Abney: Are you able to talk about what the changes are or is somebody else going to do that?

Jeff Voskamp: I wrote it, so I can talk to it.

Chair Atkinson: At this point we will need to have someone else speak to that because the time has run out.

Jeff Voskamp: It is going to be hard to have someone else speak to it when I wrote it.

Chair Atkinson: Let's give you a few more minutes.

Jeff Voskamp: I'm sorry we don't have the Fire Prevention Captain. When we did Fire Inspector and we increased those quals, we got rid of Fire Plans Examiner and created Inspector II. We have Fire Prevention Captain. All of those are stepping stones. So what we have done is just increased the Fire Prevention Captain quals to include the quals that should be used as a Fire Marshal. Four year degree (which is what every BC and DC has); the Fire Marshal qualification, and the Fire Prevention Captain experience that is required. But all the other quals that you see – the ICC for Fire Inspector I and II, the Fire Prevention Captain has to currently have under the new quals. Fire Plans Examiner certification – the Fire Captain has to have that. The IAAI which is the investigator position – that has to be done. Also POST which is not necessarily for a Prevention Captain, but because the Fire Marshal oversees the investigators, it has been in there for quite some time. In fact, if you go back to I believe 1988 it asks for a year of arson investigation experience. That was changed later on. So if you look at the same, four years of experience in fire inspection, that's back to what we are going to if we reduce the quals today.

Commissioner Abney asked if it is fair to say that basically, your proposed MQ's would be everything a Captain needs, plus POST.

Jeff Voskamp: Plus POST, plus a four-year degree and the experience as a Fire Marshal being substituted for Fire Prevention Captain. The big thing for us is "urban" department. The reason why is because we unique in this area with our high rises and everything else. It's not comparable to Storey County. A Fire Marshal in Storey County would not have the same level of experience as a Fire Marshal here would require.

Commissioner Hooper asked from a bargaining unit standpoint, at this time not that there are three people available under one set of rules, are you (the bargaining unit) proposing that it go to the outside in order to get someone with the qualifications that you have stated.

Jeff Voskamp: The way that we look at it, the way we read the rules (Mr. Bailey can correct me if I am wrong), no one is currently qualified because of the Fire Prevention Captain supervisory experience. So if you are going to go to the outside, why not get the best candidate that you can.

Commissioner Abney confirmed that if it stays the same, we have to go to the outside.

Deputy City Attorney Susan Rothe stated that we need to take other public comments. You may public comment again, you just can't repeat what you have already public commented on.

Tray Palmer: I just want to clarify. It has been brought out that nobody currently qualifies under the current MQ's. That's not true. If you look, it says "or" five years of supervisory experience as a Fire Prevention Captain. I qualify and at least one other person qualifies currently. I should say I believe I qualify on education and everything else currently as it is written now.

Commissioner Hooper: Mr. Palmer, you mentioned there are two people qualified.

Tray Palmer: Yes.

Commissioner Hooper: There's not three, there's two.

Tray Palmer: I am assuming the other person is qualified because he has acting experience and as far as I know the education. I know he has a two year degree, but I do not know if it is an Associates or not.

Commissioner Martinez: Mr. Voskamp, because the position was frozen and had the position not been frozen at that time those people would have been qualified for this position. I was thinking if you would consider that now we have qualified people within the City that might not have had the title, but have the qualifications. Would you consider having those people apply since we are not changing the testing, but to be considered for the position?

Jeff Voskamp: I think there are two problems. One is it depends on what you quantify as their experience. If you are just saying it's just supervisory then there's really only two people (their acting time). We have never considered acting time as part of your promote ability in the Fire Department because when you are acting you are sort of "queen for a day." You get in the seat, you do your job. It is difficult to explain. You bump up into that position. You don't hold all the duties. The problem is if we start considering the acting time (if the CSC does that) and we open that door then what happens down the road when there are not enough Battalion Chiefs. Can I then test if I don't have a four-year degree. You get to the point of are the quals there for a reason or are they not. It does sound kind of hard lined, but even if there's two people qualified, it's still not enough. Then the problem is if it ends up going to the outside, you are not getting the best quality candidate that you possibly can. You are not getting somebody has all these certifications, that has the experience.

Commissioner Martinez: If you have candidates with 15, 20 years of experience in Fire Prevention, a list of dots meaning Fire Inspector, investigations, working with the State how can you tell someone they are not qualified just because there has been a Chief in that position that was frozen before.

Jeff Voskamp: For the same reason that I have 16 years in the department. I worked for an ambulance company in east LA, I do a bunch of different things, I have a ton of certs, but I am still not qualified for Battalion Chief because I am not a Captain. There has been no test for Captain for years and there probably won't be another test for Captain for a while. They just changed the Battalion Chief position to include a four-year degree. So now, if I want to be a Battalion Chief, I have to live up to those quals.

Joan Presley: I just want to clarify a couple of things. The "or" that was talked about being five years as supervisor – that is under the training heading and that "or" five years is in place of an Associates Degree. So the experience is five years as a Captain. Training you can either have an Associates Degree or five years supervisory experience. Fire Inspectors are not a supervisory position, Captain is supervisory position. There were some acting positions for Inspectors acting up as Captains, but as the economic downturn worsened then there were none so there was about two years where there were no acting Captain positions. We have one Captain that had five years as an acting Captain (which is against civil service rules), but he did have that. The rest of them had a month at a time.

Division Chief Tim O'Brien: I am the President of RFDAA that represents the position of Fire Marshal. You have heard many specifics so I will try to keep it a little broader. We have worked hard to increase professional standards in the fire service, particularly in the Fire Prevention Bureau and in our bargaining unit as well with Battalion Chief. Starting July 1 of this year the minimum qualification includes a four-year degree. We don't advocate any step backwards and that's what we see – a reduction or temporary exemption from the MQ's. Our standpoint on this is the applicant must meet the qualifications. We don't believe that's it's appropriate to manipulate the MQ's to meet the applicant. As far as timing, we haven't had a chance because of the economy or promotional opportunities. I can tell you that you prepare when you work for the City, County or civil service. You can be prepared to promote, but that does not mean that you are going to get the opportunity. You may wait years for that opportunity. Sometimes it is just blind luck. It is no fault of yours, if you do not get promoted when you are ready. You have to wait for an opportunity. Some guys hit it perfect and other people have to wait a very long time. There is a long history of people at the City of Reno who have had to wait for a promotional opportunity. I don't support the timing argument. I am concerned if you make an exception now what are you going to do in the future because we are going to have the same discussion again for Battalion Chief. As Jeff Voskamp has mentioned it is probably going to be a while before we promote Captains so what is going to happen when we don't have enough Captains with the time in grade or the education. Are we going to come back here and discuss lowering the MQ's again and make an exception for them? I don't think we should open up that can of worms. We have MQ's, they are good ones. I would personally love to see an internal candidate over an outside candidate, but meeting the MQ's are more important

Commissioner Abney: With the current qualifications the City of Reno has right now, how does that compare to as far as Truckee Meadows or even other cities similarly sized/situated across the country.

Deputy City Attorney Susan Rothe stated that just procedurally this is public comment so if you ask a question in public comment to the person this is his public comment time. We can't give certain people an opportunity to keep on public commenting and others not.

Chair Atkinson asked Chief Hernandez if he could respond to Commissioner Abney's question.

Chief Hernandez: Based on professional experience, you are going to find a variety of MQ's for the position across the United States. There are some organizations that require a two-year Associate's Degree, some require four-year degrees, some require extensive experience, formal education as well as certifications in plan review, arson investigation, inspections and things of that nature. You would be hard pressed to find a standard MQ applying.

Chief O'Brien: There are going to be different for the reasons the Chief stated and I think Jeff had brought up earlier is it depends on the City or County or jurisdiction basically. What are the requirements, what are the MQ's you need to be a Fire Marshal to perform those duties in that jurisdiction.

Thomas Dunn: I am an executive board member of the Reno Fire Fighters Association and have been a City of Reno Fire Fighter for the last 13 years. Back in 2008 there was another issue similar to this in front of the board and that was to lower the MQ's for the testing of the position of Battalion Chief. Chief Hernandez' predecessor, at the time Chief Wagner, wanted to lower the MQ's of an Associate's Degree to a high school degree or equivalent to be qualified to test for the position of Battalion Chief. There were several of us that came here and testified in opposition of that motion for the simple reason of the fact of the Battalion Chief or any Chief level officer in any paramilitary organization is responsible for establishing policy, managing personnel, establishing performance evaluations for personnel as well. Specifically for the position of Fire Marshal, the Fire Marshal establishes policy, he interprets code, he enforces code and it is a highly technical position in nature. This has nothing to do with anybody in the Fire Prevention Bureau currently that is a member of the Fire Department. I think we would be remiss if we didn't have on the record that education and experience must be commensurate with the knowledge, skills and abilities that are required to perform that job. There is also (we have to take into effect) the interaction with federal, state and local agencies that have similar qualifications or higher qualifications for the position as well. Because I spoke against the lowering of standards in 2008, I am here again to speak in opposition to lowering the standards as well. More importantly since my career we have continuously every time there has been any type of promotional test or discussion about testing policy or qualifications, we have always increased those and that was to make the Fire Department a better department.

Chief Hernandez: This is really a unique position that I am in because I actually fully agree with everything that has been said. This is a highly responsible position. My only "rub" if you will is that we've got individuals within the Bureau that lacking the experience qualifications would normally be qualified to take the test. I am very receptive to hiring the best candidate possible. Doing an outside recruitment, I think if we word the outside recruitment correctly where we say these are the MQ's; however, preference is given to individuals with four year degrees, certifications – but not make that benchmark just make that a preference as you read in many job recruitments where they say a MQ is an Associate's Degree; however a four-year degree is preferred. If we do an outside recruitment, we are not dredging the bottom. My only rub is that we are closing the door on two to three possible potential candidates to be given that opportunity to test. The fact of the

matter is I fully agree that this is a high level position. This is one that should have formal education with it and experience. I am torn between two sides because I fully agree with everything that has been said. It is a very important position. This is why the testing process and interview process will be critical.

Chair Atkinson closed public comment.

Commissioner Abney: I think this is a question for Ric. You mentioned we have to have three applicants. Is that from outside or inside? Let's say we kept the qualifications the same, which sounds like we would have to go to the outside. Do we still have to have three applicants from the outside?

Chief Examiner Bailey: Yes.

Commissioner Abney: Let's say we don't have three applicants.

Chief Examiner Bailey: We have to have three total at the end of the testing process for the eligible list.

Commissioner Abney: Let's say we don't get to three. That means that the acting person just stays.

Chief Examiner Bailey: We would have to recruit again. If we go to the outside, the applicant pool (from my experience) has always been sufficient. An internal, we are not guaranteed that.

Deputy City Attorney Susan Rothe: To answer your question, leaving them as they are now allows the ability to go outside and also the ability for the existing qualified to apply.

Chief Examiner Bailey: However, I want to make this clear at this meeting tonight. I cannot make an evaluation of any one candidate.

Commissioner Lane: Going back to Joan Presley's comment about the NFPA and ladder experience. In times of economic downturn budgets, I don't think that is the time that you can overlook supervisory or management accrued times in a position. I don't think that we can say times are tough we'll just let anybody be supervisor or manager. I think the current qualifications require that managerial experience. I think given that, the current qualifications should remain in place. It is not of our doing to go back and hurt anybody and I feel horribly about some of the ideas – it is not the right time, but it is kind of a hit or miss thing when you are in the Fire Department whether you are an Acting Operator or Captain. I also do laud the idea of strengthening the requirements going into the future. But as the Chief was hoping for a decision tonight, I don't think an opportunistic approach is mandated at this time. I think if you stay with the current requirements you will be able to solicit and get a good pool of candidates that will allow Reno to continue in a very strong, forward, leaning position that ensures the safety of the citizens.

Chair Atkinson: I would like to say something for the record also, just as part of our discussion. My concerns are these. I am terribly sympathetic to the fact that people get caught up in circumstances that are beyond their control and that hopes that they have may never get to be experienced because circumstances throw road blocks in the way. Unfortunately, at the same

time, I think that as a Commission part of our responsibility is to ensure that individuals who are actually certified for consideration for positions meet at least the MQ's for that position and go through a reasonably rigorous process to demonstrate that they are actually the best. They are bringing to the table basically the best of all of those that have expressed interest. At the same time we set a benchmark at some point in the past that said that if you are interested in this position this is what you have to bring to the table to be able to get into the competition. I am opposed to changing that benchmark just before the test. Basically, it's like moving the goal post to a different spot on the field. If, in fact, there is justification for that I think it's wise to bring that back after the test is done, to look at it at that point in time and then set it for future recruitments. I personally have concern about moving the MQ's to a higher standard. I also have concerns about establishing them at a lower standard. This is the position that basically oversees that function that determines whether or not day care centers are actually in compliance with fire standards, whether casinos have a proper exiting strategy. Things that get to the core and heart of public safety. I think from my perspective, we err on the side of requiring more than less in that process and then allow the test itself and the process that follows to shake out who rises to the top. Those are my considerations.

Commissioner Martinez: I just wish I had the Fire Investigation Inspection position in front of me. Only because we have people that might be qualified 15, 18, 20 years. Not having that information in front of me who says that they don't have any qualifications being supervisors in the position that they had.

Chief Examiner Bailey: If you are asking if there are other individuals that meet the supervisory (experience).

Commissioner Martinez: A Fire Inspector for the City of Reno to me is a prestigious position and they would know building codes and people, things like that. It seems like the Fire Marshal, which is a prestigious position; he would be more in a supervisory position. My question is who is to say that the Fire Inspector with 18, 20 years experience doesn't have supervisory experience.

Chief Examiner Bailey: The classifications define the responsibility of supervisory experience or not. If you look at the classifications, I believe that has already been presented in the minutes that the first level of supervision is with Fire Captain.

Chair Atkinson stated that she would like to make a motion.

Commissioner Mullins questioned whether the Chair could make a motion.

Deputy City Attorney Susan Rothe stated that Robert's Rules of Order allow the Chair to make a motion.

Chief Examiner Bailey stated that it was just a custom that LD started.

It was moved by Commissioner Lane, seconded by Commissioner Hooper, that the City retain its current minimum qualifications in place with no change. The motion carried: Chair Atkinson, Commissioners Abney, Hooper, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Cole absent.

7-B. *Consideration, discussion and direction to staff regarding request from Reno Fire Fighters Association (IAFF Local 731) and Reno Fire Department Administrators Association (RFDA) to approve revised minimum qualifications for Fire Marshal. (For Possible Action)*

Note: Regarding Item 7.B., see motion above approving amended agenda (Item 3).

8. IDENTIFICATION OF FUTURE AGENDA ITEMS

None.

9. SET NEXT MEETING DATE (For Possible Action)

The next regular meeting of the Civil Service Commission is Thursday, April 25, 2013 at 5:30 p.m.

10. PUBLIC COMMENT – This is for general public comment limited to items that do not appear on the agenda and is limited to no more than **three (3) minutes** for each commentator. Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda.

Deputy City Attorney Susan Ball Rothe stated that she may not be at every meeting now, but I will still be one of the representative attorneys for the CSC. We are kind of doing a team concept restructuring of our office and Tracy will present that. There will be times when you will be seeing Tracy at the meeting. I am definitely still here. If I am not here in April it doesn't mean that you won't be seeing me or that I am not involved.

Chief Examiner Bailey stated that Tracy is well known to the Commission. She was our attorney prior to Ms. Rothe.

11. ADJOURNMENT (For Possible Action)

Chair Atkinson adjourned the meeting at 6:33 p.m.

Jeannie Atkinson, Chair

Date