

MINUTES  
GRIEVANCE HEARING

DATE: September 6, 1994

TIME: 3:30 P.M.

LOCATION: Conference Room, Village Hall, 325 N. O'Plaine Rd.

PERSONNEL COMMITTEE MEMBERS PRESENT:

Mayor Welton; Trustee James Yost; Jim Hayner, Village Administrator; Jon Wildenberg, Assistant Village Administrator.

OTHERS PRESENT:

Scott DePauw, Firefighter/Paramedic and Tim McGrath, Fire Chief.

Mayor Welton called the meeting to order and asked that Jim Hayner explain the background and ground rules of the proceeding. Mr. Hayner read Section 3.14, Grievance Procedure, of the Personnel Policy Manual in full (a copy of said section is attached hereto and made part of these minutes). He also noted that the grievance in this case relates to a merit salary review. A letter from Mr. DePauw, dated August 25, 1994 (attached hereto and made a part of these minutes) noting his reasons for appealing the recent merit review, was also read.

Mr. DePauw then explained his thoughts and feelings concerning the review in question. He had received the evaluation and noted that his scores had gone down from the previous year in twelve (12) of the thirteen (13) rating categories. Mr. DePauw recalled that no one had mentioned the existence of any problems to him in the past, nor had any recommendations been made to him on what to do to improve. To his knowledge, there is no documentation to support the scores given on the review. The two persons utilized to do the ratings did not have daily contact with him on the job. For instance, he had received a below average (1.5) rating on the attendance category even though he had not used a sick day or been late during the rating period. He feels all the scores given are subject to dispute, and that the entire process was not fair to him as an employee who gives 110% to the job each day.

Mr. DePauw then went through the rating categories one by one noting the score he received and his comments, as follows:

<u>CATEGORY</u>	<u>SCORE</u>	<u>COMMENTS</u>
Alertness	2.5	

Initiative	2.0	He is involved with maintaining street maps and some training activities. Does not need personal instruction because he knows what to do in those areas.
Attendance	1.5	Was not away from job.
Stability	3.5	Score is up from past.
Courtesy	2.0	
Attitude	1.5	Feels he does not have a bad attitude. The department is going through some tough times right now. Enjoys being a firefighter.
Cooperation	2.5	Feels he is a team player. Some suggestions he has made have not been heeded; however, he understands his position within the team concept.
Integrity	1.5	Not on a level to handle confidential information. Does not deal with the press. Questions how this category applies to him.
Quality	2.0	Not told he was careless or generated inferior work. Feels he produces good quality work.
Dependability	1.5	Feels this score is not a reflection of his firefighter/paramedic or station work.
Job Knowledge	2.0	Has achieved all the necessary certifications and keeps them up-to-date.
Quantity of Work	1.5	Questions how work performed in a day is measured. He does things such as checking out the rigs and updating street maps and puts in many hours doing so.
Communication	2.0	Notes that everyone has ideas. He shares his with supervisors and all others. Tries to work as a team.

ACTION/COMMENT FORM

Positive Traits

1. Works well with co-workers.
2. Very involved with and enjoys training activities.

Traits to Improve

1. Work performance and job knowledge.
2. Should meet with the Deputy Chief to formulate a remedial work program to be evaluated over the next six (6) months.

Fire Chief McGrath then presented his information concerning the review. He noted that the evaluation format has been in use since 1989 and that it was generated via the Lake County Fire Chief's Association. There are currently 22 Fire Department employees evaluated on this basis. No changes have been made to the form. Since 1989 there were 70 individual performance reviews done and, of that total, two had not been recommended for merit increase: one (1) in 1990 and the other being the subject case. The interpretation of a merit increase is that it is not an entitlement and it must be earned via performance.

In May 1994, Firefighter DePauw and Firefighter Skillman had requested changes to the review process. Previously, the Fire Chief, Deputy Chief and Shift Commander would each do an evaluation. This was then revised so that the Deputy Chief and Shift Commander would do the reviews. The Fire Chief's role was pulled back to making certain judgments and the final recommendation.

Mr. DePauw's review was done by Lt. Burkhart and Deputy Chief Hubbard. Lt. Burkhart was his supervisor for eight (8) months. He gave below average scores in eight (8) categories and no above average scores in any category. Chief Hubbard gave below average scores in twelve (12) categories and an above average score in one (1) category.

Mr. DePauw's evaluation of one (1) year ago (August 1993, copy attached to these minutes) noted concerns in the area of attitude. The Fire Chief met with Mr. DePauw to discuss the situation. The Chief gave him a book from ICMA on attitude and reassigned him to Lt. Burkhart's shift. During the current evaluation period (i.e. August 1993 to August 1994) Mr. DePauw also received two (2) suspensions (one (1) for falsification of a paramedic incident report and one (1) for insubordination); is part of a crew currently under investigation by Highland Park Hospital for the possibility of a failure to perform proper medical treatment at an accident scene; and was involved in an incident concerning the near improper administration of a drug.

Given the scope of the facts and circumstances presented over the course of the evaluation period, a merit salary increase was not recommended. Further, it was recommended that a remedial program, with short term goals, be established so that the employee's performance could be reevaluated in six (6) months. On August 25, 1994, Mr. DePauw was offered an opportunity work on the remedial program; however, he indicated to the Chief he felt it would not be of value.

Mr. DePauw stated that he did not agree with the 1993 evaluation either and would have also grieved it as well if he had known how to do so. As far as the work program offer, he does not want to work with Deputy Chief Hubbard because he feels he will be set up for failure. When Mr. DePauw was in charge of public information for the department, the Deputy Chief took money out of his budget and shot other things down.

Mr. DePauw has no problem with establishing a constructive work program that will be positive. He feels his scores for the current evaluation are not reflective of his work on the job, and that he deserves a merit increase. He maintains that the form is outdated and needs to be revised.

Mr. Hayner asked how the forms may be revised to improve the process. Mr. DePauw indicated that more hands-on evaluation with supervisors is needed. For instance, the supervisor who did his current evaluation, Lt. Burkhart, was his supervisor for eight (8) of the twelve (12) months, had no idea what Mr. DePauw was doing; and Lt. Burkhart did not know what he himself was doing. The people that should have reviewed Mr. Depauw, in his opinion, are the temporary shift commanders he had, including: Gary Miller; Tim Tanner; and John Drinkall. Mr. DePauw also believes that Lt. Burkhart is biased against him and will do whatever the Chief and Deputy Chief tell him to do.

Mr. Hayner asked if the other shift commanders are fair in their reviews. Mr. DePauw replied he did not know.

Mayor Welton asked Mr. DePauw if it would be beneficial to this hearing process to hear input from the Deputy Chief or Lt. Burkhart. Mr. DePauw indicated he felt it would not necessarily be constructive, but it would be OK if the committee wanted to.

Mr. Yost asked who had done the 1993 review. It was noted that Captain Gramer, Deputy Chief Hubbard and Fire Chief McGrath did so.

In response to Mr. Hayner, Chief McGrath noted that the Countryside Fire Protection District may also be using the same form for evaluations.

Mayor Welton then asked that the Fire Chief and Mr. DePauw both summarize their feelings on this matter.

Chief McGrath felt it was critical to address the job performance concerns. He also felt that the Deputy Chief must be involved in the process and, if needed, the Chief himself will also participate. He does not agree with Mr. DePauw's comments regarding the Deputy Chief.

Mr. DePauw reiterated that a new review form is needed and that his current scores are not fair. He feels the committee must look at the big picture of what is going on within the Fire Department and question why he received such negative marks. Mr. DePauw believes his evaluation is not related to his performance over the year.

Mayor Welton stated that the committee will take the information given under advisement and will review the circumstances. Further information may be needed. The committee will respond when their evaluation is completed.

The hearing was adjourned at 4:10 P.M.

Submitted by:

Jon Wildenberg  
Secretary, Personnel Committee

Minutes reviewed and approved by Personnel Committee:

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RICHARD A. WELTON, MAYOR

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DATE

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JAMES YOST, TRUSTEE

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DATE

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JAMES HAYNER, VILLAGE ADMINISTRATOR

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DATE

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