

Personnel Committee Minutes

Honorable Council
City of Newark, Ohio
July 2, 2015

There was a meeting of the Personnel Committee in Council Chambers on Monday June 29, 2015 following the Safety Committee with these members in attendance:

Carol Floyd, Chair	Jeremy Blake for Marc Guthrie
Ryan Bubb	Alex Rolletta
Doug Marmie	

We wish to Report:

1. **Ordinance 15-19** amending Chapter Section 220.02 of the Codified Ordinances of the City of Newark, Ohio to establish a policy of fair hiring was considered.

Mr. Blake- this ordinance is regarding the issue that many of you may more commonly know as “ban the box”. This is an effort that has been going on a long time in the State of Ohio and they recently through executive action have removed that box from their applications as well as other local jurisdictions around the state. This is to add to the momentum that has been occurring in the state. I am hoping that the City of Newark can be a part of that momentum. Denison University and Licking Memorial Hospital are supportive of this effort and have both hosted events regarding this matter. A big part of this has been a citizen’s activist group called the Newark Think Tank on Poverty. There are representatives here tonight to give testimony as to how this can be beneficial to our community as a whole. I urge support of this ordinance.

Director Rhodes- I just wanted to state that the city is supportive of this initiative and are supportive of what you are trying to bring forward Jeremy and we think it is appropriate.

Assistant Law Director- I think one of the important things about this is that it makes a criminal background just a factor not the determining factor. It is a factor in hiring not the determining factor and as Mr. Blake said other jurisdictions have adopted legislation of this kind. This has been a cooperative effort between the Law Director’s office, Director Buskirk and me. Director Sassen has coined the term “delaying the box” and I think that is a very appropriate term regarding this.

Wendy Tarr- I am not a resident of Newark but I am here in the capacity as an employee of St. Vincent De Paul and the Columbus Diocese. We are sponsors of the Newark Think Tank on Poverty. We are an organization well known for humanitarian assistance and emergency assistance for people in poverty. We have counseled people in the community trying to understand the challenges and barriers they face as we have been

meeting needs. One of the greatest needs people have is finding and securing a job, a job in which they can support their family. We have worked with the Newark Think Tank on Poverty in support of these efforts.

Lesha Farias, 116 Smithview of Madison Township- I am the co-founder and facilitator of the Newark Think Tan on Poverty which is a community organization that consists mostly of individuals that are experiencing the issues of poverty and are working to learn how we can change those. This is a very important issue for us. At the event we held at Licking Memorial Hospital sponsored by Licking Memorial Hospital to talk about fair hiring and “Ban the Box” we had 4 local employers sign our fair hiring pledge. We are appealing to you tonight as a public sector but we are also now starting to appeal to the private sectors because people need these jobs.

Resident of 224 W Locust-I use my prison number as my name because he can't have a City job right now. He stated that once a fair hiring policy is passed locally it gives people like himself a fair and equal chance of obtaining a city job if qualified. It also means that City Council could see that discrimination could take place and this fair hiring policy could modify some of the challenges. If this is accepted it will give hope and inspiration for a chance at becoming a long term taxpaying citizen working locally in a position that has not been offered since 1972.

Donald Lee, 20 S Fulton Ave- I came back to our community 40 years ago with a felony on my record. I have carried that with me along with a couple of others with me in the last 4 decades so I consider it a real privilege to be here tonight speaking on my issue. There are a lot of good people that support this cause because they know that there are good people who have made mistakes in their past and now deserve a second chance. I represent the Newark Think Tank on Poverty, the re-entry committee. I am in touch on a daily basis with individuals coming back to this community after being in prison looking for an opportunity to work to put food on the table. There will be 148 individuals who will be released this year that will be coming back to Licking County and they need jobs. We have identified a number of issues that will keep a person in poverty especially a person who has been convicted of a felony and the number one issue was jobs. I ask you to keep your hearts and minds open to this.

Tina Cole, 743 McKinley Ave- I spent 6 years' incarceration at the Ohio Reformatory for women. You will hear from the Newark Think Tank on Poverty the challenges that men and women face when returning. The only number I have for you is that a returning, reformed citizen that isn't able to retain a job within 30 days of being released is 90% likely to go back to incarceration. I want to give you a different light on returning restored citizens. I don't know how many of you have visited an Ohio prison but good things happen in prison. There is a stigma attached to returning citizens that once a convicted felon always a convicted felon, once a drug dealer always a drug dealer. I have been told that to my face. I am not a drug dealer. The inmates run the prison. Sure there are state employees but the inmates make and serve 9,000 meals a day in the women's prison, the inmates clean the dorms, the inmates are teachers and tutors, they collect all the trash and recyclables and take it where it needs to go, they do the lawn care, plant the flowers they do everything. You can lie around and watch T.V. and eat if you want but most of us got up at 6:00 and were ready for our jobs by 7:30. We worked

those jobs for \$18.00-22.00 a month. That is our state pay but we still get up and do it every day because we want to change our lives. Do you know what I did when I got out 8 months ago? I got two jobs and work 70 hours a week, divorced my drug dealing abusive husband and got full custody of my kids back, I bought a house, 2 vehicles and I am about to be a grandmother and I did it all with the stigma of being a drug dealer. There are men and women returning to these communities that want to change that want jobs and want to be more than productive citizens we want to get out and be a part not just a second chance. Sure not everyone gets out and has the same way of thinking that I do but a lot of people do. Taking this box off of this application gives us the chance to sit in front of an employer and tell our own story, show who we have become, show what we can do so we can be a human being.

Mr. Bubb- I think that this is a worthy cause and I would entertain a motion but I would yield to Mr. Blake since he brought this forth if he would like.

Bill Hammond, 64 Valley Dr- he was in support of removing the box off of the application and felt it was a common sense thing to do and about forgiveness.

Daniel Crawford, 163 S 2nd St- he was in support of removing the box from the application and also felt as though they should be able to use the work that they performed while in prison to help them when applying for jobs.

Billie Bobo, 60 Riley St- gave testimony that her father struggled to get a job and had to work some of the lowest paying jobs because he had felonies on his record. She herself received her first felony at the age of 16 and has struggled to get a job as well. She supported removing the box to give everybody a chance and to give them a chance to have their side heard.

Amanda Buckta, 14 11th St- she gave testimony that in the last three years she had been in and out of jail and struggled to get a job to support herself. She supports the box being removed from the application.

Alan Schwartz- I am a teacher at CTEC and am speaking for my students. We spend thousands of dollars for my students to get their GEDs so that they might get jobs but a good portion of my students are returning citizens that work really hard to get their GEDs but then can't get a job because of this discrimination. Let's provide an example like the State provided for us to private employers to give something to somebody as simple as giving them an interview before making their decision.

Mr. Blake- what courage you have to share your personal stories at a public forum like this. You being able to share your story is going to help people break that stigma that many people have about returning citizens. I thank each of you who spoke tonight and ask that you continue to tell your stories so that private employers might follow our lead as we join the other employers in our community to ban the box.

Motion by Mr. Blake to send Ordinance 15-19 to full Council, second by Mr. Bubb

Alex Rolletta- I just want to say that I am happy that I got to attend the meeting at Licking Memorial Hospital that was put on by the Think Tank and discuss this. The stories that we heard from people going through were inspiring. I want to thank Jeremy for bringing this to the table and to applaud the Think Tank for all of their work. I believe that if we don't give people a second chance it is not only bad for them and their families but bad for our community as a whole. I applaud you and look forward to

approving this legislation.

Motion passed by a vote of 5-0.

2. **Ordinance 15-20** amending the position authorization tables of the City of Newark Division of Fire by reducing the position of Captain by one (1) through attrition resulting in a strength authorization of seven (7) was considered.

Chief Connor- over a period of time and the way our business as a fire department is run we have specific needs as far as a management style. Over time we have created a Captains position which I believe right now is not necessary to have. In an effort to be the most efficient as we can in every way which I believe is what we have been doing and will continue to do. The elimination of this position is through attrition we don't have any openings currently for someone to be promoted in. By eliminating one Captain's position I can reallocate the job responsibilities to other Captains that remain on shift now and help get the staffing on the street. Currently in order to get where are today with this the 40 hour Captain position which is our training Captain I will move back to a truck, to a shift so I have a body on duty to try to eliminate the overtime expenditures. I believe doing the job that this position requires all of the responsibilities can be done on shift on every third day routine. The reason that I speak as such is because I did the job. I have an intimate attachment with this and I know what the work load is. I am trying to get the organizational structure to one that looks more professional. That is my recommendation.

Dave McElfresh, 153 N 39th St- President of IAFF Local 109, after seeing this on the agenda the Chief and Safety Director met with us to discuss this issue and quite frankly my comments to them were that we would be more than willing to sit down and work on something that makes our department more efficient and gets us more people on the street. I was here to witness the conversation about the Police when they did away with theirs and I have the same concerns. We are eliminating a Captain and from the words of this Council sometimes we have enough Chiefs and not enough Indians, there is no assurance that we are going to get any Indians. My question is if we eliminate a Captain is that savings then going to hire a firefighter or two? The Chief may know the answer to the exact cost of what that Captains would be but as he stated there are no immediate savings so there is no need to rush into this. We are certainly still welcome to talk about it to get more firefighters but basically what came out of that is why this Union stands in opposition is there is no promise or legislation to say we will eliminate this Captain and in turn hire more firefighters. So we stand in opposition.

Mr. Rolletta- asked Director Spurgeon, with the understanding that this Captain is responding to calls and doing a lot of the things that a firefighter does I think that it would be appropriate if we would hire a firefighter at the bottom if we cut at the top. Is that something you would be willing to make a commitment to do?

Director Spurgeon- I can't make that commitment Mr. Rolletta because I don't know next years' budget. I don't know when this Captain will leave through attrition. The only thing that I have said publicly is that I want to hire people.

Mr. Bubb- I appreciate the Fire Chief and the Safety Director coming to us in good faith on this. You have to go back to their institutional knowledge; Chief Connor has done it so I will support this going on to full Council.

Motion by Mr. Bubb to send to full Council, second by Mr. Marmie

Mrs. Floyd- this issue was before us earlier and it was before us at a time when somebody had retired and we didn't vote on it at that time because there was a grievance and an issue involved and I said at that time if it came back when there was not a vacancy that I would support it so I will support this.

Mr. Blake- I agree that in this situation your comments are correct. We are looking at a situation when someone is going to retire through attrition and that is the reason I will be supporting it as well. I do agree with the comment that we should have more Chiefs than Indians. I would hope that we could consider all monies to hire firefighters even though we don't have a commitment tonight.

Motion passed by a 4-1(Mr. Rolletta) vote.

3. **Ordinance 15-21** amending the position authorization tables of the City of Newark Division of Fire by creating the position of part-time Firefighter/EMS was considered.

Chief Connor- I don't know exactly what **we** can say here that hasn't been said specifically. I think that everybody in this room was present while we were talking in the other committee meeting. I will sum it up very quickly. The fact of the matter is as Fire Chief I have to put people on the street. Everybody would like to have a full time complete Fire Department but we don't have money to do that. As Chief I can't just sit in my chair and not do anything about that. I have to come up with solutions to these problems and sometimes they are difficult for some people to hear. Change has to happen. We clearly have a financial situation in the City of Newark that we haven't quite had before and there is nowhere to go for a pot of gold to fix this problem this time. So change is difficult, culture is difficult in the fire service and anywhere for that matter. There has to be someone who stands up and says the things that need to be said and that person is me right now. I need to make a change that is different for the Newark Fire Department in order to survive the financial situation that we have. Is it perfect? No but it is a solution to this problem. It is a potential solution to this problem. I vowed to do the very best I can to try to make this successful. I love some of the comments in the crowd about the different ideas to generate money for the city. Let's hear them because I am not hearing a whole lot of them right now. My ears are wide open when somebody wants to talk to me about how to generate revenue and fix our problem. My phone is not ringing off the hook and nobody is beating at the door currently. It is my responsibility to find that solution for you and this is what I am doing. We're not discussing details about the part-timer, what it is, is what I am bringing to you is do you support the idea of my staff looking into part time firefighters in a potential plan to come back to you with? If you support that I will come back with a plan. That is what I want tonight. What do you want me to look into? If it is something that you see that is viable I will do that for you.

Mr. Bubb – just for clarification for everybody in the audience and for Council, this would allow you to come back with a plan. We are not talking about funding at this time. Just so we are clear on that.

Chief Connor- that is correct. That is how I understand it. I would come back with a plan, funding is a separate issue.

Mr. Rolletta- Chief Connor I know you have to draw up the plan first but you wouldn't share any ballpark details like how much an annual salary would be for a part time firefighter.

Chief Connor- I don't want to get into the weeds per say of what we are talking about here but the general part time firefighter in this region probably makes between \$10.00-15.00 an hour. So somewhere in that range we are take a look and see what that means and of course we are limited on hours worked by a part timer. I will put a plan together and it will have a dollar amount associated with that to give you all a good idea of what we are talking about. What service that provides to the City of Newark and if it benefits us at all or not but it is something that we can look into and provide you information.

Mr. Rolletta- so you would like us to authorize 20 potentially?

Chief Connor- we are going to talk about the number. The number 20 is there but I don't know if financially the city can afford 20. This could be a plan that takes place over time to get to that and there is Union opposition to this and the legalities with that. This is moving forward with a plan to see how you will receive that.

Mr. Bubb- I know that this is a tough issue for a lot of people. I want to thank you Chief along with the Safety Director for coming in here tonight in good faith and bringing forth a solution. It is refreshing in today's government especially local government. It is a few years past due. I certainly appreciate that. It is a tough issue on both sides, Republican or Democrat but you can't hide from the facts that we have a staffing issue and we have a funding issue and if we don't do something about it it's not going to get better. I hope that this passes on tonight and that we bring this to the Council floor so everyone can vote on it because we have a problem and it's not going to get any better. We are going to face additional pay raises next year. It is a tough issue and I commend you for bringing forth a solution along with the Safety Director. You guys have done a nice job of laying it out. Everyone on Council took an oath of office to make a good pledge to the citizens for financial responsibilities so I think it is a must that we pass this one.

Motion by Mr. Bubb to send to full Council, second by Mr. Marmie

Mr. Rolletta- I know that a plan has to be drawn out and I am sure you guys will be talking about this a lot but do you think that 20 is what you would roughly looking at, your ultimate goal would be to hire 20 part time firefighters or is the number 20 here for any specific reason?

Director Spurgeon- that is a very good question and Chief Connor said it well. This will be labor intensive to go and do this, to find the research on it. While we can talk about the number one thing that I hope is part of the discussion is we're not going to propose a group of folks that we are going to pay if they don't come to work. This will merely be as needed. If we don't need them we won't spend a dime on them. So I can't really tell you a number. Is it 20? I don't know I am counting on our Chief to do the research.

Mr. Blake- this tonight is the first time that we have discussed this publicly. The comments saying what is the solution, what is the solution well I think this is the beginning of the discussion. We have heard people asking how we are going to solve this but I appreciate that we are finally having a public transparent discussion about our safety forces which is occurring tonight. Part time is a possible solution. I have heard hiring the number of people budgeted. I have heard another solution of asking the citizenry for additional revenue. So saying that the part time issue is the only solution that has been brought forth I don't think is necessarily correct I think there have been other solutions brought forward. I have also heard that there needs some time to discuss things. There have been some concerns as whether this should be negotiated item? Do the other 50,000 citizens have other opinions about how we can work together to solve this issue? Tonight I don't feel as though I have the information to make a decision on this. I know the Chief will be emailing us information and I know after the news media coverage on this that the citizens are going to have comments on this. I don't feel comfortable voting on any part time issue tonight. I am going to offer a motion to table this until August 10th.

Motion by Mr. Blake to table Ordinance 15-21, second by Mr. Rolletta

Motion passed by a vote of 3-2 (Mr. Marmie & Mr. Bubb)

Mr. Marmie- I didn't get the opportunity to comment if you give me the opportunity to comment on this?

Assistant Law Director- after the motion to table there is no more discussion

Mrs. Floyd- I think that we can discuss it during comments at regular Council.

Mr. Marmie- well then I guess I am sorry that you didn't give everybody the opportunity to comment. I thought that at committees you could comment on anything.

Assistant Law Director- not once there has been a motion to table

Mr. Marmie- but in committee earlier we commented on numerous things and there was no motion

Assistant Law Director- before the motion

Mr. Marmie- if she wants to allow anybody to comment on any subject at any time she can because it is committee.

Assistant Law Director- but not about this issue because it has been tabled.

Mr. Marmie- where is that in the rules?

Assistant Laws Director- it says in there that once the motion to table is offered it is not debatable any longer

Mr. Marmie- I am not debating the issue

Assistant Law Director- you are offering comments about something that has been tabled.

4. **Ordinance 15-22** amending the position authorization tables of the City of Newark Division of Fire by creating the position of part-time Life Safety Inspector was considered.

Chief Connor- I have also supervised the Prevention Bureau. You may have heard that the safest fire is the one you prevent. Right now our prevention staff consists of one

person. I think that Newark has 1700-1800 businesses probably about 1100 buildings we actually have to inspect, one person. Last year we inspected about 480 of those 1100 buildings and that is just not good service to me however prioritizing the Fire Department's needs I took one of the other prevention people and put them on shift for staffing to keep overtime low. It is not ideal. Newark could probably use 3 Prevention Officers. It is about 3530 hours a year in prevention needs in the city. That is about 68 hours a week. I am trying to get our buildings inspected. We have many school buildings with young children in them and it is very important to me that their buildings are inspected. We have a lot of downtown renovation going on working very closely with prevention. I could go on and on with prevention needs. I have one, some cities our size have 5 full time Prevention Officers and they are busy. Things don't get inspected and that is the way it is. I need some relief. I have offered the position 3 times with no takers; I have bid it, no takers. I could force somebody in that position but that is a very specific job that takes very specific skills and a desire to do that job to do it well. I could create that part time position and give them 30 hours a week just inspecting.

Mr. Marmie- I would urge everybody to support the Chief. Going forward with the opportunity to try to determine change and see if it is viable, the longer we wait on of these types of issues the higher the impact is on the budget and the budget process for the upcoming year. When things change we are either going to have to do more with less or we are going to have to come up with creative solutions. I indicated that when things change we were probably going to have less firefighters. That is not my desire or my wish. I wish we had all full time firefighters and we had individuals who would accept this type of position. In light of what is happening I would hope that we would support the fact that the Chief needs help. These decisions have to be made more rapidly than what government usually does because time is money. We need to make sure these things are occurring, not haphazardly, we need to do our research just like we do everything else. We usually have 4 weeks to do that whenever things come forward. It isn't like there is an emergency on these issues. Delaying or trying to suspend these types of issues just creates more of a hardship for the city and the Chief for him to effectively manage his department. I would hope that we move forward with this rapidly.

Mr. Bubba- I would echo those comments and entertain a motion.

Motion by Mr. Bubba to send to full Council, second by Mr. Marmie

Mr. Cost- you have one full time position right now, is it a 40 hour a week job not the typical shift?

Chief Connor- correct, it is a 40 hour a week administrative position. Although as you may know a lot of our 40 hours a week staff in the fire department work different hours. The Prevention staff is usually hours of 7-3, 8-4 or 9-5, it depends on the needs of the community.

Mr. Cost-the position that you are looking for is around 30 hours?

Chief Connor- yes, we are restricted by the health care act now. We are limited to how many hours an employee can work before you have to offer them benefits. You can't work someone more than 30 hours a week and not offer them benefits. Their work load is going to be specifically designed to be an inspector to help out our full time inspector.

Mr. Rolletta- I appreciate the Chief bringing solutions forward however just like this other issue I believe it deserves more discussion. I have also read a SERB ruling that has to do with the issue of going from full time to part time in the Division of Fire not being in the bargaining process. I would like to talk about this issue more and talk about that ruling. I am going to make a motion to table.

Motion by Mr. Rolletta to table Ordinance 15-22 until August 10th, second by Mr. Blake

Motion passed to table by a 3-2(Mr. Marmie, Mr. Bubbb)

Mrs. Floyd- we have gotten so much information tonight and we have a lot more to get. I feel inundated by all of this information and I have been talking to people and thinking about this for two weeks. I still need a lot more information before....

Mr. Marmie- called a point of order. Madam Chair I wasn't allowed to discuss and debate any further why is it that you can?

Mrs. Floyd- ok, I will quit

Carol Floyd, Chair