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Legistar No.

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

_____	Resolution or Ordinance (Blue)
_____	Recommendations of Boards, Commissions & Committees (Green)
_____	Other Business (Pink)
<u> X </u>	<i>Waiver of First requested</i>

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 11, 2008 (B of T) Date: February 21, 2008

TITLE: Resolution to Adopt Amendment

SUBMITTED BY: George Seagraves, Fire Chief and Kathleen Dunne, Human Resources Administrator

BACKGROUND/POLICY IMPLICATIONS:

Resolution Adoption of an Amendment to Article XIV: Vacancies and Promotion, Labor Agreement between the Village of Lombard and Lombard Firefighter's Union Local 3009.

FISCAL IMPACT/FUNDING SOURCE:

_____	Village Attorney	_____	Date
_____	Finance Director	_____	Date
_____	Village Manager	_____	Date



To:

William Lichter

From:

Ed Seagraves
Kathleen Dumme

Date:

February 11, 2008

Re:

Resolution Adoption of an Amendment to Article XIV: Vacancies and Promotion, Labor Agreement Between the Village of Lombard and Lombard Firefighter's Union Local 3009

As per the Fire Department Promotion Act, 50 ILCS 742 representatives of the Village of Lombard and Local 3009 negotiated rules for the selection of firefighters to the rank of Lieutenant. Local 3009 ratified the amendment on January 30, 2008.

The amendment makes several changes to the past method of testing firefighters. The amendment is attached and I have listed a few of the more significant changes.

1. Five years on the department to test.

2. Commencing with the second promotional exam, fire fighters testing shall be Certified Advanced Firefighter, shall be a licensed paramedic, and shall be a provisional Fire Officer I or Fire Officer II.

3. The components of the promotional process and weighing shall be:

Seniority	10%
Ascertained Merit	10%
Chief's Points	15%
Written Examination	40%
Assessment Center	25%

4. Candidates must achieve a composite score of 75 points to be listed on the Final Promotional List.

5. Promotion to the rank of Lieutenant shall be made to the highest ranking candidate unless the BOFPC should find the person has substantial shortcomings.

6. The process is grievable.

Board approval is required for the adoption of the amendment to Article XIV.

RESOLUTION
R _____
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**A RESOLUTION AUTHORIZING SIGNATURE OF THE VILLAGE
MANAGER AND/OR DESIGNEES ON AN AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have reviewed the proposed Agreement between the International Association of Firefighters, Local 3009 and the Village of Lombard, as attached hereto and marked Exhibit "A"; and

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE
COUNTY, ILLINOIS** as follows:

SECTION 1: That the Village Manager and/or his designee(s) be and hereby is authorized to sign on behalf of the Village of Lombard said agreement.

Adopted this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2008.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

Tentative Agreement

January 5, 2008

In full and complete settlement of all outstanding issues relating to the Lieutenant's promotional process, the Village and the Union hereby agree to amend Article 14 of their existing collective bargaining agreement to provide only as follows:

ARTICLE XIV – VACANCIES AND PROMOTIONS

SECTION 14.1 - PROMOTION TO THE RANK OF LIEUTENANT

Promotions to the rank of Lieutenant shall be in accordance with the provisions of this Article and, if not otherwise covered by this Article, the applicable provisions of the Fire Department Promotion Act, 50 ILCS 742 (hereinafter the "Promotion Act"). All remaining aspects of the Lieutenant's promotional process shall be in accordance with the applicable Rules and Regulations of the Village Board of Fire and Police Commissioners (hereinafter the "BOFPC"), as the same may be changed from time to time, provided that such rules shall not contravene the provisions of this Article or the applicable provisions of the Promotion Act.

SECTION 14.2 – VACANCIES

This Article applies to promotions to vacancies in the rank of Lieutenant. A vacancy in the rank of Lieutenant shall be deemed to occur on the date upon which the position is vacated, provided that the position continues to be funded and authorized by the Village. If the Village should add lieutenant positions to the budget the position shall be treated open based upon the date funded in the adopted budget. If a vacated Lieutenant position is not filled due to the lack of funding or authorization, and is subsequently reinstated the final promotion list shall be continued in effect until all Lieutenant positions that were vacated and not filled due to the lack of funding or authorization have been filled or for a period of up to five (5) years beginning from the date on which such position was vacated.

SECTION 14.3 – ELIGIBILITY REQUIREMENTS

The examination process for promotion to the rank of Lieutenant shall be competitive among the rank of Firefighter who meets the eligibility requirements.

Firefighters shall be eligible to participate in the process for promotion to Lieutenant if they have served a minimum of five (5) years on the Lombard Fire Department, including probation, as of the date of the written examination. Commencing with the second promotional testing process conducted following the date of this Agreement, the following additional eligibility requirements shall apply:

Order of Administration	Component	Weighting Percentage
1	Seniority	10%
2	Ascertained Merit	10%
3	Chief's Points	15%
4	Written Examination	40%
5	Assessment Center	25%

The placement of eligible candidates on a promotion list shall be based on the points achieved by the candidate on each of the following five components weighted as specified.

SECTION 14.5 – COMPONENTS OF THE PROMOTIONAL PROCESS AND THE WEIGHTING OF COMPONENTS

The posting of the testing process by the BOFPC shall include a date and time by which the applicant who wishes to be tested shall have submitted an application in person to the Fire Chief or his designee, or by certified mail addressed to the Fire Chief. (Any application submitted by certified mail must be received by the date specified in the BOFPC posting.) This posting shall be made no less than sixty (60) calendar days prior to the deadline for submitting the application and shall include a copy of the application form. The form provided by the fire department shall be officially received, signed and date-stamped. A copy will be made available to the applicant. No applications shall be received after the closing date and time specified in the BOFPC posting. Failure to submit such form by the closing shall preclude any consideration to the testing process.

SECTION 14.4 – APPLICATION TO BE TESTED

(1) All applicants must be certified as an Advanced Firefighter as described by the Illinois Office of the State Fire Marshal;

(2) All applicants must be an Illinois Licensed Paramedic as of the date of the close of applications for the promotion testing process as established by the BOFPC; and

(3) All applicants must be certified as a Fire Officer I or Provisional Fire Officer I as described by the Illinois Office of the State Fire Marshal as of the date of the close of applications for the promotion testing process as established by the BOFPC.

It is further understood that any non-paramedic who was permitted to apply before the second promotional testing process must become an Illinois Licensed Paramedic within two (2) years of the date he or she is promoted, or said employee shall be demoted to their prior rank.

The Union and the Village hereby waive any requirement that eligibility requirements be published at least one year prior to the date of the beginning of the promotional process, including, but not limited to, any such requirement under Section 15 (b) of the Promotion Act.

The Fire Chief shall rate each candidate from 0 to 100 points. The total weighted score awarded to all candidates shall be sent via email and sent via certified mail to each candidate as provided in this article. The Fire Chief shall assign points based on his assessment of each candidate's qualifications and abilities to perform the duties of Lieutenant. The Chief's points shall be based on job related criteria. Such criteria shall be disclosed to all candidates and the Union at least 90 days prior to the awarding of the points.

Chiefs Points

Points are cumulative. All post-secondary degrees or credit hours must be from a degree granting educational institution accredited by the North Central Association or an equivalent regional institutional accreditor in the United States that is recognized by the U.S. Department of Education and the Council on Higher Education Accreditation.

Points	
10 points	Thirty Hours of College Credit with no degree
15 points	Associate's Degree -- Non-Fire/EMS Related/Emergency Management
10 points	Certified Fire Officer I/Provisional Fire Officer-- <i>only</i> applies to first promotional testing conducted following the date of this Agreement
15 points	Current Illinois Licensed Paramedic-- <i>only</i> applies to first promotional testing conducted following the date of this Agreement
20 points	Associate's Degree -- Fire/EMS Related/Emergency Management
25 points	Bachelor's Degree -- Non-Fire/EMS Related/Emergency Management
35 points	Bachelor's Degree -- Fire/EMS Related/Emergency Management
40 points	Master's Degree -- Non-Fire/EMS Related/Emergency Management
50 points	Master's Degree - Fire/EMS Related/Emergency Management

A maximum of 100 points can be earned based on ascertained merit, which shall be determined on the basis of the following:

Ascertained Merit

- Candidates shall be granted .5555 point for each completed month of full-time service with the Lombard Fire Department, beyond sixty (60) months of completed service.
- The total point value shall not exceed 100 points, based upon twenty (20) or more years of service.

Seniority shall be calculated based upon whole months of completed service as of the close of applications for the promotion testing, as established by the BOFPC. Seniority shall be calculated as follows:

Seniority

SECTION 14.7 – PROMOTION PROCESS

If a candidate wishes to withdraw from the promotional process he may do so prior to the final posting, the candidate shall so advise the Fire Chief in writing. After receipt of the request the candidate name will be removed from any posting in regard to the promotion.

SECTION 14.6 – CANDIDATE WITHDRAWAL

If an employee files a grievance over the Chief's points and it is appealed to arbitration, the arbitrator shall apply the arbitrary and capricious standard to determine whether or not the contract has been violated. Any such grievance must be filed at Step 4 of the grievance procedure within fourteen (14) calendar days of the date the Chief's point ratings are sent via certified mail to the employee's home address.

Written Examination

The BOFPC will post a reading list of the study materials for written examination, which shall include study and reference material for all major areas contained in the written examination at both fire stations, at least ninety (90) calendar days in advance of the date of the written examination. The written exam shall be conducted by an outside vendor selected by the BOFPC. The written exams may be scored off site or on site as elected by the vendor. The candidates may review their scores and/or challenge questions with a representative of the vendor at a pre-determined time period at the Village, provided that the BOFPC or the BOFPC's designee shall make the final determination.

The Village will not retain an outside vendor to conduct the written exam unless such vendor agrees not to offer a pre-examination review session to eligible employees in advance of the written examination component which they have been retained to conduct.

Assessment Center

The BOFPC will select an independent vendor, who will use a panel or panels of fire command officers from other public sector jurisdictions to conduct an Assessment Center. The Assessment Center may include the use of multiple assessment techniques. Each candidate may be awarded up to 100 points by the Assessment Panel.

The Village will not retain an outside vendor to conduct the Assessment Center unless such vendor agrees not to offer a pre-assessment center review session to eligible employees in advance of the assessment center component which they have been retained to conduct.

SECTION 14.8 – SCORING COMPONENTS AND POSTING OF

PRELIMINARY PROMOTION LIST

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test, carried out two (2) decimal places, and the scores of all components shall be added to produce a total possible score of 100 points. After each component is completed, the score for that component shall be mailed to the applicant's home address. Candidates shall then be ranked on the list in rank order based on the highest to the lowest total weighted points scored on all components of the test. This shall be the preliminary promotion list.

SECTION 14.9 – MILITARY PREFERENCE POINTS

Once the preliminary promotion list is posted, if a candidate wishes to receive points for being a military veteran such employee must affirmatively so request in writing to the BOFPC or their

When there is a vacant or newly created position in the rank of Lieutenant that the Village has funded and authorized to be filled, the BOFPC shall appoint to that position the person with the highest ranking on the final Lieutenant Promotional List, except that the BOFPC, upon recommendation of the Fire Chief, shall have the right to pass over that person and appoint the next highest ranked person on the list if the BOFPC has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the BOFPC shall document their reasons for their decision to select the next highest ranking person on the list. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with the provisions of the grievance and arbitration procedure set forth in Article 9 of this Agreement; provided, however, any such grievance must be filed at Step 4 within seven (7) calendar days of the date the employee is notified, in writing, of the BOFPC's reason for passing him over. If a timely grievance is filed, the promotion shall be held in abeyance pending completion of the grievance process. During the pendency of any such grievance, the BOFPC may exercise their authority, pursuant to ILCS 5/10-2.1-16, to make a temporary appointment. If no such appointment is made the procedures set forth in Article XVIII (Acting Out of Classification) of this Agreement shall be utilized. Unless the reasons for passing over the highest ranking person are not remediable, no person who is the highest ranking person shall be passed over more than once. Any candidate may refuse a promotion once without losing his position on the final promotional list. Any candidate who refuses a promotion

SECTION 14.11 – ORDER OF SELECTION

After all components of the promotional process have been completed and any military preference points added, the score for all components for each candidate who completed all components shall be tallied, and a final promotion list shall be prepared by the BOFPC. The final promotion list shall be posted on the bulletin board at each fire station and at the Village Hall, listing in rank order from highest to lowest the scores of all candidates, except for candidate who withdrew from the process. Once posted this date becomes the start date for the life of the list. In the event two or more candidates receive the identical score on the final list, priority shall be given to the person with the greatest seniority, among those with the same score. It is further agreed, however, that any candidate who fails to achieve a total weighted score of 75.00 points or greater shall be excluded from the final promotion list and ineligible for promotion.

SECTION 14.10 - FINAL PROMOTION LIST

designee within fifteen (15) calendar days of the posting of such list. The determination of whether an employee is eligible for military preference points shall be based on the provisions of the Illinois Municipal Code, 65 ILCS Sections 5/10-2.1-10. Candidates who are otherwise qualified and timely request credit for at least one year of active military service, shall be granted military preference points of 0.1389 of one point for each month of such military service not exceeding thirty-six (36) months [maximum military preference points is five (5)]. Any person who has received a promotion from a promotion list on which his or her position was adjusted for military preference, under this Article, the Promotion Act or any other law, shall not be eligible for any subsequent military preference points.

Any individual participant in the promotional process who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or application of military preference points shall be entitled to a review of the matter by the BOFPC or as otherwise provided by law. Such a review request must be made within seven (7) calendar days of the final posting.

SECTION 14.14 – RIGHT OF REVIEW

The Union and the Village may elect to have up to two (2) monitors each at the written exam and the Assessment Center. The monitors cannot be participants in the testing process. The monitors are observing only and cannot be disruptive to the process. The failure to be on time or to attend will not impede the testing process. Names of the monitors for the Union have to be provided by the Union to the Fire Chief five (5) calendar days before the test component.

SECTION 14.13 – MONITORING OF THE TESTING PROCESS

A final promotion list developed pursuant to this Article shall be effective for a period of three (3) years from the date of its posting. Integrated lists shall not be utilized.

SECTION 14.12 – DURATION OF FINAL PROMOTION LIST

A second time shall be removed from the final promotion list, provided that such action shall not prejudice a person's opportunity to participate in future promotional testing processes. Candidate refusal must be in writing.