

On December 10, 2020, one of our retired members sent an email to the Mayor and City Council in reference to the change of the battalion chief insignia. Being a department - wide change, this directly impacts not only active members, but every living and non-living retired Battalion Chief and District Chief, as many are buried in their uniforms. The basis of the letter was simple. Over 70 years of tradition being totally erased, the expense of trading out current Battalion Chief insignia will exceed \$23,000 plus the cost of every retired chief that requests new insignia. The other point of the letter was the continued practice of trading out city council approved firefighter positions for administrative positions, which has been a major factor resulting in mandatory overtime and cancellation of scheduled days off for operations personnel.

The retired member did not expect a reply but received one and was shocked by the content. Mayor Vi Lyles did not respond to the City Council funded firefighters being turned into staff positions, or any of the other issues discussed in the email. However, in the email, she agreed with the Fire Chief about the insignia change and went into great detail about how the seven Division Chiefs wanted this change and how two crossed trumpets were historically correct for Battalion Chiefs elsewhere.

After receiving the response, the retiree forwarded it to your Executive Board and demanded that we never endorse the Mayor again. We asked Mayor Lyles for an explanation and she stated that she never wrote the email. In fact, the *Mayor knew nothing about the email*. The initial email was received by the Mayors' staff and was sent to the Fire Department for comment. The response was written by Fire Administration, sent back to Mayors' office, and was sent out by her staff as Mayor Lyles' response. In other words, someone sent a response posing as the Mayor.

When you put this incident in context to what has been happening over the past year or more, it makes more sense. City staff, from the City Manager all the way down through the departments, work with impunity and do whatever they deem beneficial for themselves because there is no fear of accountability. To put some perspective into all this, here is a list of current and past issues and why it is important to each member of the Charlotte Fire Department:

- **Command staff approved a written response to a citizen email and city staff released it as Mayor Lyles official response.**
 - Eliminates any form of transparency. Who is writing the emails and sending them? When something goes up the Chain of Command, who is really responding?
 - Industry standard is if a person authors a document for an official (i.e., secretary, staff) that person is indicated on the document.
 - This was intentionally sent out to seem as though Mayor Lyles wrote this.
- **Hired ex-employee for investigation**
 - For a retaliation investigation, the “independent third party” hired worked for HR and actually reported to HR Director Shelia Simpson.
 - This individual retired from the City of Charlotte *in December* and formed her own Consulting Company. Her only client right now? The City of Charlotte.

- Even if you get an investigation started, the city will do what ever it can to protect itself. Let alone do something this blatant.
- No one on city staff has ever been held accountable for any actions they take. Staff knows this, and with arrogance, do whatever they want.
- **Promote off an expired promotional list.**
 - Rule IX dictates how you promote employees and how you conduct the promotional process. Until amended/updated, this is the current rule and must be followed. The lack of following this rule has led to several lawsuits the city has settled.
 - If you go through a promotional process, you can no longer go by what is written on the announcement or what Fire HR says, Command Staff will extend or end promotional lists, or makes changes as they see fit
 - Division Chief promotional process announcement in March 2020 was nullified by an I.B. in October 2020 that extended to pool to one year.
 - Jan 5 2021, HR Director Shelia Simpson said to the Civil Service Board that the Fire Chief has the authority to extend the list. Chief Johnson was present during the Civil Service Board Meeting and did not correct her.
 - Eight days later, Chief Johnson stated in a deposition that it was City and Fire HR that was allowed to extend the list and he had nothing to do with it.
- **Back dated SOG's**
 - SOG 206.01, the "Promotional Requirements" dated March 7, 2019 was in effect for the Firefighter 2 Promotional Process that was held the week of May 14, 2020.
 - It was still in effect as of June 4, 2020. In July, SOG 206.01 backdated to May 13, 2020 was online. This SOG was the reason given that members were not promoted to Firefighter 2. The backdate was a "clerical error".
 - You can and will be held responsible for a policy that didn't exist at the time of an incident
- **Forged signatures on official documents**
 - Undermines integrity of the entire Fire Department
 - You need to wonder what will be "signed" on your behalf
 - Members have been terminated for "Breach of Public Trust"
- **Pay committee meeting, Manger Jones said there would need to be more meetings regarding VHOL**
 - October 7, 2020 was the original meeting, and we have yet not heard anything from the City Manager about future meetings.
 - Another example of not following through when the manger tells you something.
 - Leads to distrust among city staff.
- **Violate their own written policies and procedures**
 - On July 2, 2020, Deputy Chief Jones sent out a department wide email concerning the NC Governors' new mask mandate. In that email, DC Jones stated it was a "direct order" to wear masks in public and this was "not up for debate".

- Two weeks later, a retirement party with 100 people and few masks worn going against the Governor's order and Fire Department guidelines
 - DC Jones replied in a Battalion Chiefs meeting – “I make the rules, I can break the rules”. We cannot rely on Command Staff to lead by example.
- **Parker Poe on Rule IX**
 - Former City Attorney Mac McCarley lost a federal lawsuit for the city in 1999 with reference to Rule IX. He had over a decade to fix/amend Rule IX, but did not.
 - Now he works for Parker Poe, and says Rule IX should be changed.
 - Can Parker Poe really be independent? Multiple former city Attorneys work for them and Parker Poe is also on retainer for the city for the CARES Act.
 - City goes to friendly attorneys to get the “independent opinion” they want.
 - **Staffing report done by committee**
 - Members worked on this report for a long time and the final completed report was dated July 12, 2019. It still has not been published to the entire department.
 - This report was never published, marked confidential and buried.
 - Showed the trading of operations positions for staff positions. This is one of the main reasons why we are short staffed in the city.
 - The short staffing and trading positions contributes to the mandatory hireback and working our Kelly Days.
 - **Attempted termination of Battalion Chief Nantz**
 - After meeting with the City Attorney, the citation was changed and only then was Chief Nantz allowed to return to work. Chief Johnson was told by City Attorney to pull down the termination citation to Civil Service.
 - To this date, Chief Johnson has refused to pull the termination citation. This is an example of Chief Johnson's retaliatory nature as he acts with deliberate impunity and against legal advice. There is no fear of being held accountable for his actions.
 - **Ignore and delay grievances or complaints**
 - City Policy HR 11 dictates timelines for responses on filed grievances/complaints. There have been grievances that have been filed for over 100 days without resolution, despite direction from HR Director Shelia Simpson.
 - Fire HR has repeatedly tried to organize meetings with members that have filed complaints, and the administration has refused.
 - Complaints have been filed directly to the Fire Chief and City Human Resources, and *no investigations* have ever been conducted in regards to those complaints.
 - Members and have sent complaints to about bullying and harassment through the chain of command and the command staff refuses to follow City Policy. There has been no notification to City HR or the Manager's Office as required, and internal investigations have been done, which is also against City Policy.
 - These policies are in place so if you, the employee, have an issue it can be handled fairly. If nothing will be done, you are ignored, or your grievance will go on for months, it dissuades anyone from filing grievances for serious issues.
 - Complaints will not make it past Fire Chief.

- **Ignore FOIA requests by employees for grievances**
 - Members that go through the grievance process are forced to request documents (FOIA) that they should have for their grievance. These requests are rarely filled.
 - Mystery requests, from “O.B. Kenobi” are filled and published within 3 days.
 - This means that if an employee is needing documentation that may help their case in a grievance process, the request will be ignored. If command staff feels that it may help their case or embarrass an employee, it gets filled immediately.

- **Full compensation study ignored**
 - In June of 2017, for the FY18 budget, Manager Jones was directed to do a full compensation study for the entire city. He ignored this budget item.
 - This would have given city employees a true comparison to the 20 selected cities and how our pay and benefits compare/rank.
 - This shows the Manager is willing to ignore the City Council because the study would have shown all of our city employees were not adequately compensated.

- **Anti-union activity by Command Staff**
 - Complaint was made directly to Chief Johnson and it was never investigated.
 - Ranking officials in the Department have discouraged members seeking help from Local 660 with complaints and also have suggested union members should quit the Local.
 - This is illegal under federal law- Section 8(a) of the National Labor Relations Act.

- **Mandatory training not attended**
 - A person(s) was allowed to compete and subsequently be promoted in a process even after it was proven they had not completed required training for multiple consecutive years. This training that is required to maintain North Carolina Firefighter certifications and CFD policy.
 - Operations people were quickly written up with a class B offense for not completing the same training.
 - This means that it depends on who you are, there are different sets of rules.

The Executive Board wants all our members, and also the non-members of the department, to realize that this is how the City operates, from the City Manager all the way down to our command staff. This is also an incomplete list because there are items we cannot share due to lawsuits and personnel issues. This is what your Executive Board fights against every day. Our city leaders talk about honesty, transparency and integrity, and this is what we get.

So where do we turn? We will continue follow the grievance policies procedures even if departments will not. Your union has always asked for one thing first and foremost- that all policies and procedures be adhered to at all levels of the organization. What are we up against? Under deposition, City HR Director Shelia Simpson has admitted during her time in the HR Office, the HR Department has never found in favor for any member of the fire department. This also includes siding against employees that would later on win lawsuits against the City. Also, under deposition, there has been in sworn testimony, numerous examples of Command Staff bullying, intimidation and harassment. Will these individuals be held

accountable or even investigated? We are demanding that these accusations be investigated by an independent outside party.

About a year ago, during the “investigation” into the forged signatures, it was determined the three sets of paperwork had “original” signatures, (i.e., not photocopied) and each signature was different. A Division Chief, Battalion Chief and Captain totaling more than 70 years in the department all testified that they only signed one set of documents. No one was ever held accountable. Your Executive Board said then, if there is no accountability on forged documents, what would they be willing to “forge” next? Mayor Vi Lyles now knows.

Charlotte Firefighters Association Local 660

Executive Board Members