

City of Las Vegas

BOARD OF CIVIL SERVICE TRUSTEES
CITY HALL, 400 STEWART AVENUE
CITY CLERKS FIRST FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

MINUTES October 26, 2011 4:30 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON. TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 PER CD THROUGH THE CITY CLERKS OFFICE.

1. CALL TO ORDER

Minutes:

CHAIR WHITE called the meeting to order at 4:30 p.m.

PRESENT: CHAIR WHITE and MEMBERS STEINMAN, ROCHA, BEALS and SPURLOCK

Also Present: ACTING SECRETARY VINCENT ZAMORA, CHIEF DEPUTY CITY ATTORNEY MORGAN DAVIS and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Hall Plaza, 400 Stewart Avenue, Vending Area; City Clerks Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge; Las Vegas Library, 833 Las Vegas Boulevard North; Clark County Government Center, 500 S. Grand Central Parkway; Grant Sawyer Building, 555 E. Washington Avenue

3. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

Minutes:

None.

4. For possible action to approve the Final Minutes by reference of the Regular Meeting of October 12, 2011

Motion made by PRISCILLA ROCHA to Approve

Passed For: 4; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

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ANDREAS SPURLOCK, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS; Against-(None); Abstain-(DAVID W. STEINMAN); Did Not Vote-(None); Excused-(None)

NOTE: MEMBER STEINMAN abstained because he was not present for the meeting of October 12, 2011.

5. Discussion for possible action to certify Eligible Lists for Buyer (promotional); Buyer (open); Court Clerk (Part Time/Full Time) (promotional); Court Clerk (Part Time/Full Time) (open); Fire Battalion chief (promotional); Judicial Enforcement Officer (promotional); Judicial Enforcement Officer (open); Maintenance Worker (promotional); Maintenance Worker (open)

Motion made by DAVID W. STEINMAN to Approve certification of all the Eligible Lists, except for Fire Battalion Chief (promotional)

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS; Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

Motion made by DAVID W. STEINMAN to Approve certification of the eligible list for Fire Battalion Chief (promotional)

Passed For: 4; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, EVELYN BEALS; Against-(PRISCILLA) ROCHA; Abstain-(None); Did Not Vote-(None); Excused-(None)

CHIEF DEPUTY CITY ATTORNEY MORGAN DAVIS recommended approving all the eligible lists and pulling the list for Fire Battalion Chief (promotional) for discussion after the remaining items on the agenda, as there were several people that expressed interest in speaking.

When the eligible list for Fire Battalion Chief (promotional) was reconsidered after being trailed, MEMBER STEINMAN wondered if public comment should have taken place under Item 3. CHIEF DEPUTY CITY ATTORNEY DAVIS replied that it was not necessary because the item was scheduled for discussion on the agenda, and it was well known that people wanted to speak on this matter.

ED BELANGER, Fire Captain, Las Vegas Fire and Rescue, read his comments, a copy of which was not submitted, to speak in opposition to and about the discrepancies in the testing process for Fire Battalion Chief. The process was flawed, in that the members of the Educational Instructors and the ODP (Officer Development Program) Committees had an advantage because they had the materials for several years, while he had to take classes and was given a book a couple of months prior to the scheduled date of the test. The book was similar to the one used in the City of Henderson since 2006, which encompasses more information and could have been easily purchased and made available to all candidates.

For the past two decades, Las Vegas Fire and Rescue has chosen an outside corporation to administer the testing process, in order to provide an equal testing field for all perspective candidates. Choosing two retired fire chiefs from the City of Henderson was a direct conflict of interest, because not only were there second generation fire personnel on Las Vegas Fire and Rescue related to the Henderson fire chiefs, but also fire personnel from all jurisdictions train together.

CAPTAIN BELANGER stated that THOMAS MIRAMONTES, Deputy Chief of Operations, Las Vegas Fire and Rescue, has stated in ODP classes that for Battalion Chief written exams would weigh 30 percent and an assessment center 70 percent. However, after he took the initial written test, all candidates were informed that there would be two written tests, an assessment center and then an oral board, as well as that no resumes would be accepted. Throwing out formal education and resumes and having an oral board makes the testing process subjective.

Regarding appeal questions, CAPTAIN BELANGER indicated that the initial written exam was limited to one hour; whereas in the past, candidates were allotted as much reasonable time necessary to review the exam. A panel would review questions, not one person, as he was informed, which would be a conflict of interest. The Captain commented that after he made his appeal, his questions were denied and informed by someone in Human Resources that the committee awarded no

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appeal questions. After the testing process had already started, he found out that some individuals received points and Human Resources sent him an email conceding that he was correct on at least two questions, but that Human Resources would retrain staff to ensure this would not happen again. However, this would not help his appeal. To his understanding, an ODP Committee member at the rank of captain took the test prior to the candidates, or may have written the exam.

CAPTAIN BELANGER stressed that any of the aforementioned concerns are a conflict of interest, and pointed out that it is curious that out of seven of the twenty candidates that passed the test five were ODP Committee members. Several other candidates who passed the initial written test dropped out because they were discouraged by the unfair process.

CAPTAIN BELANGER opined that Las Vegas Fire and Rescue should have contracted out of state to administer the testing process.

ERIC LITTMAN, Fire Captain, Las Vegas Fire and Rescue, stated that he recently completed the Battalion Chief (promotional) testing process, and he ranked sixth on the list, even though he has extensive experience in taking entry, national and promotional tests, in developing and administering exams, holds certifications for Fire Instructor I and II, Emergency Medical Services Instructor, Paramedic Preceptor, Flash Over Chamber Instructor, and instructor of three recruit training academies over the last ten years with Las Vegas Fire and Rescue. In addition, he is currently instructing a firefighter class at the College of Southern Nevada.

CAPTAIN LITTMAN stated that his professional background speaks to his ability to critique the testing process, which has come under scrutiny. Questions have been raised about the ethics of individuals that took part in writing the Strategies and Tactics Manual, which was required study material, taking the exam. The fact is that the Manual in question was completed and distributed to all Las Vegas Fire Stations in September 2009. At that time, DEPUTY CHIEF MIRAMONTES provided the manual and advised all pupils in the training classes that it was the bible for Las Vegas Fire and Rescue and that it would behoove all of them to review it thoroughly. When the test was posted, voluntary classes were held weekly for all perspective officers of all ranks to provide further explanation and theory on the manual. The manual is not just another piece of study material; this manual is designed and is being implemented throughout the fire department to make fire ground operations efficient, effective and safer for all fire personnel.

CAPTAIN LITTMAN stated that in his professional evaluation of this exam process, the written portion and the assessment center provided an excellent avenue for MIKE MYERS, Chief, Las Vegas Fire and Rescue, and his executive staff to evaluate perspective candidates on their knowledge, skills and abilities to become a suppression battalion chief for Las Vegas Fire and Rescue. Moreover, everyone that was eligible had two years to become familiar with the study materials. He expressed his support of the examination process and of certifying the eligible list for Fire Battalion Chief.

MEMBER STEINMAN reaffirmed with CAPTAIN LITTMAN that he was in support of certifying the list and that in the beginning he questioned the involvement of certain individuals that assisted in developing the testing process, but then he realized that all candidates had two years to study the manual, which was available since 2009.

CAPTAIN BELANGER advised MEMBER STEINMAN that he was not present at the class where DEPUTY CHIEF MIRAMONTES made his announcement about the manual. His main concerns were the testing and appealing processes.

MEMBER STEINMAN stated that he did not feel prepared to make a decision.

CHIEF DEPUTY CITY ATTORNEY DAVIS advised CHAIR WHITE that the Board's options in this matter were to certify or not certify the list, or to defer the decision to another day, as there is no appeal involved, in which case a final decision would have had to be made. The specific language in the Civil Service Rules regarding written exams states, "Whenever the Civil Service Board believes that in the interest of justice, re-examination of any applicant(s) is required, the Board may order the Director of Human Resources, or designee, to conduct such an examination of all the applicants originally tested." In this case, MEMBER STEINMAN does not feel he has enough information.

MEMBER STEINMAN wondered if the Board had an obligation to make a decision without an appeal, because he felt uncomfortable doing so without further investigation of the facts. CHIEF DEPUTY CITY ATTORNEY DAVIS indicated

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that an appeal can only be filed after a final decision has been made; CAPTAIN BELANGER only expressed an interest in speaking before the Board. Consequently, the Board could vote to approve or deny and ask staff questions.

DOUG JOHNSON, Battalion Chief, Las Vegas Fire and Rescue, who was neutral on this matter but wants to ensure the testing process is fair, stated that he met with CHIEF MYERS and staff in July 2011 to express concerns with using a local company who possibly had personnel with personal relationships with some of the candidates and to discuss the possibility of contracting with a different company to ensure a transparent testing process. He requested that the Board of Civil Service Trustees and staff look at it from a legal standpoint and ensure that the process is fair, because the same issues are occurring with the captain's test.

CHIEF DEPUTY CITY ATTORNEY DAVIS advised the Board that the issue brought up by CHIEF JOHNSON is not in question at this meeting.

MEMBERS SPURLOCK and ROCHA confirmed with CHIEF DEPUTY CITY ATTORNEY DAVIS that should the list be denied, the testing process would have to start over and that the Board could postpone taking action on the list in order to gather more information.

MEMBER ROCHA clarified with CHIEF JOHNSON that by "relationships" he means that the company that was contracted to administer the test employs people with close friendships or family ties to some of the applicants.

CHAIR WHITE asked if opting for a local company was a fiscal decision.

KENNETH KREUTZER, Captain, Las Vegas Fire and Rescue, stated that his father was Division Chief for the City of Henderson Fire Department, that CHIEF JIM CAVALIERI was his supervisor and that his father was not aware that he had applied for the position until the results of the test were published.

DEPUTY CHIEF MIRAMONTES stated he has held this position for three years. Prior to promoting to the position, he held the position of Assistant Training Chief, so he was involved with the development of the process on the ODP and its field implementation.

Regarding the claim that the ODP Committee was made up only of individuals from the Henderson Fire Department, while it is true that Henderson's document is used in the process, that strategy tactics document was adopted from Phoenix's manual, which was greatly improved after the loss of a firefighter. The City of Las Vegas Fire and Rescue then developed its own committee and developed and adopted its own version of the manual. The reason he calls it the bible is because safety on the fire ground is about operating the same, especially with so many different fire personnel.

Two years ago, the Strategies and Tactics and the Positive Discipline Manuals were implemented and made available on SharePoint and in print form at every fire station.

There were Committee members that were on the Officer Development Committee, but that is common when certain people are chosen to write documents for the department. These people are chosen by the Fire Chief.

In last year's Captain Test, the Strategies and Tactics Manual was not used because it was not too long since the manual had been implemented, and he did not feel it was fair to the candidates. In early 2009, he started training in this manual and earlier this year, at the Officers Candidate School, he stressed upon the attendees the importance of becoming familiar with the two manuals used by Las Vegas Fire and Rescue.

But having testing candidates who were once on a developing committee is unavoidable, whether it is for battalion chief or operations chief. He went through the list of qualifying candidates and pointed out that even some of the candidates who have been on an ODP committee have not done as well as candidates who have not been on a committee.

DEPUTY CHIEF MIRAMONTES insisted that the testing process has been transparent, making all training materials, manuals and class notes available on SharePoint for all the candidates to access if desired. Manuals for all officers were not purchased because of budget cuts, but one could be provided if the officers were willing to pay.

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Referring to the 30 percent rating, he commented that this percentage has always been a qualifier for all testing to ensure final candidates understand the material. It was his decision to not require resumes because they do not affect the scores either way, but during the interview, candidates were given the opportunity to add any information they wanted.

DEPUTY CHIEF MIRAMONTES stated that he was the only person comprising the appeals board because he is qualified and he was pressed for time. He was honest in answering all of CHIEF JOHNSON'S questions, and after conferring with CHIEF JOHNSON, he decided to form a committee of the subject matter experts to review the questions. These experts confirmed his review and no questions were overturned.

Regarding the concern with using an ODP commander who was also a captain who had knowledge of the test, he believes it was a subject matter expert that was utilized as a role player for the assessment center. This captain was used because he was also an author of the Strategies and Tactics Manual and was knowledgeable, but he was unaware of any of the tactical problems until the assessors training session. He did take the written portion. Several chiefs and a captain took a small portion of the test and signed a confidentiality document and were asked to not discuss it.

DEPUTY CHIEF MIRAMONTES stressed that the position of Battalion Chief is a very difficult position and a testing process that produced the best candidates had to be developed.

Referring to the comment about candidates with personal relationships to the local testing company, DEPUTY CHIEF MIRAMONTES explained that the fire service is a small-knit community. A new testing company was hired, because he was not happy with the company used last year. This company is doing active simulation between chiefs and using a local company helps the local economy. City of Las Vegas Human Resources expressed concern about using the local company and immediately investigated the concerns raised to ensure that there were no conflicts.

DEPUTY CHIEF MIRAMONTES remarked that this has been the most transparent testing process. He started informing fire personnel about the tools to be used for advancement and where to find them in orientation sessions. The process has evolved, and will continue to evolve to keep firefighters informed and safe, especially given reductions in staff.

MEMBER STEINMAN asked DEAN FLETCHER, President, International Association of Fire Fighters, Local 1285, if he had any union issues in this matter. MR. FLETCHER replied that regarding the Memorandum of Understanding on promotional testing, the City complied; it gave 45 days' notice of the written examination, provided the study materials and invited a union member to observe the training of the assessors from out-of-state. All the training materials and information was accessible.

MEMBER SPURLOCK understood the 30 percent written test qualifier or not requiring a resume, but asked if the formal announcement included reference to how the entire testing process would be weighted, and assuming that the oral board component weighted in, if it was considered part of the assessment center. GLENNA KOUNS, Human Resources, stated that the oral is part of the assessment center.

MEMBER STEINMAN asked DEPUTY CHIEF MIRAMONTES if contracting with a local company to administer the testing process was a big change in the fire department's modus operandi and why. DEPUTY CHIEF MIRAMONTES replied that he made the change because he wanted a different type of test that would produce the desired final candidates so that the department could promote qualified personnel.

Although he would have preferred a briefing, MEMBER STEINMAN indicated that allowing him to ask questions gave him the comfort level he needed to base his decision. CHAIR WHITE agreed.

MEMBER ROCHA was inclined to abstain, but CHIEF DEPUTY CITY ATTORNEY DAVIS advised her that an abstention is normally taken by a board member when he/she has a conflict of interest or a bias. The board members are charged with voting yes or no.

6. [**TABLED - Discussion for possible action to certify Job Description for Animal Control Officer, formerly Animal Control Officer I/II \(X\) \[revised\]**](#)

Motion made by DAVID W. STEINMAN to Strike

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Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS;
Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

7. [Discussion for possible action to certify Job Descriptions for Segal Class/Comp: Animal Control Officer I/II \(X\) \[revised\]; Building Services Technician \[revised\]; Construction Inspection Supervisor \[revised\]; Financial Specialist \[revised\]; Inspections Supervisor \[revised\]; Neighborhood Development Supervisor \[revised\]](#)

Motion made by DAVID W. STEINMAN to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS;
Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

8. [CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE BOARD. NO SUBJECT MAY BE ACTED UPON BY THE BOARD UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED](#)

Minutes:

None.

9. [ADJOURNMENT](#)

Minutes:

The meeting was adjourned at 5:25 p.m.

Respectfully submitted:

Gabriela Portillo-Brenner, Deputy City Clerk

Vincent Zamora, Acting Secretary

Facilities are provided throughout City Hall for the convenience of disabled persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerks office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The Citys TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall Plaza, 400 Stewart Avenue, Vending Area
City Clerks Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue