



**GREATER NAPLES FIRE RESCUE DISTRICT
BOARD OF FIRE COMMISSIONERS
Action Item Worksheet**

NEW BUSINESS

Agenda Item: III. B.
Subject: Article 41-Shift Promotions Addendum
Meeting Date: May 8, 2024
Prepared By: Chris Wolfe, Interim Fire Chief

Background

The District is scheduling Lieutenant testing within the following months. The Union and Management agreed to changes to Article 41. This will allow more members to be eligible for promotion. The Union proposed Article 41-Shift Promotions Addendum to the Union members and passed with the majority vote.

Funding Source/Financial Impact

N/A

Recommendation

Staff recommends approving Article 41-Shift Promotions Addendum which was TA'd at the April 16, 2024 Contract Negotiation Meeting.

Potential Motion

I move to approve the Article 41-Shift Promotions Addendum dated April 16, 2024.

Attachments

1. Article 41-Shift Promotion Addendum dated April 16, 2024

ARTICLE 41 – SHIFT PROMOTIONS

- 41.01 District Policy:** It is the policy of the District to consider its own qualified employees for promotional opportunities in employment prior to considering qualified outside applicants, and to give preference for such opportunities to its own qualified employees over outside applicants for those positions covered under collective bargaining agreement. The District will not post or accept any outside employment applications for positions covered by the collective bargaining agreement, unless there is no one person or persons qualified and seeking fulfillment of the position from within the District.
- 41.02 Promotional Testing Lists:** Promotional Testing lists shall be refreshed every three (3) years from the completion and posting of scores for the position. Promotional testing for a particular position may occur earlier, or later, as mutually agreed with the Union.
- 41.03 Notification for Testing:** The District shall routinely post notice of a promotional examination at least ninety (90) days prior to the start of the promotional process.
- A. Notices shall include the projected date(s), time(s), and location for each portion of testing, as well as the reference materials to be utilized for each or any portion of the testing process.
 - B. Once testing begins, it shall be completed and scores posted within sixty (60) calendar days, unless extenuating circumstances exist.
- 41.04 Reference Material:** The District will be responsible for reimbursing the employee for testing materials available electronically, or hard copy from their Educational reimbursement.
- 41.05 Notification of Intent to Test:** Employees wishing to test shall e-mail the District of their intent to test within thirty (30) calendar days of the notification posting. The District will not be required to provide “make-up” or “re-test” for employees that have missed testing dates or times. Failure to respond within the prescribed time limits shall render the employee ineligible to test, unless clear extenuating circumstances exist.
- 41.06 Veterans’ Preference:** Employee’s wishing to exercise their right to Veteran’s Preference must do so prior to testing and within the thirty (30) calendar days of the notification posting. The District will provide a clear indication of Veterans’ Preference on the testing notification.
- 41.07 Final Weighted Average:** The overall test scores will rank employees according to their final weighted average of all testing portions. Final overall scores will be listed highest to lowest creating the eligibility list for the position.
- 41.08 Positional Qualifications:** All qualifications for the position begin the date of ratification and apply to those not currently in the position being tested for or on any current eligibility list. All employees wishing to test shall meet positional qualifications prior to testing, and must present those certifications during the thirty (30) calendar day notification period.
- 41.09 Eligibility Lists and Vacancies for Positions:** The District agrees to maintain promotional eligibility lists for all positions. Any time promotional lists are depleted of eligible promotable employees, or the District determines a need to test, the District shall notify employees of its intent to test for the position. Those on a current eligibility list will retain their seniority in promotion over those testing for the position; meaning that those previously ranked and tested receive consideration for promotion before those testing and eligible employees of a later testing process. All promotional vacancies shall be filled within thirty (30) calendar days from the date of the vacancy opening from the eligibility list.

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41.10 **Testing for Positions:** The District reserves the right to design, develop, and administer all testing procedures that are uniform in nature, free of bias, and conform with any Title VII applications. The Union will be provided an overview of the testing components for review and comment. The District is responsible for ensuring that any component of testing is competitive, positional valid, and reflective of the position sought. Whenever possible the District will utilize a recognized outside professional testing agency. The District may utilize one or more of the following testing assessments:

- A. An assessment center that administers a written exam and/or performance testing the candidate's knowledge for essential positional job duties.
- B. An exercise or scenario that consists of one or more components that tests the candidate's practical skills for essential positional job duties.
- C. A professional development panel that evaluates the employees experience, education, and training as part of an interview board.

41.11 **Eligibility for Promotion:** To be considered eligible for promotion all candidates must achieve a minimum score of 70% in each portion of testing.

41.12 **Invalidation:** At the District's discretion, should any question, component, or portion of testing be considered or declared invalid; that question or portion shall be declared invalid for all persons taking the promotional test. The final score for the test shall be based on the remaining number of questions.

41.13 **Employee Review:** The District agrees to provide a feedback session within a reasonable time frame following the administration of a promotional process. This shall not exceed thirty (30) calendar days from the completion of all testing portions. Employees only have the right to review their own test or any component thereof; employees do not have a right to review other employee's tests or results.

41.14 **Selection Process – Rule of three:** Promotions will be made from the appropriate eligibility list. The Fire Chief or their designee will utilize the "rule-of-three" as a standard selection process. Once a selection is made from the top three scoring candidates, the next eligible person will be taken from the remaining two highest ranked individuals and the next highest ranked individual (third) on the eligibility list before any other candidates are considered. This selection process will be repeated until each of the original three have been promoted, unless one of the candidates was passed over for cause. At that point, another three candidates will be taken from the eligibility list in descending eligibility order and the process repeated. If the employee that was passed over for cause has resolved the employment issue, that employee will become the first eligible candidate for promotion, regardless of the next three eligible candidates. If the eligibility list is less than two candidates, the higher ranked candidate will receive the promotion unless passed over for cause. The following list constitutes cause (the list is not all exhaustive):

- A. Employee has been disqualified as part of a disciplinary resolve.
- B. Employee has been disqualified for continuing documented poor performance conduct related to their current position.
- C. Employee chooses to be bypassed on the eligibility at the time of consideration.
- D. Employee background check results renders the candidate ineligible.

All factors constituting cause affecting the non-selection or bypassing for promotion of an eligible employee will be documented by the District and presented to the employee and the Union upon request.

- 41.15 **Promotional Committee:** The Promotional Committee will consist of an equal number of management and union representatives. Union representatives are chosen by the union. The Promotional Committee is responsible for selecting testing materials appropriate for the position being tested for by candidates. No one testing for the position may be on the committee. All materials shall be mutually agreed upon prior to notification for testing.
- 41.16 **Shift Position Years of Service, Time-in-Rank, and Qualifications:** The following constitutes promotional shift positions.
- A. Driver-Engineer (Minimum 17 Positions per Shift)
 - 1. Years of Service = Three (3) years of Time-in-Service.
 - 2. Qualifications = Florida Apparatus and Pump Operator Certification, and Aerial Operations Certification, FSFC-703. Forestry qualifications S130/S190 or equivalent.
 - 3. Testing Components = Written examination, and Performance Evaluation.
 - B. Lieutenant (Minimum 15 Positions per Shift)
 - 1. Years of Service = Seven (7) years of Time-in-Service.
 - 2. Time-in-Rank = Three (3) years Driver-Engineer.
 - 3. Qualifications = State of Florida Fire Officer I Certification, and State of Florida Fire Instructor I Certification. Forestry qualification S215 or equivalent.
 - 4. Testing Components = Written examination, and Performance Evaluation.
 - C. Station Captain (Minimum 3 Positions per Shift)
 - 1. Years of Service = Ten (10) years of Time-in-Service.
 - 2. Time-in-Rank = Three (3) years Operational Lieutenant.
 - 3. Qualifications = State of Florida Fire Officer II Certification, and State of Florida Fire Instructor I Certification. Forestry qualification S330 or equivalent.
 - 4. Testing Components = Written examination, Performance Evaluation, and Professional Development Panel.
 - D. Battalion Chief (Minimum 2 Positions per Shift)
 - 1. Years of Service = Fourteen (14) years of Time-in-Service.
 - 2. Time-in-Rank = Five (5) years Operational Lieutenant/Station Captain.
 - 3. Qualifications = State of Florida Fire Officer III Certification, and State of Florida Fire Instructor III Certification. Forestry qualification S330 or equivalent.
 - 4. Testing Components = Written examination, Performance Evaluation, and Professional Development Panel.

Addendum

The below changes have been agreed to for the 2024 LT Promotional process. These changes will only be applicable for the 2024 LT Promotional Test. If a second promotional process is required, the current ratified agreement will be utilized.

41.03 **Notification for Testing:** The District shall routinely post notice of a promotional examination at least ninety (90) days prior to the start of the promotional process.

A. Notices shall include the projected date(s), time(s), and location for each portion of the testing, as well as the reference materials to be utilized for each or any portion of the testing process.

B. All employees who are scheduled to work their normal shift during any component of the testing process will be placed on administrative leave for the duration of the test on said day.

C. Once testing begins, it shall be completed and scores posted within sixty (60) calendar days, unless extenuating circumstances exist.

41.04 **Reference Material:** The District will be responsible for reimbursing the employee for testing materials available electronically, or hard copy from their annual Educational reimbursement allocation.

41.08 **Positional Qualifications:** All qualifications for the position begin the date of ratification and apply to those not currently in the position being tested for or on any current eligibility list. All employees wishing to test shall meet positional qualifications prior to testing, and must present those certifications during the thirty (30) calendar day notification period. All Candidates who submitted their intention to test in accordance with 41.05 will be afforded up to seven calendar days prior to the written test to submit all supporting documentation/certifications to Human Resources.

41.11 **Eligibility for Promotion:** To be considered eligible for promotion all candidates must achieve a minimum score of 70% in each portion component of testing.

41.13 **Employee Review:** The District agrees to provide a feedback session within a reasonable time frame following the ~~administration of a~~ promotional process. This shall not exceed thirty (30) calendar days from the completion of all testing portions. Employees only have the right to review their own test or any component thereof; employees do not have a right to review other employee's tests or results.

41.16 **Shift Position Years of Service, Time-in-Rank, and Qualifications:** The following constitutes promotional shift positions.

Lieutenant (Minimum ~~15~~ 21 Positions per Shift)**

Years of Service = ~~Seven~~ Six (6-7) years of Time-in-Service.

Time-in-Rank = ~~Three~~ Two (2-3) years Driver-Engineer.

Qualifications = State of Florida Fire Officer I Certification and State of Florida Fire

Instructor I Certification. Forestry qualification S215 or equivalent.

Testing Components = Written examination and Performance Evaluation.

** The total combined positions of Captain and Lieutenant will not be below 21