

**Follow-Up Items**  
**City Council Business Meeting**  
**September 14 & 29, 2020**

Mayor and Council Questions	Response	Dept Lead
<p><b>HR and Fire Department Policy Review</b>            Requested document including questions asked and answered by Union.            (CM Bokhari)</p>	<p>Please see attached.</p>	<p>HR/CMO</p>
<p>Clarify in what cases the city is using "WBE" goals.            (Mitchell)</p>	<p>The Charlotte Business INCLUSION (CBI) Policy determines the ability to set goals for Minority, Women, and Small Business Enterprises (MWSBE). Based on the 2017 Disparity Study, where disparity and availability exist, separate goals for MBEs, WBEs, and SBEs may be set in the following work categories: Architectural, Engineering and Surveying, Other Professional Services, Goods and Commodities, and Other Services. Similarly, where disparity and availability exist, separate goals for MBEs and SBEs may be set in the Construction work category. Under no circumstance should participation be double-counted.</p> <p>The Charlotte Business INCLUSION Policy - Appendix A to Part A – CBI Program Definitions defines Women Business Enterprises (WBE) and WBE Goals as follows:</p> <ul style="list-style-type: none"> <li>• <b>WBE:</b> A Business Enterprise that: (a) is certified by the State of North Carolina as a historically underutilized business within the meaning of North Carolina General Statute Section 143-128.4, (b) is at least fifty-one percent (51%) owned by one or more persons who are female; and (c) meets the criteria established by the Program Manager from time to time for determining whether the Business is within the City's relevant market (the Charlotte CSA).</li> <li>• <b>WBE Goal:</b> A goal established by the City for WBE utilization on a Contract. Calculated as a percentage, the WBE Goal represents the total dollars spent with WBEs as a portion of the total Bid or Proposal amount, including any contingency.</li> </ul> <p>For the purposes of the city's utilization of women-owned businesses, WBE refers to non-Hispanic, White Women.</p> <p>Going forward, no WBE goals shall be set in the construction category. However, there are a limited number of construction projects, with a bid opening date prior to October 9, 2020, that have established WBE goals. These items will appear on future Council agendas. Staff has received guidance from legal on these particular contracts.</p> <p>In addition, State and Federally funded projects may include WBE participation goals. The city must follow the requirements of the State or Federal MWBE program when receiving state or federal funding.</p> <p>For example, Charlotte Water's item on Reuse Line Extension to University of North Carolina at Charlotte Project references utilization of both MBE and WBE enterprises. These designations are used because the project uses North Carolina Clean Water State Revolving Fund loan funding and is governed by the State's program for Historically Underutilized Businesses. Charlotte Water used</p>	<p>General Services</p>

Mayor and Council Questions	Response	Dept Lead
	<p>this source of funding to take advantage of lower interest rates than what could be obtained through traditional water and sewer revenue bond funding.</p>	
<p>Information on how the Community perceives the Cure Violence initiative (Johnson)</p>	<p><b>Cure Violence Assessment Visit Update and Community Engagement Update:</b></p> <p>The City and County are currently conducting an assessment and provide recommendations for a possible Cure Violence program in the Beatties Ford and LaSalle priority area. As part of the assessment, throughout the month of August and September, Cure Violence held 101 Workshops with representation from key government agencies and community-based organizations, a meeting to review violent crime data, a community partner meeting with organizations interested in running this program, and meetings with potential workers. The goal of the meetings was to familiarize stakeholders and community organizations with the Cure Violence Model, including violence as a health issue, and focuses on potential target area/s, partnerships, workers, and program structures for future implementation. The Cure Violence team will be visiting Charlotte in person the week of October 12<sup>th</sup>, where they will visit the Beatties Ford and LaSalle area, meet with community members and potential partner organizations on the ground, including during the time where interrupters would usually be deployed.</p> <p>Following the visit, the City and County will provide a detailed report that includes:</p> <ul style="list-style-type: none"> <li>• Data Analysis <ul style="list-style-type: none"> <li>• Potential target area review</li> <li>• Level of violence (rates, groups, locations, underlying factors)</li> </ul> </li> <li>• Review of Meetings/Presentations <ul style="list-style-type: none"> <li>• Key findings that could positively or negatively impact pre-implementation/implementation</li> <li>• Recommendations re: role(s) of key stakeholders</li> <li>• Possible collaborations (schools, hospitals, churches)</li> </ul> </li> <li>• Next Steps <ul style="list-style-type: none"> <li>• Defining Opportunities and Challenges for potential Implementation</li> <li>• Recommendations <ul style="list-style-type: none"> <li>○ Level of intervention (target area, multiple epicenters, citywide) and tentative staffing patterns and recommendations for recruitment planning, and costs</li> </ul> </li> </ul> </li> </ul> <p><b>Community and Stakeholder Engagement Summary</b></p> <p>To date, well over 175 stakeholders, mostly community members have been engaged, from faith organizations, to community-based organizations, to hospital administrators, and surgeons, to neighborhood leaders, and potential interrupters.</p> <p>There has been both genuine support, some skepticism, and many thoughtful questions around how this effort aligns or could align with other community efforts, why we need technical assistance, and many questions about the role of Cure Violence. At least 10 organizations have expressed interest in being considered as a future host organization for this work.</p>	

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	<p>Cure Violence and City and County staff will continue to make themselves available to all interested stakeholders throughout this process and plan to provide continued updates to Council. As requested, attached are several documents related to the engagement and current status.</p> <ul style="list-style-type: none"> <li>• FAQs based on the most commonly asked questions during our sessions</li> <li>• Chat questions and comments from the community-focused stakeholder meeting</li> <li>• Information related to the Cure Violence approach</li> </ul>	

# REQUESTED LISTING OF EMAIL COMPILATION AND RESPONSES

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## SECTION 1: Employee Grievance or Internal investigation Inquiries (General)

Questions that are not included in this document refer to specific grievances, investigations, or named personnel.

Sender	Recipient(s)	Question/Statement	Responses
Timothy Bell	Angela Charles	I was reviewing the grievance policy that is in the HR guidelines and I do not see any place where an "HR Taskforce" is mentioned. Is this a new policy?	<p>The HR Task Force is not a part of the grievance process. However, it was established as an interdepartmental work group to review concerns relevant to CFD employees and complete an administrative evaluation of CFD policies and procedures. Therefore, employee concerns related to the above will be forwarded to this group.</p> <p>The formation of this task force does not indicate any wrongdoings, however, it is an effort to engage cross-departmental talent as appropriate. So, this should be viewed positively because we are one city.</p>
Tom Brewer	Reginald Johnson; Stephanie Kelly; Angela Charles; Marcus Jones; Patrick Baker; Jerry Winkles; Samuel Jones	If HR is over the process, should not Director Simpson be initiating any investigation?	City HR and CFD Command Staff work together. A third party, CMPD Internal Affairs, was called in to investigate.
Tom Brewer	Reginald Johnson; Stephanie Kelly; Angela Charles; Marcus Jones; Patrick Baker; Jerry Winkles; Samuel Jones	We are asking that any CFD or City HR investigation into this matter be immediately stopped.	A third party, CMPD Internal Affairs, was called in to investigate.
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones	Asking the HR Task Force to immediately put a stop to any investigation being undertaken by CFD or City HR.	A third party, CMPD Internal Affairs, was called in to investigate.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Should any CFD Command Staff member be involved in an investigation if it involves another Command Staff Member?	Investigations are handled on a case-by-case basis. Please refer to G.O. 208.02, Investigation of Misconduct.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Should CFD Command Staff be involved in investigations that involve other Command Staff members?	Investigations are handled on a case-by-case basis.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Should CMPD's Internal Affairs investigate high profile incidents that involve matters of CFD Command Staff?	Investigations are handled on a case-by-case basis.

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Should CFD Command Staff be allowed to withhold CMPD Internal Affairs reports for a month or longer before releasing the findings?	Release of information resulting from a CMPD Internal Affairs investigation would be released on a case-by-case basis.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Why does CMPD share findings with CFD Command Staff if the reports are supposed to be unbiased and not all employees involved?	Release of information resulting from a CMPD Internal Affairs investigation would be released on a case-by-case basis.
Tom Brewer	Stephanie Kelly; <a href="mailto:Contact@morrisandmcdaniel.com">Contact@morrisandmcdaniel.com</a> ; Contact@morrisandmcdaniel.com; Sheila Simpson; Angela Charles; Ryan McGill	Who are participants supposed to believe, since they have heard that the investigation was complete in May and in July there were told it was ongoing?	Employment actions associated with individual employees is a personnel matter and is conveyed to that that individual.

## SECTION 2: LEGAL INQUIRIES

Sender	Recipient(s)	Question/Statement	Responses
Timothy Bell	Robert Carmichael; Sheila Simpson; Angela Charles; Kim Sanders; Marcus Jones	As with any change to the promotional process, according to Rule IX, changes must be approved by the Civil Service Board. The new "Professional History Portfolio" to be graded by internal assessors has not been approved by the Civil Service Board. This is according to Sheila Simpson, Director of Human Resources.	The Civil Service Board approves promotions, not processes. Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line The Role of the Civil Service Board in Promotions of Civil Service Employees (Exhibit G).
Tom Brewer	HR Task Force	What is the difference between a "Legal Review" and a "Legal Opinion?"	A legal opinion and legal review are interchangeable terms used to describe an attorney's review, analysis and opinion of a particular set of facts and applicable legal standards.
Tom Brewer	HR Task Force	When we ask for those legal opinions in writing they refuse to share them with us which is a direct contradiction of what is stated in the City Attorney's department overview ( <a href="https://charlottenc.gov/budget/FY2021/4General_Fund.pdf">https://charlottenc.gov/budget/FY2021/4General_Fund.pdf</a> ).	The City Attorney's Office typically issues legal opinions in writing to City departments when requested by the Departmental Director or Departmental designee(s). The City Attorney's Office does not typically issue legal opinions to individual employees independent of a request by the department. The City Attorney's Office would recommend that legal advice shared with the Department Director be shared with employees whenever practical and relevant to do so.

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins	Request for the City Attorney to give a legal opinion on the CFD practice of telling members not to speak to their Union representatives.	This is not a question of law for which a legal opinion can be rendered. I will leave it to others to determine whether there is such a practice and whether such a practice is appropriate under the circumstances.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins	Should CFFA submit legal fees to the HR Task Force or to CLTCC?	Submission of legal fee invoices to the HR Task Force or City Council are at the discretion of CFFA.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins	Why did City Legal release their legal opinion on Rule IX but ignore the numerous other legal opinions that have been requested?	The Rule IX legal opinion was tendered and released at the request of the HR Task Force.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins	Will those other Legal Opinions be given to us on August 31 with the HR Task Force Report?	City Attorney has issued a memo reaffirming previous legal position on VHOL Parker Poe is working on the legal analysis of Rule IX. The Parker Poe analysis will be provided to the City Attorney for his review prior to dissemination to the HR Task Force.

### SECTION 3: Miscellaneous Inquiries

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Kim Sanders	CFD has sent out an “informational Bulletin” (IB) on the Fire Fighter II Promotional Process, however the IB differs from General Order (G.O. 206.01 Promotional Requirements. Does an IB supersede a G.O.?	Please refer to G.O. 300.03, Written Department Communications, and G.O. 206.01, Promotional Requirements, Section D6, which reads, “Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief.”
Tom Brewer	Kim Sanders; Marcus Jones; Reginald Johnson; Sheila Simpson; Jerry Winkles	Shouldn’t employees be able to look at our General Orders and be able to read the policy that is being used to promote them?	Yes. Employees have access to General Orders. If they do not know how to locate them, they should contact their supervisor.
Tom Brewer	Angela Charles	Does this mean you are suspending all “Promotional Processes” until you have completed these legal and administrative reviews?	No. Promotional processes are not being suspended or delayed.

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Original email's recipients not included	Was Admin 1 followed in changing the FF II Promotional Policy? Could you please provide the documentation that would have been generated by Admin 1?	Yes, ADM1 was followed. ADM1 allows for internal business unit operational policies to be established by Key Business Executives (Department Heads). Business Unit policies that vary from city policies must be approved by the City Manager. G.O. 206.01, Promotional Requirements, is an internal CFD operating policy and it not a City policy.
Tom Brewer	Original email's recipients not included	Please confirm that an Information Bulletin (IB) does not supersede a policy.	Please refer to G.O. 300.03, Written Department Communications (Exhibit H), and G.O. 206.01, Promotional Requirements, Section D6, which reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Original email's recipients not included	The "Informational Bulletin" is not a policy change.	Please refer to G.O. 300.03, Written Department Communications and G.O. 206.01, Promotional Requirements, Section D6, which reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Original email's recipients not included	Request for the presentation given on May 5, 2020, to the Civil Service Board regarding the promotional process.	Please refer to the Fire Fighter II presentation. Only the Firefighter II presentation is being shared due to the ongoing nature of the Engineer promotional process.
Tom Brewer	Original email's recipients not included	The SOGs/Policy had not been updated.	G.O. 206.01 Promotional Requirements was updated for clarity on May 13, 2020, however was not posted on the same date due to a clerical error. The update to the policy did not change the promotional qualifications. It is important to note that under 206.01 Section D6 states, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Original email's recipients not included	Candidates were informed a week prior to the date that they would be testing and were forced to change family, work and vacation schedules due to late notice.	CFD HR worked with individuals with prior commitments or scheduled vacation on a case-by-case basis.
Tom Brewer	Original email's recipients not included	Disputes statements that candidates with approved vacation were contacted and arrangements for testing made. Individuals with vacation state they were not contacted, with one cancelling his family trip and turned in his vacation out of frustration after not hearing from the department.	CFD HR worked with individuals with prior commitments or scheduled vacation on a case-by-case basis.
Tom Brewer	HR Task Force	Shouldn't everything be placed on hold until your Task Force has completed its objectives?	No.
Tom Brewer	HR Task Force	What is the timeline for the HR Task Force to complete its objectives?	September 1, tentatively.
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones	Please clarify that starting rumors are NOT a Class "A" offense in the CFD.	Please refer to G.O. 208.02, Investigation of Misconduct, Section III B

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Tom Brewer	Reginald Johnson; Stephanie Kelly; Angela Charles; Marcus Jones; Patrick Baker; Jerry Winkles; Samuel Jones	According to Rule IX, isn't the HR Director over the hiring process? In January, CFD told Battalion Chiefs in writing that they are following Rule IX. While CFD claims to follow rule IX, it appears they don't understand they have to follow the entire rule, not just the parts that are convenient.	Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line: The Role of the Civil Service Board in Promotions of Civil Service Employees
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	If CFD Command Staff tells the Civil Service Board, they are following Rule IX are then then obligated to follow it?	CFD is following Rule IX. Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line The Role of the Civil Service Board in Promotions of Civil Service Employees
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Since they are on record stating they are following Rule IX, do they have to follow all of it or parts of it?	CFD is following Rule IX. Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line The Role of the Civil Service Board in Promotions of Civil Service Employees
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Are Department Heads required to initiate an investigation when an individual VERBALLY alerts them to a possible rule violation, act of retaliation, bullying or act of discrimination to their attention?	Investigations are undertaken for verbal alerts.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Are Department Heads required to initiate an investigation when they receive, in WRITING, a possible rule violation, act of retaliation, bullying or act of discrimination?	Investigations are undertaken for written alerts.
Tom Brewer	Ryan McGill; Mayor Lyles, Mayor Pro Tem Eiselt; Councilmember Bokhari; Councilmember Egleston; Councilmember Ajmera; Councilmember Johnson; Councilmember Graham; Angela Charles; Andrea Leslie-Fite; Stephanie Kelly	As stated previously Local 660 has proof that the Firefighter II requirements in the CFD Operational Manual were changed after they had given the promotional test. We also have proof that showed where they attempted to back date the policy in an attempt to cover up their misgiving. Where do we stand with the Firefighter II promotions? Since CFD failed to follow their own Operational Manual and requirements for promotion, we are asking that the CSB promote all FFIs who took the test with appropriate back pay and seniority restored.	The effective date of the SOG is May 13, 2020.
Tom Brewer	Angela Charles; Sheila Simpson; Patrick Baker; Ryan McGill	Were all Battalion Chief's made aware and given the opportunity to apply to be an assessor? (Some of the BC's believe this is being used to elevate one BC over another and that this assignment could be used to boost their Resume on future Division Chief and Deputy Chief Processes).	Please refer to IB 20-114-05, Engineer Assessment Test Work Group
Tom Brewer	Angela Charles; Sheila Simpson; Patrick Baker; Ryan McGill	Are you as the HR Director over this (Engineer) process or have you turned this process over to Deputy Chief Winkles and CFD?	The administration of the process is being managed by CFD HR.

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Tom Brewer	City Council; Angela Charles; Marcus Jones	Where is the HR Task Force and CFD on finalizing the policy on fire fighters and the canceling of our Kelly numbers?	To be determined.
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones; Susan Elkins	Are you following Rule IX for this process?	Yes. Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line The Role of the Civil Service Board in Promotions of Civil Service Employees.
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones; Susan Elkins	Why is the Battalion Chief who is over the PIO Office the lead assessor for CFD's Engineer Process?	Please refer to IB 20-114-05, Engineer Assessment Test Work
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones; Susan Elkins	Were all Battalion Chief's made aware and given the opportunity to apply to be an assessor? (Some of the BC's believe this is being used to elevate one BC over another and that this assignment could be used to boost their Resume on future Division Chief and Deputy Chief Processes)	Please refer to IB 20-114-05, Engineer Assessment Test Work Group
Tom Brewer	Angela Charles; Sheila Simpson; Marcus Jones; Susan Elkins	Are you as the HR Director over this process or have you turned this process over to Deputy Chief Winkles and CFD?	The administration of the process is being managed by CFD HR.
Tom Brewer	Angela Charles; Sheila Simpson; Patrick Baker; Marcus Jones	What is the city's current policy on going back to collect overpayments to employees? We know for a fact that the city has gone back over 3 years on active employees being overpaid but how far does he city actually go back to collect overpayment?	I will pass your question along to the task force. Also, if possible, can you pass along the name of the employee or situation referenced in the last question? If so, that would help us figure out what happened.
Tom Brewer	Stephanie Kelly; <a href="mailto:Contact@morrisandmcdaniel.com">Contact@morrisandmcdaniel.com</a> ; Sheila Simpson; Angela Charles; Ryan McGill	Did CFD and the City HR Director move forward with promotions because they knew they controlled what the outcome of the investigation would be?	The promotional process was not compromised, and the processes continued.
Tom Brewer	Stephanie Kelly; <a href="mailto:Contact@morrisandmcdaniel.com">Contact@morrisandmcdaniel.com</a> ; Sheila Simpson; Angela Charles; Ryan McGill	There are also rumors that CFD is looking for a new test vendor because they are not happy with Morris McDaniel and their leaking of the information. If the vendor was the cause of the leak and we are moving away from them, why are we still using the same vendor for the upcoming process?	All factors associated with vendor selection and/or vendor performance might not be publicly discussed. The current vendor will complete the upcoming process.
Tom Brewer	Mayor & City Council; Angela Charles; Marcus Jones; Susan Elkins and Patrick Baker	CFFA urges the city to finalize the HR Task Force Report immediately and release the findings to the public.	When the report becomes available it will be communicated to the recipients.

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Tom Brewer	Mayor & City Council; Angela Charles; Marcus Jones; Susan Elkins and Patrick Baker	Contends the current policies of utilizing a third party to assist with these matters is counterintuitive to the transparent, responsive, effective city government that our city deserves.	It is not uncommon in any industry to utilize recruitment vendors and/or to utilize vendors to conduct position selection assessment centers.
Tom Brewer	Mayor Lyles; Mayor Pro Tem Eiselt; Marcus Jones; Sheila Simpson; Reginald Johnson	Request for a City of CFD policy that relates to loyalty to an individual	To my knowledge, the city does not have a loyalty policy.
Tom Brewer	Mayor Lyles; Mayor Pro Tem Eiselt; Marcus Jones; Sheila Simpson; Reginald Johnson	Is the Civil Service Charter still in effect?	Please refer to March 10, 2020 memo titled "City Charter, Chapter 3, Article III-Civil Service," summarizing former Senior Assistant City Attorney Catherine Cooper's analysis that there is a difference between "relieving a member from duty" vs. "suspending" a member (Exhibit E).
Tom Brewer	Mayor Lyles; Mayor Pro Tem Eiselt; Marcus Jones; Sheila Simpson; Reginald Johnson	Civil Service Charter states a Fire Chief cannot suspend someone without pay for more than 30 days. Alleges two individuals who have been without pay for a significantly longer period of time than prescribed by the NC Legislature in the Civil Service Act.	Please refer to March 10, 2020 memo titled "City Charter, Chapter 3, Article III-Civil Service," summarizing former Senior Assistant City Attorney Catherine Cooper's analysis that there is a difference between "relieving a member from duty" vs. "suspending" a member
Tom Brewer	Angela Charles; Sheila Simpson	Is the promotional process on or off duty?	Specific dates and times were sent on May 13, 2020 and the candidates will be tested "off duty."
Tom Brewer	Angela Charles; Sheila Simpson	Regarding Informational Bulletin dated 4/9/2020, what specifically should the candidates be studying for?	It was communicated in the IB 19-114-06, Firefighter II Practical Skills Scenarios, announced 4/13/2020 and sent to department on 4/20/2020
Tom Brewer	Angela Charles; Sheila Simpson	What if individuals are unable to attend that week due to prior commitments or vacation?	CFD HR worked with individuals with prior commitments or scheduled vacation on a case-by-case basis.  All candidates with approved vacation were contacted and arrangements for testing made.
Tom Brewer	Kim Sanders	Is the promotional process on or off duty?	Specific dates and times were sent on May 13, 2020 and the candidates will be tested "off duty."

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Tom Brewer	Kim Sanders	What if individuals are unable to attend that week due to prior commitments or vacation?	<p><i>CFD HR worked with individuals with prior commitments or scheduled vacation on a case-by-case basis.</i></p> <p>All candidates with approved vacation were contacted and arrangements for testing made.</p>
Tom Brewer	Kim Sanders	Why are candidates being told a month before the promotional process about the process?	<ul style="list-style-type: none"> <li>On 10/4/2019, an Informational Bulletin "Subject: 2020 Promotional Process Event Dates" was sent to all Charlotte Fire Department employees.</li> <li>Due to COVID-19, an update on testing dates was provided to the entire department on March 20, 2020.</li> </ul>
Tom Brewer	Kim Sanders	What specifically should the candidates be studying for?	Communicated in the IB 19-114-06, Firefighter II Practical Skills Scenarios, announced 4/13/2020 and sent to department on 4/20/2020
Tom Brewer		Did City HR approve the changes to this "Promotional Process?" Please provide the date and a copy of the policy that was approved by HR Director Simpson.	HR Director Sheila Simpson verbally approved the process on April 9, 2020.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	<p>Regarding VHOL:</p> <ol style="list-style-type: none"> <li>Prior to it being voted on by CLTCC it had to go through Admin1, Peer Review and City Legal. City Legal deemed it legal prior to CLTCC voting on it.</li> <li>While it is under review the City is compelled by law to follow the resolution passed.</li> <li>We have asked for over a year for a legal opinion in writing from the City Attorney's Office as to why they are not following a duly passed city council resolution.</li> </ol>	<p><i>Please see memo dated September 1, 2020 from City Attorney Patrick Baker regarding the administration of VHOL (Exhibit N).</i></p> <p>Resolution passed and we should be following it. The City Attorney's Office is currently doing a legal review of the VHOL administration. Previous legal reviews of VHOL have been provided, however, the City Attorney's Office will review it again.</p>
Tom Brewer	Angela Charles	Until the changes you speak of are made, should the HR Director and Fire Chief have to follow the current rules, policies and procedures that have been put in place by Council?	<p>I am aware that there is a difference of interpretation on HR operational authority vs current(old) rules, policies and procedures. Therefore, I will reserve my answer to your question until after we have done the legal and administrative reviews mentioned below.</p> <ol style="list-style-type: none"> <li>Rules and Regulations We are in the final stage of hiring a consultant to review the Charlotte Fire Department policies, as related to City policies. We expect to sign the contract next week. Also, the City Attorney's Office is in review of Civil Service Board policies and authority, as well as Rule IX. The results of both reviews will be given to City Manager Marcus Jones.</li> </ol>

Sender	Recipient(s)	Question/Statement	Responses
Timothy Bell	Angela Charles	What is an HR Taskforce and who is part of that?	The city has established a Fire Department HR Task Force to address concerns related to the Fire Department. I am the task force leader. The other members are chief Johnson (Fire), Sheila Simpson (HR), Sandra Smith (CDOT HR), and Patrick Baker (City Attorney) or designee.
Tom Brewer	Original email's recipients not included	The Informational Bulletin listed the date for the FFII Assessment Center Practical was TBD (Competency Test). No date was given for the promotional testing on this IB to allow individuals to plan accordingly or to determine if the process was on or off duty. Individuals were not given official dates for testing until April. Original dates given were May 11-14.	<p>The Fire Department HR Task Force reviewed communications given to employees regarding the FFII promotional process. We found the following:</p> <ul style="list-style-type: none"> <li>• On 10/4/2019, an Informational Bulletin "Subject: 2020 Promotional Process Event Dates" was sent to all Charlotte Fire Department employees.</li> <li>• Due to COVID-19, an update on testing dates was provided to the entire department on March 20, 2020.</li> <li>• Information on this promotional process was previously shared and discussed with the Civil Service Board. A formal presentation is scheduled for May 5, 2020.</li> <li>• Information regarding this process is posted on CFD Net.</li> </ul> <p>Additional Information:</p> <ul style="list-style-type: none"> <li>• On April 13, 2020, all eligible candidates were informed of the application process dates; as well as, the date range of the assessment center (May 18th through the 22<sup>nd</sup>).</li> <li>• Specific dates and times were sent on May 13, 2020 and the candidates will be tested "off duty."</li> </ul>
Tom Brewer	Angela Charles	Stated his belief that the HR Task Force is not a legitimate way to address matters. Noted several outstanding questions poised to Angela and the Task Force are still unanswered. Due to the Task Force being made up of several busy individuals, you have not been able to establish workable timelines in which you can respond to questions. There is zero belief the task force has any real ability to address things in a timely or professional manner and he believes the manager only set up this task force to give himself cover with CLTCC so he can say he is attempting to work on issues. The task force also includes two individuals at the center of the issues but exclude the group or individuals that are raising questions.	I don't believe in wasting staff time, therefore, I emphatically disagree with what you've stated about the effectiveness of the task force.

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Angela Charles	Could you schedule time for Local 660 to address the HR Task Force in person so that they can hear our concerns directly from us with our perspective and in our own words?	<p>Per your request, you are on the July 16th CFD HR Task Force agenda for 15 minutes. The meeting will be virtual, and I will send you the details. You will be first on the agenda. Our meetings begin at 10am. We are asking that no more than one other person accompany/speak along with you because of our time constraints. Our role is to listen to the speaker in order to get a good grasp of the issue(s) presented. Responses will be provided in writing after the task force has had a chance to talk. Depending on the topic, task force members may ask you questions.</p> <p>We will allow employees to speak directly to task force. We don't have logistics figured out yet. We've been slammed working on protest but will follow up. Thanks.</p>
Tom Brewer	HR Task Force Members	Why aren't we following the current SOG that is on the books regarding requirements for FFII requirements, inconsistencies in assessment, ability to challenge test.	<p><i>Please refer to G.O. 206.01, Promotional Requirements.. Section C of the G.O. itemizes the specific requirements for promotion. Section D outlines the promotional process. Please note G.O. 206.01, Section D6 reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."</i></p> <p>The HR Task Force found that the General Order was updated before the actual administration of the competency-based promotional process for FFII. All applicants were made aware on the Informational Bulletin 19-114-06 dated October 2019 that there would be a competency test for the FFII promotional process. The requirements and qualifications to "sit" for the process were unchanged. Grievances or questions can be sent in writing to HR Manager Kim Sanders in the timelines outlined by HR policy.</p>
Tom Brewer	HR Task Force	What are the HR Task Force's objectives?	<p>See emails dated April 29, 2020 and May 18, 2020. The task force will handle issues as they are brought forth. Currently we meet weekly.</p> <p>Task Force:</p> <ul style="list-style-type: none"> <li>As stated in an email to you on April 29, 2020, the city has established an interdepartmental work group to answer questions relevant to CFD employees. This group is called the CFD HR Taskforce with the goal of addressing employee concerns related to the Fire Department.</li> </ul>

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Tom Brewer	HR Task Force	If the Fire Chief and HR Director cannot answer questions related to the HR Decisions that are being made, why are they being allowed to make any HR decisions?	Your question is a matter of opinion. The Fire Chief and HR Manager have and will continue to address HR matters.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Reginald Johnson	Allegation that it is believe not all City policies are being followed.	<i>We are expecting a report out from a third-party vendor reviewing policy and a third-party law firm reviewing City Charter and Rule IX to determine compliance.</i>  I am aware that there is a difference of interpretation on HR operational authority vs. current (old) rules, policies and procedures. Therefore, I will reserve my answer to your question until after we have done the legal and administrative reviews.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Do SOGs supersede emails or Informational Bulletins? We have an email from HR Director Simpson stating they do not however the HR Task Force and CFD are claiming they do in regard to the FFII process.	Please refer to SOG 300.03, Written Communications, and G.O. 206.01, Promotional Requirements (Exhibit I), Section D6, which reads "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Explain CFD and the HR Task Force have a different interpretation of SOGs and Informational Bulletins than the HR Director.	Please refer to SOG 300.03, Written Communications (Exhibit H), and G.O. 206.01, Promotional Requirements (Exhibit I), Section D6, which reads "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	CFD SOGs state that it is mandatory to follow SOGs. Is this true?	Please refer to SOG 208.01, Rules of Conduct/Class Offenses.
Tom Brewer	Angela Charles	Candidates (for Engineer's Promotional process) were apparently led to believe from the third-party test vendor that Morris & McDaniel would be the only entity with access to their individual test identification number. However, CFD HR had emailed the test identification to each candidate prior to the test. Does CFD have access to individual test identification numbers?	Morris & McDaniel does not typically send correspondence to test applicants. Most communication comes through CFD HR.
Tom Brewer	Angela Charles	Candidates (Engineer's Promotional process) were also asked to identify their sex and ethnicity. What will this data be used for?	The information does stay with the testing vendor, but they do share the demographics with CFD. Only the demographic data is shared, names and random IDs are excluded.

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Tom Brewer	Angela Charles	Request to arrange a meeting with Risk Management and Local 660 to have the options (COVID exposure) explained and in written form to share and use to help advise members.	<i>A meeting with the employees and representatives from City Risk was held. CFD HR and Risk Management is working together to ensure adherence to city practices in compliance with the CARES Act.</i>  I will certainly ask about this to clear up any confusion. Also, I will contact Betty Coulter to see if there are any written guidelines regarding how COVID cases are handled in the city. A meeting with her should not be necessary.
Tom Brewer	Angela Charles	Request to investigate Division Chief(s) and Battalion Chief(s) telling firefighters that the Union is pushing COVID claims to be covered by "Workers Compensation" which is false.	This request was shared with the task force including Chief Johnson. Can you share more information on this? We will need more information to investigate.
Tom Brewer	Angela Charles	Receiving in reports that Division Chiefs and Battalion Chiefs are still engaging in the practice of telling firefighters not to speak with the Union on matters.	This request was shared with the task force including Chief Johnson. Can you share more information on this? We will need more information to investigate.
Tom Brewer	Angela Charles	Request an agreed upon third investigator to look into anti-union activities by City HR and CFD Administration.	This request was shared with the task force including Chief Johnson. Can you share more information on this? We will need more information to investigate.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins	Content redacted to adhere to personnel privacy standards.	CFD is unaware of this situation. More information is needed to properly investigate.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins; Reginald Johnson	Where is the HR Task Force and CFD on finalizing the policy on fire fighters and the cancelling of our Kelly numbers?	See IB 20-101-07, Continuity of Operations
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins; Reginald Johnson	What is the necessity?	The change is to maintain minimum staffing.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins; Reginald Johnson	What is the legality as it pertains to CLT City Council Resolutions?	We assumed that this question is referring to CFD policies. CFD reviewed their policies with the City Attorney's Office and City HR.

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Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins; Reginald Johnson	Why hasn't Local 660 been asked for input after Chief Johnson and his entire command staff made a commitment to work with Local 660 during the "Labor Management Alliance?"	We found that Chief Johnson and Command Staff have attempted to work with Local 660 on many levels before and after the LMA. The decision to cancel Kelly days is to maintain minimum staffing, which I know is an important issue for Local 660 as well.
Tom Brewer	Angela Charles; Marcus Jones; Patrick Baker; Susan Elkins; Reginald Johnson	What other City CLT departments are doing this?	Staffing changes are made to fulfill the business needs and requirements of each specific department.
Tom Brewer	Angela Charles; Sheila Simpson; Patrick Baker; Ryan McGill	Are you following Rule IX for this (Engineer) process?	Yes. Please refer to May 15, 2020, memo from City Attorney Leslie-Fite, subject line The Role of the Civil Service Board in Promotions of Civil Service Employees.
Tom Brewer	City Council; Angela Charles; Marcus Jones	Is the canceling of Kelly Numbers due to Command Staff's failure to adequately staff the department?	The change is to maintain minimum staffing.
Tom Brewer	City Council; Angela Charles; Marcus Jones	Is the canceling of Kelly Numbers due to Command Staffs creating supervisory positions and taking them away from our staffing model which is used to ensure adequate staffing levels?	The change is to maintain minimum staffing.
Tom Brewer	City Council; Angela Charles; Marcus Jones	Is the canceling of Kelly Numbers a result of workers using COVID time?	The change is to maintain minimum staffing.
Tom Brewer	City Council; Angela Charles; Marcus Jones	If we were adequately staffed would the use of COVID force the department to cancel Kelly Days?	The change is to maintain minimum staffing.
Tom Brewer	City Council; Angela Charles; Marcus Jones	Is this legal as it pertains to CLTCC Resolutions?	CFD reviewed their policies with the City Attorney's Office and City HR.
Tom Brewer	City Council; Angela Charles; Marcus Jones	What other City CLT Departments are forcing their workforce to work weekends?	Staffing changes are made to fulfill the business needs and requirements of each specific department.
Tom Brewer	City Council; Angela Charles; Marcus Jones	CFD is citing General Order 305.02 as justification for taking this measure. Are they following the entire policy or just the parts of the policy that are convenient for them? (Policy is attached)	CFD is following the applicable sections of G.O. 305.02, Major Emergency Operations Plan, to maintain minimum staffing.

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Tom Brewer	City Council; Angela Charles; Marcus Jones	Since we cannot get answers from CFD, City HR or the HR Task force we are asking CLTCC to schedule time for Local 660 to address City Manager Jones so he can give your fire fighters the answers they deserve to these questions.	Please contact the City Clerk's Office for information regarding speaking before Council at a future Citizens' Forum.
Tom Brewer	Clay Morris; Marvin Wilson, Lee Thompson, Sandra Thiry, CFRS Board Members; Tracy Swett; Brian Kurzel; Shane Nantz; Marty Puckett; Trip Fincher	VHOL is another example of the City knowingly paying out individuals wrong. Can I be placed on the (CFRS) agenda to speak on why the city should not have a controlling voting interest in the CFRS when the monies we are talking about all comes from fire fighters? The ACT needs to change and those paying the freight for our system should be given voice.	The City of Charlotte administers City vacation procedures. Vacation-in-lieu of Holiday (VHOL) is a City of Charlotte administration process. The CFRS does not have a role in the VHOL administration process.
Tom Brewer	Angela Charles; Sheila Simpson; Patrick Baker; Marcus Jones; Susan Elkins	<p>There was an employee who is having a meeting at this moment who was told I could not attend because it was a personnel matter. To be clear it is THEIR personnel matter. If they want someone in the room, they can trust why is that not allowed? They made it clear they wanted someone in the room, and it is their personnel issue. It should be obvious that by asking me to attend they are waiving confidentiality. Is there a legal reason the city is denying this?</p> <p>Why won't the city allow employees to take in someone they trust if they want?</p>	Supervisor and managers are able to meet with employees as needed. Even if the employee is comfortable having someone else attend, that does not make it obligatory for the manager to grant it.
Tom Brewer	Kim Sanders, Angela Charles; Sheila Simpson; Marcus Jones	It has come to our attention that employee(s) have been told by their CFD Chain of Command that "The Union" is pushing workers compensation.	This request was shared with the task force including Chief Johnson. Can you share more information on this? We will need more information to investigate.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Are Deputy Chiefs eligible for overtime?	During states of emergency or special events, any city agency/department can request straight time with the approval and concurrence of HR. Straight time is paid for additional time worked.
Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	Are Deputy Chiefs receiving overtime but coding it as "Special Event" or some other pay rather than overtime?	During states of emergency or special events, any city agency/department can request straight time with the approval and concurrence of HR. Straight time is paid for additional time worked.

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Tom Brewer	Angela Charles; Marcus Jones; Sheila Simpson	If Deputy Chief(s) are receiving overtime, is it being coded as something other than overtime, please explain?	During states of emergency or special events, any city agency/department can request straight time with the approval and concurrence of HR. Straight time is paid for additional time worked.
Tom Brewer	Angela Charles; Patrick Baker	Does the HR Task Force believe it is an acceptable practice to change the promotional rules, after they had been announced, for only one candidate?	<p>The promotional rules did not change.</p> <p><i>Just want you to know we aren't ignoring you. As stated on July 22, 2020, "It will be the beginning weeks of August before we can tackle what you have asked below." We will add this one for response, also.</i></p>