

ITEM NO. _____

**CITY COUNCIL OF PEORIA, ILLINOIS, IN COUNCIL,
ASSEMBLED YOUR COMMITTEE OF THE WHOLE to Whom
was Referred a POLICY/WORKSHOP SESSION Regarding
a PRESENTATION by the FIRE & POLICE COMMISSION.**

A Policy/Workshop Session was held on Tuesday, July 27, 2004, in the Council Chambers, Room 400, City Hall, 419 Fulton Street, Peoria, Illinois at 6:20 P.M., with Mayor David Ransburg presiding.

ROLL CALL

Roll Call showed the following Council Members Present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Ransburg – 10; Absent: Teplitz - 1.

Others present: City Manager Randy Oliver, Corporation Counsel Randy Ray, Assistant City Manager Alan Pennington, Senior Attorney Kimberly King, Human Resources Director Patrick Parsons, Director of Labor Relations Joe Smith, Human Resources Coordinator Debra Bush, Code Enforcement Manager Curt Craanen, Fire Chief Roy Modglin, Assistant Fire Chief Kent Tomblin, Interim Police Chief Gary Poynter, EEO Manager David Watkins, Local #50 Firefighters President Tony Ardis, City Clerk Mary Haynes, Deputy Clerk Beth Ball, interested citizens and members of the media.

Members of the Fire and Police Commission present: Chairman Todd Davis, Vice-Chairman James Wright, Secretary Michael McCabe, Member Geraldine Mitchell, and Member Paul Mehta. Member Alfred Hooks and Member Cheryl Kuppler were unable to attend the meeting.

PRESENTATION by the FIRE & POLICE COMMISSION

Chairman of the Fire and Police Commission Todd Davis gave a power point presentation featuring the responsibilities and duties of the Fire and Police Commission. He also discussed the hiring process for public safety employees which included recruitment, pool testing process, written exams, physical exams, establishment of the employee pool, Department selection from the pool, Commission interviews, establishment of the short list of potential employees, recommendation of candidates to the Commission, conditional offers of employment, polygraph exams, psychological exams, and medical exams up to the date the candidate began employment.

Chairman Davis said once a candidate was on the list, the Chief of the department would decide when there was a hiring need. He said the Chief established certain criteria, which was approved by the City Manager's office and the Human Resources Department and that criteria was used to select potential employees from the list. He gave an example in the Police Department that the criteria may include the need for those on the list who had already been to the Police Training Institute, which was a cost savings to the City. He said the Commission then reviewed the list of candidates having the specified criteria to determine that no specific candidate was being unfairly advantaged or disadvantaged for employment and that the request for hiring was on a need basis. He said this guaranteed fairness and equity in the hiring process.

Chairman Davis said a conditional offer of employment could be withdrawn for one of two reasons. He said, if the polygraph examiner indicated there was deception in the polygraph or if the candidate had admitted something in the polygraph that the Commission felt would not make the candidate a suitable public safety officer, then that person would be removed from the list. He said those deceptions or admissions could include criminal history which had not been revealed in the background check, illegal activities, etc. He said the candidate would then have a right to come to the Commission and request that the polygraph be re-administered at the candidate's cost.

In discussion with Council Member Grayeb regarding the polygraph exams, Corporation Counsel Randy Ray confirmed that polygraph exams were not admissible in courts of law, but they were admissible in the manner in which they were used in the hiring process.

Director of Human Resources Pat Parsons explained the value of the polygraph and the fact that the Commission would not have access to the necessary information without the polygraph. He added, in conjunction with the polygraph, there were many admissions that otherwise would remain unknown. He said, from his perspective over the last decade, he felt it was a very important tool.

Council Member Grayeb questioned if the polygraph was a valid and reliable instrument or if it was the reaction of the candidate who was afraid to lie because the polygraph was reliable so the candidate disclosed information that would not otherwise be known. He said he felt these were two different aspects.

Director Parsons said he felt candidates were more truthful because they took the polygraph test and it was determined that most people who took the test were truthful and provided admissions. He said an admission may or may not be a reason for non-selection. He said employment decisions could be made on more accurate information.

In further discussion with Council Member Grayeb, Chairman Davis explained that three different polygraph tests could be given for a cost of a total cost of \$125.00 per candidate.

In discussion with Council Member Spears, Chairman Davis confirmed that a list of testing procedures was provided to all candidates at the beginning of the process so each candidate had knowledge that a polygraph would be given.

In discussion with Council Member Sandberg, Director Parsons confirmed that when promotion lists were prepared, the same scrutiny regarding drug activity and other illegal activity was not questioned as stringently as with new hires. He said prior to the passage of the Fire Department Promotion Act, the promoted individual would have to pass a physical with a drug screen and the City did not include a polygraph nor, were the candidates asked questions regarding drug use. He said now that the Fire Department Promotion Act was in effect, there was a provision for a physical for the promotion of Firefighters. He added there was a drug test conducted at the time of promotion, which was a snap shot of that period of time.

Council Member Sandberg expressed concern that employees in the promotion pool were not scrutinized for recent drug use in the same manner as new hires. He said there were only random drug testings and a drug test at the time of promotion.

Vice-Chairman Wright said this was a good topic to discuss, but it was outside the scope of the Police and Fire Commission. He said this issue as it related to promotions was a collective bargaining issue between the City and the different unions.

Council Member Sandberg questioned the policy implications for the City Council. He questioned the policy of setting a polygraph test as a component of the testing procedure and the stipulation of no drug use and/or criminal activity for a certain length of time.

Chairman Davis further discussed the statistics of the 2004 Police hiring pool process, workforce analysis for the Fire Department, and the statistics of the 2003 Fire Hiring pool process. He referred to the Police Department, and he pointed out in 2004, out of 352 applications, 120 did not provide proper documentation, and there were 97 no shows to the written exam.

Council Member Spears expressed concern that some of the criteria that was set to become a public safety officer was never requested. He said he felt the standard was set and then those above that standard were selected, but not those just barely at the standard. He suggested that a larger hiring pool was needed to encompass those just at the standard.

Director Parsons explained there were times when there had been a request from one of the Chiefs to retest rather than go to the bottom of the hiring list. He said it was usually after interviews had been held with those candidates on the list, and it was determined that no one else from that hiring list would be brought forward as a candidate. He added it could vary also as to when the pool was established. He said there had been times when a hiring pool had been established and no one was hired from the pool because there were no positions that needed to be filled.

Council Member Turner said he felt that candidates chosen for Police and Fire positions should be the best of the best, who could move through the ranks to command positions and could provide leadership capabilities.

Council Member Spears also pointed out that not everyone hired for Police and Fire positions had aspirations to become the Chief of their department. He also stressed the importance of hiring good employees who would perform the duties as police officers and firefighters because not everyone hired would become the Chief.

In discussion with Council Member Nichting regarding the bid process for components of the testing, Director Parsons said the written testing procedure had not been bid out for quite some time because of the expense of validating the test to the local jurisdiction. He said the test was not a standardized test throughout the State and the contractor was from Iowa. He referred to the agility testing procedures and he explained that the standard was set by the testing administrator and had remained the same for a long period of time. He confirmed that both polygraph examiners were local and they had both worked with the City for a number of years. He said these firms had worked extensively with law enforcement for a number of years.

Council Member Nichting requested a report back regarding how long it had been since the agencies that provided the testing had been reviewed.

In further discussion with Council Member Nichting, Director Parsons indicated there were not too many psychologists who specialized in the public safety field. He said the Commission spent a great deal of time reviewing if one was available locally and they were not pleased with local response. He said qualifications were reviewed by the Commission extensively and since that time, they had not gone back out for bid because there were so few people who were qualified. He said the fees were comparable to those charged to other Police agencies throughout the State.

Council Member Turner referred to diversity and he questioned the makeup of each department's selection committee.

Interim Police Chief Poynter said their selection committee was made up of minority and protected class personnel which he felt resulted in a fair interview process. He said depending on who was available when they were needed, there were five to six individuals with at least one minority on the committee and, if available, others representing protected classes.

Fire Chief Roy Modglin said their selection committee was made up of five white males, which represented upper-command personnel and one from the rank and file group.

Chairman Davis discussed the guidelines the Commission followed in the process and he commended former Police Chief John Stenson and Fire Chief Roy Modglin for their input into the process. He said the system used by the City of Peoria was envied by other departments across the State. He expressed concern that the reason for the lack of female hires was that no one applied. He said they continued to discuss this with both Chiefs and he said representatives from each department attended job fairs for recruitment. He said the Council may want to review the reasons behind why more women don't apply for these jobs. He said the Commission would be glad to be able to hire a more diverse group for the Police and Fire Departments.

In discussion with Council Member Ardis regarding the Fire and Police Commission's role in disciplinary procedures, Chairman Davis explained that they no longer were involved in disciplinary action because it was handled through arbitration.

Council Member Ardis said, with no reflection on the performance of the outstanding members who currently served on the Fire and Police Commission, he felt the Fire and Police Commission performed a duplication of services that could be handled by the Human Resources Department. He said he felt this was an issue that the Council needed to discuss further. He questioned the City's costs in having a Fire and Police Commission.

Chairman Davis said the costs were \$134.02 per quarter.

Council Member Ardis requested a report back regarding what other communities utilized a Fire and Police Commission and if they were utilized in the same manner as the City of Peoria's, and if they had the same oversight duties.

Director Parsons said, in the past few months, the City of Springfield sent several officers through the City of Peoria's hiring process and they have now implemented that same process in their city.

Director Parsons referred to diversity, and he said that the City of Peoria Fire and Police Departments were much more diverse than other jurisdictions in the State. He said he felt it was important for the Council to know this before changes were made.

In discussion with Council Member Gulley regarding the components of the process and if any components were given more weight than other components in the testing process, Chairman Davis said there was no weighting given to any stage of the process. He said candidates were advanced on the hiring pool list based on the criteria set by the Chiefs.

In response to Council Member Ardis' concerns, Chairman Davis said the role of the Fire and Police Commission was to help control political favoritism, nepotism, etc., for coveted positions in the Fire and Police Departments. He said he felt the Commission was in place to prevent abuse of power.

Fire and Police Commission Member Paul Mehta left the meeting at 7:55 P.M.

In discussion with Council Member Spears and Mayor Ransburg, Chairman Davis confirmed that the role of the Fire and Police Commission was to make certain the criteria chosen by the Chiefs was not designed to be advantageous or disadvantage a particular candidate.

Council Member Thetford said the Police and Fire Departments dealt with people's lives on a daily basis. She said she would rather pay the costs for the Fire and Police Commission's services at the front end of the process to insure the City hired the best, brightest and most competent to serve as public safety personnel. She said the City would have to pay costs that were much greater, if unqualified employees caused damage to the citizenry.

Council Member Spears suggested some of the policies may have to change. He said that statistics showed that the City was not recruiting the number of minorities that should be recruited. He suggested another Policy Session should be held to discuss what the criteria should be to recruit minority candidates. He said this situation reflected on the Council for setting the criteria and policy of recruiting women and minorities. He said he felt the Council should set the tone.

Council Member Turner expressed concern that out-of-town recruitment for women and minority candidates had been discontinued.

Council Member Spears said he would like to see the candidates who lived in the City of Peoria be mentored to become police officers and firefighters so the City did not have to go out-of-town to recruit for these positions.

Senior Attorney Kimberly King referred to the value brought by the Fire and Police Commission in the hiring and selection process in relation to the EEO Office, and she pointed out the Fire and Police Commission provided balance. She said the EEO signed off on every vacancy and if it was noted there was some under-utilization in a position, they had an opportunity to sit in on the panel or to make sure there was some diversity on the interview panel. She said the Fire and Police Departments' hiring was performed internally so the EEO Office did not have that same opportunity. She said when under-utilization was noted for the Fire and Police Departments' positions, the Fire and Police Commission provided the oversight that the EEO Office would otherwise provide.

Chairman Davis said the Fire Department had recruited in high schools and colleges in women's athletic programs, and they were in the process of fine-tuning their recruitment processes. He added that statistics showed there were a large number of people who filled out applications but they did not follow through in the hiring process. He suggested some kind of mentoring program be established to begin after a candidate filled out an application.

Mayor Ransburg thanked Chairman Davis and Members of the Fire and Police Commission for their presentation. He also thanked them for their work on the Commission.

ADJOURNMENT

Council Member Grayeb moved to adjourn the Policy/Workshop regarding a Presentation by the Fire & Police Commission; seconded by Council Member Morris.

Approved by viva voce vote.

The Policy/Workshop session adjourned at 8:29 P.M.

Mary L . Haynes, MMC
City Clerk, Peoria, Illinois

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