UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Gary E. Reid,

Plaintiff,

v

Civil Action No.
Judge

City of Farmington Hills, and
Chief Jon Unruh (Individual and
Official Capacity),

Jury Trial Demand

Defendants.
_____/

Dionne E. Webster-Cox (P70422)
WEBSTER LAW OFFICE, PLLC
Attorney for Gary E. Reid
24100 Southfield Road, Ste. 200
Southfield, MI 48075
734-215-2444/ 734-943-6069 (f)
DEWC@WebsterLawOfficePLLC.com /

COMPLAINT

1. Gary E. Reid lives and works in the City of Farmington Hills, which is located in Oakland County, Michigan.

2. Chief Jon Unruh, is an individual and highest ranking official in the Farmington Hills Fire Department.

3. The City of Farmington Hills, is a municipality in Oakland County, Michigan.

4. Plaintiff brings claims in this lawsuit under Title VII of the Civil Rights Act (Title VII), 42 USC 2000e et seq., 42 USC 1981, 42 USC 1983, and Elliot Larsen Civil Rights Act (ELCRA), MCL 37.2101 et seq..

5. Jurisdiction is proper in this court under 28 USC 1331, which authorizes federal courts to decide cases concerning federal questions; 28 USC 1343 (a)(3) and (4), which authorizes federal courts to hear civil rights cases; and 28 USC 1367, which authorizes federal courts to exercise supplemental jurisdiction over state-law claims arising from the same core operative facts.

6. 42 USC 1983 allows for redress for employment discrimination by a municipal employer.

7. 42 USC 1981 allows for individual liability acting as a supervisor.

8. Venue is proper because the parties reside in and the majority of the events alleged took place in the Eastern District of Michigan.

9. Plaintiff received a right to sue letter. (Exhibit 1 – 01/12/2023 Right to Sue Letter)

10. Plaintiff was at all relevant times employed by Defendant City of Farmington Hills.

11. Plaintiff is an African-American man.

12. Plaintiff is employed as a paid-on-call lieutenant for in the Fire Department for the Defendant City of Farmington Hills.

13. In November 2019 Plaintiff was working as a paid-on-call member for Station 2, when the District Chief of Station 2 (Nicole) announced his retirement.

14. In December 2019 Nicole meets with Defendant Chief Jon Unruh regarding Plaintiff being promoted District Chief of Station 2. At the time, Plaintiff was the highest ranking officer next to the District Chief and next in line for the promotion.

15. In January 2020 Plaintiff petitioned to become Station 2 District Chief.

16. After Plaintiff petitioned to become Station 2 District Chief, Defendant Unruh assigns the then District Chief of Station 3 to take over operations at Station 2 and 3.

17. Plaintiff questioned why he received no feedback as to his interest in becoming District Chief of Station 2.

18. Plaintiff was told by District Chief Matthew Schiffman that, Plaintiff needed to become a Captain first.

19. District Chief Denis Nicole, a White man, was a Sergeant when he was promoted to District Chief.

20. District Chief Dave Moriarty, a White man, was a Lieutenant when he was promoted to District Chief.

21. District Chief Dave Chrisco, a White man, was a Lieutenant when he was promoted to District Chief.

22. Defendant Unruh promoted District Captain Edward Heidelbach, a White man, who was a Captain when he was promoted. However, Heidelbach did not

have the requisite Fire Officer III or Blue Card training according to his training file.

23. In May 2020 Plaintiff received a reprimand for an alleged January 2020 violation. Plaintiff questioned the timing of the reprimand and grieved the reprimand. Defendant Unruh sent Plaintiff a memo expressing his disappointment with Plaintiff for grieving the reprimand. (Exhibit 2 – Unruh memo)

24. In December 2020 Defendant Unruh personally contacted individuals excluding Plaintiff for promotions for Captain.

25. In January 2021 interviews are conducted for Captain, but Plaintiff was not interviewed.

26. In February 2021 Plaintiff expressed an interest in interviewing for Captain and is told by District Chief M. Schiffman that Defendant Unruh now requires Captain interviewees to be Blue Card certified. The Blue Card online training program exposes individual to the NIMS Type 4 and 5, Hazard Zone Incident Commander training and certification program.

27. The job description Paid-on-Call Captain did not have the Blue Card certification as part of minimum qualifications. (Exhibit 3 – Paid-on-Call Captain job description)

28. Yet, the document titled Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain) dated Novmeber12, 2018 lists “Blue Card Certified” as one of

the prerequisites for officer positions, but excludes Fire Officer III. (Exhibit 4 - Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain))

29. Lieutenant Raymond Pudlik, a White man, was not "Blue Card Certified", yet was interviewed by Defendant Unruh for the Captain position.

30. In June 2021 Plaintiff applied for "Blue Card" Certification training.

31. In July 2021 Plaintiff reports that Battalion Chief Stephen Biebel was making derogatory racial comments specifically identifying Plaintiff. It was reported to Battalion Chief Stephen Biebel. However, Battalion Chief Stephen Biebel continued to berate and harass Plaintiff.

32. On October 25, 2021 Plaintiff is reprimanded for insubordination.

33. On October 28, 2021 Plaintiff filed a complaint for racial discrimination and harassment with the Human Resources (HR) department.

34. On November 1, 2021 the reprimand was rescinded.

35. In December 2021 Battalion Chief Stephen Biebel is nominated for Fire Fighter of the Year, while there is an on-going investigation as to his use of racial slurs and harassment towards Plaintiff.

36. On January 31, 2022 Plaintiff was informed by the HR Director John Randle the that Battalion Chief Stephen Biebel's employment was terminated.

37. On February 8, 2022 Stephen Biebel was awarded Farmington Hills Fire Fighter of the Year by Defendant Unruh.

38. On or about February 28, 2022 Plaintiff filed a complaint regarding being denied "Blue Card" training. Then, on March 1, 2022 Plaintiff was approved for "Blue Card" training and transferred to Station 4 from Station 2.

39. At Station 2 Plaintiff was the highest-ranking officer within his classification and historically would be in line for District Chief. At Station 4 there was a Captain and District Chief, making it impossible for Plaintiff to ever be promoted to District Chief at Station 4.

40. Defendant City of Farmington Hills – Fire Department explains in their position statement that the business decision to close Station 2 for paid on-call fire fighters was because the members were ineffective and unreliable when assistance was requested at fire scenes. (Exhibit 5 – Respondent's Position Statement, page 3, paragraph 1, line 7)

41. Defendant Jon Unruh maintained Station 2 from January 2020 until March 2022 (15 months) knowing the members were ineffective and unreliable when assistance was requested at fire scenes.

42. On March 15, 2022 Defendant Unruh issues a revised Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain), this document requires "c. Fire Officer III (MFFTC)" for Captain promotions. (Exhibit 6 - Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain) dated March 15, 2022)

43. Yet, in Defendant City of Farmington Hills – Fire Department U. S. Equal Employment Opportunity Commission (EEOC) position statement page 3 line 2 states, "… the Fire Chief prefers that those promoted to paid on-call Captain also complete the "Blue Card Command and Control Training."" (Exhibit 5 – Respondent's Position Statement dated July 14, 2022, page 3, line 2)

44. The Blue Card training is explicitly racially bias. It portrays the Black District Chief as an ape with pink nail polish on his hand and toes. While it portrays the White District Chiefs as humans. (Exhibit 7 – Blue Card Training pages)

45. On October 3, 2022 Plaintiff received a verbal reprimand for not completing the Blue Card training within six (6) months. (Exhibit 8 – 10/3/2022 – Verbal Reprimand)

46. Yet, the instructions on the Blue Card New Student Activation Info Sheet indicates that, "A student has one (1) year to complete the online training program after their first login." (Exhibit 9 – Blue Card New Student Activation Sheet)

COUNT I
TITLE VII
42 USC 1983 - VIOLATION
CITY OF FARMINGTON HILLS

Plaintiff incorporates the above allegations by reference.

47. 42 USC 1983 prohibits discrimination by a municipal employer by denying the employee his equal protection or due process rights under the 14th Amendment.

48. Plaintiff was denied the opportunity to apply for positions within the City of Farmington Hills – Fire Department that other White counterparts with lesser qualifications were allowed to apply for with the department.

49. Defendant City of Farmington Hills – Fire Department has a practice of posting job descriptions for positions that lists the minimum requirements for that position.

50. While neutral on its face, Defendant City of Farmington Hills – Fire Department maintains an unofficial practice of only promoting White men to the District Chief position.

51. Defendant City of Farmington Hills – Fire Department unofficial policy serves to exclude employees from valuable professional development opportunities based on their race that is a requirement for the District Chief position.

52. As a result of this discrimination:

a. Requiring Captain status;

b. Changing the timing requirements for the Blue Card training;

c. Requiring a Fire Officer III (MFFTC); and

d. Transferring Plaintiff to Station 4

Plaintiff will never qualify for the District Chief position at Station 4.

53. As a result of this discrimination, Plaintiff received reprimands.

COUNT II
42 USC 1981 - VIOLATION
CHIEF JON UNRUH

Plaintiff incorporates the above allegations by reference.

54. 42 USC 1981 allows for individual liability.

55. 42 USC 1981 prohibits racial discrimination by denying the employee his equal protection or due process rights under the 14th Amendment.

56. Defendant Chief Jon Unruh, excluded Plaintiff from valuable professional training (Blue Card), because he is African-American.

57. Defendant Jon Unruh excluded plaintiff from valuable professional development opportunities based on his race that is a requirement for the District Chief position.

58. As a result of this discrimination:

a. Requiring Captain status;

b. Changing the timing requirements for the Blue Card training;

c. Requiring a Fire Officer III (MFFTC); and

d. Transferring Plaintiff to Station 4

Plaintiff will never qualify for the District Chief position at Station 4.

59. As a result of this discrimination, Plaintiff received reprimands.

COUNT III
ELLIOT LARSEN CIVIL RIGHTS ACT (ELCRA) - VIOLATION
CITY OF FARMINGTON HILLS

Plaintiff incorporates the above allegations by reference.

60. The ELCRA prohibits employers from discriminating against any individual regarding the compensation, terms, conditions, or privileges of employment, because of the employee's race.

61. Defendant City of Farmington Hills, through its Fire Department Chief Jon Unruh, excluded Plaintiff from promotion to District Chief of Station 2 and valuable professional development.

62. Plaintiff was denied the opportunity to apply for positions within the City of Farmington Hills – Fire Department that other White counterparts with lesser qualifications were allowed to apply for with the department.

63. Defendant City of Farmington Hills – Fire Department has a practice of posting job descriptions for positions that lists the minimum requirements for that position.

64. While neutral on its face, Defendant City of Farmington Hills – Fire Department maintains an unofficial practice of only promoting White men to the District Chief position.

65. Defendant City of Farmington Hills – Fire Department unofficial policy serves to exclude employees from valuable professional development opportunities based on their race that is a requirement for the District Chief position.

66. As a result of this discrimination:

a. Requiring Captain status;

b. Changing the timing requirements for the Blue Card training;

c. Requiring a Fire Officer III (MFFTC); and

d. Transferring Plaintiff to Station 4

Plaintiff will never qualify for the District Chief position at Station 4.

67. As a result of this discrimination, Plaintiff received reprimands.

PLAINTIF REQUESTS that the Court:

a. Declare that Defendants' unofficial policy of only promoting White men to District Chief positions unlawfully segregates employees because of race,

b. Enjoin Defendants from continuing the practice of restricting promotion to District Chief because of race,

c. Award damages to Plaintiff that reflect his economic losses,

d. Award Plaintiff compensatory damages for his humilitation,

e. Award Plaintiff punitive damages reflecting the blatant disregard Defendants demonstrated for Plaintiff's rights under 42 USC 1981, Title VII and ELCRA,

f. Award Plaintiff attorney fees, witness fees, interest, and costs; and

g. Grant any other relief the Court deems appropriate and/or necessary.

Respectfully Submitted:

WEBSTER LAW OFFICE, PLLC

/s/Dionne E. Webster-Cox

Dionne E. Webster-Cox (P70422)
Attorney for Plaintiff
24100 Southfield Road, Ste. 200
Southfield, MI 48075
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DEWC@WebsterLawOfficePLLC.com

Dated: January 22, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Gary E. Reid,

Plaintiff,

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Civil Action No.
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City of Farmington Hills, and
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EXHIBIT LIST

Exhibit 1 – 01/12/2023 Right to Sue Letter

Exhibit 2 – Unruh memo

Exhibit 3 – Paid-on-Call Captain job description

Exhibit 4 - Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain)

Exhibit 5 – Respondent's Position Statement dated July 14, 2022

Exhibit 6 - Promotions for Paid-On-Call Members (Sergeant, Lieutenant, Captain) dated March 15, 2022

Exhibit 7 – Blue Card Training pages

Exhibit 8 – 10/3/2022 – Verbal Reprimand

Exhibit 9 – Blue Card New Student Activation Sheet

Exhibit 1

EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE *(ISSUED ON REQUEST)*

To: **Mr. Gary E. Reid Jr.**
28631 Oakcrest Ct
FARMINGTON HLS, MI 48334

From: **Detroit Field Office**
477 Michigan Avenue, Room 865
Detroit, MI 48226

EEOC Charge No.	EEOC Representative	Telephone No.
471-2022-01998	**KRISTEN DISCEPOLA, Enforcement Investigator**	**313-774-0017**

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): *You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that* ***backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.***

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By:Michelle Eisele
01/12/2023

Michelle Eisele
District Director

Enclosures(s)

cc: **John Randle Sr.**
City of Farmington Hills
31555 W 11 MILE RD JRANDLE@FHGOV COM
Farmington Hills, MI 48336
Thomas L Fleury
26555 EVERGREEN RD STE 550
Southfield, MI 48076
Gouri Sashital
Keller Thoma, P.C.
26555 EVERGREEN RD STE 550
Southfield, MI 48076
Jon Unruh
Farmington Hills Fire Department
31455 W Eleven Mile Rd
FARMINGTON HLS, MI 48336

Exhibit 2

FARMINGTON HILLS Michigan

FIRE DEPARTMENT
OFFICE OF CHIEF JON UNRUH

INTEROFFICE CORRESPONDENCE

TO: Lieutenant Gary Reid

FROM: Chief Jon Unruh

DATE: May 26, 2020

RE: Grievance 20-P-01

Lieutenant Reid,

This correspondence is an acknowledgment that I am in receipt of your grievance and as such has been assigned the above referenced number. A Grievance Board of Appeals (Step 1) will be assembled in the next 14 days to review your appeal.

I would be remiss if I didn't share my disappointment in this grievance. As an officer/leader of this department you are bringing light to what you perceive as a technicality in notification rather than accept responsibility for a serious oversight that could have had a devastating consequence to the public. Reprimands are an opportunity to learn from and make sure that past errors are not repeated. I'm hopeful that through this process you take a moment to reflect on the root issue so that similar deficiencies in your job performance are not recurrent.

My office will be in touch with you as to the date, time and location of the Grievance Board of Appeals.

Jon Unruh, Fire Chief

Cc: file
Deputy Chief Olszewski
District Chief Schiffman

Exhibit 3

FARMINGTON HILLS FIRE DEPARTMENT

JOB DESCRIPTION

POSITION TITLE: *Paid-on-Call Captain*
POSITION RANK: *Captain*
DIVISION: *Operations*

SUPERVISED BY: *District Chief*
SUPERVISES: *Paid-on-Call Personnel & Lieutenants*
No: *221*

GENERAL PURPOSES

Works under the general guidance and direction of the District Chief and assumes his/her duties when absent. He/she will respond to emergency incidents and provide direction, in the absence of senior officers, to subordinate personnel. He/she will be responsible for personnel at their assigned station, including; insuring discipline at the station level through performance evaluations and counseling and/or the disciplinary process.

SUPERVISION EXERCISED

Responding Paid-on-Call Personnel at their assigned station

ESSENTIAL DUTIES

1. Ensures that all assigned Paid-on-Call personnel, station apparatus and equipment are in a state of readiness as directed by the District Chief
2. Ensures that all Paid-on-Call personnel carry out their duties in a safe and efficient manner
3. Supervises Paid-on-Call personnel in their duties as directed by the District Chief
4. Directs assigned personnel during emergency scene operations, to include; structure and vehicle fires; medical emergencies; personal injury accidents; hazardous material spills/leaks; and rescue operations
5. Directs assigned personnel during non-emergency activities, including the evaluation of personnel by supervisors and investigations of misconduct by Paid-on-Call personnel at the station
6. Monitors, observes, and participates in departmental activities to ensure that conduct and performance conform to department standards
7. Coordinates disciplinary activities at the station level for assigned Paid-on-Call personnel
8. Ensures that training of Paid-on-Call personnel is conducted in accordance with directives received from the Training Division by the Lieutenant(s).
9. Coordinates the Performance Evaluation process of station personnel
10. Conducts performance evaluations and counseling of subordinate personnel
11. Prepares and ensures that required reports are accurate and complete
12. Actively participates in station drills to remain current in the performance techniques associated with services provided by the department

13. Maintains a positive working relationship with all department members
14. Coordinates and exchanges information with the District Chief, Inspectors and other Fire Fighters

PERIPHERAL DUTIES

1. Performs the duties of subordinate personnel and fills in for other staff members, as assigned
2. Attends conferences and meetings to keep informed of the activities of the Department, the City, and the Fire Service
3. Represents the Department at meetings, as assigned

MINIMUM QUALIFICATIONS

Education & Experience

- High School Diploma or equivalent
- Fire Fighter II Certification
- Fire Officer III Certification
- Basic Emergency Medical Technician License (State of Michigan)
- Five (5) Years of Experience in the Farmington Hills Fire Department
- Two Years (2) as a Lieutenant in the Farmington Hills Fire Department
- Any combination of equivalent education and/or experience

NECESSARY KNOWLEDGE, SKILLS, AND ABILITIES

Extensive Knowledge of:

- Department Policy, Procedures, Personnel, Facilities, Apparatus, Equipment and Organizational Philosophy

Thorough knowledge of:

- District and its hazards
- Fire behavior and characteristics
- Fire Fighting techniques, practices, and standards
- Basic fire investigation and arson detection techniques
- City and Department Policy and Procedures
- Station apparatus and equipment capabilities
- Motivational skills pertinent to all personnel
- Leadership Practices
- EMS techniques, practices, and standards

Working Knowledge of:

- Department operational procedures
- Department policies

- Skill in operation of listed equipment and apparatus

Ability to:

- Work effectively with other staff, supervisors, and the public
- Effectively supervise others
- Follow verbal and written instructions
- Establish and maintain effective working relationships
- Handle the physical requirements of the job
- Analyze situations quickly and correctly and make decisions regarding the management of emergency situations
- Analyze situations correctly and make decisions regarding the management of personnel
- Handle sensitive information in an appropriate manner
- Work effectively as part of a management team
- Identify problem areas and make recommendations
- Prepare concise department reports, correspondence and records
- Communicate effectively, both orally and in writing
- Effectively analyze situations and provide solutions to problems

DESIRABLE KNOWLEDGE, SKILLS, AND ABILITIES

- Hazardous Material Operations Training
- Confined Space Operations Training
- Hazardous Materials Technician Training
- Experience working with career and Paid-on-Call personnel
- Familiarity with the Farmington Hills Area

SPECIAL REQUIREMENTS

- Must maintain EMT license or higher certification
- Must maintain CPR certification for the Professional Rescuer
- Must maintain Automatic External Defibrillator Certification
- Must maintain Driver Certification for all apparatus
- Must possess a valid State of Michigan Driver License
- Must be able to read, write and speak the English language
- No felony convictions or criminal history

SELECTION GUIDELINES

May include any or all of the following: Formal request for promotion, review of education, training, and experience; written examination; psychological examination; oral board; background/drivers license check; offer of employment; post physical examination, including drug screen.

APPARATUS AND EQUIPMENT USED

All vehicles/apparatus, two-way radios, pager, personal computer, telephone, calculator, tape recorder, photo equipment, miscellaneous EMS equipment and supplies, operational tools, and related equipment.

PHYSICAL DEMANDS

The physical demands described herein are representative of those that must be met by any member to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the member is frequently required to stand; sit; walk; talk; or hear; use hands or fingers, to handle, or operate objects, tools, or controls, and reach with hands and arms. The member is frequently required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The member must frequently lift and/or move heavy objects. Specific vision abilities required by this job include close, distance, color, and peripheral vision, depth perception, and the ability to focus.

WORK ENVIRONMENT

The work environment characteristics described herein are representative of those a member may encounter while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicle, and outdoor setting, in all weather conditions including temperature extremes, during day or night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to sirens and hazards associated with fighting fires and rendering emergency medical assistance including infectious substances, smoke, noxious odors, fumes, chemicals, solvents, and oils.

The member occasionally works near moving mechanical parts, and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, radiation, risk of electrical shock, and vibration. The noise level in the work environment is usually quiet in office settings, moderate during daily work routine, and loud at the emergency scene.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and member and is subject to change by the employer as the needs of the employer and requirements of the job change.

Exhibit 4

FARMINGTON HILLS FIRE DEPARTMENT

PERSONNEL PROCEDURE

PRIORITY: 3

PROMOTIONS FOR PAID-ON-CALL MEMBERS

(SERGEANT, LIEUTENANT, CAPTAIN)

NO: 420.1

EFFECTIVE: 11/12/2018
(Rescinds version: 04/01/10)

REVISION: 6

FIRE CHIEF APPROVAL:

PURPOSE

To outline the minimum requirements for promotional consideration and for selection in the Paid-on-Call system.

PROCEDURE

I. Process

A. The promotion to the position of Paid on Call Officer within the Farmington Hills Fire Department will be accomplished through a consistent, organized, and fair process. When a vacancy in the Paid on Call Officers Cadre of one of the fire station occurs and a replacement is desired, the position will be posted at all fire stations for a minimum of two weeks. Those members interested shall apply, in writing, to the District Chief/s of the fire station requesting the promotion. The District Chief/s will forward the names of the candidates intending to test to the Deputy Chief no less than one week before the test date. Candidates received past the deadline will not be permitted to test.

B. Candidates must meet the minimum requirements at the time of the test. No extensions will be given. Candidates that meet the minimum qualifications for the position as outlined in this procedure will be evaluated based upon written examination, oral examinations and a practical skills evaluation. The written test will consist of questions developed specifically for the vacated position and will address fire suppression knowledge, Department policies and procedures, emergency medical service, hazardous materials, and fire prevention practices.

C. For the oral examination, a panel will be established consisting of Department officers not affiliated with the candidates requesting the promotions. A single interview board will be used to evaluate candidates seeking a position. The practical skills examination will consist of an assessment of the officer's communication skills, conflict resolution, policies and procedures knowledge, and an assessment of tactical decisions.

D. The final score will be calculated with the following percentages. The candidate must obtain a minimum of seventy percent (70%) score on each portion of the evaluation to be included on the eligibility list.

Item	Category	Weight
1.	Written Examination (must obtain at least a 70% test score)	30%
2.	Oral Examination (must obtain at least a 70% test score)	30%
3.	Practical Evaluation (must obtain at least a 70% test score)	40%

E. Individuals promoted to the rank of Sergeant, Lieutenant, or Captain shall serve a one (1) year probationary period in rank from the date of appointment. An eligibility roster will remain in effect for one year. The City may remove an employee from the eligibility roster for cause.

1. In the event the Department posts an officer position, after input from the candidate's District Chief, the Chief will appoint an individual who is on the eligibility roster.

II. Prerequisites for Officer Positions

A. In order to be considered for promotion to the position of Sergeant, Lieutenant, or Captain, Department members must meet the following requirements. Equivalency will be evaluated by the Fire Chief.

1. Sergeant
   a. Three years on the Department
   b. Fire Fighter II (MFFTC)
   c. Fire Officer I
   d. State of Michigan licensed E.M.T.
   e. Good history of community service
   f. Satisfactory evaluations and service record that reflects leadership
   g. Run percentage greater than 35% during the 12 months prior to the posting of the position.

2. Lieutenant
   a. Sergeant's qualifications
   b. One year as a Sergeant
   c. Fire Officer II
   d. Satisfactory Sergeant evaluation and service record that reflects increasing leadership
   e. Run percentage greater than 40% during the 12 months prior to the posting of the position.

3. Captain
   a. Lieutenant's qualifications
   b. Lieutenant for two years
   c. Blue Card Certified
   d. Satisfactory Lieutenant evaluation and service record that reflects high leadership ability
   e. Run percentage greater than 45% during the 12 months prior to the posting of the position.

III. Response Incident Percentage Expectation:

A. Officers are expected to maintain a run response percentage of 45% (Sergeant 40%)

B. Officers will further maintain a run response percentage of 45% between the hours of 0000 - 0600. (Sergeant 40%)

Exhibit 5

FARMINGTON HILLS FIRE DEPARTMENT

PERSONNEL PROCEDURE

PRIORITY: 3

PROMOTIONS FOR PAID-ON-CALL MEMBERS

(SERGEANT, LIEUTENANT, CAPTAIN)

EFFECTIVE: 3/15/2022
(Rescinds version: 11/12/2018)

NO: 420.1

REVISION: 7

FIRE CHIEF APPROVAL:

PURPOSE

To outline the minimum requirements for promotional consideration and for selection in the Paid-on-Call system for the ranks of Paid On-Call Sergeant, Lieutenant and Captain.

PROCEDURE

I. Process

A. The promotion to the position of Paid On-Call Officer within the Farmington Hills Fire Department will occur based on the operational needs of the Department. A District Chief will express the need for an Officer through the Chain of Command via inter-office memo. Administration will evaluate all such requests and determine the need and benefit to the organization.

B. Candidates must meet the minimum requirements at the time of the request. No extensions will be given. Candidates that meet the minimum qualifications for the position as outlined in this procedure will be evaluated based upon written assignment oral examination with a practical skills evaluation.

C. When there are multiple recommendations for the same position a panel of Officers representing Paid On-Call and Career, will be established for selection.

D. Individuals promoted to the rank of Sergeant, Lieutenant, or Captain shall serve a one (1) year probationary period in rank from the date of appointment. An eligibility roster will remain in effect for one year. The City may remove an employee from the eligibility roster for cause.

1. In the event the Department posts an officer position, after input from the candidate's District Chief, the Chief will appoint an individual who is on the eligibility roster.

II. Prerequisites for Officer Positions

A. To be considered for promotion to the position of Sergeant, Lieutenant, or Captain, Department members must meet the following requirements. Equivalency will be evaluated by the Fire Chief.

1. Sergeant
   a. Five years on the Department
   b. Fire Officer I (MFFTC)
   c. State of Michigan licensed E.M.T.
   d. Good history of community service and recruit school instruction or involvement
   e. Satisfactory evaluations and service record that reflects leadership
   f. Maintain above minimum department involvement requirements.
   g. Probationary Paid On-Call Mentor

2. Lieutenant
   a. Sergeant's qualifications
   b. One year as a Sergeant
   c. Fire Officer II (MFFTC)
   d. Blue Card Certified: Online Certification
   d. Satisfactory Sergeant evaluation and service record that reflects increasing leadership
   e. Maintain above minimum department involvement requirements.
   f. Probationary Paid On-Call Mentor
   g. Recruit School Instructor or involvement

3. Captain
   a. Lieutenant's qualifications
   b. Lieutenant for two years
   c. Fire Officer III (MFFTC)
   d. Satisfactory Lieutenant evaluation and service record that reflects high leadership ability
   e. Maintain above minimum department involvement requirements.
   f. Recruit School Instructor and or involvement
   g. Probationary Paid On-Call Firefighter Mentor and or manage said program for a assigned station

B. Obtaining training qualifications will be up to each member, requests to attend mandatory courses will require the Training Staff Lieutenant to be notified and subsequently they will provide any upcoming training opportunities. Attendance of any required training courses will be compensated at a straight time pay rate.

Exhibit 6

THOMAS L. FLEURY
LAURI A. READ
GOURI G. SASHITAL
GREGORY T. SCHULTZ
MINDY BARRY*
ELIZABETH A. YOUNG
SAVANA S. CIAVATTA

Also admitted in Virginia*

KELLER THOMA

A PROFESSIONAL CORPORATION

GARY P. KING
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June 7, 2022

To: Ms. Jamie Dickinson

Re: Gary Reid Jr. v Farmington Hills Fire Department
Charge No. 471-2022-01998

Dear Ms. Dickinson:

Attached please find Respondent Farmington Hills Fire Departments' Position Statement. If you have requests for additional information or documents, please contact me.

Very truly yours,

KELLER THOMA, A PROFESSIONAL CORPORATION

Thomas L. Fleury

TLF/lmm
Attachment

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GARY E. REID, JR.,

Charging Party, Charge No. 471-2022-01998

v.

FARMINGTON HILLS FIRE DEPARTMENT,

Respondent.
_____/

RESPONDENT'S POSITION STATEMENT

NOW COMES, Respondent, Farmington Hills Fire Department (hereinafter referred to as "the Fire Department"), and for its Position Statement, states as follows:

INTRODUCTION

The City of Farmington Hills (hereinafter referred to as "the City") has a population of approximately 80,000. The Fire Department has approximately 59 career fire fighters (54 identify as Caucasian, four identify as African American, and one identifies as Asian). The Fire Department also has approximately 49 paid on-call fire fighters (41 identify as Caucasian, six identify as African American, and one identifies as Asian). The Fire Chief is Jon Unruh, who has held this position since 2016. All complaints alleging racial discrimination and/or harassment are referred to the City's human resources department. The director of human resources is John Randle, an African American male.

The Fire Department has five fire stations. Stations 1, 2, and 5 are staffed solely by career fire fighters 24 hours per day. Stations 3 and 4 are staffed by career fire fighters from Monday through Friday from 7:30 AM to 6:00 PM. Other times they are staffed by paid on-call fire fighters.

STATEMENT OF FACTS

Gary Reid (hereinafter referred to as "Charging Party") was employed by the Fire Department as a paid on-call fire fighter. On March 1, 2008, Charging Party was promoted to paid on-call Sergeant (see Exhibit 1). On December 1, 2016, Charging Party was promoted by Chief Unruh to the position of paid on-call Lieutenant (see Exhibit 2).

Charging Party has obtained the following certifications:

- Fire Fighter I Certification
- Fire Fighter II Certification
- Fire Officer I Certification
- Fire Officer II Certification

(See Exhibit 3, Charging Party's Training File Audit).

Charging Party's complaint is that he was denied a promotion to District Chief at Station 2. The "minimum qualifications" for District Chief require a Fire Officer III Certification" and One (1) Year as a Captain" (see Exhibit 4, District Chief Job Description). Charging Party does not have a Fire Fighter III Certification and does not have the rank of Captain. Therefore, Charging Party was not qualified to be a District Chief.

In 2018, Chief Unruh eliminated the position of paid on-call District Chief. He decided to execute this decision by attrition. As the District Chiefs retired or resigned, he would not replace them. The last District Chief at Station 2 was District Chief Denis Nicole, who retired in 2018. The District Chief position was never posted and never filled. Therefore, Charging Party never could have "applied" for the District Chief position at Station 2. Had the position been open and Charging Party applied for the position, he would have been determined "unqualified."

Charging Party complains that "…my employer denied me interviews to become Captain." The minimum qualifications for Captain require a Fire Officer III Certification (see Exhibit 5, job

description for Captain). Charging Party does not have a Fire Officer III Certification and is therefore not qualified to be promoted to paid on-call Captain. Additionally, the Fire Chief prefers that those promoted to paid on-call Captain also complete the "Blue Card Command and Control Training." This training provides instructions to fire fighters on how to size up and manage a fire scene. Charging Party has never completed this training. On March 2, 2022, Charging Party signed up for the Blue Card Command and Control Training, but as May 24, 2022, he has not started the program.

In 2008, when Charging Party was promoted to paid on-call Sergeant, there were 22 paid on-call fire fighters at Station 2. In 2016, there were 14 paid on-call fire fighters at Station 2. By November 15, 2020, there were only six paid on-call fire fighters at Station 2 (see Exhibit 6, Farmington Hills Fire Department Paid On-Call Payroll 2019 for Station 2). In addition to the low number of paid on-call fire fighters at Station 2, for an extended period of time, there was little to no response from these six fire fighters when assistance was required at fire scenes. District Chief Dave Chrisco (Station 3) recommended to Chief Unruh that Station 2 be closed for paid on-call fire fighters because it was ineffective and unreliable when he requested assistance at fire scenes. Chief Unruh considered his recommendation and agreed it would be more effective and efficient for the Fire Department to reassign the six paid on-call fire fighters at Station 2 to other stations, where they could be better utilized.

Therefore, in February 2022, the paid on-call operation was ceased at Station 2. The six volunteer fire fighters at Station 2 were sent interoffice correspondence advising them of the necessity to cease the paid on-call operation at Station 2. They were specifically advised that the decision was based on "overall membership size, and the resulting lack of response when full-station callbacks are requested." Charging Party was assigned to Station 4 based on the geographic

location of Charging Party's house and Station 4 (see Exhibit 7, Interoffice Correspondence to Charging Party February 9, 2022).

The decisions made regarding the cessation of the paid on-call fire fighters at Station 2 were based on legitimate business reasons which were supported by objective documentation. The decision was also based partly on the recommendation of District Chief Chrisco, who was never involved with Charging Party's employment or complaints. When transferred to Station 4, Charging Party maintained his rank as Lieutenant and suffered no adverse employment action. The decisions regarding Charging Party's promotions and rank were based solely on Charging Party's qualifications and the minimum qualifications for the rank of District Chief and Caption set forth in written job descriptions. All paid on-call Captains within the Fire Department are fully qualified and meet the minimum qualifications set forth in the job description. Charging Party's prior complaints of racial discrimination and harassment were not a factor in any decision regarding his promotions or rank.

When Charging Party made a complaint regarding racial harassment, his complaint was referred to the human resources department and the investigation was handled by director John Randle. Mr. Randle took proper remedial action to resolve Charging Party's complaint. Mr. Randle further reviewed Charging Party's complaints regarding retaliatory actions involving promotions, and determined and advised Charging Party that his complaints are unfounded and the decisions regarding "promotions" and the closing of Station 2 were based on legitimate business reasons.

CONCLUSION

The Fire Department has established legitimate business reasons for its determinations regarding Charging Party's employment and at no time was Charging Party's race or prior complaints of discrimination a factor in any employment decision.

Based on the above, the Fire Department requests that Charging Party's Charge of Discrimination be dismissed.

Respectfully submitted,

KELLER THOMA, P.C.

By _____
Thomas L. Fleury (P24064)
Attorneys for Respondent
26555 Evergreen Road, Suite 550
Southfield, MI 48076
(313) 965-0857
tlf@kellerthoma.com

DATED: July 14, 2022

EXHIBIT 1

Farmington HILLS

City of Farmington Hills

FIRE DEPARTMENT

March 11, 2008

Sergeant Gary E. Reid
29716 Pipers Lane
Farmington Hills, MI 48334

Dear Gary,

Congratulations! You have been promoted to the position of Paid-on-Call Sergeant effective March 1, 2008. Thank you for your contributions to this organization and your willingness to accept additional responsibilities. We expect you to do an outstanding job and help us to continually improve the service we give to our community. I look forward to working with you in your new role.

Sincerely,

FARMINGTON HILLS
FIRE DEPARTMENT

Richard A. Marinucci
Fire Chief

jc

cc: Denis Nicole, District Chief

EXHIBIT 2

FARMINGTON HILLS Michigan

FIRE DEPARTMENT

December 1, 2016

Gary Reid
28631 Oakcrest Court
Farmington Hills, MI 48334

Dear Gary:

I want to congratulate you on your promotion to Lieutenant. You have worked very diligently to obtain this new rank by training, department involvement, and by going above and beyond for our organization. As you look to the future it will be essential that you continue these traits and to expand upon your knowledge and mentor those under your command.

I want to thank you for the dedicated service that you provide to the department and the citizens of Farmington Hills.

Sincerely,

Jon Unruh
Fire Chief

jl

District Chief Denis Nicole

EXHIBIT 3

Training File Audit

Year: 2022

Employee: Reid

License/Certification:	Expiration:	
Paramedic/EMT License	8/31/2024	
BLS	1/2024	
ACLS		
PALS		
PEPP		
Fire Fighter I	N/A	
Fire Fighter II	N/A	
Hazmat	N/A	
Drivers Training	N/A	
Pump Apparatus Ops	N/A	
Fire Officer I	N/A	
Fire Officer II	N/A	
Fire Officer III	N/A	
Fire Instructor I	N/A	
Blue Card-Online	N/A	
Blue Card-Classroom	N/A	
FEMA:	100	
	200	
	300	
	400	
	700	
	800	

Updated 1/2022

EXHIBIT 4

FARMINGTON HILLS FIRE DEPARTMENT

JOB DESCRIPTION

POSITION TITLE: ***Paid-on-Call District Chief*** **SUPERVISED BY:** ***Fire Chief***
POSITION RANK: ***District Chief*** **SUPERVISES:** ***Paid-on-Call Personnel***
DIVISION: ***Operations*** **No:** ***220***

GENERAL PURPOSES

Works under the general guidance and direction of the Fire Chief, he/she will serve as the general supervisor of Paid-on-Call (PCB) personnel at their assigned station. They will respond to emergency incidents and provide direction, in the absence of senior officers, to subordinate personnel. He/she will also direct non-emergency activities, including maintenance of facilities, apparatus and equipment; public education activities; and performs other duties as assigned by senior officers.

SUPERVISION EXERCISED

Paid-on-Call personnel at their assigned station

ESSENTIAL DUTIES

1. Ensures that all assigned Paid-on-Call personnel, apparatus, and equipment are in a state of readiness to respond to emergency incidents and provide assistance to the general public
2. Ensures, through monitoring, that adequate staff are available to respond in a timely manner
3. Ensures that all Paid-on-Call personnel carry out their duties in a safe and efficient manner in accordance with policy or recognized practices
4. Supervises assigned Paid-on-Call personnel in their duties
5. Assists investigators and/or investigates, in their absence, fires to determine cause and origin
6. Coordinates and manages emergency scene operations following established policy
7. Coordinates and manages emergency scene operations, to include; structure and vehicle fires; medical emergencies; personal injury accidents; hazardous material spill/leaks; and rescue operations
8. Coordinates and manages Paid-on-Call members during non-emergency operations, to include; public fire/safety education; maintenance of facilities, apparatus and equipment
9. Monitors, observes, and participates in departmental activities to ensure that personal conduct and performance conform to department standards
10. Participates as part of management team in reviewing and recommending operational practices for the purpose of improving service to the community
11. Ensures that Paid-on-Call personnel are trained as directed by the training division

12. Participates as a part of the management team in conducting performance evaluations and counseling of Paid-on-Call personnel
13. Prepares and ensures that incident and other required reports are accurate and complete
14. Actively Participates in station drills and meetings and shall remain current in the performance techniques associated with services provided by the department
15. Maintains a positive working relationship with all department members and staff
16. Coordinates and exchanges information with the Battalion Chief, Inspectors, and fire fighters

PERIPHERAL DUTIES

1. Performs the duties of subordinate personnel, in their absence, and fills in for staff members, as assigned by the Fire Chief
2. Attends conferences and meetings to keep informed of the activities of the Department, the City, and the Fire Service as directed by the Fire Chief
3. Represents the Department at meetings, as assigned by the Fire Chief
4. Attends and/or participates in special Department events including, but not limited to, the annual Awards Banquet, Fire Department Open House, Department-wide meetings, Department Officers' drills, Board of Chiefs' meetings, City Employee Recognition Awards Program, and the Fire Department Class Graduation Exercises.

MINIMUM QUALIFICATIONS

Education & Experience

- High School Diploma or equivalent
- Fire Fighter II Certification
- Fire Officer III Certification
- Basic Emergency Medical Technician License (State of Michigan)
- First Responder (employees hired before 10/1/88)
- Six (6) Years of Experience in the Department
- One (1) Year as a Captain
- Any combination of equivalent education and/or experience

NECESSARY KNOWLEDGE, SKILLS, AND ABILITIES

Extensive Knowledge of:

- Department Policy, Procedures, Personnel, Facilities, Apparatus, Equipment and Organizational Philosophy

Thorough knowledge of:

- District and its hazards
- Fire behavior and characteristics
- Fire Fighting techniques, practices, and standards

- Basic fire investigation and arson detection techniques
- City and Department Policy and Procedures
- Station apparatus and equipment capabilities
- Motivational skills pertinent to all personnel
- Leadership Practices
- EMS techniques, practices, and standards

Working Knowledge of:

- Department operational procedures
- Department policies
- Skill in operation of listed equipment and apparatus

Ability to:

- Work effectively with other staff, supervisors, and the public
- Effectively supervise others to insure compliance with policy and standards
- Follow verbal and written instructions
- Establish and maintain effective working relationships
- Handle the physical requirements of the job (as demonstrated in an individual's failure to perform an essential task or in the opinion of the Department Physician)
- Analyze situations quickly and correctly and make decisions regarding the management of emergency situations
- Analyze situations correctly and make decisions regarding the management of personnel
- Handle sensitive information in an appropriate manner
- Work effectively as part of a management team
- Identify problem areas and make recommendations
- Prepare concise department reports, correspondence and records
- Communicate effectively, both orally and in writing
- Effectively analyze situations and provide solutions to problems

DESIRABLE KNOWLEDGE, SKILLS, AND ABILITIES

- Hazardous Material Operations Training
- Confined Space Operations Training
- Hazardous Materials Technician Training
- Experience working with career and Paid-on-Call personnel
- Familiarity with the Farmington Hills Area

SPECIAL REQUIREMENTS

- Must maintain EMT license or higher certification

- Must maintain First Responder (employee hired prior to 10/1/88)
- Must maintain CPR certification for the Professional Rescuer
- Must maintain Automatic External Defibrillator Certification
- Must maintain Driver Certification for all apparatus
- Must possess a valid State of Michigan Driver License
- Must be able to read, write and speak the English language
- No felony convictions or criminal history

SELECTION GUIDELINES

May include any or all of the following: Formal request for promotion, review of education, training, and experience; written examination; psychological examination; oral board; background/drivers license check; offer of employment; post physical examination, including drug screen

APPARATUS AND EQUIPMENT USED

All vehicles/apparatus, two-way radios, pager, personal computer, telephone, calculator, tape recorder, photo equipment, miscellaneous EMS equipment and supplies, operational tools, and related equipment.

PHYSICAL DEMANDS

The physical demands described herein are representative of those that must be met by any member to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the member is frequently required to stand; sit; walk; talk; or hear; use hands or fingers, to handle, or operate objects, tools, or controls, and reach with hands and arms. The member is frequently required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The member must frequently lift and/or move heavy objects. Specific vision abilities required by this job include close, distance, color, and peripheral vision, depth perception, and the ability to focus.

WORK ENVIRONMENT

The work environment characteristics described herein are representative of those a member may encounter while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicle, and outdoor setting, in all weather conditions including temperature extremes, during day or night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to sirens and hazards associated with fighting fires and rendering emergency medical assistance including infectious substances, smoke, noxious odors, fumes, chemicals, solvents, and oils.

The member occasionally works near moving mechanical parts, and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, radiation, risk of electrical shock, and vibration. The noise level in the work environment is usually quiet in office settings, moderate during daily work routine, and loud at the emergency scene.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and member and is subject to change by the employer as the needs of the employer and requirements of the job change.

EXHIBIT 5

FARMINGTON HILLS FIRE DEPARTMENT

JOB DESCRIPTION

POSITION TITLE: ***Paid-on-Call Captain*** **SUPERVISED BY:** ***District Chief***
POSITION RANK: ***Captain*** **SUPERVISES:** ***Paid-on-Call Personnel & Lieutenants***
DIVISION: ***Operations*** **No:** ***221***

GENERAL PURPOSES

Works under the general guidance and direction of the District Chief and assumes his/her duties when absent. He/she will respond to emergency incidents and provide direction, in the absence of senior officers, to subordinate personnel. He/she will be responsible for personnel at their assigned station, including; insuring discipline at the station level through performance evaluations and counseling and/or the disciplinary process.

SUPERVISION EXERCISED

Responding Paid-on-Call Personnel at their assigned station

ESSENTIAL DUTIES

1. Ensures that all assigned Paid-on-Call personnel, station apparatus and equipment are in a state of readiness as directed by the District Chief
2. Ensures that all Paid-on-Call personnel carry out their duties in a safe and efficient manner
3. Supervises Paid-on-Call personnel in their duties as directed by the District Chief
4. Directs assigned personnel during emergency scene operations, to include; structure and vehicle fires; medical emergencies; personal injury accidents; hazardous material spills/leaks; and rescue operations
5. Directs assigned personnel during non-emergency activities, including the evaluation of personnel by supervisors and investigations of misconduct by Paid-on-Call personnel at the station
6. Monitors, observes, and participates in departmental activities to ensure that conduct and performance conform to department standards
7. Coordinates disciplinary activities at the station level for assigned Paid-on-Call personnel
8. Ensures that training of Paid-on-Call personnel is conducted in accordance with directives received from the Training Division by the Lieutenant(s).
9. Coordinates the Performance Evaluation process of station personnel
10. Conducts performance evaluations and counseling of subordinate personnel
11. Prepares and ensures that required reports are accurate and complete
12. Actively participates in station drills to remain current in the performance techniques associated with services provided by the department

13. Maintains a positive working relationship with all department members
14. Coordinates and exchanges information with the District Chief, Inspectors and other Fire Fighters

PERIPHERAL DUTIES

1. Performs the duties of subordinate personnel and fills in for other staff members, as assigned
2. Attends conferences and meetings to keep informed of the activities of the Department, the City, and the Fire Service
3. Represents the Department at meetings, as assigned

MINIMUM QUALIFICATIONS

Education & Experience

- High School Diploma or equivalent
- Fire Fighter II Certification
- Fire Officer III Certification
- Basic Emergency Medical Technician License (State of Michigan)
- Five (5) Years of Experience in the Farmington Hills Fire Department
- Two Years (2) as a Lieutenant in the Farmington Hills Fire Department
- Any combination of equivalent education and/or experience

NECESSARY KNOWLEDGE, SKILLS, AND ABILITIES

Extensive Knowledge of:

- Department Policy, Procedures, Personnel, Facilities, Apparatus, Equipment and Organizational Philosophy

Thorough knowledge of:

- District and its hazards
- Fire behavior and characteristics
- Fire Fighting techniques, practices, and standards
- Basic fire investigation and arson detection techniques
- City and Department Policy and Procedures
- Station apparatus and equipment capabilities
- Motivational skills pertinent to all personnel
- Leadership Practices
- EMS techniques, practices, and standards

Working Knowledge of:

- Department operational procedures
- Department policies

- Skill in operation of listed equipment and apparatus

Ability to:

- Work effectively with other staff, supervisors, and the public
- Effectively supervise others
- Follow verbal and written instructions
- Establish and maintain effective working relationships
- Handle the physical requirements of the job
- Analyze situations quickly and correctly and make decisions regarding the management of emergency situations
- Analyze situations correctly and make decisions regarding the management of personnel
- Handle sensitive information in an appropriate manner
- Work effectively as part of a management team
- Identify problem areas and make recommendations
- Prepare concise department reports, correspondence and records
- Communicate effectively, both orally and in writing
- Effectively analyze situations and provide solutions to problems

DESIRABLE KNOWLEDGE, SKILLS, AND ABILITIES

- Hazardous Material Operations Training
- Confined Space Operations Training
- Hazardous Materials Technician Training
- Experience working with career and Paid-on-Call personnel
- Familiarity with the Farmington Hills Area

SPECIAL REQUIREMENTS

- Must maintain EMT license or higher certification
- Must maintain CPR certification for the Professional Rescuer
- Must maintain Automatic External Defibrillator Certification
- Must maintain Driver Certification for all apparatus
- Must possess a valid State of Michigan Driver License
- Must be able to read, write and speak the English language
- No felony convictions or criminal history

SELECTION GUIDELINES

May include any or all of the following: Formal request for promotion, review of education, training, and experience; written examination; psychological examination; oral board; background/drivers license check; offer of employment; post physical examination, including drug screen.

APPARATUS AND EQUIPMENT USED

All vehicles/apparatus, two-way radios, pager, personal computer, telephone, calculator, tape recorder, photo equipment, miscellaneous EMS equipment and supplies, operational tools, and related equipment.

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WORK ENVIRONMENT

The work environment characteristics described herein are representative of those a member may encounter while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicle, and outdoor setting, in all weather conditions including temperature extremes, during day or night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to sirens and hazards associated with fighting fires and rendering emergency medical assistance including infectious substances, smoke, noxious odors, fumes, chemicals, solvents, and oils.

The member occasionally works near moving mechanical parts, and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, radiation, risk of electrical shock, and vibration. The noise level in the work environment is usually quiet in office settings, moderate during daily work routine, and loud at the emergency scene.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and member and is subject to change by the employer as the needs of the employer and requirements of the job change.

EXHIBIT 6

Farmington H.) .re Department

Paid-On-Call Payroll 2019

01-11 to 01-24

Member_Name	Payroll Num	Payrate	Inc.Hrs	Inc SubTotal	Shift Hours	Sick Leave Used (43p)	Shift SubTotal	Non-Incident Payrate	Non-Inc Hours	Non-Inc SubTotal	OT Hours	OT SubTotal	Rec PayRate	Rec.Hrs	Rec SubTotal	Total Sick Pay	Total Pay	TotalHrs
[redacted]	002349	$ 24.98	6.50	$ 162.37			$ -	$ 17.00	2.75	$ 46.75		$ -			$ -	$ -	$ 209.12	9.25
	003562	$ 24.98		$ -	35		$ 874.30	$ 17.00	2.75	$ 46.75		$ -			$ -	$ -	$ 921.05	37.75
	002309	$ 24.98	1.00	$ 24.98			$ -	$ 17.00	2.75	$ 46.75		$ -			$ -	$ -	$ 71.73	3.75
	004850	$ 21.73	5.00	$ 108.65	10.5		$ 228.17	$ 15.30	2.75	$ 42.08	0.5	$ 16.30			$ -	$ -	$ 395.19	18.25
	004218	$ 27.12	3.50	$ 94.92	30		$ 813.60	$ 17.00	1.00	$ 17.00		$ -			$ -	$ -	$ 925.52	34.50
Reid, Gary *SL	002321	$ 24.98	3.00	$ 74.94	79.5		$ 1,985.91	$ 17.00	2.75	$ 46.75	9.5	$ 355.97			$ -	$ -	$ 2,483.57	85.25

Denny Nicole retires 1/15/2020.

to POC members estation 2.

Jon Unruh, Fire Chief

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EXHIBIT 7

FARMINGTON HILLS Michigan

FIRE DEPARTMENT
OFFICE OF CHIEF JON UNRUH

INTEROFFICE CORRESPONDENCE

TO: Lieutenant Gary Reid

FROM: Fire Chief Jon Unruh

DATE: February 9, 2022

RE: Station Transfer

Due to the operational needs of our organization, it is necessary to cease Paid-on-Call operations at Station 2. Factors that are contributing to this decision involve the overall membership size, and the resulting lack of response when full-station callbacks are requested.

Effective March 1, 2022, your new station assignment will be Station 4, where you will assume your current rank and department seniority.

Consideration to reestablish Station 2 Paid-on-Call operations will be analyzed again if staffing numbers increase and it is determined that it will benefit department operations.

Thank you for your continued commitment to our organization and the citizens of Farmington Hills.

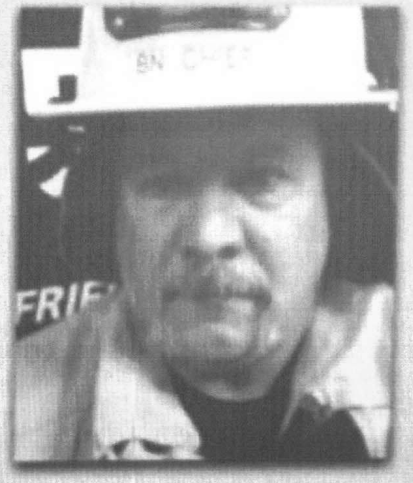
Best regards,

Jon Unruh, Fire Chief

cc. Deputy Chief Olszewski
District Chief Chrisco
District Chief Schiffman
file

Exhibit 7

Kenn Taylor Bio



Kenn Taylor has served the Violet Township Fire Department as Fire Chief from 1986 to 2008. During that time, the [illegible] reorganized from an all volunteer organization to a combination paid, part time, and volunteer fire department. Today, th Department is a full service Fire and EMS operation, providing service out of three stations to 48,000 people that re[illegible] Violet Township, the City of Pickerington, and portions of the City of Canal Winchester and the City of Reynoldsburg.

After serving as Fire Chief for 23 years, Chief Taylor stepped down from the position of Fire Chief and took on the ro[illegible] created Battalion Chiefs positions for the Violet Township Fire Department. Today he serves in that capacity, as the [illegible] overseeing the daily operations of the crew on 2 unit.

Kenn is a Past President of the Ohio Fire Chiefs' Association, and the Great Lakes Division of the International Asso[illegible] also served as the Division Director on the Board of the International Association Fire Chiefs. Kenn has been serving as Instructor since 2008 and a Lead Instructor since 2010.

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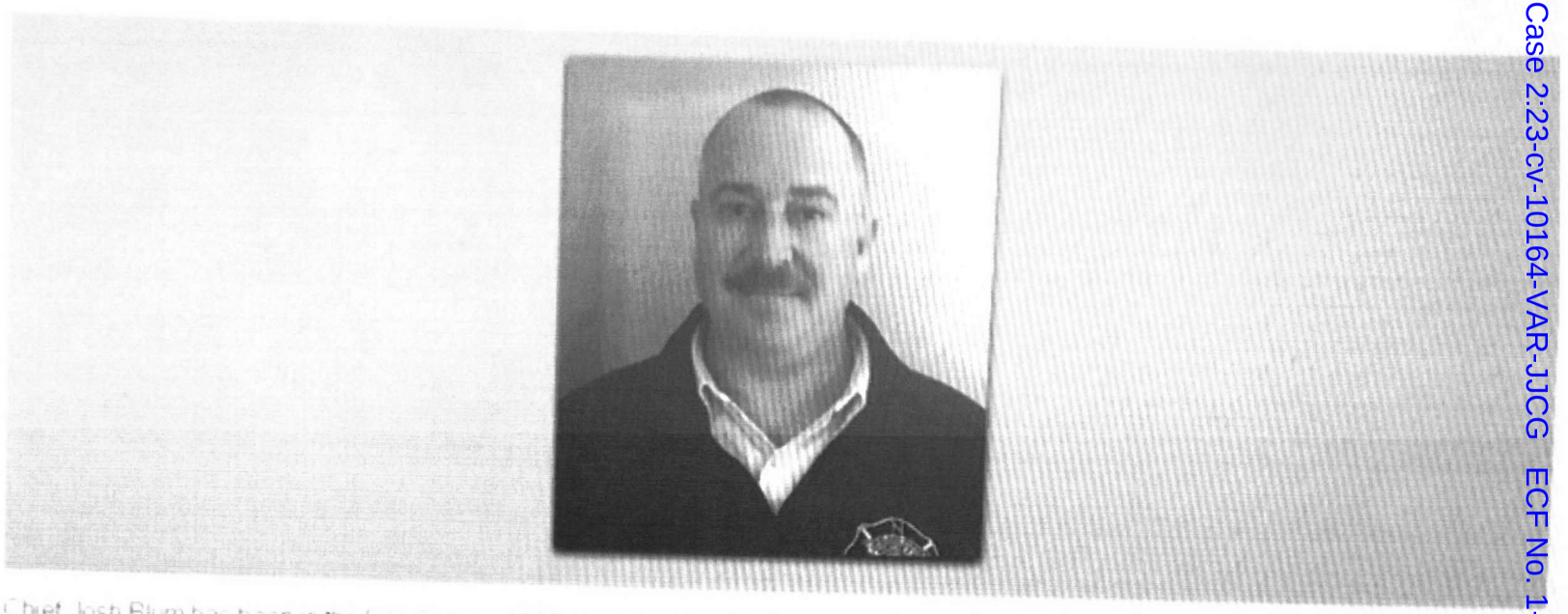
John Vance Bio

John Vance was named the 8th Fire Chief for the City of Minnetonka Fire Department, Minnesota in 2013. John bega in 1991 with the Clay Fire Territory in South Bend, Indiana. John has a Bachelor's Degree in Fire Service Manageme University, a Certificate in Executive Management from the University of Notre Dame and is an accredited Chief F

John Vance has served in several leadership capacities in the fire service and private industry. In addition to his fire s spent several years in the broadcasting business. His specialties include being a Blue Card Lead Instructor, fire de operational and financial management, strategic planning, marketing and development of new programs and syste

Case 2:23-cv-10164-VAR-JJCG ECF No. 1-2, PageID.60 Filed 01/22/23 Page 47 of 58

Josh Blum Bio



Chief Josh Blum has been in the Fire Service 1993. He began his service as a volunteer firefighter and shortly thereafter accepted a full-time career position. Starting as a line firefighter/EMT, Josh has promoted up to driver/engineer, lieutenant, training officer, captain, deputy chief and currently is the deputy chief of operations. In this role, he oversees all aspects of operations and training for the Loveland Symmes Fire Department. Chief Blum, working with all staff officers, has successfully and measurable increased the training and operational effectiveness of the department. He also serves in other leadership roles within LSFD, helping attain an ISO class 2 fire insurance rating and accreditation through the Commission on Public Safety Excellence (CPSE) accredited fire department status. As a part of his daily responsibilities, Chief Blum chairs the regional Northeast Fire Collaborative training work group, responsible for the training coordination of multiple area fire/EMS departments that train, operate and respond together regularly.

Focusing on operational command and control, Chief Blum brought the Blue Card Command program to the Northeast Fire Collaborative and is currently managing the program that has successfully certified over 450 personnel from around the Tri-State as fire commanders. He has been a guest speaker and taught firefighters at many national fire service programs to include the Hazard Zone Management Conference, the Fire Department Instructors Conference, the Commission of Public Safety Excellence Conference, Firehouse Expo along with other regional programs.

Chief Blum is a graduate of the Ohio Fire Executive Program and focuses his time on making every day a better day through the continuous improvement of training, management and leadership of personnel.

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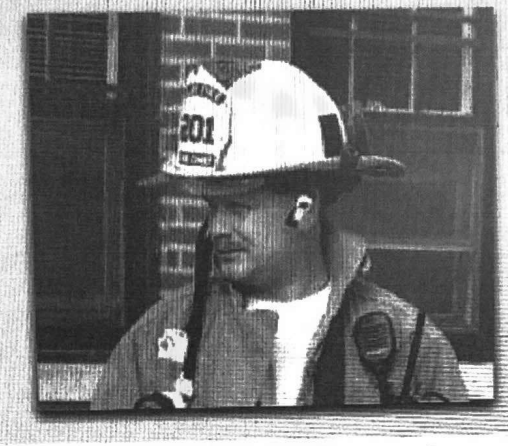
Timm Schabbel Bio



Timm Schabbel has been in the fire service since 1985, including serving 20 years as Fire Chief of the Clay Fire Territory. Clay Fire is an accredited fire department located in northern St. Joseph County, Indiana.

Chief Schabbel holds a bachelor's degree in fire service management and a master's degree in organizational leadership. In addition, Chief Schabbel completed the Executive Management Program at the University of Notre Dame and has attended Harvard University's John F. Kennedy School of Government. Chief Schabbel is an Executive Fire Officer (EFO) graduate and has received Chief Fire Officer (CFO) designation from the Center for Public Safety Excellence.

Chief Schabbel is a past president of the International Association of Fire Chiefs (IAFC) Great Lakes Division and continues to serve on numerous state and national fire service committees. In 2007, Chief Schabbel received Indiana's first "Fire Chief of the Year" award by the Indiana Fire Chiefs Association, and received the IAFC's Safety and Survival Sections Garry Briese Safety Performance Award in 2008.

Timm has also been a Lead Blue Card instructor since the inception of the program in 2008.

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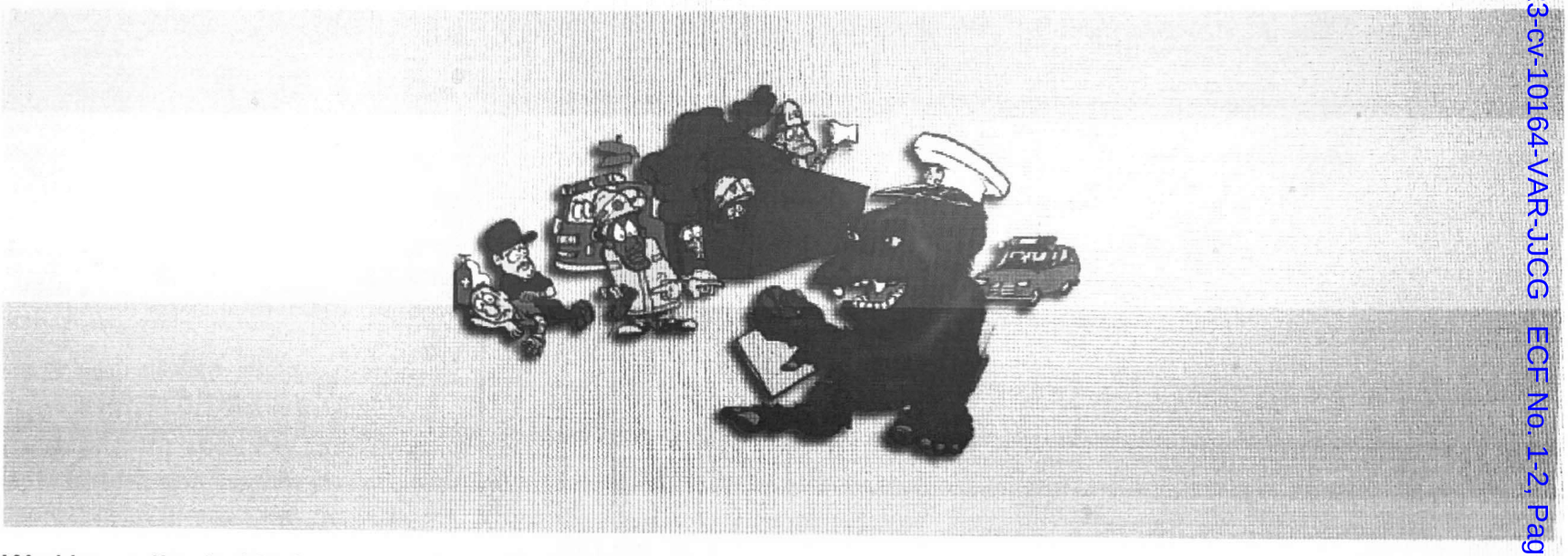
Major Goal of Command Function 2—Assume, Confirm & Position

Command: To quickly establish & confirm a single IC & to place that IC in the most effective command position.



Working, active incidents can create confusing, dangerous and complicated conditions that make setting up and operating the command system difficult. How the incident-command system shows up and gets started has a major impact on the incident's ongoing management operation and its ultimate success. Simply, good beginnings produce good endings. The assumption of command must be a natural, automatic and regular organizational event. Command Function No. 2 is designed to create a standard process for assuming command and then placing the IC in the most effective position based on a standard set of conditions.

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Cool Head

The folks who make incident response their business have a high regard for those who can handle tough situations while r m rational and in control. They describe such characters as "cool heads." Being a cool head is particularly important for the IC. It response team to coordinate its players, pull off complicated plays and *survive* if the quarterback is searching for the head the minutes earlier.

It's pretty easy to sit around the kitchen table and talk a good game, but the only place an IC can develop a cool-head repu ti line. This is where all the incident monsters await the cool head's arrival. The IC must develop and pull off an incident action pl all the bad stuff better.

The incident-command process is enormously unforgiving, it takes a real, fully present, street-smart IC to make it happen. Pro person with a radio, a clear channel and a tough situation gives everyone within 25 miles the opportunity to listen and decid w sits on the In Control/Out of Control scale. Showtime can be a real bear.

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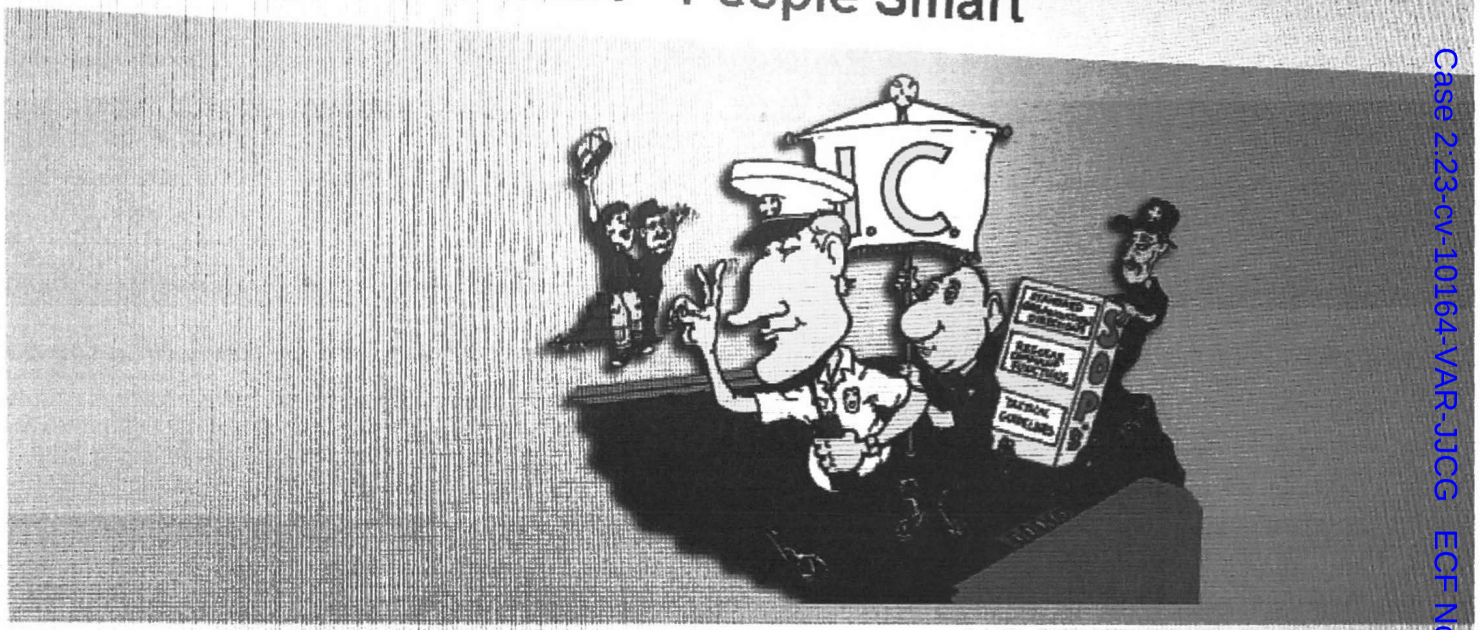
Street Smart—System Smart—People Smart



The incident-command process revolves around the IC's being really smart about how the command system should work, how to how to keep it going so it can outlast the incident problem(s).

The IC must effectively apply standard organizational directives—such as regular command functions, local SOPs and univers guidelines—to create effective operational responses. The IC must be able to apply the system on the street where asphalt-le include lousy initial information, compressed time, difficult communications, dangerous conditions, and lots of excitement and str

As the IC goes about managing and supporting the responders who are delivering service to our customers, they must remain a is really about making those responders most effective. Performing as an IC is a challenging job that requires a high level of c system intelligence, situation awareness and understanding of human behavior under difficult, dangerous and dirty conditions.

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Command Functions

The eight command functions provide a simple, practical job description for the IC and help define what being in command really means. They serve as an outline that helps everyone on the team understand exactly where the IC will be, what the IC will do and how the IC will interact with the rest of the team before, during and after the incident. Clearly stating and agreeing upon the command functions creates a foundation for the incident management system. The functions provide a basic management structure that can be customized to create effective organizational responses for each particular incident; they also provide a practical command plan and framework in case an incident escalates.

The eight basic command functions are:

1. Deployment management;
2. Assume, confirm and position command;
3. Situation evaluation (size up);
4. Strategy development/incident action planning;
5. Incident communications;
6. Incident organization;
7. Review and revision; and
8. Continuation, support and termination of command.

The eight functions provide a beginning, middle and end for command operations and form a standard IC job description that is:

- Short
- Simple

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What Central Command Does

The only effective way to eliminate freelancing is to fix it from the top (the IC) down. It's tough for the troops to overcome poor operational command from where they work at the middle or bottom of the system. Achieving an effective balance of command and control, in relation to operational action, is a major system objective—and challenge. Too little command can create uncontrolable chaos, while too much command (i.e., micromanagement) can produce conflicting, constricted action that frustrates and underutilizes the skills of the players and coaches.

Consistently creating an effective command balance requires a practical command system, including effective game plans (SOPs); skilled participants with determination, discipline and experience; and an ongoing critique process. The longer the team applies, practices and refines the command system, the easier and more natural it becomes. The command system also eliminates freelancing by outlining everyone's accountability and responsibility.

The command procedure mobilizes and integrates efforts to:

1. Fix responsibility on a particular individual to become the IC through a standard identification system. Who becomes the IC depends upon the arrival sequence of responders, units/companies and officers;
2. Ensure that strong, direct and visible command is established as early as possible;
3. Establish a management framework that clearly outlines the regular functions and objectives assigned by the IC to the standard positions and roles outlined in local IMS SOPs; and
4. [illegible] to gain control of the situation.

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Exhibit 8

FARMINGTON HILLS Michigan FIRE DEPARTMENT

Verbal Reprimand

DATE: **October 3, 2022**

TO: **Lieutenant Gary Reid**

FROM: **Staff Lieutenant James Etzin**

SUBJECT: **Failure to Complete Mandatory Training**

On March 3, 2022, you were assigned Blue Card - eLearning with the understanding it would be completed within six (6) months. This online training costs the City of Farmington Hills $385 per person, is the first step in Blue Card certification, and helps prepare you to make command decisions during complex incidents such as structure fires.

By not completing this assignment in a timely manner, it delays your professional development, the possibility of promotion, and places an unnecessary burden on the department's Training Division.

Considering your past performance and disciplinary record, I've determined a verbal reprimand is the most appropriate discipline for this infraction. However, failure to complete this training within the next three months will result in further discipline.

A copy of this letter will be placed in your employee file.

Acknowledgement of Receipt

Lieutenant Gary Reid

Witness James Etzin

cc:
Deputy Chief Jason Olszewski
District Chief Dave Chrisco
File

31455 West Eleven Mile Road • Farmington Hills MI 48336
Administration • 248.871.2800 Phone 248.871.2801 Fax Fire Prevention • 248.871.2820 Phone

Exhibit 9

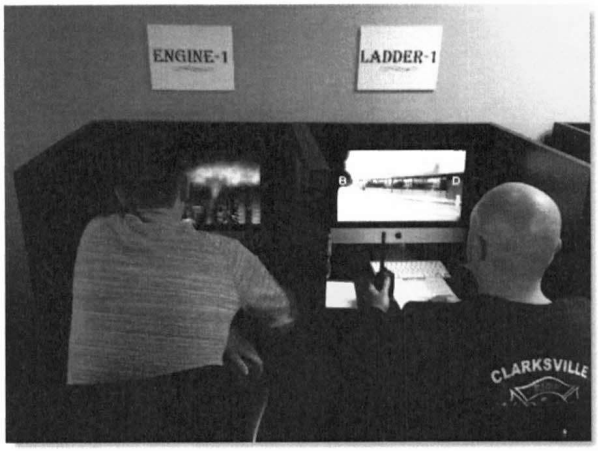
New Student Activation Info Sheet

Welcome to the Blue Card online training and certification program. The Blue Card online training program is an integral part of the NIMS Type 4 and 5, Hazard Zone Incident Commander training and certification program.

Your log-in link to the training site and temporary password are located at the bottom of this document. This document gives a new student a comprehensive overview of the online training programs inner workings. Blue Card strongly suggests spending the time needed to review the body of this document before launching the training program.

There are 3 main elements of the Blue Card training and certification program:

1. Completion of the 40-50 hour online training program (Cognitive portion of the program)
2. Completion of the Simulation Evaluation Session (Manipulative portion of the program)
3. Continuing Education (CE) and 3 year re-certification process (Cognitive and Manipulative skill maintenance)

1) **The Blue Card 40 - 50 hour online training program:** fulfills 100% of the Blue Card Hazard Zone Incident Command standard's cognitive and knowledge based classroom requirements. A student has one (1) year to complete the online training program after their first login. The successful completion of the Blue Card online training program is the first step in the command certification process. Once the student has successfully passed the online training program with a 70% or higher cognitive test score, they will be eligible to attend a 3 day Blue Card simulation, evaluation lab. Students must attend an evaluation sim lab within 1 year from completing the online training program.

2) **Blue Card simulation evaluation session:** each student will be evaluated in the role of the initial arriving Incident Commander (E-1 officer) and as the second arriving Incident Commander (BC-1 response chief) during the evaluation process. The student will have to fill both of the Incident Commander roles for each of the programs 5 basic building types. The 5 basic building types are: residential, multi-unit residential, strip malls, commercial buildings, and big box structures. These occupancies represent over 90% of the structural fires we respond to and operate on. After successfully completing all of the required simulation evaluations, the student will be officially certified as a Blue Card IC.