

**BEFORE  
JAMES R. COX  
INTEREST ARBITRATOR**

**VILLAGE OF DOLTON**

and

**DOLTON PROFESSIONAL FIRE  
FIGHTER'S ASSOCIATION  
LOCAL 3766, IAFF**

**INTEREST ARBITRATION  
2005-2008 LABOR AGREEMENT  
CASE S-MA-05-203**

**DECISION AND AWARD**

The Hearing in this matter was conducted by the Arbitrator in Dolton, Illinois March 6, 2006. Attorney Lisa Moss represented the Union and the Village case was presented by their Attorneys, Michael Kralovec and Terrence Gillespie. This Award is issued in accordance with applicable provisions of Section 14 of the Illinois Public Labor Relations Act.

In the course of Collective Bargaining Negotiations the parties have reached agreement on all terms and conditions of the 2005 -2008 Agreement except for a single non-economic issue – Promotions. It has been agreed that the terms of the Promotion Article would be resolved in this Interest Arbitration. The Labor Agreement has been ratified.

Following presentation of Opening Statements and introduction of documentary evidence the parties determined that the following language relating to promotions would become Article XIX of the Contract. The Arbitrator has reviewed and confirmed that Agreement.

**ARTICLE XIX**

**PROMOTIONS**

**SECTION 19.1 General.**

Promotions to the ranks of Engineer and Lieutenant shall be conducted in accordance with the provisions of the Fire Department Promotion Act, 50 ILCS 742 (hereinafter the "Promotion Act"). A copy of the Promotion Act is attached as Appendix \_\_\_ to this Agreement. Except where expressly modified by the terms of this Article, the procedures for promotions shall be in accordance with the provisions of the Promotion Act. Any person accepting a promotion to an exempt rank shall not be deemed to have vacated his/her position and shall have the right to return to rank without loss of seniority or other privileges under this Agreement.

**SECTION 19.2 Vacancies.**

This Article applies to promotions to vacancies in the rank of Engineer and Lieutenant. A vacancy in such position shall be deemed to occur on the date upon which the position is vacated, and on that same date, a vacancy shall occur in the rank(s) below provided that the position or positions continue to be funded and authorized by the corporate authorities. If a vacated position is not filled due to a lack of funding or authorization and is subsequently reinstated, the final promotion list shall be continued in effect until all positions vacated have been filled or for a period of up to five (5) years beginning from the date on which the position was vacated. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

**SECTION 19.3 Eligibility.**

All promotions to Engineer shall be made from employees in the firefighter rank who have at least one (1) year of full-time seniority in the Fire Department and are certified by the Office of the State Fire Marshall as a FFIII and FAE.

All promotions to Lieutenant shall be made from employees who have at least three (3) years of full-time seniority in the Fire Department in the rank of Engineer and are certified by the Office of the State Fire Marshall as a FFIII and FAE.

Anniversaries of service, which affect eligibility, will be considered to occur on the date on which the written exam is given.

**SECTION 19.4 Promotional Process.**

The Village will post a notice of intent to test for promotion(s) at least ninety (90) days in advance of the first phase of the promotional process. This notice will include a reading list and schedule for the promotional process. The Department shall maintain reading and study materials for its current written examination and the reading list for the last two (2) written examinations or for a period of five (5) years, whichever is less, for each rank and shall make these materials available and accessible at each duty station.

**SECTION 19.5 Rating Factors and Weights.**

All examinations shall be impartial and shall relate to those matters that will test the candidate's ability to discharge the duties of the position to be filled. The placement of employees on promotional lists shall be based on the points achieved by each employee on the promotional examinations consisting of the following four (4) components weighted as specified:

	<u>% Weight</u>
1 Written Examination	50
2 Ascertained Merit	15
3 Seniority	20

Veteran's Preference Points in accordance with law.

The minimum passing score for the written examination shall be 70%.

**SECTION 19.6 Test Components.**

1 Written Exam: The written exam shall be given in accordance with the Promotion Act. The examination shall be based only on the contents of the written materials that the Department has identified and made readily available to potential examinees at least 90 days before the examination is administered. The written examination shall be administered after the determination and posting of the seniority list and ascertained merit points. Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test or offsite by a bona fide testing agency. Every examinee shall have the right to obtain his or her score on the written examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination) and to review the answers to the examination that the examiners consider correct. The appointing authority may hold a review session after the examination for the purpose of gathering feedback on the examination for the candidates.

2 Ascertained Merit: Points for Ascertained Merit shall be awarded in the following manner:

OSFM/NFA 8-hour classes	1 Point per each 8-hour class
OSFM/NFA 40-hour classes	5 Points per each 40-hour class
Associate Degree	10 Points
Bachelor's Degree	20 Points
Master's Degree (Fire Safety Related)	30 Points
Doctoral Degree (Fire Safety Related)	30 Points

These points shall be computed by taking the highest degree from an accredited institution added to total points for OSFM/NFA certifications. The total points allowed shall not exceed 100 points.

3 Seniority Points: A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. Five (5) points shall be awarded for each year of full-time service with the Department up to a maximum of 100 points (20 years).

4. Subjective Evaluation: The Subjective Evaluation component shall be calculated as follows:

Oral Interview 50%

The oral interview may be conducted by persons designated by Village Ordinance. The interview shall be job-related and test leadership, judgment and communication skills.

Chief's Points 50%

Candidates shall be evaluated by the Fire Chief. Fire Chief evaluation points shall be applied after the Seniority points and Ascertained Merit points are applied and before the Written Examination is administered. The Fire Chief evaluation will be based upon the following factors: the candidate's ability to handle supervisory tasks, management responsibilities, and previous job performance.

5. Veteran's Points Veteran's points shall be calculated in accordance with the Promotion Act.

#### **SECTION 19.7 Scoring of Components.**

The test components shall each be scored on a scale of 100 points. Each component shall then be reduced by the weighting factor assigned to that component of the test. Scores of all components shall be added to produce a total score. Candidates shall then be ranked on the list in the rank order based on the highest to the lowest points scored on all components of the test. Such ranking shall constitute the preliminary promotion list. Whenever two (2) or more candidates receive the same score, priority shall be given to the person who has seniority. A candidate on the preliminary promotion list, who is eligible for a veteran's preference, may file a written application for that preference within ten (10) days after the initial posting of the preliminary promotion list. The calculation shall be added to the total score achieved by the candidate on the test. The Village shall then make adjustments to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be posted at all work locations and copies provided to the Union and all candidates.

#### **SECTION 19.8. Right to Review.**

The Union or any affected employee who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or veteran's preference shall be entitled to a review of the matter pursuant to the grievance/arbitration procedures contained in Article VI of this Agreement.

**SECTION 19.9 Maintenance of Promotional Lists.**

Final eligibility lists shall be effective for a period of three (3) years. The Village shall take all necessary steps to ensure that the Fire Department maintains in effect a current eligibility list so that promotional vacancies are filled not later than 60 days after the occurrence of the vacancy.

**AWARD**

On a non precedent basis and notwithstanding the provisions of Section 19.9 above, the parties have agreed that vacancies currently existing in the Lieutenant and Engineer Positions shall be filled within 180 days from January 23, 2006.

In accordance with applicable statutory criteria and the mutual agreement of the parties, the parties' May 1, 2005 – April 30, 2008 Collective Bargaining Agreement shall be modified to incorporate Article XIX as set forth above.

James R. Cox  
Arbitrator

Issued this 9<sup>th</sup> day of March 2006.