

**City of Portland
Civil Service Employment Subcommittee**

AGENDA

January 28, 2021, 10:00 AM

1. ZOOM Information:

- a. The Portland Civil Service Employment Subcommittee will hold a meeting on Thursday, January 28, 2021 at 10:00 AM. This meeting will take place remotely using Zoom.
- Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.
- Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public.

Please click the link below to join the webinar:

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2. Call to order

3. Subcommittee Business

- a. Amend Article 1, Fire Department Hiring, by deleting the Aptitude Capacity Test, to be replaced with the requirement that a candidate will possess a minimum EMT-Basic license which will suffice for the written test requirement.

4. Adjourn



**Portland Fire Department
Headquarters
Office of the Chief of Department**

To: Members of the Civil Service Commission
From: Fire Chief, Keith Gautreau *KG*
Date: December 15, 2020
RE: Request to modify hiring requirement for the Portland Fire Department

I am writing on behalf of the Portland Fire Department to request a meeting with the Civil Service Committee Members to discuss the concern of the hiring process for the department.

Keith Gautreau, Fire Chief; Anne Torregrossa, Corporation Counsel; Carlene Kessler, Human Resources; Amy Legere, Fire Department; will be attending the meeting on behalf of the City.

As you are aware, the Portland Fire Department hires new members annually. Over the past few years, the city has noticed the number of candidates has dropped significantly. We researched what surrounding towns do for their hiring process. We found not all towns host a written civil exam. We found that the Town of Scarborough utilizes candidates that hold a Basic Level Emergency Technician License that are eligible to apply for a firefighter/EMT position.

We would like to discuss the opportunity to remove the Aptitude Capacity Test under the hiring requirements in Article 1, Fire Department Hiring, Section 1.1, A.; and replace it with the requirement that a candidate will possess a minimum EMT-Basic license which will suffice for the written test requirement.

ARTICLE I FIRE DEPARTMENT HIRING

Sec. 1.1. Hiring process and requirements.

The following outlines the steps in the Fire Department hiring process for all applicants for sworn positions other than those covered by Article IV of these Rules. Failure to successfully complete any step in the process shall result in automatic disqualification for that hiring cycle.

A. ~~Aptitude capacity test: Applicants must first sit for the written, job-related aptitude capacity test.¶~~

~~1. The test will be held at least once every two years, as called for by the Fire Chief.¶~~

~~a. The test shall be publicly advertised, and the application period shall be held open for at least fourteen days.¶~~

~~b. The test shall be administered by the Human Resources Department, and at least one member of the Employment Subcommittee shall be available by phone, if necessary.¶~~

~~2. The following must be provided to the Human Resources Department prior to sitting for the test.¶~~

~~a. A high school diploma or GED certificate;¶~~

~~b. A copy of a valid motor vehicle driver's license; and¶~~

~~c. A fully completed job application.¶~~

~~3. 70% is a passing score on the aptitude capacity test.¶~~

B. ~~Physical fitness test: Applicants~~~~If applicants successfully pass the aptitude capacity test, they~~ must take and pass either the Department's physical fitness test OR present a card demonstrating that the candidate has passed the Candidate Physical Abilities Test (CPAT) within the past year.

1. The Fire Department shall sponsor the Department's physical fitness test ~~CPAT~~ at least once in connection with each call for applications ~~aptitude capacity test~~.

2. Applicants may alternatively take the CPAT in another jurisdiction, at their own expense, and submit the results from the licensed jurisdiction to the Department. Results must be submitted at least 14 days before oral interviews are scheduled.

- C. *Oral interview:* Applicants who pass either the Department's physical fitness test or the CPAT are eligible to participate in an oral interview.
1. Prior to participating in the oral interview, applicants must provide proof of a valid State of Maine Emergency Medical Technician license.
 2. Oral interviews shall be conducted by a panel consisting of one member of the Employment Subcommittee, and the Fire Chief's designees.
- D. Upon successful completion of the application process, applicants shall be part of the eligible applicant pool. The Fire Chief may evaluate eligible applicants based on all information collected in the hiring process and make a conditional job offer to any qualified applicant at his or her discretion. Conditional employees must successfully complete the following requirements, and failure to do so will result in revocation of the conditional job offer.
1. A conditional employee must provide proof of the following:
 - a. Acceptable evidence of age; and
 - b. Acceptable evidence of citizenship or eligibility to work in the United States.
 2. A conditional employee must undergo a full background check, including local, state, and federal criminal history; motor vehicle driving records; and credit history.
 3. A conditional employee must undergo a medical examination. The medical examination shall be performed by a physician specified by the Employment Subcommittee, and shall evaluate whether the conditional employee can perform the essential functions of the job with or without accommodation.
 4. A conditional employee must undergo a job suitability assessment.
 - a. The job suitability assessment shall be performed by a psychologist specified by the Employment Subcommittee.
 - b. The job suitability assessment shall determine whether the applicant can perform the essential functions of the job with or without accommodation.
 - c. The job suitability assessment shall also determine whether the conditional employee has any personality traits, behaviors, or characteristics that might adversely affect his or her performance.
 5. If any disqualification under this section can be corrected, the applicant may be returned to the pool of applicants and be eligible for hire upon

furnishing satisfactory evidence that the disqualifying condition has been addressed.

- E. Any applicants who are not initially hired will remain in the applicant pool until they remove themselves from consideration, are removed for cause, or there is a new hiring cycle.

Sec. 1.2. Disqualifying criminal convictions.

Members of the Fire Department hold a position of significant public trust, provide medical treatment to ill and injured individuals, routinely work in peoples' homes and businesses, and interact closely with the public when they are most vulnerable. Therefore, it is of the utmost importance that members of the Department pass criminal background checks to ensure that they do not pose a threat to the Department or to the public.

The following criminal convictions within the timeframes provided shall automatically disqualify an applicant for original hire to any sworn position, including those covered under Article IV of these Rules. The Fire Chief may waive any of these limitations where he or she determines that the applicant does not pose a threat to the Department or to the public.

Conviction (or equivalent)	Disqualification period
Class A, B, or C 1. Crime of violence 2. Crime involving health care fraud 3. Arson 4. Drug related 5. All other 6. Multiple convictions	1. Permanent 2. Permanent 3. Permanent 4. 10 years from discharge of sentence 5. 10 years from discharge of sentence 6. Permanent
Class D or E 1. Operating under the influence 2. Drug related 3. Crime of violence 4. All other 5. Multiple convictions	1. 5 years from discharge of sentence 2. 5 years from discharge of sentence 3. 10 years from discharge of sentence 4. 5 years from discharge of sentence 5. Permanent
Traffic offenses	One year from date of resolution

Sec. 1.3. Disqualification of applicants by Employment Subcommittee or Fire Chief.

This section shall apply to all applicants for sworn positions other than those covered by Article IV of these Rules.

- A. After notice and an opportunity to be heard, the Employment Subcommittee or Fire Chief may disqualify an applicant or conditional employee for any of the following reasons:

1. The applicant or conditional employee made a false statement of material fact during the hiring process;
 2. The applicant or conditional employee cheated or was otherwise dishonest during the hiring process;
 3. The applicant or conditional employee is unfit for duty;
 4. The applicant or conditional employee has excessively or illegally used alcohol or drugs; or
 5. The applicant or conditional employee is otherwise ineligible for appointment.
- B. If an applicant is disqualified during the application process, he or she shall be allowed to continue through the process during the pendency of any appeal, unless the Fire Chief or Employment Subcommittee specifically finds that doing so would be detrimental to the applicant, the public, or the Department. However, no disqualified applicant shall be eligible for a conditional job offer unless and until any appeal is resolved in the applicant's favor.

ARTICLE II FIRE DEPARTMENT PROMOTIONS

Sec. 2.1. Minimum requirements to be placed on ranked, certified promotional list

Promotions to the ranks of Lieutenant and Captain in the Fire Department shall be made from respective ranked certified promotional lists. In order to be placed on a ranked certified promotional list, promotional candidates must successfully complete all of the requirements set forth in this section. Failure to do so will automatically disqualify the candidate from the ranked certified promotional list for that promotional cycle.

A. *Assessment Center Exam*

1. A candidate for promotion must successfully complete the assessment center exam.
 - a. The assessment center exam shall be held at least once per year, unless the Fire Chief and the Fire Union agree in writing that no exam is necessary due to a lack of vacancies.
 - b. The exam shall be administered by an independent third-party, and shall be scored.
 - c. The minimum passing score shall be 70%.
 - d. Once placed on a ranked, certified promotional list, candidates must take and pass the assessment center exam each year in order to remain on the ranked certified promotional list.
2. Prior to sitting for the assessment center exam, applicants must successfully complete the following:
 - a. Time in Service: Each candidate for promotion must have the minimum time in service, as required by § 2-59.4 of the City of Portland Code of Ordinances, prior to placement on the ranked certified promotional list. A candidate's time in service shall be certified by the Human Resources Department.
 - b. Training: A candidate for promotion must successfully complete any required trainings and obtain any necessary certifications, as established by the Fire Department. The required trainings and certifications shall be related to the candidate's ability to successfully perform the duties of the rank to which he or she is seeking promotion. Trainings must be completed prior to sitting for the assessment center exam, and completion shall be verified by the Fire Chief or his designee.

- c. Departmental Officer Candidate Program: A candidate for promotion must successfully complete the officer candidate program established by the Fire Department. The Officer Candidate Program must be successfully completed prior to sitting for the assessment center exam, unless otherwise agreed in writing by the Fire Chief.
- B. *Oral interview:* A candidate for promotion must pass an oral interview, which shall be scored out of 25 points. A passing score on the oral interview shall be 15 points.
- C. *Job suitability assessment:* A candidate for promotion must have a current, satisfactory job suitability assessment in order to be placed and maintained on a ranked certified promotional list. An assessment completed within the previous three years shall be considered sufficient to meet these requirements. The Fire Chief may, at any time at his or her sole discretion, require a candidate to undergo a new assessment.
 - 1. The job suitability assessment shall be performed by a psychologist specified by the Employment Subcommittee.
 - 2. The job suitability assessment shall determine whether the candidate for promotion can perform the essential functions of the promotional position with or without accommodation.
 - 3. The job suitability assessment shall also determine whether the promotional candidate has any personality traits, behaviors, or characteristics that might adversely affect his or her performance.

Sec. 2.2. Order of candidates on ranked certified promotional list.

- A. Candidates shall be placed on the ranked certified promotional list in order of their score, with the highest scoring individual ranking first on the list.
- B. Scores shall be calculated by adding the numerical value of the assessment center exam score, the oral interview score, and seniority points. Scores shall not be weighted.
- C. Applicants shall receive one-half of a point for each year of service with the Portland Fire Department.

Sec. 2.3. Offers of promotion.

The Fire Chief must appoint candidates in their order of ranking unless one of the following occurs:

- A. The candidate lacks the particular skill set or certifications for the vacant position based on the position job description. If this occurs, the candidate will remain on the ranked certified promotional list in his or her original ranking;
- B. If a candidate refuses the promotion, then he or she will be placed at the bottom of the ranked certified promotional list; or
- C. After notice and opportunity to be heard, the Fire Chief or the Employment Subcommittee disqualifies the candidate for cause and removes him or her from the ranked certified promotional list. The Fire Chief or Employment Subcommittee must provide notice of any decision in writing.

Sec. 2.4. Validity of ranked certified promotional list.

- A. The Chief may call for a new promotional process and ranked certified promotional list at his or her discretion. Each ranked certified promotional list shall be valid for no more than two years.
- B. A list that would otherwise be invalidated pursuant to subsection A above, may nonetheless be used for promotions where the Fire Chief and the City Manager both request in writing that it be used, and the Employment Subcommittee determines that 1) the process to obtain a new list would result in delay that would impair the ability of the Fire Department to meet its staffing needs in a cost-effective manner, or 2) the process to obtain a new list is not likely to result in additional names on the ranked certified promotional list.

ARTICLE III
FIRE DEPARTMENT PROMOTIONS
COMMAND STAFF – DEPUTY CHIEF

Sec. 3.1 Special Procedures for Appointment to Deputy Chief Position.

Pursuant to the City of Portland Code of Ordinances § 2-59.4(e), the Civil Service Subcommittee may provide by rule for special procedure for appointment to Fire Department command staff. The adoption of this rule hereby waives any requirements to the contrary in § 2-59.4.

Sec. 3.2 Deputy Chief Vacancies.

When the Fire Chief determines that there are Deputy Chief vacancies to be filled, he or she shall post a notice and call for applications.

Sec. 3.3 Minimum Requirements to Apply for Deputy Chief.

The following shall be the minimum requirements for an individual to be promoted to the rank of Deputy Chief.

- A. *Minimum Time in Service.* Applicants for promotion must have at least one year of continuous service as a captain in the Department as of the date of application.
- B. *Minimum Education.* Applicants for promotion must have at least an Associates Degree from an accredited institution as of the date of application:
 - 1. Preference will be given to applicants who hold a Bachelor Degree from an accredited institution.
 - 2. Preference will be given to applicants who hold a degree in the following fields: Fire Science, Public Administration, Fire Protection, Fire Protection Engineering, Business Administration, Management, Administration, or directly related field.
- C. *Minimum Trainings.* An applicant for promotion must successfully complete any required trainings and obtain any necessary certifications, as established by the Fire Department. The required trainings and certifications shall be related to the candidate's ability to successfully perform the duties of Deputy Chief.
- D. *Cover Letter, Resume, and Action Plan.* Applicants must submit the following to the City of Portland Director of Human Resources:
 - 1. Cover letter explaining applicant's interest in the Deputy Chief position.

2. Resume detailing all relevant education and experience.
 3. Action plan outlining the applicant's goals as Deputy Chief, and specific action steps for achieving those goals.
- E. *Assessment Center Exam.* An applicant for promotion must successfully complete the assessment center exam. The minimum required score shall be 70.

Sec. 3.4 Appointment Process for Deputy Chief.

After the application period is closed, the selection process shall proceed as follows:

- A. *Interview Panel.*
1. An interview panel shall be convened. The panel shall consist of a Civil Service Commissioner and any designees selected by the Fire Chief.
 2. The interview panel shall select applicants for interview based on their assessment center exam scores, cover letter, resume, and action plan.
 3. The interview panel shall forward feedback on the applicants to the Fire Chief.
- B. *Fire Chief's Selection.*
1. The Fire Chief may request a second interview with any applicants if he or she chooses.
 2. The Fire Chief shall appoint the applicant(s) whom he or she believes is best qualified to meet the managerial, professional, and technical requirements of the available Deputy Chief position(s).
- C. *Confirmation by City Manager.* The Fire Chief's appointment is contingent upon confirmation by the City Manager.

ARTICLE IV
FIRE DEPARTMENT APPOINTMENTS
COMMAND STAFF – ASSISTANT CHIEF AND DIVISION CHIEF

Sec. 4.1 Special Procedures for Appointment to Assistant Chief and Division Chief Positions.

Pursuant to the City of Portland Code of Ordinances § 2-59.4(e), the Civil Service Subcommittee may provide by rule for special procedure for appointment to Fire Department command staff. The adoption of this rule hereby waives any requirements to the contrary in § 2-59.4.

Sec. 4.2 Assistant Chief and Division Chief Vacancies.

When the Fire Chief determines that there is an Assistant Chief and/or Division Chief vacancy to be filled, he or she shall post a notice and call for applications. The Fire Chief may post the vacancy within the Department and/or externally as the Fire Chief's discretion.

Sec. 4.3 Minimum Requirements to Apply for Assistant Chief or Division Chief.

The following shall be the minimum requirements for an individual to be promoted to the rank of Assistant Chief or Division Chief.

- A. *Minimum Time in Service.* Applicants for promotion must have at least ten years of continuous service in the fire service and at least four years of service as a fire service officer as of the date of application.
- B. *Minimum Education.* Applicants for promotion must have an Associates Degree from an accredited institution as of the date of application:
 - 1. Preference will be given to applicants who hold a Bachelors Degree from an accredited institution.
 - 2. Preference will be given to applicants who hold a degree in the following fields: Fire Science, Public Administration, Fire Protection, Fire Protection Engineering, Business Administration, Management, Administration, or directly related field.
- C. *Minimum Specialty Training and Experience.* The Fire Chief may require additional specialty training and experience as appropriate for the position.
- D. *Cover Letter and Resume.* Applicants must submit the following to the City of Portland Director of Human Resources:

1. Cover letter explaining applicant's interest in the Assistant Chief or Division Chief position.
2. Resume detailing all relevant education and experience.

Sec. 4.4 Appointment Process for Assistant Chief or Division Chief.

After the application period is closed, the selection process shall proceed as follows:

A. Interview Panel.

1. An interview panel shall be convened. The panel shall consist of at least a Civil Service Commissioner, the Fire Chief, and the City of Portland Director of Human Resources.
2. The interview panel shall select applicants for interview based on their cover letter and resume.

B. Fire Chief's Selection. Based on the interviews, resumes, cover letters, and history of work, the Fire Chief shall appoint the applicant whom he or she believes is best qualified to meet the managerial, professional, and technical requirements of the available Assistant Chief or Division Chief position.

C. Conditional Offer. Where an applicant from outside the Department is chosen for appointment or where the Fire Chief otherwise deems it appropriate, and after a conditional offer is made, the conditional appointee must complete the following to the satisfaction of the Fire Chief:

1. A full background check, including local, state, and federal criminal history; motor vehicle driving records; and credit history.
 - i. The disqualifying convictions in Section 1.3 shall be the minimum disqualifications applicable to appointees.
 - ii. However, the Chief, in his or her discretion, may disqualify a conditional appointee for any criminal background so long as the disqualification is reasonably related to the job requirements.
2. A medical examination. The medical examination shall be performed by a qualified physician, and shall evaluate whether the conditional appointee can perform the essential functions of the job with or without accommodation.
3. A job suitability assessment.

- i. The job suitability assessment shall be performed by a qualified psychologist.
 - ii. The job suitability assessment shall determine whether the appointee can perform the essential functions of the job with or without accommodation.
 - iii. The job suitability assessment shall also determine whether the conditional appointee has any personality traits, behaviors, or characteristics that might adversely affect his or her performance.
- D. *Confirmation by City Manager.* The Fire Chief's appointment is contingent upon confirmation by the City Manager.

ADOPTED

Date:

Jon P. Jennings
City Manager