

HEARING BEFORE THE CIVIL SERVICE COMMISSION

In the matter of:) NO. _____
)
 RICHARD E. FREIER,)
)
 Grievant.)

TRANSCRIPT OF PROCEEDINGS

DATE: September 1, 2020
 TIME: 1:00 p.m.
 Via Zoom videoconference

BEFORE: Michael Love, Esq.
 Hearing Officer

REPORTED BY: Danelle Bungen, CSR

1 APPEARANCES:

2

3 FOR THE COMMISSION:

4

5 DAVE BOUGE, Commissioner, Chairperson

6 DIANA WILHITE, Commissioner

7 TOM SISSER, Commissioner

8 (via Zoom videoconference)

9

10 FOR THE GRIEVANT:

11 RICHARD E. FREIER

12 (via Zoom videoconference)

13

14

15 ALSO PRESENT:

16 SEAN AROLD, Deputy Chief Spokane Valley
Fire Department

17

18 BRAD HUFFMAN, Spokane Valley Fire
Commissioner

19 BILL ANDERSON, Spokane Valley Fire
Commissioner

20

21 SHAWN PICHETTE, Spokane Valley Fire
Department; President, Local 876

22

23 GEORGE HEDEBECK, Local 876, Spokane Valley
Firefighters

24

25 MIKE KESTER, Spokane Valley Fire
Commissioner

25 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TIM O'BRIEN, Deputy Chief Spokane Valley
Fire Department

SCOTT KEITH, IT, Spokane Valley Fire

PEGY CALLAHAN, Spokane Valley Fire
Department

VALERIE BILADEAU, Human Resources, Spokane
Valley Fire Department

(via Zoom videoconference)

1	I N D E X	
2	WITNESSES:	PAGE
3		
4	RICHARD FREIER	17
5	Examination by Sisser	24
6	Examination by Wilhite	25
7	Examination by Bouge	29
8	GEORGE HEDEBECK	30
9	Examination by Freier	33
10	SHAWN PICHETTE	35
11	Examination by Freier	36
12	Examination by Sisser	40
13	Examination by Wilhite	41
14	PEGY CALLAHAN	43
15	Examination by Freier	45
16	Examination by Sisser	48
17	Examination by Wilhite	49
18	Examination by Bouge	50
19	VALERIE BILADEAU	52
20	Examination by Freier	54
21	Examination by Wilhite	56
22	Examination by Bouge	57
23	SEAN AROLD	60
24	Examination by Wilhite	63
25		

E X H I B I T S

	NO.	DESCRIPTION
1		
2		
3	1	Hearing request
4		
5	2	Deputy Fire Marshal posting
6		
7	3	Excerpt of contract
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S

2

3 CHAIRPERSON BOUGE: So I will call this
4 meeting to order at 1:05 P.M., of the Civil Service
5 Commissioners for the Spokane Valley Fire Department.
6 I will ask -- I will lead the pledge of allegiance, if
7 we could bring up the flag at this time.

8 (Pledge recited.)

9 CHAIRPERSON BOUGE: All right. Flag salute
10 has been dispensed with.

11 I would appreciate one of the fire
12 commissioners approving the agenda.

13 COMMISSIONER SISSER: I'll make a motion to
14 approve the agenda.

15 COMMISSIONER WILHITE: I'll second it.

16 CHAIRPERSON BOUGE: It's been seconded. All
17 those in favor, say "Aye."

18 COMMISSIONER WILHITE: Aye.

19 COMMISSIONER SISSER: Aye.

20 CHAIRPERSON BOUGE: Opposed?

21 (No response.)

22 CHAIRPERSON BOUGE: The agenda has been
23 approved.

24 Under New Business, we have a request for a
25 Civil Service hearing under Rule 8.2, Mr. Freier; and

1 I have asked Mike Love, our attorney, to handle the
2 detail work of leading us through this process. So at
3 this point in time, I will turn it over to Mr. Love to
4 follow -- start the process.

5 Mr. Love?

6 HEARING OFFICER LOVE: Thank you,
7 Mr. Chairman.

8 We're here today under a Rule 8 hearing,
9 non-disciplinary hearing. Richard Freier has filed,
10 under Rule 8, for a non-disciplinary hearing. In
11 order for that hearing of a grievance to be timely and
12 for the good of the Service, any requests for hearings
13 must be filed within 10 calendar days of the -- the
14 action in question.

15 Has the commission had a chance to determine
16 whether Mr. Freier, in fact, did timely file within
17 10 calendar days of the action in order to have a
18 hearing?

19 COMMISSIONER WILHITE: Yes.

20 CHAIRPERSON BOUGE: It was filed on the 27th,
21 and today is the 1st, so it seems like that's with --
22 inside the window.

23 HEARING OFFICER LOVE: Okay. How we have
24 historically done these hearings, whether they're
25 disciplinary or non-disciplinary, is that we have had

1 a court reporter in place. We have a court reporter
2 that is taking down everything today.

3 It's very important that the witnesses, when
4 they are sworn in, speak clearly; and that when or if
5 they are asked questions by any of the commissioners,
6 that we make sure that no one is talking over each
7 other so we have a clear transcript, and to make sure
8 that we're providing verbal and audible responses to
9 any questions or any answers, again to make sure that
10 we have a clear transcript, so everybody understands
11 what was discussed, everyone understands what was
12 said, and everyone understands what the question was
13 and what the answer was.

14 So I have reviewed everything that Mr. Freier
15 has indicated in his request for a hearing.

16 As far as the conduct of the hearing,
17 Mr. Freier, you have the burden of proof here, you
18 will go first. In a disciplinary hearing, it would be
19 different; the administration would have the burden of
20 proof.

21 But in a non-disciplinary hearing, where you
22 are alleging that there was a rule violation, you have
23 the burden of proof; so you will go first, sir, in
24 presenting your case. You are entitled to call
25 witnesses. You're also entitled to be represented by

1 counsel.

2 And are you represented today by counsel,
3 Mr. Freier?

4 GRIEVANT FREIER: No.

5 HEARING OFFICER LOVE: Other than yourself,
6 do you intend to call any witnesses to testify on your
7 behalf?

8 GRIEVANT FREIER: I might want to have my
9 union counsel -- or union representative speak.

10 HEARING OFFICER LOVE: And who is that
11 person?

12 GRIEVANT FREIER: George Hedebeck.

13 HEARING OFFICER LOVE: All right. Anybody
14 else, Mr. Freier, that you may want to call to testify
15 under oath as a witness on your behalf?

16 GRIEVANT FREIER: Well, I'll reserve the
17 right to change depending on how this goes, but it
18 might be Chief Arold; it might be Shawn Pichette, the
19 president of the union.

20 HEARING OFFICER LOVE: So they're aware of
21 the hearing and have access to the Zoom link?

22 GRIEVANT FREIER: They are on the Zoom link,
23 yes.

24 HEARING OFFICER LOVE: Okay. All right. So
25 you will then go first, and then my understanding is

1 that Ms. Callahan will be providing testimony under
2 oath to the commission. My understanding also is that
3 she is present with Valerie Biladeau, who may be
4 providing some testimony to the commission. My
5 understanding, also, is Fire Commissioner, I believe,
6 Sean Arnold (ph) may be providing some testimony to
7 the commission.

8 After you're done doing your presentation,
9 Mr. Freier -- and we do this in a reverse order -- but
10 I will ask Commissioner Sisser if he has any questions
11 of you. I then will ask Commissioner Wilhite if she
12 has any questions for you. And then I will ask the
13 chairman, Mr. Dave Bouge, if he has any questions of
14 you. This is typically how we handle these types of
15 matters.

16 You will also have an opportunity, if you
17 wish, to question any of the other individuals who may
18 testify today. So, for instance, Peggy Callahan, any
19 testimony that she provides, you will be provided the
20 right to ask her any questions. And then if
21 Valerie Biladeau decides to testify, or if you wish to
22 have her testify, then you will have a right to ask
23 her questions as well.

24 You will also have an opportunity, after
25 other people have weighed in who may not agree that

1 there was a rule violation here, you will have an
2 opportunity to do -- make a rebuttal statement, and so
3 you will be allowed to get the final word.

4 Are there any -- do you have any questions
5 before we begin?

6 GRIEVANT FREIER: No, not at this time.

7 HEARING OFFICER LOVE: Okay.

8 MR. DAVE BOUGE: Before we start, I
9 apologize, I made a mistake; I did not ask everyone to
10 speak their name, but on the Participants' list on
11 Zoom, there is a list of people. Could we ask the
12 court reporter to write those names down in lieu of
13 going through that whole process, or should we have
14 everyone announce their name?

15 COMMISSIONER WILHITE: We have somebody on
16 here that says "Brad's iPhone" and I have no idea who
17 that is.

18 CHAIRPERSON BOUGE: Maybe then we should just
19 go through the process of identifying ourselves. So I
20 apologize for being out of order here.

21 Mr. Freier, before we start, if we could
22 please -- I'm Dave Bouge, Chairman of the Civil
23 Service Commission.

24 COMMISSIONER SISSER: Tom Sisser, Civil
25 Service Commissioner.

1 COMMISSIONER WILHITE: Diana Wilhite, Civil
2 Service Commissioner.

3 HEARING OFFICER LOVE: Mike Love, General
4 Counsel, attorney for the Civil Service Commission.

5 BILL ANDERSON: Spokane Valley Fire
6 Commissioner.

7 VALERIE BILADEAU: Valerie Biladeau, Human
8 Resources, Spokane Valley Fire.

9 SCOTT KEITH: Scott Keith, IT, Spokane Valley
10 Fire.

11 GEORGE HEDEBECK: George Hedebeck, Local 876,
12 Spokane Valley Firefighters.

13 SHAWN PICHETTE: Shawn Pichette, Spokane
14 Valley Fire Department, President of Local 876.

15 TIM O'BRIEN: Tim O'Brien, Deputy Chief
16 Spokane Valley Fire Department.

17 SEAN AROLD: Sean Arold, Deputy Chief Spokane
18 Valley Fire Department.

19 COMMISSIONER WILHITE: Who's Brad?

20 BRAD HUFFMAN: Brad Huffman, Spokane Valley
21 Firefighters.

22 HEARING OFFICER LOVE: And then
23 Peggy Callahan.

24 Peggy, are you on?

25 (No response.)

1 HEARING OFFICER LOVE: Did we lose Peggy?

2 CHAIRPERSON BOUGE: It says she's on, but it
3 says she's muted.

4 COMMISSIONER SISSER: Yeah, but she should be
5 able to hear.

6 GRIEVANT FREIER: Richard D. Freier, Spokane
7 Valley Fire Department.

8 COMMISSIONER WILHITE: Did Mike introduce
9 myself?

10 HEARING OFFICER LOVE: Yeah, I introduced
11 myself.

12 COMMISSIONER WILHITE: No; Mike Kesler (ph).

13 CHAIRPERSON BOUGE: I just texted Peggy asking
14 if she's with us.

15 MIKE KESTER: Mike Kester, Spokane Valley
16 Fire Commissioner.

17 COMMISSIONER WILHITE: And then there's
18 somebody on the phone, Dave, with a 997-2272.

19 CHAIRPERSON BOUGE: Is that the
20 individual that --

21 UNIDENTIFIED SPEAKER: So, yeah, and is
22 that -- Yep, that's Valerie. I don't have a video on
23 my machine.

24 COMMISSIONER WILHITE: Oh. Okay. Just
25 checking. Thank you.

1 CHAIRPERSON BOUGE: Okay. Have we heard from
2 Peggy?

3 We have not. Let me call real quick.

4 I think she's on because it goes right to
5 voicemail.

6 Peggy, are you with us?

7 (No response.)

8 CHAIRPERSON BOUGE: Hmm. Okay. Scott,
9 might -- how do we find her?

10 SCOTT KEITH: I have sent her a couple
11 messages to unmute, which should show up, pop up,
12 saying that she's muted and to unmute her microphone.
13 Above that, she's part of the meeting, just muted.

14 CHAIRPERSON BOUGE: She just responded, so I
15 think she'll come on in just a moment.

16 She just texted me indicating she can hear.
17 I just asked her if she can speak as well; that's
18 going to be kind of important.

19 She's indicating she's going to call back in
20 because she was unmuted and it's not seeming to work,
21 so she's going to try it again.

22 (Pause in proceedings.)

23 SCOTT KEITH: We just had someone join with a
24 9592 number. Is that Peggy?

25 PEGY CALLAHAN: That's me. Can you hear me?

1 CHAIRPERSON BOUGE: We can hear you. Good.

2 So it sounds, at this point in time, we've
3 completed the roll call; and I apologize for my
4 forgetfulness, and we'll turn it back over to
5 Mr. Love.

6 HEARING OFFICER LOVE: All right. One thing
7 I wanted to make sure, in fairness to Mr. Freier, in
8 his hearing request he appropriately listed, as No. 6,
9 the "list of documents, papers, affidavits," et
10 cetera, "which are attached upon which the employee
11 relies."

12 I wanted to make sure that the commission has
13 the Deputy Fire Marshal posting, completed
14 application, the cover letter, the professional vitae,
15 or vitae, the Assistant Fire Marshal qualifications,
16 additional certificates, letters of appreciation,
17 answers to supplemental questions. Does the
18 commission have those documents?

19 GRIEVANT FREIER: I have it.

20 HEARING OFFICER LOVE: Okay. Commissioner
21 Wilhite, do you have the documents?

22 COMMISSIONER WILHITE: I don't have all those
23 documents you just read off.

24 CHAIRPERSON BOUGE: I have the Candidates for
25 THE Position of Fire Marshal, I have the required

1 occupational qualifications, I have the job
2 description. I do not have Mr. Freier's specific
3 information. I have a blank application.

4 COMMISSIONER SISSER: I asked Peggy for the
5 application, completed application, and she sent it to
6 me over the weekend.

7 HEARING OFFICER LOVE: Peggy, are you on the
8 line?

9 PEGY CALLAHAN: Yes.

10 HEARING OFFICER LOVE: Can you -- do you have
11 access to those documents that you can send them to
12 Chairman Bouge, Commissioner --

13 PEGY CALLAHAN: Yes.

14 HEARING OFFICER LOVE: -- Wilhite and
15 Commissioner Sisser?

16 COMMISSIONER SISSER: I already have it, so I
17 don't need it.

18 HEARING OFFICER LOVE: Okay. We need to make
19 sure that Commissioner Wilhite and Chairman Bouge have
20 those documents in front of them.

21 PEGY CALLAHAN: Okay.

22 COMMISSIONER WILHITE: Peggy? Peggy?

23 PEGY CALLAHAN: Yes?

24 COMMISSIONER WILHITE: Send -- send it --

25 PEGY CALLAHAN: Yes?

1 COMMISSIONER WILHITE: Send it to
2 dwilhite1975@yahoo.com. It's easier for me to get it.

3 PEGY CALLAHAN: Okay.

4 HEARING OFFICER LOVE: So I'm going to get
5 started with the hearing, but, Peggy, during
6 Mr. Freier's presentation, if you could make sure that
7 all of those documents, complete documents, are sent
8 to them, I would appreciate that.

9 PEGY CALLAHAN: Got it.

10 HEARING OFFICER LOVE: All right.
11 Mr. Freier, I'm going to have the court reporter swear
12 you in now. Are you ready, sir?

13 GRIEVANT FREIER: Yes, sir.

14 HEARING OFFICER LOVE: Would the court
15 reporter please swear the witness in?

16 COURT REPORTER: Yes.

17

18 RICHARD FREIER
19 was called as a witness by the Grievant, and having
20 been first duly sworn, was examined and testified as
21 follows via Zoom videoconferencing:

22 THE WITNESS: I do.

23 COURT REPORTER: Thank you.

24 HEARING OFFICER LOVE: Mr. Freier, could you
25 please state your full name and spell your last name

1 for the court reporter?

2 GRIEVANT FREIER: Richard E. Freier, last
3 name is F-R-E-I-E-R.

4 HEARING OFFICER LOVE: All right, Mr. Freier,
5 I'm going to kind of turn it over to you now to
6 present, and feel free to refer to any of your
7 documents. If, for some reason, you need to pause,
8 it's a long pause, don't worry about that. This is
9 your opportunity at this stage to present your case,
10 so I'm going to kind of turn things over to you.

11 GRIEVANT FREIER: Thank you, Mr. Love. Thank
12 you everybody for being here today. I appreciate the
13 time that you've allowed me to come and state my part.

14 I submitted my application for a hearing
15 based on a couple of -- of issues, the first one being
16 RCW 41.08.150. Specifically, the first part of
17 that -- that chapter talks about, "No commissioner or
18 any other person shall, by him or herself, in
19 cooperation with another person" --

20 COURT REPORTER: Excuse me. Excuse me.
21 Sir --

22 GRIEVANT FREIER: I'm talking too fast,
23 aren't I?

24 COURT REPORTER: Yes, and it's really muddled
25 in this setting. I'm sorry.

1 GRIEVANT FREIER: I'm sorry, too. So much
2 for all that courtroom testimony training, huh?

3 So why don't I do this, I'm going to refer to
4 the document itself. Again, my point was to highlight
5 this one particular RCW, 41.08.150, because I was
6 denied the opportunity to take this test, and I wasn't
7 aware if it was presented to the commission or if it
8 was one person saying I wasn't qualified. So that's
9 the reason why I chose that particular RCW as
10 something I listed in my application.

11 The other thing that I referenced was the
12 actual Civil Service rules for the Spokane Valley Fire
13 Department, and that is 1.1, "Purpose: Employees" --
14 or "employment matters will be dealt with on a uniform
15 and equal basis" is what I highlighted there.

16 When I've applied for other positions, there
17 have been exceptions made to the verbatim
18 qualifications of Assistant Fire Marshal, and I listed
19 those two examples when I communicated with
20 Ms. Callahan.

21 The specific class that was waived or granted
22 an exception was the Fire Inspection Principles class.
23 That's the first requirement on the Deputy -- on the
24 Assistant Fire Marshal's qualification list.

25 These two individuals were allowed to

1 continue with the process and were later promoted or
2 hired for those positions.

3 I also listed an example of when the
4 qualifications were changed in the middle of the
5 application process, and that was during the Fire
6 Inspector's test. The qualifications listed that if
7 you had an ICC Inspector 1, you were not required to
8 take a written test.

9 That was later amended, and it became if you
10 had an ICC Inspector 1, or IFSAC Inspector 1, you were
11 not required to take the written test.

12 So when I highlighted 1.1, I was trying to
13 communicate that there have been exceptions to the
14 verbatim letter of the applications in the past. In
15 my particular case, I read the application, which is
16 going to be Document A.

17 Document A, on page 2, lists the requirements
18 for an Assistant Fire Marshal. The top paragraph,
19 "Required Occupational Qualifications," says that
20 the -- I'm sorry I'll slow down -- it says that,
21 "Certifications necessary to qualify as an Assistant
22 Fire Marshal" and it has an asterisk; the asterisk
23 refers to the list below.

24 Immediately after that asterisk it says,
25 "Must obtain and maintain International Fire Code

1 Institute Fire Inspector II certification within one
2 year of an appointment." On this list that is below,
3 the one certificate that I don't have is Fire
4 Inspector II.

5 Now, there's also another thing that I'm
6 concerned about, and that is the last requirements.
7 It says -- there's an @ symbol with NFA on this
8 document, and it lists Community Risk Reduction
9 Courses at the National Fire Academy. There's four
10 documents -- or four classes listed. Currently one of
11 them is not accepted -- I'm sorry -- is not being
12 offered.

13 Now, in 2018, in my Document E, my Assistant
14 Fire Marshal qualifications, I attached a class that I
15 took at the National Fire Academy entitled
16 "Demonstrating Your Fire Prevention Program's Worth."

17 While I was at this class in 2018, I was told
18 they were changing the title. I looked up the current
19 class last night; it is now "Demonstrating Your
20 Community Risk Reduction Program's Worth."

21 The class description and the -- and who it
22 applies to, or who should take this class, are exactly
23 the same. The very first person they should say
24 should take this class is a fire marshal.

25 This is a Community Risk Reduction program.

1 It was not listed in this document I believe because
2 it wasn't named that when this document was written.

3 So I'm asking to be allowed to take this test
4 because I was an Assistant Fire Marshal for the
5 Spokane Valley Fire Department for eight years. I
6 worked in the Prevention division for 11 years. When
7 I had to become an Assistant Fire Marshal, the class
8 that I had to take, the certificates I had to get,
9 instead of Inspector II, was the police academy. That
10 was 270 hours of training; it went from March until
11 June. The other one is a test.

12 I worked really hard to become an Assistant
13 Fire Marshal. And, again, in my documents, letters of
14 appreciation, there is a document that was presented
15 to me saying that Firefighter Rolly Doggett (ph) was
16 going to be assigned to me. In that document, HR
17 referred to me as "Assistant Fire Marshal."

18 Now, I'm just asking for the opportunity to
19 test. I'm not asking for any special treatment here.
20 I believe I meet the qualifications as they are
21 listed. I read the document, I believe I read it
22 properly, and I'd like the opportunity to test.

23 I have -- This is a stack of certificates.
24 If you look at my CV, you will see that I've attended
25 more classes than most people in this department. I

1 teach fire inspection classes, I teach fire
2 investigation classes. The classes you need to become
3 an Assistant Fire Marshal, I teach those classes.

4 I believe in public education. I was the
5 Fire Science Friday guy. I didn't do it because I
6 wanted to become famous; I did it because I wanted to
7 save lives.

8 I believe that I meet the qualifications and
9 I'm here to ask for a chance to test.

10 With that, I will yield my time.

11 HEARING OFFICER LOVE: All right. Thank you,
12 Mr. Freier.

13 I'm going to now ask if any of the members of
14 the Civil Service Commission have any questions for
15 Mr. Freier. I'm going to start with Commissioner
16 Sisser.

17 Commissioner Sisser, do you have questions
18 for Mr. Freier?

19 COMMISSIONER SISSER: I do.

20 HEARING OFFICER LOVE: You have the floor
21 then, Mr. Sisser.

22 COMMISSIONER SISSER: Okay. Thank you.

23

24

25 ///

1 EXAMINATION

2 BY COMMISSIONER SISSER:

3 Q. Mr. Freier, I've read over your information here and
4 you're well qualified.

5 A. Thank you, sir.

6 Q. I want to know, what is your status in getting the
7 International Fire Code Institute Fire Inspector II
8 certification? Have you started or have you looked
9 into it at all?

10 A. I have, sir. There's a testing process that you have
11 to go through. There's a testing office located in
12 Argonne. With the COVID-19 situation, they don't
13 really want you testing in person. I would rather
14 test in person than on a computer because of -- well,
15 for example, today -- that wasn't me by the way -- for
16 example, today there was glitches and misfires and
17 things like that. The cost of the test is -- I'm --
18 well, I'm not even going to say it because I don't --
19 I think it's \$250. But don't quote me on that. So
20 there's a process; it would take a little review, and
21 then I'd have to have access to the current code
22 books.

23 Q. Okay. So I guess you do have the other ones that we
24 are seeing here. That's all my questions right there.

25 You are trying -- you have investigated it

1 and you are trying to get it as soon as we get the
2 COVID mess straightened out then. I understand. Am I
3 correct?

4 A. That's my intention, yes, sir.

5 Q. Okay. Thank you.

6 HEARING OFFICER LOVE: Commissioner Wilhite,
7 do you have any questions for Mr. Freier?

8 COMMISSIONER WILHITE: Yes, I do.

9 HEARING OFFICER LOVE: Commissioner Wilhite,
10 you have the floor.

11 COMMISSIONER WILHITE: Thank you.

12

13

EXAMINATION

14 BY COMMISSIONER WILHITE:

15 Q. Mr. Freier, I just wanted to verify some information
16 because you use some abbreviations, and so I wanted to
17 make sure that I understood.

18 You listed that you had a CRR class. Was
19 that the Community Risk Reduction course?

20 A. Yes, ma'am. I apologize for abbreviating, but that
21 stands for "Community Risk Reduction."

22 Q. Okay. I thought it was, but I wanted to verify that.

23 And then you said that you had been an
24 Assistant Fire Marshal for eight years. Did I hear
25 you to say that was with the Spokane Valley Fire

1 Department?

2 A. Yes, ma'am.

3 Q. Okay. So I guess what I'm concerned about is the fact
4 that it said that it was the Certified Fire
5 Inspector II that you did not have yet; ist -- and
6 that's correct.

7 A. Yes, ma'am.

8 Q. Okay. And so -- but if you were an Assistant Fire
9 Marshal for eight years between the time that you were
10 the Fire Marshal there and now, I'm -- I'm not clear.
11 Did we change the requirements and added this
12 certification that now is required?

13 A. Yes, ma'am; the requirements were changed during the
14 last contract between the union and the
15 administration.

16 Q. Okay.

17 A. Prior to this contract, the requirements for Assistant
18 Fire Marshal was either Inspector II or the police
19 academy.

20 Q. Okay.

21 A. I chose the police academy.

22 Q. Okay. So under this, under the "Assistant Fire
23 Marshal Training and Certificate Recommendations," it
24 does say that this could be the "Certified Fire
25 Inspector II or an approved equivalent."

1 So my question to Sean would be: Who
2 determines what the approved equivalent is?

3 A. Well, so, I -- I'd defer to Chief Arold; but in my
4 application, the Attachment F, I listed a few classes
5 that I believe would be a potential alternative; one
6 being "Systems and Structures," which was a 6-day
7 course from the National Fire Academy, the Spokane
8 Valley Fire School of Leadership, the International
9 Fire Academy Electrical Systems class, and there was
10 one other -- oh -- and the police academy.

11 So those are the four applications that I
12 submitted as potential. And, again --

13 Q. Okay.

14 A. -- that was before that, yes.

15 Q. If you submitted that in lieu of the -- having the
16 Inspector II test, who denied your application?

17 A. Ma'am, I received an e-mail from Ms. Callahan stating
18 that I did not meet the qualifications of Assistant
19 Fire Marshal.

20 Q. Okay.

21 COMMISSIONER WILHITE: So my question is
22 then, Peggy, I'm making the assumption that you have
23 the ability to do that.

24 PEGY CALLAHAN: Correct. He -- he did not
25 request -- he did not request an equivalency for the

1 Fire Inspector II.

2 HEARING OFFICER LOVE: Commissioner
3 Wilhite --

4 PEGY CALLAHAN: He requested the equivalency
5 for the NSA class but not the Fire Inspector II.

6 COURT REPORTER: I'm sorry. I didn't hear
7 part of that, Mr. Love.

8 HEARING OFFICER LOVE: Procedural -- a point
9 of procedure.

10 COMMISSIONER WILHITE: Okay.

11 HEARING OFFICER LOVE: Ms. Callahan will have
12 an opportunity to testify and the commission will have
13 an opportunity to ask her any of those questions.

14 COMMISSIONER WILHITE: Okay.

15 HEARING OFFICER LOVE: She's not -- she's not
16 under oath at this time.

17 COMMISSIONER WILHITE: Oh.

18 HEARING OFFICER LOVE: So, as a procedural
19 matter, we're going to finish with Mr. Freier's
20 testimony and the questions that the commission has
21 for Mr. Freier; and then I will move to get into any
22 witnesses that Mr. Freier would wish to testify on his
23 behalf.

24 COMMISSIONER WILHITE: Okay. All right.

25 Q. (BY COMMISSIONER WILHITE) So I guess that answers my

1 questions that I have. Thank you very much.

2 A. Thank you, ma'am.

3 HEARING OFFICER LOVE: Chairman, Chairperson
4 Bouge, do you have any questions for Mr. Freier?

5 CHAIRPERSON BOUGE: I do have a couple of
6 brief questions, and I may not -- there may not be a
7 total answer because it's historical, and possibly
8 Mr. Hedebeck or Ms. Callahan can enlighten us at a
9 later time.

10

11

EXAMINATION

12 BY CHAIRPERSON BOUGE:

13 Q. Under the exceptions that were -- you cited in
14 Statement No. 5 of the Civil Service rule, you talked
15 about exceptions being made and a change in the middle
16 of the process for Fire Inspector. Is there any other
17 information about that that is relevant to this
18 hearing that we should know? Any specifics?

19 A. Well --

20 Q. That's an unfair question to you, so I throw it open
21 to Mr. Hedebeck or to Ms. Callahan at a later time as
22 well.

23 A. Yeah. So I would respond this way, sir: At -- at
24 some point, without a hearing, the rules were changed
25 on three occasions for fire Prevention positions. I

1 can't speak to why they were changed or who went
2 through the process to change them.

3 Q. That's fair. All right. That's -- that's -- that's
4 all I needed.

5 HEARING OFFICER LOVE: All right.

6 Mr. Freier, are there any witnesses that at
7 this point that you would like to call to testify
8 under oath on your behalf, that are present and
9 available today?

10 GRIEVANT FREIER: I would call
11 George Hedebeck to the stand then.

12 HEARING OFFICER LOVE: All right.

13 Mr. Hedebeck, are you on?

14 GEORGE HEDEBECK: Yes, sir.

15 HEARING OFFICER LOVE: Could the court
16 reporter please swear in Mr. Hedebeck?

17

18 GEORGE HEDEBECK
19 was called as a witness by the Grievant, and having
20 been first duly sworn, was examined and testified as
21 follows via Zoom videoconferencing:

22 THE WITNESS: Yes, I do.

23 COURT REPORTER: Thank you.

24 HEARING OFFICER LOVE: Mr. Hedebeck, could I
25 get you to state your full name and spell your last

1 name for the court reporter?

2 THE WITNESS: Yes. George A. Hedebeck,
3 H-E-D, as in David, E-B, as in boy, E-C-K.

4 HEARING OFFICER LOVE: Mr. Hedebeck, you've
5 been sworn in. Mr. Freier has called you as a witness
6 in his case in chief. The floor is yours to proceed
7 with what you would like to tell the commission today
8 on behalf of Mr. Freier.

9 GEORGE HEDEBECK: Thank you, sir, thank you,
10 commissioners, for meeting this afternoon. I
11 appreciate the timeliness of it; it's important that
12 we fill this position.

13 I sit here on behalf of Local 876. We're
14 simply asking that Firefighter Freier, as a former
15 8-year Assistant Fire Marshal, be allowed to test for
16 the position of DFM, Deputy Fire Marshal.

17 The challenge for us, as a representative
18 agency and organization, is that we have two members
19 right now, both of equal standing, who, by virtue of
20 their current assignments, are differing in their
21 ability to test for DFM.

22 Casey Parr is a current Prevention member and
23 Assistant Fire Marshal and is qual'ed, has the same
24 exact classes that Mr. Freier does, and yet Mr. Freier
25 is not being allowed to test by virtue of assignment,

1 because Rick isn't in the division.

2 In 2017 and 2018, we signed a new contract
3 and we included the four existing Prevention members
4 in that contract; and Mr. Freier, not being a current
5 Prevention division member, was not named in that
6 letter. That allowed, at the time, a hold on all
7 their educational qualifications.

8 Today the two points in question for us that
9 we believe are before the commission are highlighted
10 in Mr. Freier's complaints. The first is a posted
11 declaration of ICC II being a requirement within one
12 year of appointment, not prior to appointment.
13 Mr. Freier has conceded that he's willing to obtain
14 that.

15 The second is the underlying challenge of
16 requiring, by either rule or contract, a specific
17 class by name that is hosted by an outside agency.
18 The National Fire Academy, as good as they are in
19 presenting education, they change things up a lot.
20 Right now, as Mr. Freier alluded to, one of the
21 required options is no longer available and will never
22 be taught again because they revamped the program.
23 They actually canceled the entire 5-year program and
24 that was Year 2, the Classroom Year 2, of that
25 Executive Fire Officer program.

1 He is stuck in what we believe is between a
2 rock and a hard place in that he took the class
3 required, he took the education intended, before CRR
4 was even a thing. Hence, the name of the class being
5 "Demonstrating Your Fire Prevention Program's Worth,"
6 Class No. R0378, and that was changed to Class R378,
7 "Demonstrating Your Community Risk Reduction Program's
8 Worth."

9 We believe he meets the intent of the
10 posting, we believe he meets the intent of the
11 educational requirements for this position, and we'd
12 just like him to have a seat at the table and compete
13 against his peers.

14 HEARING OFFICER LOVE: Mr. Freier, before I
15 turn this over to the commission if they have any
16 questions for Mr. Hedebeck, Mr. Freier, do you have
17 any questions that you would like to ask Mr. Hedebeck?

18 GRIEVANT FREIER: Let me think for just a
19 second if you don't mind.

20 HEARING OFFICER LOVE: That's fine.

21 (Pause in proceedings.)

22

23

EXAMINATION

24 BY GRIEVANT FREIER:

25 Q. Mr. Hedebeck, if the application stated that ICC, or

1 the International Code Council, Fire Inspector II is
2 not required, would it have been something that
3 somebody would have -- if it said that on an
4 application, would you have asked for an equivalency
5 if it -- when you submitted your application?

6 A. To understand the question, if ICC II was not
7 required, I do not believe an equivalency would then
8 have been requested.

9 GRIEVANT FREIER: I think I would like to ask
10 Mr. Pichette to speak if I can, Mr. Love.

11 HEARING OFFICER LOVE: Okay. And you'll get
12 that opportunity. Now Mr. Hedebeck is the witness who
13 has been sworn in, and now it's the opportunity for
14 the -- the commissioners may ask questions of
15 Mr. Hedebeck. I will now turn to Mr. Sisser.

16 Mr. Sisser, do you have any questions for
17 Mr. Hedebeck?

18 COMMISSIONER SISSER: No, I don't. He
19 answered all my questions.

20 HEARING OFFICER LOVE: Commissioner Wilhite,
21 do you have any questions for Mr. Hedebeck?

22 COMMISSIONER WILHITE: No, I do not.

23 HEARING OFFICER LOVE: Chairperson Bouge, do
24 you have any questions for Mr. Hedebeck?

25 CHAIRPERSON BOUGE: No, I do not. Thank you.

1 HEARING OFFICER LOVE: All right.

2 Mr. Freier, at this point, Mr. Hedebeck is -- his
3 testimony is concluded.

4 Do you have any other witnesses at this point
5 that you would like to call to testify on your behalf?

6 GRIEVANT FREIER: I would like to have
7 Shawn Pichette speak on my behalf.

8 HEARING OFFICER LOVE: Is Shawn Pichette
9 available?

10 SHAWN PICHETTE: Yes, I am.

11 HEARING OFFICER LOVE: All right. Would the
12 court reporter please swear in Mr. Pichette?

13 COURT REPORTER: Yes.

14

15 SHAWN PICHETTE

16 was called as a witness by the Grievant, and having
17 been first duly sworn, was examined and testified as
18 follows via Zoom videoconferencing:

19 THE WITNESS: I do.

20 HEARING OFFICER LOVE: Mr. Pichette, I'd ask
21 that you please state for the record your full name,
22 and would you please spell your last name for the
23 court reporter?

24 THE WITNESS: Yeah. Full name is
25 Shawn Alan Pichette. Last name is spelled P, as in

1 Paul, I as in India, C as in Charlie, H as in hotel, E
2 as in echo, T as in tango, T as in tango, E as in
3 echo.

4 HEARING OFFICER LOVE: All right. Thank you,
5 Mr. Pichette. You now have the floor.

6

7

EXAMINATION

8 BY GRIEVANT FREIER:

9 Q. Mr. Pichette, can I ask you a couple questions real
10 quick?

11 A. Absolutely.

12 Q. What's my nickname?

13 A. (Inaudible.)

14 Q. There you go.

15 COURT REPORTER: I'm sorry. I'm sorry,
16 gentlemen. I did not catch that.

17 GRIEVANT FREIER: I asked him what my
18 nickname was.

19 HEARING OFFICER LOVE: And, Mr. Pichette,
20 what's your answer?

21 THE WITNESS: First Sergeant.

22 Q. (BY GRIEVANT FREIER) Are you aware of how long --

23 GRIEVANT FREIER: Go ahead, sir, Mr. Love.

24 HEARING OFFICER LOVE: Mr. Freier, go ahead
25 with your questions.

1 Q. (BY GRIEVANT FREIER) Mr. Pichette, are you aware of
2 how long I served in the United States Marine Corps?

3 A. I'm not exactly sure on how long you served, but you
4 served your country honorably, and for that I have
5 nothing but respect for you and others like you.

6 Q. Is there -- Now, can you explain to the commission
7 what a First Sergeant is?

8 A. The First Sergeant is a non-commissioned officer in
9 charge of a company.

10 THE WITNESS: In Rick's case, it's a squadron
11 of tanks, so he's in charge of taking care of those
12 troops, making sure they have their food, their beans,
13 and their bullets to make sure they can go forward and
14 tackle the enemy and take care of that and they have
15 everything they need to support that. And the First
16 Sergeant makes sure they do that and makes sure
17 they're taken care of.

18 Q. (BY GRIEVANT FREIER) Would The First Sergeant --
19 would the First Sergeant be an advanced leadership
20 position?

21 A. Absolutely. He works right for the battalion
22 commander, the company commander, and basically
23 executes the tasks from the -- from the -- the company
24 commander, and making sure all the non-commissioned
25 officers are appointed, and taking care of those

1 troops, so on and so forth, kind of like the chain of
2 command, just like our chain of command.

3 Q. Are Marine NCO's considered to be excellent leaders?

4 A. By and large. Some of the best in the world.

5 Q. Thank you. I appreciate that.

6 I'd also like to ask you if you were involved
7 in the changing of the qualifications for the Fire
8 Inspector's test this year.

9 A. Yes. I believe it was -- it overlapped, so it was
10 2019 into 2020. So I think the posting came out in
11 December of last year, somewhere in that time frame,
12 and it kind of rolled over into the first of the year.
13 So, yes, I was -- I was involved with the latest
14 inspector testing posting.

15 Q. Can you explain how those qualifications were changed,
16 just walk through that process for us?

17 A. So from my -- from my perspective, what happened was
18 two of our members, 876 local members, contacted
19 myself and George Hedebeck, who's our vice president.
20 As the posting was read, for the language, they were
21 not certified in eligibilities to take that test. The
22 way the posting was written, it did not allow for
23 equivalent certificates in place of the certificate
24 that was primary listed on that application.

25 We worked with -- we contacted Fire Marshal

1 Rogers; and in contacting him, we worked with
2 Ms. Callahan, and was able to get a hearing and get
3 that posting amended within the parameters of the
4 Civil Service so we could add the equivalencies to the
5 certification that was specifically listed on that job
6 posting.

7 Q. Okay. I have -- Is there anything else you'd like to
8 add, Mr. Pichette?

9 A. (No response.

10 Q. Your volume's out, big guy.

11 A. That's a negative.

12 HEARING OFFICER LOVE: Mr. Pichette was
13 muted.

14 THE WITNESS: How about now?

15 HEARING OFFICER LOVE: He's on now.

16 Mr. Pichette, Mr. Freier asked if there was
17 anything else that you wanted to -- any other
18 information you feel is pertinent that should -- that
19 the commission should be aware of.

20 THE WITNESS: I don't believe so. I looked
21 at this with an unbiased eye and made the judgment to
22 Rick and I said, "You've got to do what you think is
23 right;" and I think Rick is doing -- excuse me -- is
24 doing the right thing.

25 There's no harm in allowing Rick to test, his

1 heart's into it, and this department would be better
2 having him in that position; and all we're asking is
3 an opportunity for him to participate in that testing
4 process. And I think it's fair and equitable and no
5 rules are being broken in doing that.

6 I thank you, guys, everybody, for their time.

7 HEARING OFFICER LOVE: All right. Thank you,
8 Mr. Pichette.

9 Now I'm going to turn it over to the
10 commission.

11 Mr. Sisser, do you have any questions for
12 Mr. Pichette?

13 COMMISSIONER SISSER: Yes, I do.

14

15 EXAMINATION

16 BY COMMISSIONER SISSER:

17 Q. Mr. Pichette, when these changes were run through the
18 JPC, what was the discussion in there like? If you
19 remember.

20 A. Commissioner, unfortunately, because of my status in
21 the upcoming captain's assessment, I have not been
22 involved in the JPC. I've removed myself from that.
23 George Hedebeck would be able to speak to that. Just
24 because there was a lot of testing criteria and
25 assessments being laid out, all kind of run -- you

1 know, planning concurrently, I removed myself from
2 that process until the captain's assessment's done.
3 So, honestly, Commissioner, I cannot speak to that;
4 you'd have to ask George Hedebeck.

5 Q. Well, I'll wait until I get to Peggy then and I'll ask
6 her that. She was in there on that, too.

7 A. Fair enough.

8 Q. Okay.

9 HEARING OFFICER LOVE: Commissioner Sisser,
10 do you have any more questions for Mr. Pichette?

11 COMMISSIONER SISSER: No. No, thank you.

12 HEARING OFFICER LOVE: All right.

13 Commissioner Wilhite, do you have any
14 questions of this witness, Mr. Pichette?

15

16 EXAMINATION

17 BY COMMISSIONER WILHITE:

18 Q. I have just one question, Mr. Pichette. Did I hear
19 you say that you had an approved equivalent for the
20 ICC Fire Inspector II position?

21 A. No, ma'am. That was in reference to the Inspector
22 test that happened this last December, into January;
23 and off the top of my head -- forgive me -- but I
24 can't remember the posting. And the way the wording
25 was "certificate," I believe it was an IFSAC

1 certificate that was -- and Peggy Callahan will be able
2 to confirm that -- but the way the posting was
3 written, it didn't allow an equivalent; but it was not
4 the ICC II certificate.

5 Q. Thank you.

6 HEARING OFFICER LOVE: Commissioner Wilhite,
7 do you have any further questions of Mr. Pichette?

8 COMMISSIONER WILHITE: No, I do not.

9 HEARING OFFICER LOVE: All right. I'll now
10 turn to Chairperson Bouge.

11 Chairperson Bouge, do you have any questions
12 for Mr. Pichette?

13 CHAIRPERSON BOUGE: I do not.

14 HEARING OFFICER LOVE: All right. I believe
15 Mr. -- he cut out there -- I believe Chairperson Bouge
16 said he did not have any questions for Mr. Pichette.

17 So now, Mr. Freier and Mr. Pichette, I think
18 you're done.

19 Mr. Freier, are there any other witnesses you
20 would wish to call to testify on your behalf this
21 afternoon?

22 GRIEVANT FREIER: I'd like to reserve the
23 right to call someone later, but at this time I'm
24 done.

25 HEARING OFFICER LOVE: All right. You do

1 have the right to call witnesses in rebuttal if you
2 wish.

3 GRIEVANT FREIER: I do.

4 HEARING OFFICER LOVE: Now -- Okay. At this
5 point, we're going to move, I believe, to
6 Ms. Callahan.

7 Ms. Callahan, are you available to testify?

8 PEGY CALLAHAN: Yes.

9 HEARING OFFICER LOVE: All right. Would the
10 court reporter please swear in Ms. Callahan?

11

12 PEGY CALLAHAN

13 was called as a witness, and having been first duly
14 sworn, was examined and testified as follows via Zoom
15 videoconferencing:

16 THE WITNESS: Yes.

17 COURT REPORTER: Thank you.

18 HEARING OFFICER LOVE: Ms. Callahan, could
19 you please state your first name and last name and
20 spell your last name for the court reporter?

21 THE WITNESS: Peggy Callahan, C-A-L-L-A-H-A-N.

22 HEARING OFFICER LOVE: And I believe "Pegy"
23 is spelled P-E-G-Y. Is that correct?

24 PEGY CALLAHAN: Correct.

25 HEARING OFFICER LOVE: All right.

1 Ms. Callahan, you have the floor now if you have any
2 information that you would like to provide, sworn
3 testimony under oath, any testimony you would wish
4 today to provide to the commissioners.

5 PEGY CALLAHAN: Sure. So the -- when the
6 posting went out with the information about the
7 Assistant Fire Marshal, there was a sentence in there
8 that said, "Class could be gotten in one year." In
9 the next sentence, though, it said you needed to be
10 qualified as an Assistant Fire Marshal with all the
11 certifications listed.

12 Mr. Freier did not have the ICC Fire
13 Inspector II certificate. The NSA class that he is
14 referring to, I have gotten an equivalency -- a
15 request for equivalency for that class. There was no
16 request for equivalency for the ICC Fire Inspector II,
17 so the application was not accepted because he did not
18 meet the minimum qualifications.

19 HEARING OFFICER LOVE: All right. Is there
20 anything else, Ms. Callahan, at this time that you
21 would like to provide as far as testimony to the
22 commissioners?

23 PEGY CALLAHAN: That's all.

24 HEARING OFFICER LOVE: Mr. Freier, do you
25 have any questions of Ms. Callahan?

1 GRIEVANT FREIER: Yes, sir.

2 HEARING OFFICER LOVE: All right. Go -- You
3 may proceed, Mr. Freier.

4

5

EXAMINATION

6 BY GRIEVANT FREIER:

7 Q. Ms. Callahan, I was curious. The document -- let me
8 get the reference here -- Exhibit A that I submitted
9 in the request for a hearing, the DFM posting, who
10 wrote that document?

11 A. (Inaudible) and I did.

12 COURT REPORTER: I'm sorry. I'm sorry --

13 THE WITNESS: I didn't put that in.

14 COURT REPORTER: -- I did not hear the
15 beginning of her answer.

16 HEARING OFFICER LOVE: Ms. Callahan, can you
17 repeat -- can you repeat your answer? And do you need
18 Mr. Freier's question again in order to complete your
19 answer?

20 PEGY CALLAHAN: No, I do not need the
21 question again.

22 I write the postings, take it to the JPC, and
23 then it gets posted.

24 Q. (BY GRIEVANT FREIER) So would the JPC review it,
25 proof it if you will?

1 A. I can't -- I don't know how to answer that question.

2 I don't know that -- They obviously did not proof it,
3 let's say that.

4 Q. So the application -- and it's -- actually it's on
5 page 2 of the document -- I just want to make sure
6 that I've got this correct -- so page 1, but on page 2
7 it says that the Bachelor's degree was going to be
8 waived for internal candidates, "minimum of three
9 years experience within the Fire Service Prevention
10 Division and have the training and certification
11 levels necessary to qualify as SVFD Assistant Fire
12 Marshal;" and then it says, "Must obtain and maintain
13 an International" -- I'm sorry -- "an International
14 Fire Code Institute, Fire Inspector II." So that's
15 the order that's on page 2.

16 A. Correct.

17 Q. When I submitted my application, did I highlight that
18 sentence?

19 A. I don't recall. I don't have the application in front
20 of me. I can certainly pull it up.

21 Q. Okay. I did.

22 And then --

23 A. Okay.

24 Q. -- when I'm going through e-mails -- and this is just
25 a serious question -- at no point in our e-mail

1 conversation about my application did you say, "Are
2 you submitting for an equivalency for ICC
3 Inspector II." Is that --

4 A. Correct.

5 Q. -- is that a standard procedure, from your position,
6 where you're -- you're just a collector of information
7 but you don't advise?

8 A. What my procedure is is I notify the applicant that,
9 "Here's the qualifications that you're lacking." If
10 the candidate then wants to submit for an equivalency
11 or feels that they have an equivalency, they should
12 present it at that time. I do not ask them if they
13 have an equivalency. I do not try and gather any
14 information for an equivalency. If they want to
15 present an equivalency, I'll take it up the chain to
16 the fire marshal.

17 Q. Thank you.

18 GRIEVANT FREIER: I'm done at this time,
19 Mr. Love.

20 HEARING OFFICER LOVE: All right. Now, we
21 move to questions of Ms. Callahan from the commission.

22 Mr. Sisser, do you have any questions of
23 Ms. Callahan?

24 COMMISSIONER SISSER: Yes, I do.

25 HEARING OFFICER LOVE: You may proceed, sir.

1 EXAMINATION

2 BY COMMISSIONER SISSER:

3 Q. Okay. Peggy, we'll go back to what I asked
4 Mr. Pichette. What was the discussion on these rule
5 changes in the JPC?

6 A. Regarding the Fire Inspector -- regarding the Fire
7 Inspector?

8 Q. No; the Deputy Fire Marshal, the changes of the rule
9 to have Fire Inspector II.

10 A. No, I -- I think there's a little confusion. That
11 was -- He was referring to the Fire Inspector
12 position, which is different than the Fire Inspector
13 certificate. We have a position that's a Fire
14 Inspector --

15 Q. Um-hmm.

16 A. -- that we hired for.

17 I don't right off the top of my head recall
18 exactly what the rule changes were at that point, but
19 it didn't have anything to do with Deputy Fire
20 Marshal.

21 Q. That's what I was thinking, too, because we didn't
22 approve anything in late last year for Deputy Fire
23 Marshal; did we?

24 A. No, we did not.

25 Q. Okay. That's all I have.

1 HEARING OFFICER LOVE: All right.

2 PEGY CALLAHAN: Okay.

3 HEARING OFFICER LOVE: Commissioner Wilhite,
4 do you have any questions for Ms. Callahan?

5 COMMISSIONER WILHITE: Yes, I do.

6 HEARING OFFICER LOVE: You may proceed.

7

8

EXAMINATION

9 BY COMMISSIONER WILHITE:

10 Q. Peggy, I just wanted to clarify. So when you received
11 his application and sent it back, you noted that he
12 did not have the Certified Fire Inspector II
13 certificate; is that correct?

14 A. Correct.

15 Q. Okay. And then if I understand correctly, if
16 Mr. Freier wanted to have an approved equivalency, he
17 should have sent something back to you and asked for
18 that?

19 A. Correct.

20 Q. Okay. Thank you.

21 HEARING OFFICER LOVE: All right.

22 Chairperson Bouge, do you have any questions for
23 Mr. Freier (sic)?

24 CHAIRPERSON BOUGE: I do have for
25 Peggy Callahan.

1 HEARING OFFICER LOVE: Oh, excuse me. I
2 apologize.

3 To correct the record, not Mr. Freier, but do
4 you have any questions for Ms. Callahan?

5

6

EXAMINATION

7 BY CHAIRMAN BOUGE:

8 Q. I do have one, and it's more of a 10,000-foot view
9 question for you, Peggy.

10 The JPC, is their -- is their job -- is part
11 of their function to validate these job postings as
12 they come out?

13 A. Not necessarily. Part of the JPC is to gather the
14 information to put the job posting together. We
15 determine dates, we determine what the testing process
16 is going to be, we determine how things are weighted,
17 all the other information that's in the job posting.

18 Q. For members of the -- the members of the JPC --

19 A. We --

20 Q. -- the members of --

21 A. Correct.

22 Q. -- that committee then are union, the administration,
23 Civil Service, you. And by the time it leaves that
24 committee, it should be stamped golden, even if not
25 approved; is that a fair statement?

1 A. Hopefully, yeah, the information has been gathered and
2 documented according to what the JPC decided.

3 Q. That's all I have. Thank you.

4 A. Okay.

5 HEARING OFFICER LOVE: All right.

6 Mr. Freier, do you have any other -- I guess you've
7 rested.

8 So I guess the next person would be -- is
9 there anyone else on my list? I have Valerie Biladeau
10 that may want to provide some testimony. Is
11 Ms. Biladeau available?

12 VALERIE BILADEAU: I'm here. I was -- Can
13 you hear me?

14 HEARING OFFICER LOVE: Yes.

15 VALERIE BILADEAU: I'm here and ready to
16 answer questions. I don't know if there's any
17 testimony I need to give.

18 HEARING OFFICER LOVE: Okay. Well, I mean
19 how we do this is we provide sworn testimony on how we
20 handle these things. So if you have something you
21 want to say, or if the commission may have questions
22 for you, I'm going to have the court reporter swear
23 you in.

24 VALERIE BILADEAU: Okay.

25 HEARING OFFICER LOVE: Madam court reporter,

1 would you please swear in Ms. Biladeau?

2

3

VALERIE BILADEAU

4

was called as a witness, and having been first duly

5

sworn, was examined and testified as follows via Zoom

6

videoconferencing:

7

THE WITNESS: Yes.

8

COURT REPORTER: Thank you.

9

HEARING OFFICER LOVE: All right.

10

Ms. Biladeau, could you please state your first and

11

last name, and could you please spell your last name

12

for the court reporter?

13

THE WITNESS: Yes. Valerie Biladeau,

14

B-I-L-A-D-E-A-U.

15

HEARING OFFICER LOVE: All right. You have

16

the floor. You may proceed with whatever you feel is

17

necessary testimony to provide to the commission to

18

resolve this matter. Go ahead.

19

VALERIE BILADEAU: Well, I think that the

20

special -- the issue that I see with the

21

qualifications is while Rick was an Assistant Fire

22

Marshal for years and, yes, he was in Prevention, in

23

our last negotiation session, so our '18 -- 2018 into

24

2019, the union came forth with changes to the

25

qualifications for Assistant Fire Marshal.

1 So you go in as an Inspector, you get the
2 additional qualifications, and then you become an
3 Assistant Fire Marshal. And they changed the
4 certification level and the "and/or" combinations of
5 it, and I believe that is what's caused the issue for
6 Mr. Freier. Yes, he was qualified. In 2018 he was
7 qualified as an Assistant Fire Marshal.

8 To date, if he was to come in today without
9 that certification, he is not certified to be an
10 Assistant Fire Marshal. He'll have the year to do it
11 to be an Assistant Fire Marshal.

12 HEARING OFFICER LOVE: All right. Anything
13 else, Ms. Biladeau, that you would like to provide as
14 testimony to the commission?

15 THE WITNESS: No, I don't think so.

16 HEARING OFFICER LOVE: All right. I'm going
17 to -- I'm going to now turn it to Mr. Freier.

18 Mr. Freier, do you have any questions for
19 Ms. Biladeau?

20 COMMISSIONER SISSER: Mr. Love, I have one
21 question.

22 HEARING OFFICER LOVE: Okay. How I would
23 like to handle this is first I want to ask Mr. --

24 COMMISSIONER SISSER: Oh.

25 HEARING OFFICER LOVE: -- Freier --

1 COMMISSIONER SISSER: Okay.

2 HEARING OFFICER LOVE: -- ask Mr. Freier if
3 he has any questions for Ms. Biladeau, and then I will
4 it over to the commission.

5 COMMISSIONER SISSER: Okay. No problem.

6 HEARING OFFICER LOVE: Mr. Freier, do you
7 have any questions for Ms. Biladeau?

8 GRIEVANT FREIER: I would -- You know what?
9 I will have one, maybe two.

10 HEARING OFFICER LOVE: All right. You may
11 proceed, sir.

12

13

EXAMINATION

14 BY GRIEVANT FREIER:

15 Q. Ms. Biladeau, are you involved with the JPC?

16 A. Yes.

17 Q. Were you involved in the Deputy Fire Marshal posting?

18 A. No, I was not.

19 Q. Or in the review of the document at all?

20 A. I don't believe so, nope.

21 Q. Did you receive the documents that I submitted as part
22 of my request for a hearing?

23 A. Yes, I did. I just saw them this afternoon.

24 Q. Okay. It's not that in-depth of a question. I was
25 just curious, on page 2 of Document A, the

1 application, it says -- and I've read it a couple
2 times -- when you have the asterisk, it goes instantly
3 in saying that you have a year to get Inspector II.
4 How should that be interpreted?

5 A. Well, you could interpret it as you have to have it,
6 or as a condition of employment you have to have it
7 within a year. However, when you look at Section 2,
8 it says you can have ICC Fire Inspector II or an
9 approved equivalent.

10 So you could be qualified to apply if you
11 have an approved equivalent, and then you're still
12 required to get your Certified Fire Inspector II
13 within a year as a condition of employment.

14 Q. I'm going to -- No further questions. Thank you.

15 HEARING OFFICER LOVE: As a point of order,
16 before I turn this over to the commission,
17 Ms. Biladeau made reference to a particular
18 contractual provision in the collective bargaining
19 agreement. I would make a request, that it would be
20 important that the commission have that particular
21 provision in front of them in assessing this matter.

22 I don't know if it's Ms. Callahan or
23 Ms. Biladeau, but I think it would be very important
24 that that section of the collective bargaining
25 agreement, that it be provided to the commission.

1 PEGY CALLAHAN: It was e-mailed to them this
2 morning.

3 HEARING OFFICER LOVE: All right. Thank you.

4 Mr. Sisser, do you have any questions for
5 Mr. Freier (sic)?

6 COMMISSIONER SISSER: I don't have any
7 questions for Mr. Freier, but I do --

8 HEARING OFFICER LOVE: Excuse me. Do you
9 have any questions for Ms. Biladeau?

10 COMMISSIONER SISSER: Well, I think
11 Mr. Freier and I were on the same page in the
12 questioning, so I'm going to say "no" now; she
13 answered my question.

14 HEARING OFFICER LOVE: All right.
15 Commissioner Wilhite, do you have any questions for
16 Ms. Biladeau?

17 COMMISSIONER WILHITE: Yes, I do.

18 HEARING OFFICER LOVE: You may proceed.

19

20 EXAMINATION

21 BY COMMISSIONER WILHITE:

22 Q. Valerie, I just wanted to clarify. I heard you say
23 that the Certified Fire Inspector II or the approved
24 equivalent. So if Mr. Freier had shown the approved
25 equivalent, he still would be required to take the

1 test for the Certified Fire Inspector II within a
2 year; is that correct?

3 A. I would say yes, that's how it could be interpreted,
4 yes.

5 Q. Thank you.

6 HEARING OFFICER LOVE: Chairperson Bouge, do
7 you have any questions for Ms. Biladeau?

8

9

EXAMINATION

10 BY CHAIRPERSON BOUGE:

11 Q. I guess, Valerie, my question would be
12 "interpretation" concerns me. Is there a
13 hard-and-fast process or rule that we can connect to,
14 or is this an issue of interpretation?

15 A. Well, the way I read it -- So it has "Certified Fire
16 Inspector II or approved equivalent." So if you don't
17 have your Certified Fire Inspector II, you can still
18 be qualified as an Assistant Fire Marshal -- right? --
19 if you've got an approved equivalent. But as a
20 condition of employment, you must obtain and maintain
21 your Fire Inspector II within a year of employment.

22 Q. Within a year of employment.

23 A. Yes.

24 Q. Okay.

25 A. That's what it says on the -- on the paragraph.

1 Q. Okay. All right. And is that -- is that last
2 qualifier, in essence, where the error, if we can call
3 it that, lies; it shouldn't have said "within a year"?

4 A. No, I don't think so. I think it -- I think that's --
5 that's good the way it stands.

6 Q. Okay. Thank you. That's what I wanted to know.

7 HEARING OFFICER LOVE: Chairperson Bouge,
8 point of clarification: -- I think it would be
9 helpful for the record -- can I ask Ms. Biladeau a
10 question?

11 CHAIRPERSON BOUGE: Yes, please.

12 HEARING OFFICER LOVE: Ms. Biladeau, when you
13 were referencing the qualifications, were you
14 referring to the collective bargaining agreement, the
15 contract between the administration and the union, or
16 are you referring to another document?

17 VALERIE BILADEAU: The question -- the last
18 two or three questions I'm referring to the required
19 occupational qualifications that were in the posting.
20 And previously, at the beginning of my testimony, I
21 was talking about the changes in qualifications
22 between our 2014-'17 contract and our 2018-2020
23 contract.

24 HEARING OFFICER LOVE: All right.

25 VALERIE BILADEAU: And, really, those

1 qualifications were rolled into the job description,
2 which is part of the posting today.

3 HEARING OFFICER LOVE: I guess my question,
4 point of clarification, is: The job posting and the
5 requirements that are listed to apply for this
6 position of Assistant Fire Marshal, are those
7 requirements to compete for the job? Is that -- does
8 that come from the contract, or does that come from
9 another document?

10 VALERIE BILADEAU: Oh, I'm sorry. Yeah, it
11 comes from the contract. So in the contract, the
12 qualifications were negotiated, and then we had to go
13 change the job description itself.

14 The qualifications were in the 2017 contract,
15 pushed over into the Inspector job description, which
16 is how an Inspector would become an Assistant Fire
17 Marshal. Through bargaining, the qualifications were
18 changed in the '18 through 2020 contract that was not
19 put in place until I think it was about March of 2019;
20 and then we have to change the Inspector job
21 description to reflect the change in qualifications
22 that were now held within the bargaining agreement.

23 HEARING OFFICER LOVE: All right. Thank you.
24 Is there anything else, Ms. Biladeau, that you would
25 like to provide as sworn testimony?

1 VALERIE BILADEAU: No. Thank you.

2 HEARING OFFICER LOVE: All right. My
3 understanding is that -- and I may be wrong on this --
4 but I thought that a Mr. Sean Arnold (ph) had
5 indicated earlier, before we got started today, that
6 he might want to provide some testimony regarding this
7 matter, this issue.

8 Is Mr. Arold available?

9 SEAN AROLD: Yes, Mr. Love; and it's Arold,
10 A-R-O-L-D.

11 HEARING OFFICER LOVE: All right. I'm sorry.
12 I apologize.

13 All right. Can we -- Court reporter, madam
14 court reporter, can you please swear the witness in?

15
16 SEAN AROLD
17 was called as a witness, and having been first duly
18 sworn, was examined and testified as follows via Zoom
19 videoconferencing:

20 THE WITNESS: I do.

21 COURT REPORTER: Thank you.

22 HEARING OFFICER LOVE: All right. Mr. Arold,
23 could you please state your first and last name and
24 spell your last name for the court reporter?

25 THE WITNESS: Sean Arold, A-R-O-L-D.

1 HEARING OFFICER LOVE: All right, sir. You
2 have the floor.

3 SEAN AROLD: Thank you for everyone's time
4 today. I know we're kind of going into overtime here,
5 but I thought it was important, representing the
6 administration, that we are in full support of our
7 union leadership and their assessment of the situation
8 and recommendation to include Rick Freier in the
9 promotional process.

10 I would submit for the commissioners'
11 consideration that as early -- or just as recently as
12 February 24th of 2020, the requirements for Assistant
13 Fire Marshal -- excuse me -- Deputy Fire Marshal
14 afforded an applicant the opportunity one year to
15 achieve their Fire Inspector II certification.

16 I hope we take into consideration the current
17 pandemic we're going through and the difficulty it is
18 to achieve a new certification when that was only
19 implemented as recently as February of this year.

20 So we -- and for the past two years,
21 administration and union leadership have been working
22 tirelessly trying to make a more inclusive process for
23 our members.

24 Now, this one year waiver, if you will, for
25 this particular certification is afforded to any

1 external applicant. Any external applicant will get
2 one year to get this cert. We are -- we are strongly
3 recommending and requesting that the commission
4 consider giving the same courtesy to our internal
5 members.

6 HEARING OFFICER LOVE: All right. Anything
7 else, Mr. Arold?

8 THE WITNESS: Well, I'm here for questions.

9 HEARING OFFICER LOVE: All right. I'm -- As
10 we've been doing it this afternoon, Mr. Freier, do you
11 have any questions of this witness?

12 GRIEVANT FREIER: No, just to say "thank
13 you."

14 HEARING OFFICER LOVE: All right. Let's turn
15 it over to the commissioners.

16 Commission Sisser, do you have any questions
17 of this witness?

18 COMMISSIONER SISSER: No, I don't have a
19 question, but I just got -- want to thank Sean for
20 giving us the clarification on the date of when all
21 this happened. It does really make a big difference,
22 considering three weeks later we were all shut down
23 completely. So --

24 THE WITNESS: Thank you.

25 HEARING OFFICER LOVE: Commission Wilhite, do

1 you have any questions of this witness?

2 COMMISSIONER WILHITE: Yes, I do.

3 HEARING OFFICER LOVE: You may proceed.

4

5

EXAMINATION

6 BY COMMISSIONER WILHITE:

7 Q. Mr. Arold, just a quick question. With regard to the
8 Certified Fire Inspector II certificate and asking
9 about the approved equivalent, I just would like to
10 know if that should happen again, who approves the
11 equivalent for the Certified Fire Inspector II
12 certificate within -- within the administration?

13 A. So for this in particular, we would go to a subject
14 matter expert; and in this case, that would land on
15 the desk of the Fire Marshal.

16 Q. Okay. So he would be the person who, if he got the
17 information of what was submitted for that equivalent,
18 who would make that determination.

19 A. Correct. We try to align certifications with the
20 subject matter expert, correct.

21 Q. Okay. Thank you very much.

22 A. You bet.

23 HEARING OFFICER LOVE: Chairperson Bouge, do
24 you have any questions for this witness?

25 CHAIRPERSON BOUGE: No, I do not. I

1 appreciate the clarification, and I appreciate the
2 testimony of all the witnesses; it was very helpful.

3 HEARING OFFICER LOVE: All right. I'm not
4 aware of any other witnesses that wanted to -- or any
5 other persons that wanted to testify today. If I'm
6 incorrect on that, if someone could please speak up,
7 I'd appreciate that.

8 If there are no further witnesses at this
9 time in this part of the proceedings, then I will turn
10 it over to Mr. Freier if he has any rebuttal testimony
11 that he would like to provide, or any other witnesses
12 that he would like to call in rebuttal to what he had
13 specific -- to testimony that is in opposition to him
14 today.

15 GRIEVANT FREIER: Well, Mr. Love, I think
16 I'll just have a closing statement. I'm going to read
17 an e-mail exchange, and while -- so it's between me
18 and Ms. Callahan. I submitted my package --

19 HEARING OFFICER LOVE: Are -- were those
20 e-mails part of your package?

21 GRIEVANT FREIER: They were not.

22 HEARING OFFICER LOVE: All right. If -- if
23 you -- Can you provide those to the commission, the
24 e-mails?

25 GRIEVANT FREIER: I absolutely can. Yes,

1 sir.

2 HEARING OFFICER LOVE: All right. Please
3 e-mail those -- please send to the commission those
4 e-mails, if you can, by regular e-mail link so they
5 can see them.

6 GRIEVANT FREIER: All right. Do you want me
7 to do that before I read them?

8 HEARING OFFICER LOVE: Yes.

9 GRIEVANT FREIER: Okay. Let me see if I can
10 do this for you.

11 And is there -- can anyone tell me if there's
12 an All Civil Service Commission e-mail address?

13 PEGY CALLAHAN: Yes, there is.

14 COMMISSIONER SISSER: Is that the one we left
15 up on the fire department e-mail, Peggy?

16 PEGY CALLAHAN: The All Civil Service is a
17 group e-mail which goes to everybody.

18 SCOTT KEITH: Right. That e-mail address is
19 allcivilservicecommission@spokanevalleyfire.com.

20 CHAIRPERSON BOUGE: Okay. That's what I
21 wanted to know.

22 GRIEVANT FREIER: You're a good man. Thank
23 you, sir.

24 It will be two e-mails, if I can get them
25 correct; and what I'd like to do is get this done for

1 you sometime today. I apologize, everyone.

2 (Pause.)

3 GRIEVANT FREIER: All right. So "Forward to
4 All" --

5 CHAIRPERSON BOUGE: Found it. I got one.

6 GRIEVANT FREIER: Okay. I apologize for the
7 time this takes, gentlemen -- I'm just -- and ladies.

8 CHAIRPERSON BOUGE: No, there's no problem
9 there.

10 GRIEVANT FREIER: Well, you guys have been
11 here a long time and I imagine --

12 CHAIRPERSON BOUGE: No, we want to be fair to
13 you, too, though.

14 HEARING OFFICER LOVE: Well, we also want
15 to --

16 CHAIRPERSON BOUGE: Take as long as it needs
17 to.

18 HEARING OFFICER LOVE: We also want to make
19 sure that everything that you feel that the commission
20 should be considering is in the record, and then you
21 can proceed with your summation; and you can reference
22 anything that's in the record that you wish during
23 your summation, Mr. Freier.

24 GRIEVANT FREIER: It's the darnedest thing, I
25 just had the e-mails and now -- Oh. I know what I

1 can do. Oh, come on.

2 Would someone be able to read the e-mail that
3 I just sent so I know which one I did just send?

4 CHAIRPERSON BOUGE: The top line says is from
5 Peggy to you on August 14th, it says, "The job
6 description (which is part of the posting) says ICC
7 Fire Inspector II cert required as it's a requirement
8 to be an Assistant Fire Marshal."

9 GRIEVANT FREIER: Okay.

10 COMMISSIONER SISSER: And then there's one
11 further down that says -- that you sent to her at 1:51
12 on Friday, "The required occupational qualification
13 says I have a year to get the Fire Inspector II."

14 CHAIRPERSON BOUGE: That's part of the chain
15 of that e-mail, too.

16 COMMISSIONER SISSER: Yes.

17 GRIEVANT FREIER: Okay. So I sent you an
18 entire chain. Oh, great. Huh.

19 I think I'm on a roll here guys, ladies.
20 I've almost got it. Almost there.

21 Okay. We are getting close, everybody.
22 Please bear with me just another second or two.

23 This one will be the top of the chain, and it
24 will be my reply to that top of the chain. All right.
25 Hopefully you got that one.

1 So the two e-mails that I wanted to submit
2 were the first one from Peggy explaining that I needed
3 to have the ICC Inspector II, and the second one was
4 my reply.

5 COMMISSIONER SISSER: Got it.

6 GRIEVANT FREIER: And then that reply is what
7 I would like to draw attention to. What I'm -- what
8 I'm saying there, without officially asking for a
9 waiver, was I was an Assistant Fire Marshal for eight
10 years. And Peggy's e-mail states that, "If you don't
11 have ICC, you can't take the test;" and it doesn't
12 draw into question the word "equivalency" in that
13 application. I did not draw attention to that word
14 either, but my thought process at that particular time
15 was I was an Assistant Fire Marshal for eight years,
16 and I would argue that that would be an acceptable
17 equivalency to the ICC Inspector II.

18 It's -- it's -- I just -- I guess I'll end
19 with this: I appreciate the opportunity to speak my
20 peace; and if there's any questions to me, please let
21 me know. Thank you very much, everyone, for being
22 here. Thank you for your time.

23 HEARING OFFICER LOVE: Does the commission
24 have any further questions for Mr. Freier? I'll start
25 with Mr. Sisser.

1 COMMISSIONER SISSER: No, I don't.

2 HEARING OFFICER LOVE: Commissioner Wilhite,
3 any further questions of Mr. Freier?

4 COMMISSIONER WILHITE: No, I do not.

5 HEARING OFFICER LOVE: All right.

6 Chairperson Bouge, any additional questions for
7 Mr. Freier?

8 CHAIRPERSON BOUGE: (Inaudible.)

9 HEARING OFFICER LOVE: All right. So this
10 concludes the hearing portion of this --

11 COURT REPORTER: Excuse me. I'm sorry, I did
12 not hear Mr. Bouge's response.

13 CHAIRPERSON BOUGE: No, I do not have any
14 questions. Thank you.

15 COURT REPORTER: Thank you.

16 HEARING OFFICER LOVE: All right. This
17 concludes the hearing portion of this non-disciplinary
18 hearing of the Civil Service Commission.

19 The commission, as is the normal practice,
20 will now move into Executive Session. The
21 Chairperson, Mr. Bogue, will need to state the reasons
22 for going into Executive Session and estimate the
23 amount of time that he anticipates that we will be in
24 Executive Session.

25 I would make one point of order to

1 Chairperson Bouge and the rest of the commission.
2 Many times in Executive Session, we do have
3 Ms. Callahan present. But in this particular
4 circumstance, since she was a witness, I believe it
5 would be appropriate that she not attend Executive
6 Session and that it just be the commission --
7 commissioners and, if they wish, legal counsel to be
8 present in Executive Session.

9 But of course that's up to the commission,
10 and the commission has the right to ask anyone that
11 they wish to be in Executive Session.

12 CHAIRPERSON BOUGE: I would like to suggest
13 that we have Mr. Love and the three commissioners only
14 in the Executive Session.

15 COMMISSIONER SISSER: Agree.

16 COMMISSIONER WILHITE: Agree.

17 CHAIRPERSON BOUGE: Does that need to be in
18 the form of a motion or can we proceed with that?

19 PEGY CALLAHAN: I'll so move.

20 COMMISSIONER SISSER: I'll second.

21 CHAIRPERSON BOUGE: It's been seconded.

22 Those in favor, "Aye"?

23 COMMISSIONER SISSER: Aye.

24 UNIDENTIFIED SPEAKER: Aye.

25 CHAIRPERSON BOUGE: Opposed?

1 (No response.)

2 CHAIRPERSON BOUGE: Okay. So we will move to
3 Executive Session now. I anticipate -- if I say
4 20 minutes and we need more, can we come back and ask
5 for more, or are we committed to that?

6 HEARING OFFICER LOVE: No. We -- we can --
7 You have to stay in for the 20 minutes, but if you
8 need more time, then you certainly just communicate
9 that to the public that's here that you will need
10 additional time.

11 CHAIRPERSON BOUGE: Commissioners, if you
12 have any input on this issue, I'm very willing to
13 listen. I would go with 20 minutes to start.

14 COMMISSIONER SISSER: I agree, Dave, that's a
15 good time.

16 COMMISSIONER WILHITE: And I agree.

17 CHAIRPERSON BOUGE: All right. We'll go into
18 Executive Session for 20 minutes. That means, by my
19 watch, at 2:56 we should be able to come out --

20 COMMISSIONER WILHITE: Okay.

21 HEARING OFFICER LOVE: -- with a
22 conversation.

23 So, Scott, could you lead us to the next part
24 of our Executive Session with the side room, or
25 whatever it's called?

1 We'll see you all in a little while.

2 (Commission in Executive Session until
3 2:56 P.M.)

4 CHAIRPERSON BOUGE: All right, ladies and
5 gentlemen, we are back. We'll wait till everyone's
6 back.

7 If you could raise your hand if you could
8 hear me. How unfortunate for you. All right. I will
9 it back over to Mr. Love, who will start the process.

10 HEARING OFFICER LOVE: Is Commissioner
11 Wilhite, is she present? I don't see her on my
12 screen.

13 COMMISSIONER WILHITE: Here.

14 CHAIRPERSON BOUGE: Yes, she is.

15 HEARING OFFICER LOVE: Okay. All right.

16 All right. We're back on the record. Is the
17 court reporter present?

18 COMMISSIONER WILHITE: Umm-hmm. We see her.

19 HEARING OFFICER LOVE: All right. All right.
20 So we're back on the record.

21 So we spent -- the commission spent
22 20 minutes in Executive Session discussing this
23 matter. My understanding is that the commissioners
24 are ready to vote on the -- on this non-disciplinary
25 matter relating to Mr. Freier's request for a hearing,

1 and I will now turn this to Mr. -- Chairperson Bouge
2 to start the voting process.

3 CHAIRPERSON BOUGE: In accordance with the
4 rules, each of us is to announce our vote publicly.
5 We will start with Mrs. Wilhite.

6 COMMISSIONER WILHITE: Thank you, Chairman
7 Bouge.

8 I wanted to state that I appreciate everyone
9 participating in this and providing us with the
10 information that we had, and the clarifications we had
11 to the questions that we asked of various members.
12 And I believe that, after hearing all the evidence,
13 that Mr. Freier be allowed to take the test for the
14 position of Deputy Fire Marshal.

15 CHAIRPERSON BOUGE: Thank you, Ms. Wilhite.
16 Mr. Sisser?

17 COMMISSIONER SISSER: Thank you.

18 I appreciate everybody's giving their
19 testimony and clarifications.

20 And, Mr. Arold, I really appreciated your
21 clarification on the date that things were changed
22 12 -- 2-24, and three weeks later we were in this
23 crisis that we are. That really affected Mr. Frazier
24 (ph) from being even being able to take the test.

25 And I understand your reasons why you don't

1 want to take it on a computer, you'd rather be in
2 person doing it; it's a lot easier and you don't have
3 interruptions and everything else.

4 So I'm in favor of Mr. Frazier (ph) being
5 able to take the test. He's well-qualified for this
6 position.

7 CHAIRPERSON BOUGE: So Mr. Freier then will
8 be permitted to take the test based upon Mr. Sisser's
9 vote.

10 I, too, would like to thank all of the
11 parties involved. I am very grateful that it appears,
12 feels to me that the union and administration are
13 working together diligently to make this a healthy
14 organization. I like that. I compliment the fire
15 commissioners on making that possible and helping to
16 assist that.

17 Mr. Love, thank you for your assistance.

18 I, too, believe that Mr. Freier should be
19 permitted to take the test and continue in the process
20 of working towards that qualification. Where the
21 chips fall is where they fall, but to me this is a --
22 the proper decision. And so we congratulate everyone
23 and we look forward to moving forward in a positive
24 direction.

25 Is there anything else for the good of the

1 order? Mr. Love, did I miss anything?

2 HEARING OFFICER LOVE: No, you didn't,
3 Chairperson Bouge.

4 Pursuant to Rule 8.5, a decision has been
5 rendered within a reasonable time after the hearing.
6 The decision, of course, is a 3-0 decision in this
7 matter in favor of Mr. Freier and his petition.

8 I -- The commission will be issuing a very
9 short, one-page opinion that will be signed by the
10 chairperson and the other two commissioners. That
11 should be issued tomorrow sometime, and to be a part
12 of the record.

13 Unless there's any further questions, I have
14 nothing else to say.

15 CHAIRPERSON BOUGE: Mr. Love, just a point of
16 procedure. Will you fax, will you e-mail that letter
17 to the three of us and have us sign and return it to
18 you, or just me, or how does that go?

19 COMMISSIONER SISSER: We'll do it next
20 Tuesday. We'll be meeting Tuesday.

21 CHAIRPERSON BOUGE: We are, but the testing
22 starts on Friday. So do we need to --

23 HEARING OFFICER LOVE: Well, under --
24 according to Rule 8.5, it has been our practice to
25 provide for the record a written opinion of the

1 commission, whether it's a non-disciplinary or
2 disciplinary hearing; and that has been the process
3 since I have been the General Counsel for the Spokane
4 Valley Fire Department Civil Service Commission, which
5 is within -- well, within about 10 days is going to be
6 19 years.

7 Rule 8.5 does not indicate that it has to be
8 in writing. It just says, "A decision shall be
9 rendered within a reasonable time after the hearing."
10 However, it does say, "The finding of the commission
11 shall be sent to the appointee requesting the hearing
12 and to the appointing authority and forthwith be
13 enforced by such authority. The decision of the
14 commission shall be final except for judicial appeal."

15 So with that, I think it's appropriate that I
16 will prepare a one-page written decision that the
17 commission -- commissioners can review tomorrow; and
18 assuming that the language is appropriate, which is
19 essentially a ruling in Mr. Freier's favor, it will be
20 signed by each one of the individual commissioners and
21 will be then sent to the appointee requesting the
22 hearing, which is Mr. Freier, and to the appointing
23 authority, and then forthwith to be enforced by such
24 authority; and that will be taken care of on my end
25 tomorrow.

1 CHAIRPERSON BOUGE: So let me make sure I've
2 got this right. All three of us will sign, fax it
3 back, send it back to you, Mr. Love? And then you
4 will send it to those individuals? I'd like it to be
5 very streamlined so that it doesn't get lost, doesn't
6 get changed around.

7 Is that possible?

8 HEARING OFFICER LOVE: Well, yes; I can
9 e-mail the appointing authority, who's defined in the
10 Civil Service rules; and then the appointee requesting
11 the hearing, I can send to Mr. Freier a copy of a
12 written decision. I don't have Mr. Freier's e-mail
13 address.

14 Mr. Freier, would you please provide me with
15 your e-mail address?

16 GRIEVANT FREIER: You want me to do that an
17 open meeting with YouTube or Facebook Live and
18 everything or --

19 HEARING OFFICER LOVE: No, you don't have to
20 do that; but let me give you my e-mail so you can --
21 my e-mail is mike, M-I-K-E, @michael, M-I-C-H-A-E-L,
22 love, L-O-V-E, law, L-A-W, .com.

23 GRIEVANT FREIER: mike@michaellovelaw.com.

24 HEARING OFFICER LOVE: Yes,
25 mike@michaellovelaw.com.

1 GRIEVANT FREIER: Got it.

2 HEARING OFFICER LOVE: Just e-mail, and then
3 tomorrow I will, after it's signed, I will send to you
4 the signed written decision.

5 CHAIRPERSON BOUGE: So we're all in
6 agreement, and there will be no unnecessarily --
7 unnecessary delays, we will proceed with the testing
8 on Friday and Mr. Freier will be part of that.
9 Correct?

10 All right. With that, unless there are any
11 other statements to be made, anything else for the
12 good of the order? This is that open period of time
13 during a meeting.

14 All right. With that, I stand the meeting
15 adjourned at 3:04 P.M.

16 GRIEVANT FREIER: Thank you.

17 CHAIRPERSON BOUGE: Thank you.

18 (Hearing adjourned at 3:04 P.M.)

19

20

21

22

23

24

25

