

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (310) 618-2780. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35 102-35.104 ADA Title II]

Direct questions or concerns to the Commission Liaison at (310) 618-2967 or individual department head prior to submission to the Commission. Parties will be notified if the complaint will be included on a subsequent agenda.

The Civil Service Commission is an advisory body to the City Council that meets on the second and fourth Mondays of each month at 6:00 p.m. in the Council Chambers and on other Mondays as required. All meetings are open to the public except for those portions related to personnel issues that under law may be considered in closed session.

**TORRANCE CIVIL SERVICE COMMISSION AGENDA
MONDAY, NOVEMBER 6, 2023
ADJOURNED MEETING
6:00 P.M. IN LeROY J. JACKSON COUNCIL CHAMBER
AT 3031 TORRANCE BL.**

**CIVIL SERVICE COMMISSION MAY TAKE ACTION ON ANY ITEM
LISTED ON THE AGENDA**

1. CALL MEETING TO ORDER

ROLL CALL: Commission members Adelsman, Herring, Kohus, Lohnes, Sasaki, Zygielbaum,
Chair Hamada

2. FLAG SALUTE:

3. REPORT OF THE CITY CLERK ON THE POSTING OF THE AGENDA

The agenda was posted on the Public Notice Board at 3031 Torrance Bl. and on the City's Website on Thursday, November 2, 2023.

4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS

5. ORAL COMMUNICATIONS

This portion of the meeting is reserved for comment on items under the Consent Calendar or items that are not on the agenda. Under the Ralph M. Brown Act, Commissioners cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff. Speakers under this Public Comment period will have no longer than 1 minute per speaker. Speakers please turn off or leave your cellular phone when you come to the podium to speak.

6. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed by a Commissioner from the Consent Calendar and considered separately.

No Business to Consider.

7. ADMINISTRATIVE MATTERS

7A. Deny Protest of Performance Test for Fire Battalion Chief.

Recommendation of the Human Resources Director that your Honorable Body deny the protest of the performance test for Fire Battalion Chief.

Consideration of public employee employment will be conducted in closed session per California Government Code Section 54957(b)(1), unless the employee requests to have the appeal conducted in public session.

8. HEARINGS

No Business to Consider.

9. CLOSED SESSION

No Business to Consider.

10. COMMISSION ORAL COMMUNICATIONS

11. ADJOURNMENT

11A. Adjournment of Civil Service Commission Meeting to Monday, November 13, 2023 at 6:00 p.m.



Honorable Chair and Members
of the Civil Service Commission
City Hall
Torrance, California

SUBJECT: DENY PROTEST OF PERFORMANCE TEST FOR FIRE BATTALION CHIEF

RECOMMENDATION:

Recommendation of the Human Resources Director that your Honorable Body deny the protest of the performance test for Fire Battalion Chief.

BACKGROUND

At your meeting of September 11, 2023 your Honorable Body approved the ordering of the Fire Battalion Chief examination to be conducted on a promotional basis. This exam would produce an eligible list to fill a current vacancy, as well as other vacancies that would occur within the two (2) year duration of the eligible list.

The Fire Battalion Chief examination consists of a performance test (weighted 100%), which is comprised of an Accomplishment Survey (weighted 40%), Administrative Assignment Exercise (weighted 30%) and an Emergency Event Exercise (weighted 30%). The recruitment period for this position started on September 12, 2023 and closed on September 26, 2023. There were seven (7) applications received. All seven (7) applicants met the minimum qualifications and were invited to the examination process which was administered on October 11, 2023.

On October 12, 2023, Fire Captain Michael Berry submitted a protest of the performance test for the Fire Battalion Chief to the Civil Service Manager stating there were issues with the administration of the examination that had affected his placement on the eligible list (Attachment A).

The Civil Service Manager reviewed the protest and, after analysis, the Civil Service Manager denied the protest. The candidate was provided notice of the Civil Service Manager's decision on October 17, 2023 (Attachment B). Captain Berry had five days to submit an appeal of the Civil Service Manager's decision and submitted his appeal to the Civil Service Commission on October 19, 2023 (Attachment C).

ANALYSIS

Captain Berry states he is protesting the emergency simulator portion of the exam and is "specifically protesting the portion of the exam regarding the command vehicle exercise." Captain Berry states in his protest that there were technical issues with the equipment provided to him during the exercise. The two (2) items that he references in his protest where he had communication issues are the radios and the command tablet.

Item #1 Radios:

Captain Berry was provided radios for communication during the emergency event simulation. When Captain Berry began the exercise, there was an issue with static over the radio channel that he was directed to utilize. However, the subject matter expert that assisted with this portion of the examination process was able to address this issue and Captain Berry was allowed extra time to reset to a new radio channel. Due to this issue being addressed, Captain Berry did not miss any communication during this reset.

Captain Berry also states that he had an issue with volume on the radios provided. He stated that the volume was not set-up the same for all candidates. However, after analysis of this situation with the subject matter expert on the scene, it was determined the radio issue was not due to the volume setting, but due to an error on the part of Captain Berry. Captain Berry originally started the emergency event exercise in the front cab of the fire command truck, but then moved to the back of the truck to commence his exercise. Upon moving to the back of the truck, Captain Berry transferred the transmission from the front cab radio to the radio in back of the truck. Upon reaching the back of the truck, Captain Berry transferred the transmission of the back radio to the front of the truck, hence making it difficult to hear the call traffic, as the calls were now being heard from the radio in the front cab. Due to his error in operation of the radio, this action led to Captain Berry missing traffic on the radio. This radio traffic included mayday calls and by his own actions he was not able to clearly hear and respond to these calls in a timely manner.

Item #2 Tablet Command:

Captain Berry states that the tablet command he was utilizing during this event experienced technical difficulties. He states that he was not able to drag and drop fire units into assignments, which is a method of tracking and assigning these units. There was also an issue with alarm units not loading into the program.

The candidates were provided proctor instruction at the beginning of the exercise regarding what is available to them for use during the exercise. Each candidate was provided the same materials and equipment to utilize and were able to choose how they wanted to command the event and deploy and assign staff and equipment. Although the technical issue with the command tablet did occur during Captain Berry's exercise, the command tablet is one of multiple tools to assist a Fire Battalion Chief in tracking emergency units and providing resources during an emergency event. Additionally, not all the candidates utilized the tablet command during their exercise and some candidates even conducted their exercise within the truck cab using a portable radio.

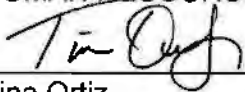
Captain Berry did not provide for alternate command control methods and therefore according to the panel who was assessing his performance, he was not able to demonstrate his ability to take control and assign units during the emergency event (Attachment D). Additionally, Captain Berry's response to the follow-up questions regarding the command tablet were not used in scoring his overall assessment in this exercise.

Although Captain Berry had technical issues with the provided equipment, the panel members did not take this into consideration when assessing Captain Berry's overall performance. He was not able to demonstrate to the panel members his ability to take command of the emergency event and therefore was not able to meet certain dimensions that were critical to successfully passing this event.

In conclusion, based on the analysis of the information provided, staff recommends that your Honorable Body deny the protest of the Fire Battalion Chief performance test and the appellant's request to remove or not rate this exam component.

Respectfully submitted,

HEDIEH KHAJAVI
HUMAN RESOURCES DIRECTOR

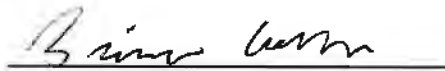
By 
Tina Ortiz
Senior Human Resources Analyst

CONCUR:



Hedieh Khajavi
Human Resources Director

NOTED:



Brianne Cohen
Civil Service Manager

- Attachments:
- A. Fire Battalion Chief performance test protest by Fire Captain Michael Berry
 - B. Denial of performance test protest notification from Civil Service Manager
 - C. Appeal to the Civil Service Commission by Fire Captain Michael Berry
 - D. Emergency Event Exercise – Performance Panel Rating Sheets (For Commissioners Only – test material)

Assistant Chief Test Protest

I am protesting the emergency simulator portion of the Assistant Chief's exam administered on October 11th, 2023. I am specifically protesting this portion of the exam regarding the command vehicle exercise and follow up questions for the following reasons:

1. The radio channel that I was instructed to use was not functioning in the role-playing room resulting in lost radio transmissions. During this portion of the exam, I was instructed to stop while the administrators troubleshooted the problem, ultimately moving the radio to another channel. **This did not occur for other candidates.**
2. The command vehicle was not set up the same for all candidates. When I moved to the back of the vehicle, all radios volume was turned down requiring more troubleshooting. **This did not occur for all candidates.**
3. The tablet command program was not operating properly during my exercise. The tablet did not allow me to drag and drop units into their assignments, which is the primary method of tracking units that are assigned, staged, and enroute. In addition, the additional requested alarm units did not load into the program resulting in me having to abandon the tablet and use a white board to track units. This was clearly a computer malfunction that was troubleshooted by the administrator who acknowledged there was a problem with the problem. **This did not occur for other candidates.** I would note that all candidates were told to use tablet command at the pre-exam briefing and no other assistive devices were allowed. Having a malfunctioning tablet was clearly a disadvantage. Torrance Assistant Chief Blayne Baker, Battalion Chief Tyler Wade involved in this section of the exam were made aware of the problems with Tablet command and confirmed it was not working properly. **This did not occur for other candidates.**
4. During the follow up questioning, the raters were asking about units that I had assigned and asked me to go to the white board to show how I tracked units. When I went to the board, the administrators had wiped it clean resulting in my inability to see what I wrote down. **To my knowledge, this did not occur to other candidates.**
5. Continuous interruptions and malfunctioning equipment are a part of fireground management; however, when the interruptions and malfunctioning equipment occur for some and not all the candidates during a civil service examination process, it creates a competitive advantage or disadvantage for candidates. In this case, I feel the above circumstances severely affected my ability to compete on a level playing field with candidates that did not have to deal with the issues.

I understand that administering exams can be a challenge and I respect the efforts of all those involved but I feel the exercise was not fair and consistent; therefore, I am requesting this portion of the examination be thrown out and not rated.

Captain Michael Berry
Torrance Fire Department

ATTACHMENT A

Assistant Chief Protest

6. During the emergency exercise the radios were not operating properly and again the volume was turned down on the rear radios. These items had a minor delay to the Mayday which was called. I had to trouble shoot the electronic issues with the radio feedback and volume to complete the Mayday part of the exercise. The radios not properly functioning and volume all the way down were not part of the exercise. **To my knowledge, this did not occur to other candidates.**



CITY OF TORRANCE

City Manager's Office
Civil Service Division

Aram Chaparyan
City Manager

Brianne Cohen
Civil Service Manager
(310) 618-2956
BCohen@TorranceCA.Gov

October 17, 2023



Via U.S. Mail and Email

RE: Fire Assistant Chief (Battalion Chief) Performance Examination Protest Response

Dear Captain Berry:

I am in receipt of your protest of the Fire Assistant Chief (Battalion Chief) performance examination. I have reviewed the submitted information. Upon reviewing your protest letter and supplemental documentation, I contacted the Human Resources Department regarding the implementation of the performance examination. Human Resources confirmed that the technical difficulties regarding equipment malfunction did not negatively impact your score. Based on the review of the information, I am denying the protest.

You may appeal this decision to the Civil Service Commission pursuant to the Civil Service rules. A request to have this matter appealed to the Civil Service Commission would need to be submitted in writing within five (5) working days of the date of this letter and state your specific reason(s) for appealing. You may submit this appeal by email; U.S. first class mail, overnight mail, delivery courier or other personal delivery; or fax: CivilServiceCommission@TorranceCA.Gov; City of Torrance, Civil Service Commission, ATTN: Brianne Cohen, Civil Service Manager, 3231 Torrance Boulevard, Torrance, CA 90503; FAX (310) 618-2726.

Should you have any questions regarding the information in this correspondence, please contact Civil Service staff immediately at BCohen@TorranceCA.Gov.

Sincerely,

Brianne Cohen
Brianne Cohen
Civil Service Manager

Assistant Chief Civil Service Protest

I am protesting the emergency simulator portion of the Assistant Chief's exam due to the lack of controls creating inconsistencies from one candidate to another resulting in an unfair examination process. Specific details have already been submitted to the Civil Service Manager Brianne Cohen in the initial protest. I am requesting an open hearing format.

ATTACHMENT C