

Arizona Fire Fighters Vindicated in Court Settlement

August 12, 2009 – Six Arizona fire fighters who were retaliated against for speaking out about a number of fire department issues, have reached a favorable federal court settlement. The now former members of Kingman Local 4191 and the Hualapai Valley Fire District (most have taken jobs in other unionized fire departments) have clean employment records and were awarded compensatory damages.

“In this case, the former fire chief and the fire district board were clearly engaging in union-busting tactics,” says IAFF General President Harold Schaitberger. “I am proud to say that justice has prevailed and the IAFF still remains strong in Hualapai Valley.”

The relationship between the Hualapai Valley fire fighters and Fire Chief Wayne Eder reached its boiling point after Local 4191 Vice President Jim Schnabel and member Kamrin Dooley raised concerns ranging from minimum staffing to the chief’s behavior. A specific concern about the chief was his inappropriate requirement that fire fighters help his friends with landscaping projects while on duty.

Shortly after raising these concerns, fire fighter Dooley was terminated allegedly for “failure to complete his probation.” He was in the ninth month of a 12-month probation associated with his promotion to driver/operator. Three days later, Chief Eder also fired Schnabel for the same alleged offense.

After the terminations of Dooley and Schnabel, Chief Eder and the Fire District Board of Directors began an investigation into fire fighters who were members of the local. The investigation led to four more retaliatory firings – Mike Carlson, Randall Nyberg, Jeff Campbell and Oscar Lopez.

“The actions by the chief and the board were completely unacceptable,” says Local 4191 President Robert Borker. “They were unwilling to work with us to improve working conditions and service to the citizens. Instead, they retaliated against our members for speaking out about the needed improvements.”

The IAFF and the Professional Fire Fighters of Arizona (PFFA) stepped in to help Local 4191. IAFF General Counsel Tom Woodley pursued a court action under the International’s Guardian Policy to rectify the District’s unlawful retaliation.

This case had been aggressively litigated by the fire district and its attorneys. A breakthrough in the case came when the fire district moved to have the case dismissed. The federal court denied the motion. That’s when the district, for the first time, expressed a serious interest settling the case.

In mediation, a settlement was reached, awarding \$250,000 in compensatory damages. The fire fighters’ personnel records related to the terminations were also expunged. Those records will now show that the fire fighters voluntarily resigned, and neutral referral letters will be given by the district in the event such references are requested.

Several of these union members have moved onto other unionized fire departments, and did not seek reinstatement.

While legal proceedings were underway, the PFFA, PFFA President Tim Hill and Flagstaff Local 1505 President Dave Manning assisted and advised Local 4191 as it launched a campaign to recall some Hualapai Valley Fire District Board members.

“All of this could have been settled if Chief Eder and the fire district board had been more willing to listen to our concerns,” says Borker. “They left us with no choice but to take political action.”

In addition to wrongfully terminating six fire fighters, staffing levels dropped so low that some engines were running with just one fire fighter while some fire stations had to be closed during training. Morale was so low that turnover increased 150 percent over the previous three years.

The board members up for recall resigned before the special recall election, but the resigning members appointed their replacements to finish out their terms. Fire fighters had to wait until the November 2008 election to elect three fire fighter-friendly candidates to the fire board. Three days after the election, Fire Chief Eder resigned. Patrick Moore, a former IAFF member, was hired in Eder’s place.

“We feel really good about the new fire district leadership,” says Borker. “The labor-management relationship is much more cohesive now.”

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