



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: April 18, 2007 REPORT NO: 07-064
ATTENTION: Council President and City Council
Docket of April 23, 2007
SUBJECT: Step VI Grievance from the International Association of Fire Fighters,
Local 145 regarding Fire Fighter Steve Choi

REQUESTED ACTION:

STAFF RECOMMENDATION: Hear the Grievance and decide the outcome.

SUMMARY: The International Association of Fire Fighters, Local 145 (Local 145), on behalf of Fire Fighter Steve Choi, has appealed the Step V grievance response prepared by the Labor Relations Office on behalf of the Mayor (Attachment 1) to the full City Council. Step VI of the Grievance Procedure, Article 25 of the Memorandum of Understanding (MOU) between the City of San Diego and Local 145 provides for this option. The language of Article 25 is attached. (Attachment 2)

The grievance cites a violation of Article 43 (Attachment 3) of the MOU and denial of Mr. Choi's due process rights. Following a determination by the City's Emergency Medical Services Medical Director of unsatisfactory skills and judgement during critical clinical circumstances (Attachment 4), Mr. Choi was reassigned from his fire fighter/paramedic position. Effective December 4, 2004, Mr. Choi stopped receiving paramedic premium pay. The performance issues giving rise to this action are documented in the September 19, 2004 memorandum from Battallion Chief Criss Brainard, Steve Choi Documentation (Attachment 5).

As resolution to this grievance, Local 145 is requesting that Mr. Choi be reinstated to the fire fighter/paramedic position he previously occupied and be fully compensated for the loss of paramedic premium pay retroactively to December 4, 2004.

As Mr. Choi was not assigned to a fire fighter/paramedic position, it is staff's view, pursuant to Article 43, that Mr. Choi would be ineligible for retroactive payment of the paramedic premium. Staff is not aware of any employee property right related to position assignments or premium pay. The Fire-Rescue Department is not comfortable with reinstating Mr. Choi to a paramedic position and the City Attorney's office has opined that doing so would expose the City to substantial risk of liability.

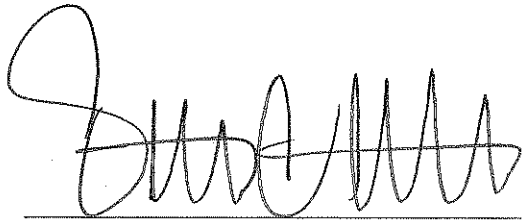
FISCAL CONSIDERATIONS: \$25,368 to retroactively compensate Mr. Choi for the Paramedic Premium for the period from December 4, 2004 through January 26, 2007.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: NONE

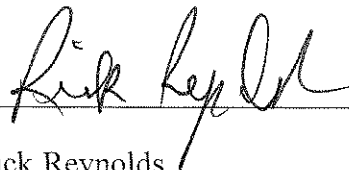
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NONE

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

International Association of Fire Fighters, Local 145
City of San Diego



Scott Chadwick
Labor Relations Manager



Rick Reynolds
Assistant Chief Operating Officer

- Attachment 1: Step V Grievance Findings and Resolution
- Attachment 2: Grievance Procedure
- Attachment 3: Step V Grievance on Termination of Paramedic Premium Pay for Fire Fighter/Paramedic Steve Choi
- Attachment 4: Review of documentation regarding Firefighter Steve Choi
- Attachment 5: Steve Choi Documentation-Confidential QA