

AGENDA

CIVIL SERVICE COMMISSION

Tuesday, August 18, 2015
8:30 AM

Emma Harvat Hall
City Hall
410 E. Washington St.
Iowa City, IA

1. Chris Buckman Appeal Hearing
2. Old business
3. New business

Any late handouts will be included in the meeting minutes.

BEFORE THE IOWA CITY CIVIL SERVICE COMMISSION

NOTICE OF APPEAL OF CHRIS BUCKMAN:


FILED
2015 JUL 16 AM 9:36
CITY CLERK
IOWA CITY, IOWA

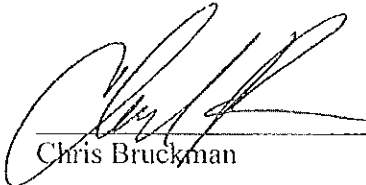
1. Chris Buckman, Lieutenant of the Iowa City Fire Department was terminated on July 7, 2015
2. Iowa Code Chapter 400.18 provides that a person holding civil service rights shall not be removed arbitrarily.
3. The removal of Lieutenant Chris Buckman was done arbitrarily and without sufficient basis in violation of Iowa Code Section 400.18.
4. The arbitrary removal was based upon a policy established by the City of Iowa City requiring certain residency requirements.
5. Said policy is arbitrary and capricious and bears no rational relationship to the job duties required of an Iowa City Fire Fighter.
6. The policy fails to define “residence” so as to alert a firefighter as to what behavior is proscribed. The definition was not provided to the firefighters even though requested.
7. Chris Bruckman did not violate the City of Iowa City’s policy regarding residency as the City is unable to establish that Chris Bruckman’s residence is at a location other than 2233 9th Street, Coralville, Iowa.
8. Chris Bruckman did not violate the other policies specified in the document dated July 7, 2015 entitled “Investigative Findings”
9. This Appeal is timely

10. Appellant requests that this matter be set for proceedings pursuant to Iowa Code Chapter 400.

**Nazette, Marner, Nathanson
& Shea L.L.P.**

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P.O. Box 74210
Cedar Rapids, Iowa 52407
Phone: (319) 366-1000
Fax: (319) 364-1116
Crystal.usher@nazettelaw.com


Crystal L. Usher AT0008023
ATTORNEY FOR CHRIS BRUCKMAN


Chris Bruckman

CERTIFICATE OF SERVICE
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the of record herein at their respective addresses disclosed in pleadings on 7-16 2015.
By: ☐ Overnight Courier ☐ FAX ☐ ☒ Hand Delivered ☐ U.S. Mail ☐ Certified Mail ☐ Stamped
Signature  7/16/2015

cc: CA (Thornton)
HR (Jennings)

FILED
2015 JUL 16 AM 9:36
CLERK
IOWA CITY, IOWA

BEFORE THE CIVIL SERVICE COMMISSION FOR IOWA CITY, IOWA

IN RE: THE DISCIPLINARY
DISCHARGE OF LT.
CHRIS BUCKMAN

APPELLANT

V.

CITY OF IOWA CITY, IOWA,
IOWA CITY FIRE DEPARTMENT, and
JOHN M. GRIER, FIRE CHIEF,

APPELLEES

CITY'S SPECIFICATION OF CHARGES

FILED
2015 JUL 29 PM 1:33
CITY CLERK
IOWA CITY, IOWA

COME NOW the City of Iowa City, Iowa, the Iowa City Fire Department and John M. Grier, Fire Chief, Appellees in the above-referenced matter, and hereby specify the charges and grounds upon which Lt. Chris Buckman (hereinafter, "Buckman") was terminated, stating as follows:

1. Living within a specified distance of his place of employment has been a condition of Buckman's employment with the City of Iowa City since he was hired as a firefighter. At the time Buckman was promoted to lieutenant, the requirement was included in the job description. The City's Administrative Regulation on Residency Requirements, which took effect in May, 2015, actually loosened the Fire Department's earlier requirements.
2. On December 17, 2013 Buckman filed an Address Change Form, reporting that he lived at 2233 9th street in Coralville, IA. He also verbally stated to Chief Grier, on multiple occasions, that he lived at this Coralville address.
3. The Fire Department received information indicating that Buckman was living outside the boundaries of the City's Administrative Regulation on Residency Requirements, while claiming to reside at 2233 9th St. in Coralville, IA.
4. On or about June 17, 2015, Buckman was provided a Summary of Charges outlining the policy requirements in question, a copy of which is attached hereto and incorporated herein. He was also provided a Notification of Administrative Proceedings Rights, a copy of which is attached hereto and incorporated herein, which stated that Buckman was obligated to answer all questions truthfully, and that failure to do so would serve as a basis for discipline, including discharge.
5. A formal investigation was conducted into the matters, including use of a private investigator to explore the issues of residency. That investigation revealed that Buckman was not living at the Coralville address he provided.
6. An interview of Buckman took place on June 19, 2015. At the beginning of Buckman's interview, he was again verbally reminded that the City was exploring both the issues of residency and integrity.
7. During his interview, Buckman initially claimed that he lived at the Coralville address, but eventually conceded, in response to a question from his union steward, that he did not

live in Coralville. Instead, he was living with his fiancée in Marion, IA, outside the residency boundary.

8. The investigation concluded that Buckman not only violated the City's Administrative Regulation on Residency Requirements, but also lied about his residency, attempting to cover up his actual residence, and coming clean only when confronted with water usage records at the Coralville address.

On July 7, 2015, Lt. Chris Buckman was discharged from employment with the Iowa City Fire Department for misconduct based on the above, and for the following violations of Iowa City Fire Department General Policy and the City of Iowa City Personnel Policies:

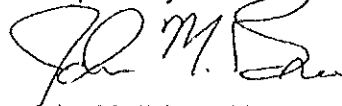
Iowa City Fire Department General Policies:

1. ICFD General Policy No. 150.02-Residency Requirements, which has been superseded by the more generous May, 2015 City Administrative Regulation on Residency Requirements.

City of Iowa City Personnel Policies

1. City of Iowa City Personnel Policies Section 8, b (6), "violation of departmental rules, City Personnel Policies or any other rules, policies, or regulations promulgated by the City."
2. City of Iowa City Personnel Policies Section 8, b (7), "Lying or providing false, inaccurate, or incomplete information either verbally or in writing."

Respectfully submitted,

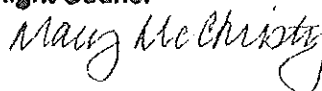


John M. Grier, Chief
Iowa City Fire Department

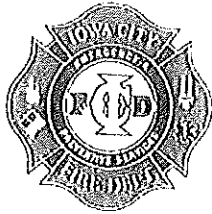
Original: Iowa City City Clerk
copy: Crystal L. Usher
Attorney for Appellant

The undersigned hereby certifies that a true copy of the foregoing Instrument was served upon each of the parties or their attorneys of record to the above-entitled cause in person or at their respective addresses as disclosed by the pleadings of record herein, on 7-29, 2015, by

☒ U.S. Mail ☐ Fax
☐ Hand Delivered ☐ Fed Ex
☐ Overnight Courier



FILED
2015 JUL 29 PM 1:00
CITY CLERK
IOWA CITY, IOWA



IOWA CITY FIRE DEPARTMENT


410 E. Washington Street – Iowa City, IA 52240-1821
Phone: 319.356.5260 www.icgov.org FAX: 319.356.5269



2015 JUL 29 PM 1:33

FILED

CITY CLERK
IOWA CITY, IOWA

Date: June 17, 2015
To: Chris Buckman, Lieutenant
From: John M. Grier, Fire Chief 
Re: Summary of Charges

The department has received information indicating that you have been living outside the established residency boundaries, while claiming to reside at 2233 9th Street in Coralville, IA.

As a basic requirement of your position as a Fire Lieutenant, you are required to maintain residency in the boundaries outlined in ICFD General Policy No. 150.02—Residency Requirements, which was superseded by the May 2015 City Administrative Regulation on Residency Requirements, and the Fire Lieutenant job description. Failure to maintain residency in the defined boundaries is a direct violation of the established residency requirements policy. Furthermore, the City of Iowa City's Personnel Policies Section 8, b (6) states that violation of rules, policies or regulations promulgated by the City and Section 8, b (7) states that lying or providing false, inaccurate, or incomplete information on a City record are grounds for discipline.

Consider this a summary of the charges to be investigated as well as notice that a formal investigation will be conducted. During this investigation, you will be ordered to answer all questions truthfully, under potential penalty of further disciplinary action, and none of your answers may be used against you in any subsequent criminal proceeding.

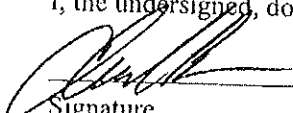
You are mandated to attend an administrative interview to be held on Friday, June 19, 2015 at 2:00 PM in the Human Resources conference room.

Notification of Administrative Proceeding Rights

You are being advised of the following:

1. This is an administrative hearing during which you will be interviewed regarding events which may be used as the basis for disciplinary measures including discharge or suspension. Any admission made in the course of any administrative hearing or interview may be used as the basis for disciplinary measures, including discharge or suspension.
2. You have the right to have legal counsel present, at your expense, during your interview. In addition, you have the right, at your expense, to have a union representative present during the interview or, if not a member of a union, you have the right to have a designee present.
3. You have no right to remain silent at this administrative proceeding. You have an obligation to truthfully answer questions put to you. Untruthful answers constitute a violation of the Policies of the Iowa City Fire Department and the City of Iowa City and will serve as a basis for disciplinary measures, including discharge or suspension.
4. If you refuse to answer questions put to you, you will be ordered by a superior to answer the questions. If you persist in your refusal to answer after the order to answer has been given to you, or if you do not answer a question truthfully, you are advised that such refusal or untruthful answer constitutes a violation of the Policies of the Iowa City Fire Department and the City of Iowa City and will serve as a basis for which your discharge may be sought.
5. You are further advised that by law any admission made by you during the course of this proceeding cannot be used against you in a criminal proceeding.
6. Your interview will be audio recorded, as required by law.
7. Prior to your interview you are being provided with a written summary of the complaint made against you.


I, the undersigned, do hereby acknowledge that I have been informed of the above rights.



Signature

CHRISTOPHER BUCKMAN
Printed Name of Employee

Date: 6/19/15

Witness: 

CC: HA Jennings
Legal Thornton

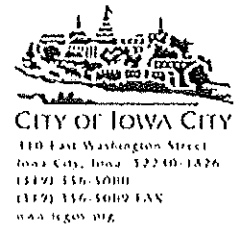
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2015 JUL 29 PM 1:33
CITY CLERK
IOWA CITY, IOWA

Administrative Regulations
City of Iowa City

Title: Residency Requirements

A.R. Number: Effective Date: 2/15 Page: 1 of 2

Supersedes: N/A A.R.: N/A Dated: 5/15



I. Purpose

The following represents a policy establishing the maximum distance police officers, firefighters and other critical municipal employees may live from their place of employment per Chapter 400.17 of the Iowa Code.

II. Policy

Employees holding the following positions shall be required to live within 17 miles of the corporate limits of Iowa City, Iowa within one year of appointment to the position:

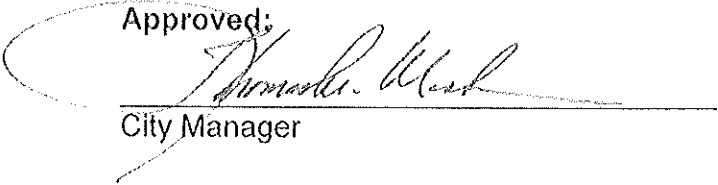
Deputy Fire Chief
Fire Battalion Chief
Fire Captain
Fire Lieutenant
Firefighter
Police Captain
Police Lieutenant
Police Sergeant
Police Officer
Animal Shelter Supervisor
Maintenance Worker I – Streets
Maintenance Worker II (Signs) – Streets
Maintenance Worker II – Streets
Maintenance Worker III – Streets
Maintenance Worker III (Lead Sweeper Operator) – Streets
Senior Maintenance Worker – Streets
Maintenance Operator – Wastewater
Maintenance Worker II – Wastewater Treatment Plant
Maintenance Worker III – Wastewater Collection
Senior Maintenance Worker – Wastewater Collection
Senior Maintenance Worker – Wastewater Plant
Senior Treatment Plant Operator – Wastewater
Assistant Superintendent – Water
Maintenance Operator – Water
Maintenance Worker I – Water Customer Service
Maintenance Worker II – Waster Distribution
Maintenance Worker II – Water Service
Maintenance Worker III – Water Distribution
Maintenance Worker III – Water Service
Senior Maintenance Worker – Water Distribution
Senior Maintenance Worker – Water Plant
Senior Treatment Plant Operator – Water
Treatment Plant Operator – Water

This policy supersedes any residency requirement policies adopted at the Department level. Employees in positions covered by this policy who were in compliance with a Departmental residency policy upon the adoption of this policy will be considered grandfathered under the prior documented departmental policy. Grandfather status will be lost upon relocation to a different residence which must satisfy the requirements of this policy.

III. Regulation Update and Responsibility

Periodic review, updates, and questions of interpretation of this policy are the responsibility of Human Resources. Department Directors shall be ultimately responsible for ensuring/monitoring compliance of employees in positions subject to this policy. The City Manager or designee shall be responsible for final interpretation and application of this policy. Any waivers or extensions of this policy shall be subject to the approval of the City Manager or designee.

Approved:



City Manager



IOWA CITY FIRE DEPARTMENT

General Policy No. 150.02

SUBJECT

Residency Requirements

ORIGINAL ISSUE

May 1993

LAST AMENDED

June 2015

MANDATORY REVIEW DATE

April Annually

I. PURPOSE:

The following represents a policy establishing the boundaries in which a person must reside while in the employment of the Iowa City Fire Department.

II. SCOPE:

All personnel assigned.

III. POLICY:

Effective May 2015, fire department employees shall be required to live within 17 miles of the corporate limits of Iowa City.

- A. If living outside these boundaries when hired, a person will have twelve (12) months in which to comply.
- B. Waivers of extensions to these requirements must be requested in writing to the Chief for submittal to the City Manager for approval or disapproval.
- C. Employees who were in compliance with the departmental residency policy (residing within the boundaries of Johnson County or within an 18 mile radius of Fire Station 1 or by issuance of a waiver) will be considered grandfathered under the prior departmental policy. Grandfather status will be lost upon relocation to a different residence which must satisfy the requirement of this policy.
- D. City of Iowa City Administrative Policy on Residency Requirements at <http://www.icgov.org/site/CMSv2/file/empRes/adminPolicies/ResidencyRequirements.pdf> establishes the maximum distance firefighters may live from their place of employment per Chapter 400.17 of the Iowa Code.



IOWA CITY FIRE DEPARTMENT

General Policy No. 150.02

SUBJECT

Residency Requirements

ORIGINAL ISSUE

May 1993

LAST AMENDED

April 2002

MANDATORY REVIEW DATE

April Annually

I. PURPOSE:

This policy describes the boundaries in which a person must reside while in the employment of the Iowa City Fire Department.

II. SCOPE:

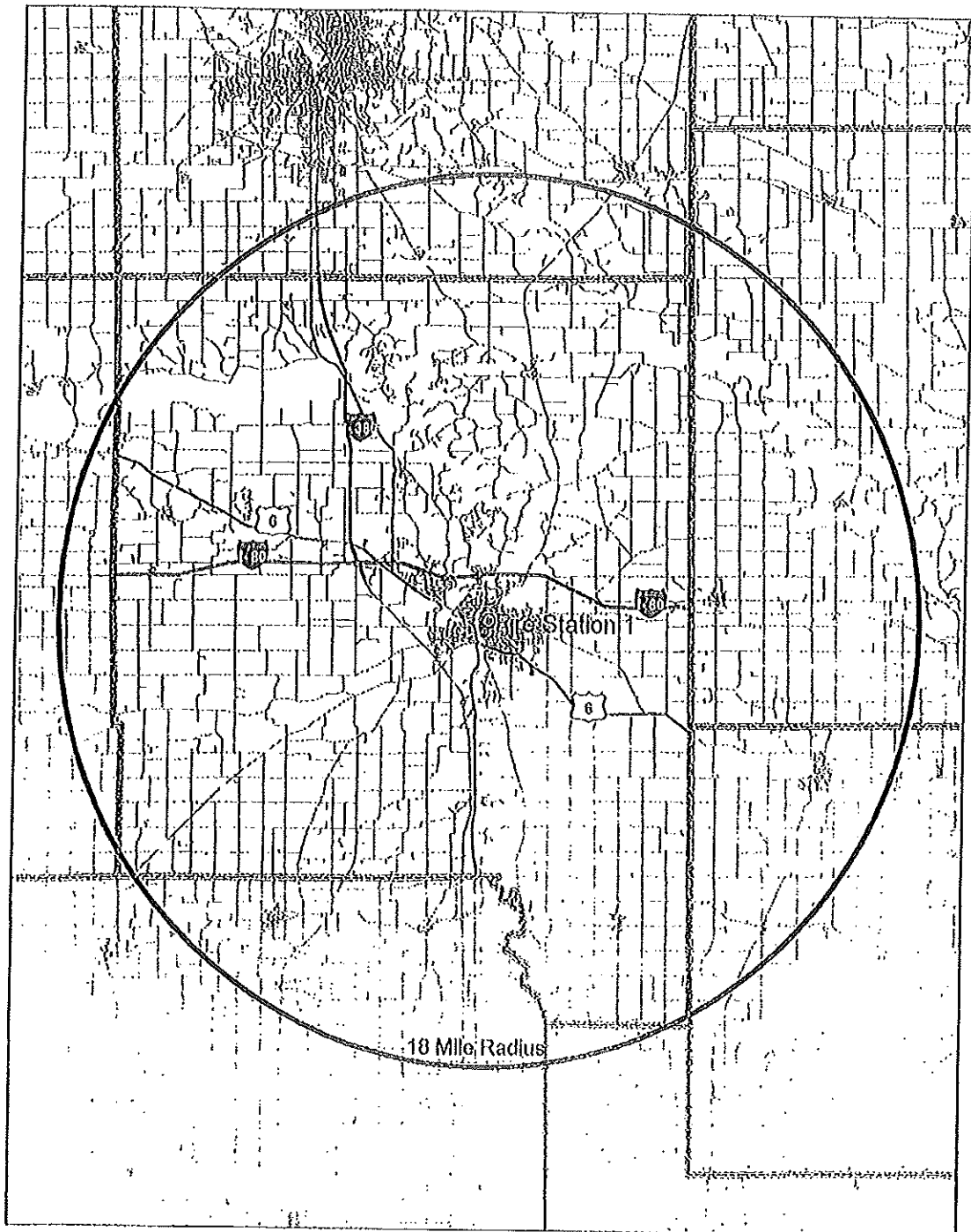
All personnel assigned.

III. POLICY:

The required boundaries for residence while employed by the Iowa City Fire Department are within the boundaries of Johnson County or within an 18 mile radius of Fire Station 1 ([Appendix No. GP-150.02-01](#)).

- A. If living outside these boundaries when hired, a person will have twelve (12) months in which to comply.
- B. Exceptions to these requirements must be submitted in writing to the Chief for approval or disapproval.

Residency Requirements



0 3 6 12 Miles

Source: Produced by Johnson County Information Services using
2000 Census TIGER/Line Files.

Date printed: May 5, 2002

BEFORE THE CIVIL SERVICE COMMISSION FOR IOWA CITY, IOWA

IN RE: THE DISCIPLINARY)	
DISCHARGE OF LT.)	
CHRIS BUCKMAN)	
)	APPELLEE'S WITNESS LIST
APPELLANT)	
V.)	
)	
CITY OF IOWA CITY, IOWA,)	
IOWA CITY FIRE DEPARTMENT, and)	
JOHN M. GRIER, FIRE CHIEF,)	
)	
APPELLEES)	
)	

COME NOW the City of Iowa City, Iowa, the Iowa City Fire Department and John M. Grier, Fire Chief, Appellees in the above-referenced matter, and pursuant to the direction of the Commission at their August 7, 2015 meeting, hereby specifies the Appellees' Witness List as follows:

- John Grier, Fire Chief. Chief Grier will testify as to his position as Fire Chief, the rationale for having the fire department residency policy, before it was superseded by the more generous City-wide policy, and his prior conversations with Mr. Buckman regarding his residency, in which Mr. Buckman claimed to be living in Coralville. He will further testify about the investigatory interview of Mr. Buckman, which took place on July 7, 2015, at which Mr. Buckman eventually admitted that he did not feel he lived at the Coralville address, after first claiming that he did. Chief Grier will testify that he made the decision to terminate Mr. Buckman, based on both his failure to comply with the residency policy, and his repeated dishonest statements about where he lived.
- Karen Jennings, Human Resources Administrator. Ms. Jennings will testify as to the history of the residency policy for the fire department, and then the City more broadly, authorized by the Civil Service Code, specifically Iowa Code section 400.17(3). She will further testify as to the contents of the job description of fire lieutenants, including the residency requirement. She will also describe the Change of Address Form filed by Mr. Buckman, indicating that he lived at 2233 9th St., Coralville, and the interview of Mr. Buckman on July 7, 2015, at which he admitted that he did not feel he lived at the Coralville address.
- Jeff Marlin, Private Investigator. Mr. Marlin will testify that he was hired to investigate the residency of two Iowa City firefighters, including Mr. Buckman. He did not track either firefighter, but interviewed neighbors to ascertain whether either lived at 2233 9th St., Coralville, IA, the address at which both claimed to be living. His investigation found no evidence that Mr. Buckman lived at that address.

- Florence Cox, Coralville Utility Billing Coordinator. Ms. Cox will testify as to normal water usage, and the water usage at 2233 9th St., Coralville, Iowa, the address at which Mr. Buckman initially claimed to be living. Normal usage is 50-75 cubic feet per person, per week, or about 200-300 cubic feet per person per month. Usage at Mr. Buckman's claimed Coralville residence, in the last six months available before the July 7, 2015 interview, was 300 cubic feet total, for an average of 50 cubic feet per month, including three consecutive months (January through March of 2015) of no usage at all.
- The Appellee reserves the right to call rebuttal witnesses to rebut any testimony put on by the Appellant.

Respectfully submitted,

Eric R. Goers AT0002835
Assistant City Attorney
410 East Washington Street
Iowa City, IA 52240
icattorney@iowa-city.org
(319) 356-5030
(319) 356-5008 Fax
ATTORNEY FOR APPELLEES

Original: Iowa City City Clerk
copy: Crystal L. Usher
Attorney for Appellant

BEFORE THE CIVIL SERVICE COMMISSION FOR IOWA CITY, IOWA

**IN RE: THE DISCIPLINARY
DISCHARGE OF LT.
CHRISTOPHER BUCKMAN,**

APPELLANT

V.,

**CITY OF IOWA CITY, IOWA
IOWA CITY FIRE DEPARTMENT, and
JOHN M. GRIER, FIRE CHIEF,**

APPELLEES

**CHRISTOPHER BUCKMAN'S
WITNESS AND EXHIBIT LIST**

COMES NOW, Lieutenant Christopher Buckman and hereby notifies the commission that he intends to call the following witnesses:

1. Christopher Buckman: He will testify as to his lease with Paul Suedkamp and documents establishing his residence as 2233 9th Street, Coralville, Iowa 52241 and other facts setting forth the amount of time spent at the residence at Coralville, Iowa.

2. Brandon Pflanze, Union President: He will testify to the policies and the exceptions made to the policy surrounding the residence of Fire Fighters at the Iowa City Fire Department; his research regarding residency and what it takes to establish residency; the Fire Department's policies regarding "call back" and the reasonableness and the rational basis for the residency requirement as applied to the Iowa City Fire Fighters.

3. Paul Suedkamp: He will testify as to the lease agreement between he and Christopher Buckman, activities he and Christopher Buckman did at the home located at 2233 9th Street, Coralville, Iowa 52241; his period of lengthy absence from the home; Mr. Buckman's extra jobs and the affect those jobs had on usage of the home during daytime hours; and necessary repairs to the plumbing at his residence.

4. Kevin Bigger, Supervisor of Corridor Construction Service: He will testify about the amount of time Mr. Buckman worked for his company when Mr. Buckman had days off from the Fire Department.

5. Lance Carolan: He will testify as to Mr. Buckman grooming at the Fire Department and Mr. Buckman leaving the Fire Department for his employment with Corridor Construction Service.

6. Robert Henry: He will testify as to the exception he received to reside outside of the residence limitations; the reasonableness of the residency requirement; the rational basis for the residency requirement.

7. Alecia Buckman: She will testify to Christopher's residence; the time he spent at her home; the time she spent at his home

EXHIBITS

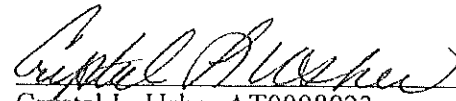
1. Copy of envelope and check to Buckman Construction
2. Copy of envelope for Sprint
3. Copy of envelope for Capital One statement
4. Copy of envelope and check from the Treasurer of the State of Iowa
5. H & R Block 2014 State and Federal Income Tax Return
6. Room Rental Agreement between Christopher Buckman and Paul A. Suedkamp
7. Photographs of Christopher Buckman building deck at Paul's May 27 and
photographs of Paul's driveway while shoveling
8. Paul Suedkamp e-mail to John Grier dated October 19, 2014
9. State Code Provisions with regard to residency (400.17)
10. Emails between Brandon Pflanze and Eric Goers

11. Various definitions of legal residence
12. Mr. Buckman's driver license and registrations
13. Mr. Buckman's voter card and concealed weapon's permit
14. The first page of Mr. Buckman's bank statements from December 2014 through June 2015.
15. Envelopes from City of Iowa City
16. E-mails to and from Eric Goers from Brandon Pflanzner

Respectfully submitted.

**Nazette, Marner,
Nathanson & Shea L.L.P.**

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P.O. Box 74210
Cedar Rapids, Iowa 52407-4250
Phone: (319) 366-1000
Fax: (319) 364-1116
Crystal.usher@nazettelaw.com



Crystal L. Usher AT0008023
ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on August 13, 2015

By: ☐ U.S. Mail ☐ FAX
☐ Hand Delivered ☐ Overnight Courier
☐ Certified Mail ☒ Other: Email

Signature _____