

CITY OF YOUNGSTOWN

MAYOR JAMAE L TITO BROWN



DEPARTMENT OF LAW

JEFF LIMBIAN, DIRECTOR OF LAW

CITY HALL • 26 S. PHELPS STREET • YOUNGSTOWN, OHIO 44503

PHONE: (330) 742-8874 • FAX: (330) 742-8867

December 12, 2019

Youngstown Firefighters
Youngstown Fire Department
Youngstown, Ohio 44503

RE: City of Youngstown Response to Vote of No Confidence

Dear Youngstown Firefighters:

Youngstown Fire Chief Barry Finley represents and commands the men and women of the Youngstown Fire Department. Chief Finley is responsible for the department's responding to thousands of emergency calls each year in the City of Youngstown. The Chief is responsible for 8 fire stations. He is responsible for directing the training of Firefighters, the education of citizens with regard to fire safety, and acts of kindness performed by the Youngstown Fire Department. He is also responsible and answerable to the Mayor and the citizens of the City of Youngstown. In the 23 months that he has been the Fire Chief, on a daily basis, Barry Finley has actively and consistently advocated for the safety of the Firefighters, their working conditions and the safety of the community.

Throughout the nation, there is a climate of discontent among safety forces in general. Firefighters in particular have been vocal. Unions are routinely utilizing the tool of a "No Confidence" vote to attempt to gain a tactical advantage in the never ending push and pull between unions and administrations. In just the last year, more than a dozen such votes have been used in various cities around the country. In 2019, "No Confidence" votes have been used in Jacksonville Beach, Florida; Cleveland, Ohio; Bourne, Massachusetts; Red Wing, Minnesota; Andover, Massachusetts; Pawtucket, Rhode Island; Houston, Texas; Prineville, Oregon; and Ocean Shores, Washington. In other years, it was Washington, D.C.; Boston, Massachusetts; Toledo, Ohio; La Verne, California; and Carthage, Missouri.

It is unfortunate, but not surprising that it would happen here as well. The language employed by Charlie Smith is, at times, hauntingly similar to the reasoning of other writers of “No Confidence” petitions. It does appear however, that in most of the other cities, the language of the petitions was released after the vote of no confidence. In Youngstown, the entire “No Confidence” package was released before the vote had taken place. This action leads to the conclusion that there was a predetermined consensus.

The “No Confidence” language in Andover, Massachusetts, relays a purported “lack of respect”, a “hostile work environment”, “poor morale”, not being “valued by upper management”, “lack of communication”, “safety issues”. In Cleveland, Ohio, the effort was “...to get attention of City Hall and City Council.” To get attention of the administration and council in Cleveland, they used terms like “...safety concerns”, and “...jeopardizing public safety”. In Jacksonville Beach, Florida it was, in part, “...using profanity and an ‘I don’t care attitude’”. Again in Bourne, Massachusetts it was putting “firefighter and public safety at risk”. In Youngstown, Ohio it is, in part, “...safety is compromised”, “...safety jeopardized”, “hostile work environment”, “...poor taste”, “...no communicated...plan”.

Respect for authority from and to the men and women of the fire department is imperative in order to safely accomplish the mission of *Safety Of The Firefighters* and *Safety To The Residents of Youngstown*. A breakdown in respectful behavior by all involved cannot and will not be tolerated. A lack of adherence to the chain of command and authority breeds contempt in any department and must not develop. When refusing to give respect, an assurance of safety to all is lost. Mayor Brown will not tolerate any less than complete respect directed from and to the women and men of fire department and all other departments in the City. The anecdotal evidence is that for years, the Fire Department had a fraternity structure in which raw and uncensored language was the norm. It is clear that the Youngstown Fire Department can no longer operate in an age when locker room talk was acceptable, and the belief that “boys will be boys’ and “men will be men”, and that any language is acceptable. If it wasn’t clear before, the message should be clear now, that all employees of the City of Youngstown will be treated with respect and inappropriate language will not be tolerated.

While the Union ultimately voted to support the “No Confidence Vote”, it is clear from the early release of the treatise that this was not the Fire Union speaking, but

that Charlie Smith was venting personal animus against Chief Finley. Charlie Smith, a finalist for the position of Fire Chief when the Mayor was interviewing candidates, failed to become Fire Chief. Since that time, Charlie Smith has worked to denigrate and devalue the qualifications of Fire Chief Barry Finley. To that end, Mr. Smith wrote a 10 page manifesto, with 19 pages of addenda, against Chief Finley in order to demonstrate that the Mayor appointed the wrong man. Mr. Smith prepared the "No Confidence" document, with conclusory comments and the results of the vote, days before the vote actually occurred. In that document he wrote, "The men and women of the Youngstown Professional Fire Fighters have lost all confidence in Fire Chief Barry Finley." This was written before the vote occurred. Mr. Smith goes on with his views, "The body believes the Chief is failing to lead...", again before a full vote was cast.

Charlie Smith mistakes Chief Finley's willingness to listen and compromise as "His stances continually flip-flop...". Chief Finley has endeavored to incorporate the views of the men and women of the department in order to maintain morale, keep a safe workforce, and find ways to adjust the department to confront a diminishing budget and a shrinking population. Chief Finley's effort to build consensus within the budgetary construct created by difficult financial circumstances has been mocked as weak by Charlie Smith.

Charlie Smith says that, "...his reversals consistently confirm his priorities are neither his fire fighters nor the citizens of Youngstown." There is NO ONE in the City of Youngstown who has given more safety service to the citizens of Youngstown. Chief Finley started as a Hospital Volunteer at the age of 14, breaking stereotype roles as a Candy Striper. He then worked as a Life Guard at Lincoln Pool, Bailey Pool and Chase Pool, during which time he saved 4 lives. Chief Finley then joined the United States ARMY to protect his country. The Chief was then an Emergency Medical Technician, where he again, saved lives and helped many more injured and afflicted. The Chief has been a Paramedic for 30 years. His efforts continued while he earned a Bachelor's Degree from Youngstown State University in Nursing and has worked countless emergency rooms shifts. Chief Finley has 26 years on the Fire Department force. It is only through the efforts of Charlie Smith to denigrate Chief Finley, that Chief Finley's dedication and motivations are questioned.

Charlie Smith cites eight (8) press reports to bolster his argument that Fire Chief Finley has no regard for the safety of his firefighters and no regard for the

community's safety. It must be noted, that press reports (where space is limited) are snapshots of portions of longer, broader, more in depth scenarios that are not always accurate portrayals of complicated processes. For example:

1. August 5, 2019 (WKBN) - Despite Charlie Smith's best effort to paint Chief Finley as callous and unconcerned about anyone's safety, one of the articles cited has the following: Chief Finley states, "Honestly, I think we've given enough and I'm just not willing to give any more." Further, "As far as decreasing the battalion chiefs, I'm not doing it," Finley said." Ultimately, administration decisions were made that did not comport with Chief Finley's views. Charlie Smith ignored the distinction in order to portray Chief Finley in a way that suggested he did not care about people's safety. The governmental decision making process is far more nuanced than one article or a Battalion Chief can relay.
2. August 14, 2019 (WFMJ) – Charlie Smith claims the Chief was flip-flopping because the Chief took one position and the administration took a different budgetary position. Chief Finley stated, "I am tired. I am tired of us giving and giving and giving." The fact that Chief's public position did not reflect the administration's ultimate decision can hardly mean the Chief flip-flopped.
3. August 28, 2019 (Community Solutions.com by Jessica Hardin, Youngstown Vindicator) – Charlie Smith says in his No Confidence treatise that "Chief Finley...agreed that emergency response times provided...by private ambulance...were not satisfactory for the citizens of Youngstown." Then he cites this article wherein a first responder run required the dedicated firefighters to conclude that without an ambulance available they would go to the hospital in the patient's own vehicle. Charlie Smith opines that, "By not having any training or proper equipment to be First Responders, the patient and the crew were set up for failure by Chief Finley." Chief Finley cited the bravery and quick thinking of responders to this emergency situation. Chief Finley continues to cite this and many other circumstances as proof of the need for extensive training. Since Chief Finley was appointed in February, 2018, he has been advocating for First Responder training and a city owned ambulance service to be certain the residents have appropriate

immediate emergency service. He has met with resistance from the beginning because his plans do not comport with those desired by Charlie Smith and others opposed to the appointment of Chief Finley. Smith says, "We have presented EMS plans...These plans were set aside without any relayed consideration to be implemented." Then Smith claims, "Numerous attempts were made to contact Chief Finley to discuss First Responding." The suggestion is that Chief Finley is not available to consider such a significant safety issue. The Smith concedes that meetings did occur, but adds critically that, "Meetings with the Chief were unproductive." Charlie Smith has been uncooperative and then criticizes that the Chief won't do what Charlie Smith wants him to do.

4. October 4, 2018 (WYTV) - Charlie Smith cites a news report and says that "...Chief Finley...was permanently shutting down Rescue Squad 33 due to the speculation of budget concerns." The article *actually* said, "The heavy rescue squad 33 now downtown, will move to the Bella Vista station and replace engine three." Charlie Smith says, the Chief said it was "...due to the speculation of budget concerns" and cites this same article. The article actually accurately points out that, "In May, a consultant working with Youngstown projected a \$16 million budget deficit over the next five years."

5. Charlie Smith says that "In July 2019, Chief Finley proposed cutting two Battalion Chief positions in order to help pay for the radio system completion," citing a July 25, 2019 news clip. The removal of battalion chiefs through attrition had been part of the administration's plans for citywide reductions in general and fire department consolidations for many months. The administration has been asking all department heads how the city can right size for the downturn in population that is clearly occurring. Chief Finley's comments were illustrations about how equipment expenditures can quickly consume projected savings from departmental personnel changes. His comments reflect the reality of the challenges of local government. Chief Finley's sincerity about the safety of his organization is demonstrated by his comments, "I am tired. I am tired of us giving and giving and giving." The administration acknowledged the dilemma and made training a number one priority so

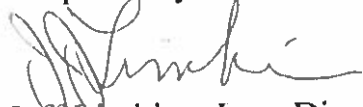
that more members of the firefighting team could do what the battalion chiefs do at a fire scene. It is important to note that when Youngstown was at the height of its population, there were 15 stations and now there are 8. After the upcoming move of Station 7, while there are NO plans to close anymore fire stations, adaptations in light of population shifts are inevitable. There are plans being developed to build a new fire station.

The Safer Grant is a Federal Grant that links staffing levels with certain funding. Charlie Smith cites the grant as evidence of Chief Finley's purported lack of concern for the safety of the firefighters. Mr. Smith fails to point out that the City is in the process of seeking a waiver of Safer Grant staffing levels. Chief Finley is not the final determiner of staffing level issues. A meeting with Union leadership more than a year ago gave the Administration the green light to limit staffing and work to keep the currently employed firefighters happy.

There were signs placed in various locations in the Fire Department that say, "FBF". This has been acknowledged to be a sign of derision, meaning – F███K BARRY FINLEY. It is hypocritical for Charlie Smith to condemn the Fire Chief for occasionally using strong language and neither control nor condemn his coworkers for the same conduct.

The analysis of factors leading to the NO CONFIDENCE conclusion are largely referenced in this response, but not exhaustively. The 10 page diatribe with attendant exhibits is factually misleading. A NO CONFIDENCE vote by the members of the union is certainly their prerogative. The information offered to the members of the union was grossly inaccurate. Prior to being asked to be a part of such a vote, the union members were not given the opportunity to have a full airing of the issues highlighted in this response. The Administration maintains complete confidence in Chief Barry Finley. The Chief attends every meeting of the Mayor's Cabinet and continually addresses the issues of safety, training and strengthening the Youngstown Fire Department. It is the hope of Mayor Brown, the Board of Control and all members of the Mayor's Administrative Staff that the Firefighters know that your safety and that of the public is the utmost concern.

Respectfully Submitted,



Jeff Limbian, Law Director