
BEFORE THE CIVIL SERVICE COMMISSION OF THE CITY OF MEMPHIS

IN THE MATTER OF:

VALERIE N. JACKSON,

Petitioner,

v.

COM File No. 18-00012

CITY OF MEMPHIS,

Respondent.

ORDER ON CIVIL SERVICE COMMISSION HEARING

On May 14, 2019, a Civil Service Commission hearing was held pursuant to an appeal filed by Valerie N. Jackson (“Ms. Jackson”) regarding a Hearing and Decision by the City of Memphis (“the City”) dated September 13, 2018, wherein Ms. Jackson was demoted from Fire Lieutenant to Fire Driver as a result of alleged infractions which occurred on April 17, 2018. As set forth below, the Commission reverses the City’s Decision.

BACKGROUND

On April 17, 2018, a citizen arrived at Ms. Jackson’s fire station in a frenzy and informed the firefighters that an auto accident had just occurred close to the fire station. This was not typical. Some firefighters approached the accident on foot to arrive at the scene in an expeditious fashion, including Ms. Jackson. They were the first to arrive. Others from her station arrived on the fire truck. At least one other fire station also responded to the scene with fire trucks and firefighters, including another Lieutenant, Corey Allen, who at the time had been with the Memphis Fire Department for many years. Ambulances also arrived and transported the injured. When the scene was under control and was being finalized, Ms. Jackson realized that she had been

cooking for the fire station, as they took turns so doing, and hurried back to make sure nothing was burning, including the fire station itself. In a hurry to ensure the safety of the station, she informed her driver what she was doing, but failed to inform Lt. Allen, the other senior firefighter at the scene. At the time, Ms. Jackson had been a Lieutenant for less than thirty days, and had been employed by the City since 2002.

FINDINGS

The City based Ms. Jackson's demotion on failing to comply with applicable City policy and Fire Department Rules and Regulations; the pertinent parts are as follows:

COM PM 38-2, Paragraph 12: absent without authorization and/or notice to the designated supervisor.

FD Section 102.1, p. 1, Regulations 2 and 3: fail to carry out responsibilities, fail to uphold and maintain standards of conduct... shall not exhibit conduct ... which impairs the efficiency of the Division...

FD Section 103.1, p. 2, Regulations 6 and 7: ... shall in no way hinder the orderly, efficient operation of the Divisions...

FD Section 103.1, pp. 2-3. Regulation 11, Sections g, h, and s: ... neglect of duty or negligence... conduct unbecoming...

The Commission strives to base its decisions on the applicable rules and regulations of each matter, as well as common sense, justice, equity and the good of the citizens of the City of Memphis. In this particular case, Ms. Jackson, as a young Lieutenant, reacted expeditiously to assist the injured citizens at the scene of the accident, and to bring about order to achieve safety for other drivers near the scene and those who were approaching the scene. A particularly important fact is that the call to assist did not come through the typical channel; that is, by radio. It came from a citizen who apparently ran to the fire station screaming for help. A typical reaction of a Good Samaritan would be to rush to the scene to assist without any other thought. She should be commended for such behavior. Further, the primary reason she was demoted was because she failed to properly terminate command at the scene; that is, she failed to tell Lieutenant Allen that

she was leaving the scene to assist with a believed emergency back at the station. There was no testimony that her failure to do so caused any harm, only that it may have under different circumstances. Further, Lieutenant Allen himself testified that he did not write up this failure on the part of Ms. Jackson, and intended to use the incident to train Ms. Jackson, but six months later, Ms. Jackson was demoted by the Department for the incident.

The action by the City of Memphis in demoting Ms. Jackson was designed to follow the letter of the law as opposed to the spirit of the law. Under the circumstances, the City's reliance on the cited Rules and Regulations to demote Ms. Jackson is neither just nor equitable. And it is the Commission's duty to meet out justice and equity. According to www.worldpopulationreview.com, Memphis is the largest city in Tennessee, the third largest city in the Southeastern U.S., and the twentieth largest city in the United States. Almost sixty-four percent of its citizens are African American. In this modern day and time of the continued striving after equal rights for minorities, and particularly women, and especially in this City, blessed by the martyrdom of Martin Luther King, Jr., it is incumbent upon all of us to strive for these rights. Under the facts of this case, at most, a written reprimand would have been sufficient to continue to train and groom a young Lieutenant, and importantly, as Senior Lieutenant Allen testified, a more constructive handling of the situation would have been to use it as a training event in order to encourage the development of a new Lieutenant.

Ms. Jackson, as an African American female, and as a fire fighter in the City of Memphis, is a much needed role model to many young people in our City. We should do our best to encourage other young minorities and females to serve our City in such a worthy occupation, particularly in an occupation still dominated by males. Our society, and in particular **this** City, needs, and cries for, role models such as Lieutenant Jackson.

DECISION

All of this having been said, this decision is solely based on the conduct of Ms. Jackson and the applicable Rules and Regulations relied upon by the City. Ms. Jackson's long service to this City was also taken into consideration.

This Commissioner finds that Lieutenant Jackson should be reinstated to her former position as Lieutenant with full back pay, and receive any training necessary to get her up to speed after having been off work and having lost such training and experience for almost a year. It is sufficient discipline for Lieutenant Jackson to have been off the job since September 2018 to encourage her to be more mindful in following the Rules and Regulations as a City of Memphis firefighter and Lieutenant.

THE CIVIL SERVICE COMMISSION
OF THE CITY OF MEMPHIS

s/ Jeffrey A. Land

Jeffrey A. Land

Civil Service Commissioner

Dated this 30th day of July, 2019.

NOTICE

If a party is dissatisfied with this Ruling, they make seek review by the full Civil Service Commission by filing a request for appeal within fourteen days, or may seek review by the Shelby County Chancery Court by filing a request within sixty days, both from the date of this Order.