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Vacationing fireman goes to school; then gets suspended by city

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By VICTOR ASSERSOHN

A veteran Winter Park firefighter has been suspended and threatened with being fired after he went to school while on vacation.

The row erupted in public Tuesday night hours after three-year veteran firefighter Dan Bennett had been told by Fire Chief Mike Molthrop that he was recommending his instant dismissal. Bennett had also been told by assistant city manager John Litton that he would be suspended on full pay.

Sixteen angry firefighters went to the Civil Service Board meeting to support Bennett, who asked the board to waive a standard operating procedure

rule which bans firefighters from using vacation hours to study courses not related to firefighting.

On one occasion—in a rare display of dissatisfaction in public with their bosses—the firefighters jeered some board members but applauded board member Anne Hamilton who said that she wouldn't let anyone tell her what to do on her vacation.

Bennett, who has been studying for a psychology degree at the University of Central Florida and graduates on April 29, told the board that in the second week of January he had asked for and been granted 24 hours vacation time.

It was common knowledge in the fire department that he had used vacation hours in the past to go to school and no one had asked him what he was going to do with his time, Bennett told the board.

'If a person earns a vacation, how they spend that vacation time is their own business.'

—Anne Hamilton

"I agreed that I should be honest with Chief Molthrop as to my intended use of vacation hours. Once in the chief's office I quick-

ly realized that Chief Molthrop wanted one of two things, one that I be disciplined for breaking standard operating procedures so as to set an example for others hoping to use vacation hours for school, or since I would probably be leaving in the future, I should resign so as not to blemish my record," said Bennett.

Bennett says that he verbally resigned, but thought differently about it when he got home because, among other things, he had enrolled in the degree program before the rule had been brought in.

And he reasoned that if anyone had any questions about how he was to use his time, they

should have asked before approving the request.

"It cannot be right to punish someone later for doing something that was approved in the first place. I honestly believe that the only reason my request for time off was approved was to make an example out of me for anyone in the fire department wishing to use their vacation time for school," said Bennett.

Asking the board to waive the rule because of his "unique situation," Bennett added: "The fact that I have been forced to resign or stay with the certainty of a bad reference in the future and probable time off without pay,

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tion time is their own business. I don't understand this. I don't think anyone should tell me what to do with my time."

Bennett took to the meeting a memo from Fire Chief Molthrop which stated: "I am recommending that you be discharged effective immediately."

The recommendation that he be fired was on the grounds of "insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force, or discourtesy to persons with whom employee comes into contact while in the performance of his duties."

About an hour before the board meeting on Tuesday Bennett was told in a memo from assistant city manager John Litton that he would be suspended on full pay until Friday, Feb. 8 at 9 a.m. when he is due to meet Litton and other city officials to discuss the charges levelled against him.

The civil service board upheld Bennett's suspension on full pay until the Friday meeting and held back considering waiving the rule for Bennett.

As he walked from the room, followed by his colleagues, Bennett said angrily: "I think it stinks. I believe Chief Molthrop is trying to make an example out of me to stop other people going to school. I would have thought a day or two without pay as a punishment but firing is a little bit uncalled for," said Bennett.

is, in my opinion, unfair. What is happening to me here may or may not be legal—the real question is whether it is right or wrong. I ask that the standard operating procedure regarding use of vacation time for school be waived in my case as I believe this is a definite infringement of my rights to freedom of choice."

During the often stormy meeting, Bennett said: "I think I am getting the short end of the stick in this issue." Molthrop and Litton made no comment on Bennett's claim for the waiver or on his suspension.

"It seems to me that there is a serious problem with the standard operating procedure. I can take vacation time and go fishing, I can do anything but this standard operating procedure says I can't go to school," said Lieutenant Larry Nyren.

Board chairman Jim Moreland countered: "If you are going to go to school and it's not connected with firefighting, you are looking to advance yourself indirectly or get qualified for a different job than you are doing—that will mean individuals leaving the department."

Board member Anne Hamilton drew applause when she said: "If a person earns a vacation, how they spend that vaca-

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Firefighter

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