

Firefighter returns to work after flap over school time

By Yvonne C.T. Vassel

OF THE SENTINEL STAFF

WINTER PARK — A Winter Park firefighter who was threatened with suspension and dismissal after he violated a department policy on taking time off for school returned to work Friday with a clear record.

Firefighter Daniel Bennett, who has worked for the agency for three years, was told Tuesday that he would be suspended with pay.

Assistant city manager John Litton scheduled a review of Fire Chief Mike Molthrop's recommendation to fire Bennett, but by Friday Molthrop had changed his mind and Bennett returned to regular duty.

Bennett, 27, got into trouble when he failed to notify his supervisors that he was attending daytime classes at University of Central Florida.

When he began taking vacation time off in small increments in January, he was cited for violating a policy enacted last September that seeks to regulate the amount of time firefighters can take off for education.

Bennet said he is in his final semester at the university and will obtain a degree in psychology at the end of this semester.

The policy states in part: "Any educational class that will interrupt an employee's regular scheduled shift must be approved in advance by the fire chief or assistant fire chief through the chain of command. Due to training classes, pre-fire planning classes, daily work schedules, etc., there will be no personal educational classes permitted that will interrupt these important daytime duties..."

However, exceptions are made if the class is necessary for a degree that will be job-related and if a class required for the degree is not available at any other time.

If grades and performance in departmental training classes fall below an "acceptable level," the policy reads, the exceptions will not apply.

"Our normal practice previous to us adopting this... was that daytime classes were not normally approved," Molthrop said. "Most people getting schooling did so at night but we had some people in the paramedic program who had problems get

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ting their classes at night."

Firefighters began using different ways to take time off, often in small chunks of a few hours of their 24-hour shifts, Molthrop said.

"This interrupted our schedule and the activities of the shift. One problem I encounter is I have minimum manning levels I have to maintain, so if someone is off for a few hours I have to force someone to work overtime for an entire shift," the chief said.

Molthrop said the purpose of the new policy was to make it easier for people to take classes while still ensuring that the fire stations were staffed.

After speaking to Bennett and other firefighters, Molthrop said Friday he had decided not to discipline Bennett. He instead will ask the city's civil service board to re-examine the policy.

Bennett also had sought to have the civil service board examine the policy at its Feb. 5 meeting. At that time he asked for a waiver of the policy for him because he had been attending classes for more than a year and had almost completed his degree requirements.

However, the board — anticipating that Litton would hold a hearing on Molthrop's request that Bennett be fired — postponed discussion, although more than a dozen firefighters at the meeting urged the members to discuss the policy.

In a letter to the board, Bennett said that during the second week of January he had obtained 24 hours of vacation time, of which he took 12 hours on Jan. 18 and another 12 on Jan. 21. No one questioned him about why he was taking the time off, he wrote.

Bennett said he assumed everyone knew he was using the time to go to school because he had taken time off in the past in a similar way. He was later questioned by his shift commander and taken to meet with the chief.

At the meeting with Molthrop, Bennett said he verbally agreed to resign but later changed his mind because he felt the chief was using him as an example. Then he contacted civil service board chairman James Moreland to have the board act on his waiver request.

Molthrop said that his request to have Bennett fired was perhaps extreme, although it was allowed by city personnel policies. He said he was angry at Bennett's policy violation and then his breaking of the "gentleman's agreement" reached at their meeting

when Bennett agreed to resign.

"When I didn't get his resignation, that he said he was going to give after we discussed the different options, I decided to ask for his termination," Molthrop said.

"In no shape or form do I wish to control what someone does on their vacation time," Molthrop said. "It's a scheduling situation."

At the Tuesday meeting, Moreland interpreted the policy as saying that an employer is not required to help advance someone's education if that schooling is not directly related to the employee's current job and will interrupt the work schedule.

However, board member Anne Hamilton said she was puzzled by the issue.

"I guess I don't have a clear understanding of why the way a person uses vacation time would be anyone's business... unless it's detrimental to the way they perform their job," Hamilton said.

Some firefighters later complained



Molthrop

that the department makes it too tough for them to take classes.

"They give you miles and miles of endless red tape. They don't seem to understand the value of schools... so what it does is put people off," said one firefighter who requested anonymity.

Fire Lt. Reed DeVault said he was upset by Molthrop's handling of the case.

"The man [Bennett] was wrong but whether the chief is right legally... the question is whether it was fair," DeVault said.

DeVault and some other firefighters agreed the board needs to re-examine the policy to make it work better, and Molthrop said he will ask for that review.

"The thing I regret is I was under the impression there were no problems with the [policy]," Molthrop said. "It's never been the intention of this department to prevent people going to school. We are not going to tighten it [the policy] to make that harder, but it apparently does need some changes while keeping in mind my big push for a successful in-house training program."

Molthrop said he will work with Bennett so he can complete his classes while still working regular duty.

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