



The City of Morgantown

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Civil Service Commission

MODIFIED AGENDA & NOTICE OF EMERGENCY MEETING **FIRE CIVIL SERVICE COMMISSION**

April 14, 2021
9:00 a.m.

To protect public health during the COVID-19 pandemic, this meeting will take place **via WebEx** at <https://cityofmorgantown.my.webex.com/cityofmorgantown.my/j.php?MTID=mdaeaa94270dd42eb4a538a38cae26795> using the meeting number 132 385 1983 and password QZi7icPR6J4 if prompted. The public can also listen live by calling 415-655-0001, using the access code 132 385 1983, and password 79474277 from phones and video systems.

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES:** February 17, 2020
- 3. NEW BUSINESS**

Request for Hearing on Shift Differential Pay Change by Firefighters

The Morgantown Fire Civil Service Commission has received a request for a public hearing under W.Va. Code § 8-15-1, *et. seq.*, from Counsel for approximately 47 Firefighters. The City of Morgantown has responded through the City Attorney and argues that no hearing is required.

The Fire Civil Service Commission has decided to hold a hearing on the threshold jurisdictional issue, only, i.e., whether under the law as interpreted by the West Virginia Supreme Court of Appeals in *Boggess v. City of Charleston*, 234 W.Va. 366 (2014), allows the Commission to hear the dispute over shift differential pay.

The Fire Civil Service Commission will hear argument from Counsel for the Fire Fighters and the City Attorney and then go into executive session to obtain advice from Counsel for the Civil Service Commission, Wendy Adkins, Esq.

The Fire Civil Service Commission may continue the hearing on this matter to a second date to take testimony from witnesses, but will not hear from witnesses on April 14th to allow the jurisdictional issue to be decided first, and then to schedule a second date for witnesses, if necessary.

- 4. EXECUTIVE SESSION**
 - A.** Pursuant to West Virginia Code Section § 8-15-1, *et. Seq.*, to obtain advice from Counsel
- 5. ADJOURNMENT**

CC: Mark Caravasos, Fire Chief
Shane Mardis, Chair

Noel Hoffman, Commissioner
Michael Jacks, Commissioner
Sandy Dent, Fire Secretary
John Bihun, Human Resources
Mitchell Beall, Morgantown Firefighter IAFF Local 313 President
Joshua D. Miller, Esq., Counsel for Firefighters
Wendy Adkins, Counsel for Fire Civil Service Commission
Ryan Simonton, City Attorney

Posted: 04/12/2021

Amended agenda posted: 04/13/2021

For accommodations, please contact us at 304-284-7434.