



# office memorandum

**Date:** October 14, 2009  
**To:** Butch Crawford, President IAFF 2067  
**From:** Chief James Fullingim, Fire Chief  
**Subject:** Tim Terrel Grievance

---

On October 2, 2009, I received a grievance “filed on behalf of [Driver/Engineer Tim Terrel]. In short, the grievance contends that Firefighter Terrel should not have been placed on sick leave while obtaining a second opinion regarding a heart abnormality discovered during a HAZMAT physical. The solution set forth in the grievance is a “make whole remedy” which requires restoration of all leave and benefits used while Firefighter Terrel sought a second opinion, back pay, and return to active duty “until a competent medical Doctor has examined him.”

The decision to place Firefighter Terrel on sick leave while he obtained a second opinion regarding a heart abnormality discovered during a HAZMAT physical was made on September 14, 2009. Under the City/IAFF CBA Article 8, Section 1, Step 2, the deadline for filing a grievance regarding this decision was September 28, 2009. Because the grievance filed on behalf of Firefighter Terrel was not filed on or before September 28, 2009, it is untimely and must be denied.

Even if this grievance was submitted in a timely manner, however, it still must be denied. While I do not believe that I can disclose the medical documentation received by the Fire Department regarding Firefighter Terrel, to date, the Department has not received any information which supports a finding that Firefighter Terrel is disabled. In fact, while I do not know the source of the Union’s information, the grievance submitted “on behalf of” Firefighter Terrel concedes that he is not “disabled and there has been no competent medical finding that he is.” If the Union is aware of any information which supports a finding that Firefighter Terrell is disabled, please forward it to me and I will review it for the purpose of determining whether Firefighter Terrel is entitled to a “make whole remedy.”

If you have any additional concerns, please feel free to contact me. If you believe that further action is warranted, please consult the City/IAFF CBA for any additional rights you may have.

cc: Gala Hicks, Director of Human Resources  
Rickey J. Knighton II, Assistant City Attorney  
Rebecca Frazier, Assistant City Attorney