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Thursday, May 31, 2007

## Terminations upheld by HVFD directors

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KINGMAN - The Hualapai Valley Fire Department Board of Directors voted to uphold the decision of Chief Wayne Eder to terminate two firefighters.

In a 3-1 vote Tuesday, the board decided to go against the decision of the fire district's Personnel Board to reinstate firefighter Jeff Campbell. Chairwoman Patti Lewis was not present due to health issues. The vote was 4-0 to not reinstate Oscar Lopez.

"As far as the district is concerned," Eder said to the board before they made their decision. "I stand by the termination of both employees."

Campbell, who was present at the meeting, questioned why the board took so long to make a decision on the appeal following the Personnel Board's findings on Feb. 15.

Several board members said that they did not receive the testimony from the Feb. 15 hearing until early April and scheduled the hearing at the next board meeting.

"If you seemed to care, you wouldn't have waited so many days," Campbell said.

Campbell had worked his way up from a volunteer to a full-time employee at the fire district since 1983. He was fired for allegedly harassing two firefighters on three separate occasions.

"I believe the evidence presented by Mr. Campbell didn't address the issue," Board Member Jimmie Bodenhamer said. "It seemed to me to be a lot of lack of care for firefighters. I didn't see him disputing the testimony."

Bodenhamer, like fellow Board Member Edward Schrum, said that he didn't know how the Personnel Board came to their decision to recommend reinstatement for Campbell at the hearing from the testimony presented.

Schrum said that he felt Campbell didn't support himself enough at the hearing, and he felt that Eder had presented a stronger case.

The fire district board members were not present at the Personnel Board hearing but reviewed the testimony and evidence presented at the hearing.

Campbell made an appeal to the board to follow the recommendations made at the hearing by the Personnel Board made up of four outside fire chiefs and a local businesswoman selected by the district.

"I have to follow the recommendations made by me," Schrum said. "I feel your defense was very weak."

At the hearing, the Personnel Board determined that the burden of proof by a preponderance of the evidence was up to Eder. They determined the burden had not been met in the termination of Campbell and he should be reinstated.

Board Member Gene Newman was the lone vote against accepting the decision of Eder to terminate Campbell but had no comment when asked why he voted so.

United Professional Firefighters of Kingman President Robert Borker also addressed the board on behalf of Campbell and Lopez, who was not present.

The Board unanimously voted to uphold the decision of the chief and the findings of the Personnel Board that the termination of Lopez was valid.

Lopez was terminated while on probation following an incident where he allegedly gave a firefighter unsafe equipment.

For that error, Schrum said he felt the termination was justified because Lopez wasn't meeting the requirements of his job.

In the midst of this, all the parties are involved in a wrongful termination suit filed by Campbell, Lopez and four other former Hualapai Valley firefighters.

The lawsuit filed Jan. 19 in the U.S. District Court in Arizona against the Hualapai Valley Fire District, its chief and its board members charges the defendants with unconstitutional termination of James Schnabel, Kamrin Dooley, Mike Carlson, Randall Nyberg, Campbell and Lopez.

The lawsuit claims the plaintiffs have been subjected to unlawful retaliation and discrimination. They are seeking compensation, damages, benefits and other relief.

Each former firefighter claimed their termination was a result of being members of the United Professional Firefighters of Kingman, an affiliate of the International Association of Fire Fighters. The local union is comprised of firefighters employed by the Kingman Fire Department and the HVFD.

In the lawsuit, the plaintiffs claim Eder and board members made derogatory remarks about the firefighters' union and discouraged employees' enrollment. The plaintiffs also claim action was taken against them by the district after they raised concerns involving public safety, an alleged hostile work environment and conduct of their supervisors.

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