



office memorandum

Date: October 14, 2009
To: Butch Crawford, President IAFF 2067
From: Chief James Fullingim, Fire Chief
Subject: R. Leroy Lukinbill Grievance (Workers' Compensation)

I have received and reviewed a grievance concerning R. Leroy Lukinbill's use of sick leave for cancer treatment. In short, the grievance contends that Firefighter Lukinbill's request for OJI leave and benefits was never granted and that Firefighter Lukinbill's absence due to cancer was charged as sick leave with his medical bills paid directly from the employee health insurance. The solution set forth in the grievance is a "make whole remedy" which requires restoration of all leave and benefits used while Firefighter Lukinbill was off work due to cancer treatment.

Under the City/IAFF CBA Article 8, Section 1, Step 2, the deadline for filing a grievance concerning this decision was May 26, 2009. Because the grievance filed on behalf of Firefighter Lukinbill was not filed on or before May 26, 2009, it is untimely and must be denied.

Even if this grievance was submitted in a timely manner, however, it still must be denied. The City has neither approved nor denied Firefighter Lukinbill's OJI request. As such, the issues raised in this grievance are not yet ripe, meaning the concerns raised by the IAFF on Firefighter Lukinbill's behalf are not yet to the stage where they may be reviewed or resolved through this process. The City has not denied Firefighter Lukinbill any benefits.

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.