



October 9, 2026

Travis Jacott
ADAMS & SULLIVAN, P.C., L.L.O.
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Papillion, NE 68046
Phone: (402)339-9550
Cell: (402) 709-2572
City Attorney
City of Fremont
400 East Military Avenue
Fremont, Nebraska 68025

Re: Andrew Coates – Demand to Restore Opportunity Denied in Firefighter/EMT Hiring Process

Dear City Attorney Travis Jacott:

We write regarding Andrew Coates and the City's recently posted Firefighter/EMT or Paramedic position. Thank you for speaking with us on October 7th.

We have reviewed the City's October 2, 2026, posting for a Firefighter/EMT or Paramedic position. The posting raises a serious concern regarding the City's continuing treatment of Mr. Coates. As you know, the City recently adopted Resolution No. 2026-256 and abandoned the policy under which it refused to consider graduates of Rule 13 schools. The City has therefore effectively acknowledged that the educational credential on which it excluded Mr. Coates should not have barred his consideration for employment. Additionally, the Civil Service Commission unanimously found that "there were irregularities in this Firefighter/EMT selection process that relates to Mr. Coates."

Yet instead of restoring Mr. Coates to the position he would have occupied absent the City's conduct, the City has chosen a different course. The City has not reinstated him to the hiring process from which he was excluded, has not provided the testing and interview opportunities he was denied, has not placed him on an eligibility list, and has not otherwise afforded him equivalent consideration. Instead, the City has posted a materially different position that combines entry-level and lateral candidates, thereby changing the competitive field and creating new criteria under which experienced applicants may be favored.

I have attached both the original and the current application form to make the distinction clear, as exhibits 1 and 2. The October 2, 2026, posting does not place Mr. Coates in the position he would have occupied absent the City's unlawful exclusion. The October 2 posting is not an equivalent substitute. When Mr. Coates applied in April 2026, he sought an entry-level Firefighter/EMT position and would have competed only against the applicants eligible for that hiring process. After excluding him, the City first formalized the accreditation requirement it had

applied to him and then, after abandoning that policy, did not restore him to the process from which he had been excluded. Instead, the City created a materially different hiring opportunity by opening the position to lateral candidates that possess at least two years of paid, full-time professional Firefighter/EMT or Firefighter/Paramedic experience. The City also affords the lateral candidates an express exemption from the written examination that entry-level applicants must complete. The inclusion of lateral candidates expands the applicant pool, alters the competitive landscape, and introduces a new basis on which applicants with prior career-department experience may be preferred over Mr. Coates. Consequently, the October 2 posting is not equivalent to the opportunity the City denied him; it is a different position, involving a different competitive field, at a different point in time, and therefore does not remedy the injury caused by his exclusion from the April 2026 hiring process.

The disparity is further compounded by the number of available positions. We understand that the April 2026 hiring process resulted in four firefighter appointments. Although the October 2 posting does not identify the number of positions to be filled, we understand that the Fire Department presently has only one vacancy. If so, Mr. Coates is now being required to compete for substantially fewer opportunities, against a different applicant pool that includes lateral candidates. A process offering one potential appointment cannot restore the opportunity Mr. Coates was denied to compete for one of four appointments in the April 2026 process.

From our perspective, this development confirms that the City's adoption of Resolution No. 2026-256 has not remedied Mr. Coates's injuries. The City deprived him of the opportunity to compete in the April 2026 process. Having now removed the accreditation barrier, the City cannot simply require him to start over in a different process with different competitors and contend that the prior exclusion has been cured.

Accordingly, Mr. Coates demands that the City immediately place him in the same position he would have occupied but for the City's unlawful exclusion from the April 2026 Firefighter/EMT hiring process. The City should process and evaluate his April application under the criteria and selection procedures that governed that hiring cycle, permit him to complete each testing and interview stage he was denied, and assess his candidacy in relation to the same April 2026 applicant pool against which he would have competed. Requiring Mr. Coates instead to apply anew and compete against a later, materially different pool – including lateral candidates admitted under different criteria and procedures – does not restore the opportunity the City took from him.

Additionally, to avoid any suggestion that Mr. Coates has failed to mitigate his damages or abandoned his interest in employment with the City, he intends to submit an application in response to the October 2 posting. However, his participation should not be construed as an acknowledgment that the October posting provides an adequate remedy. It does not. Mr. Coates expressly preserves all legal rights and preserves his demands made here. His application is made solely to preserve his employment opportunities and mitigate the continuing consequences of the City's prior conduct, and does not waive any claim, remedy, damages, or requested relief arising from that conduct.

As part of a pre-suit resolution, Mr. Coates also demands payment of \$20,000 for attorneys' fees and costs incurred to date in addressing the City's actions and pursuing relief on his behalf. As you are aware, if federal litigation becomes necessary, the City's potential exposure would not be limited to Mr. Coates's damages or other substantive relief. If Mr. Coates prevails, it would also include reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

The ACLJ remains willing to discuss the precise mechanics necessary to fully restore Mr. Coates to the position he would have occupied in the April 2026 Firefighter/EMT hiring process and to permit his candidacy to be evaluated against the April 2026 applicant pool. Because the City's current hiring process is already underway, prompt resolution is necessary to avoid further complicating the relief required. Please advise us no later than October 16, 2026, whether the City will agree to provide the requested relief. If the City declines, Mr. Coates will pursue remedies available to address the injuries resulting from his exclusion.

Sincerely,

/s/ Nathan J. Moelker

NATHAN MOELKER

LINDSEY BACHMAN

BENJAMIN SISNEY

AMERICAN CENTER FOR LAW AND JUSTICE

A large black rectangular redaction box covering the signature and any accompanying text for Nathan J. Moelker.

/s/ Shane J. Placek

Shane J. Placek

SidnerLaw

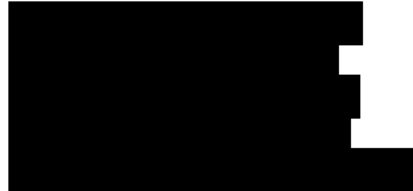
A large black rectangular redaction box covering the signature and any accompanying text for Shane J. Placek.

Exhibit One

Firefighter/Emergency Medical Technician or Paramedic

Estimated Annual Wages \$56,689 to 90,000 - depending on experience and qualifications

CLOSING DATE: April 12, 2026

Please read entire posting, including minimum requirements, application instructions and hiring process schedule.

NATURE OF WORK

This is skilled firefighting and emergency medical work in combating, extinguishing, and preventing fires, operating and maintaining fire equipment, apparatus, and quarters, and responding to medical emergencies and rendering emergency medical assistance.

Work also involves custodial maintenance of fire station equipment, apparatus and quarters. Employees of this class learn and participate in the operation of apparatus and the performance of hazardous tasks under emergency conditions. Firefighting and rescue work are the most difficult and responsible areas of activity, a major portion of time is spent training and studying methods, techniques, and organization, and in routine duties in the care and maintenance of fire department property and equipment. Work is usually performed in accordance with specific instructions and well-defined policies and procedures, under the command of a superior officer. Supervision is received from an administrative superior.

MINIMUM TRAINING AND EXPERIENCE

To be qualified to apply and test for the Firefighter/EMT position, candidates must meet **all** of the following criteria listed in blue. Items in green are preferred:

- Graduation from high school or equivalent GED,
- Any combination of training and experience that provides the above knowledge, abilities, and skills,
- Incumbent must possess a valid Nebraska Driver's License when operating a vehicle,
- Possess current Nebraska license as an Emergency Medical Technician - Basic
 - Also having a National Registry as an Emergency Medical Technician - Basic is preferred

- Must reside within 30 linear miles of city limits on a serviceable road.
 - Candidates residing outside the residency requirement must establish residency within 30 linear miles within the first six months of employment.
- Ability to meet such physical requirements as may be established by the City.
- Preferred: National Registry Certification and State of Nebraska License as a Paramedic,
- Preferred: Experience with a career, combination, or volunteer fire department in the field of firefighting
- Preferred: NFPA 1001 (Firefighter I) and NFPA 1072 (Hazardous Materials Operations) certifications recognized by the Nebraska State Fire Marshall.
- Preferred: Associates Degree or higher in Fire Science or related field.
- Preferred: Ability to converse effectively in Spanish.

NOTE: Any candidate that does not possess NFPA 1001 Firefighter I and NFPA 1072 Hazardous Materials Operations recognized by the Nebraska State Fire Marshal at the time of hire will be required to obtain such certification within one year of employment.

Application Instructions and Schedule:

- **In order to be considered**, please complete and submit the application available on the city's website (www.fremontne.gov). If you are viewing this posting on any other website, you must visit the city's website to obtain the city's application and submit a completed application to be considered.
- Upon receipt of your application, we will email you an additional questionnaire to complete and submit. This questionnaire must be completed and returned before the application period closes on April 12, 2026.
- In addition to submitting your application, you will need to submit a completed Personal History Statement (PHS) and the additional documents that are listed on the first page. The PHS will be due later in the hiring process, but we encourage you to begin gathering the information and documentation now.
 - You can find the PHS through this link
 - https://fremontne.gov/DocumentCenter/View/6264/Firefighter-Candidate-Background-Packet-and-Release-02-2022_v322
 - Tentative due date for your completed PHS will be May 1, 2026.

Selection Process - All candidates must be available for the following hiring exercises, all are conducted in person:

- Written Testing – This is a written entry level test. Testing is tentatively scheduled for the Week of April 20th.
- Physical Agility Test - Testing is tentatively scheduled for the Week of April 20th. The PAT is usually conducted the same day as the written testing.
- Chief's Interview – in-person interview. We will notify you of a date at a later time.
- Command Panel Interview - in-person interview. We will notify you of a date at a later time.
- Fingerprinting – required for all firefighter candidates. Further instructions are provided during the hiring process, after your application has been received.
- Background Checks
- Civil Service Commission Interview – in-person interview. We will notify you of a date at a later time.

Candidates must be available for all scheduled hiring activities to be considered. We will attempt to work with scheduling conflicts, but alternative dates or times may not be available.

If you have any questions regarding your application packet or the selection process, please contact the Human Resources team at (402) 459-2371 or johns@fremontne.gov.

Helpful Links:

- **Personal History Packet:** https://fremontne.gov/DocumentCenter/View/6264/Firefighter-Candidate-Background-Packet-and-Release-02-2022_v322. You may also obtain the form by going to our website at www.fremontne.gov, hovering over "Government" in the top menu, selecting Human Resources, and then selecting the Police Officer Candidate Packet in the menu on the left.
- **Nebraska State Fire Marshal Training Schedule:** https://nebraskasfdmtd.ne.gov/Courses/Courses_Avail.aspx

Exhibit Two

Employment Opportunities

[RSS](#)[Notify Me](#)

Fire

**Firefighter (EMT or
Paramedic, Entry
Level or Lateral)**

Firefighter/Emergency Medical Technician or Paramedic (Entry Level or Lateral)

Estimated Annual Wages \$58,106 to
92,372 - depending on experience and
qualifications

**APPLICATION CLOSING
DATE: November 1, 2026**

Job Details

Category

Fire

Status

Open

Posted

October 2, 2026

Closing

November 1, 2026 11:59
PM

Tools

[Application Form](#)

Select Language



[Google Translate](#)

Please read entire posting, including minimum requirements, application instructions and hiring process schedule.

NATURE OF WORK

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- **In order to be considered**, please complete and submit the application available on the city's website (www.fremontne.gov). If you are viewing this posting on any other website, you must visit the city's website to obtain the city's application and submit a completed application to be considered. Applications must be submitted by November 1, 2026.
- Upon receipt of your application, we will email you an additional questionnaire to complete and submit. This questionnaire and the requested copies of documents must be completed and returned no later than November 2, 2026.

Selection Process - All candidates must be available for the following hiring exercises, all are conducted in person:

- **Written Testing** – This is a written entry level test. Testing is tentatively scheduled for the Week of November 9th. Your testing date will be provided after your completed application packet is received.
- **Physical Agility Test** - Testing is tentatively scheduled for the week of November 9th. The PAT is usually conducted the same day as the written testing.
- **Chief's Interview** – in-person interview. We will notify you of a date at a later time.
- **Command Panel Interview** - in-person interview. We will notify you of a date at a later time.
- **Fingerprinting** – required for all firefighter candidates. Further instructions are provided during the hiring process, after your application has been received.
- **Background Checks**

- Civil Service Commission Interview – in-person interview. We will notify you of a date at a later time.

Candidates must be available for all scheduled hiring activities to be considered. We will attempt to work with scheduling conflicts, but alternative dates or times may not be available.

If you have any questions regarding your application packet or the selection process, please contact the Human Resources team at (402) 459-2371 or jobs@fremontne.gov.

Lateral Firefighter Applicant Qualifications & Process

In order to qualify as a lateral candidate, applicants must meet the following criteria:

1. At least two years of experience as a paid, full-time professional Firefighter/EMT or Firefighter/Paramedic with a fire department. The department's primary responsibility must include fire suppression/protection, Emergency Medical Services (EMS), hazardous materials response, and technical rescue response. Volunteers, part-time, and seasonal firefighter experience do not qualify.
 - a. Must be currently employed by a career (paid, full-time) fire department.
 - b. If there is a gap in continuous experience within the past two years, the break must be less than 30 days to qualify as a lateral applicant.
2. Must possess a current Nebraska EMT or Paramedic license.

3. Must possess a current National Registry of Emergency Medical Technicians (NREMT) EMT or Paramedic certification.
4. EMS Certifications: EMT's must possess a current American Heart Association (AHA) CPR/BLS certification. Paramedics must possess current AHA CPR/BLS, AHA ACLS, and AHA PALS certifications.
5. Must possess current Nebraska Firefighter I and Nebraska Hazardous Materials Operations (HazMat Ops) certifications. (Nebraska State Fire Marshal or Pro Board and IFSAC)
6. Preferred Qualifications: Nebraska Firefighter II (Nebraska State Fire Marshal or Pro Board and IFSAC)

Lateral Application/Testing Process:

1. Applications: In order to qualify for the lateral hiring process, candidates will need to demonstrate the required experience on their application and provide copies of their licenses/certifications (FF1, Haz Mat Ops, ACLS, PALS, etc.) to demonstrate they meet the above requirements.
2. Once lateral status is confirmed, the candidate will proceed in the hiring process.
3. Lateral candidates will not be required to complete the written exam. They will be required to participate in all other hiring steps.

Helpful Links:

- **Personal History Packet:**
<https://fremontne.gov/Documents/Center/View/6264/Firefighter-Candidate-Background-Packet->

and-Release-02-2022_v322.
You may also obtain the form
by going to our website at
www.fremontne.gov, hovering
over "Government" in the top
menu, selecting Human
Resources, and then selecting
the Police Officer Candidate
Packet in the menu on the left.

Nebraska State Fire Marshal Training

Schedule:

[https://nebraskasfmdt.ne.gov/Courses/Cou
rses_Avail.aspx](https://nebraskasfmdt.ne.gov/Courses/Courses_Avail.aspx)

 Government Websites by CivicPlus®