

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
SPECIAL MEETING – TUESDAY, JULY 11, 2023**

CALL TO ORDER:

The meeting was called to order at 5:00 PM.

ROLL CALL:

Present were members Amie Espinosa-Gonzalez, Co-Chairman Sam Spann and Chairman Donald Schiffbauer. Also present were Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

AUDIENCE COMMENT:

Chairman Schiffbauer asked if anyone in the audience wished to speak.

Police Chief Freeman asked the Commission to imagine the police came to their homes and arrested them because of something that was said by a couple of people and then not being given the right to due process. He stated that that wouldn't happen. He asked that he also be afforded his due process rights and hoped that they wouldn't consider any outside influences. He explained that he had given the Commission a packet of information regarding Civil Service Commission's Rule X that supported his right to appeal. He stated that per Civil Service Commission Rule II, Section 9, the term "Employee, shall signify any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer that is not under the jurisdiction of the AFSCME, AFL-CIO bargaining agreement", and that he fell under that definition of employee. He mentioned that Article 9 of the AFSCME contract stated that pursuant to ORC 4117.10(A) the "North Ridgeville Civil Service Commission shall not have the authority to exercise jurisdiction in any matter over members of the bargaining unit" and that the contract superseded the Commission's rules. He stated that he was an employee of the North Ridgeville Police Department and to support that fact he provided the agency roster for the North Ridgeville Police Department, as well as the job description for NRPD Police Officers, (To include: Chief, Captain, Lieutenants, Sergeants, and Patrol Officers) that listed the required cognitive skills, personality traits, physical traits and knowledge for the NRPD Officers. He stated that ORC 246.015, "Composition of Department", stated that "The Police Department personnel shall consist of not more than the following" and listed A-F, with (A) being "One Chief of Police". He discussed the legal opinion given by Law Director Moriarty that stated, "A suspension of the Chief of Police for 5 days or less could not be appealed to the Civil Service Commission" and asked where that was written. He stated that Rule X of the Civil Service Rules, second paragraph stated, "In any case of reduction, suspension for more than five (5) working days (except members of the Police and Fire Department)", and referenced Section 124.34 of the ORC. He discussed ORC 124.34, Section B and suspensions of employees exempt and required to be paid overtime, and their right to appeal within ten days. He stated that Section C of that ORC, stated that "In the case of the suspension for any period of time, or a fine, demotion, or removal, of a chief of police, chief of fire department, or any member of the police or fire department of a city or civil service township, who is in the classified civil service, the appointing authority shall furnish the chief or member with a copy of that order of suspension, fine, demotion or removal, which order shall state the reasons for the action". He discussed that it further stated, "Within ten days following the filing of the order, the chief or member may file an appeal, in writing, with the commission". He stated that Section C existed because of Section B and that Rule X should match ORC 124.34 as it was referenced in

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paragraph two. He added that in Rule X, Section 1, “Disciplinary Suspension”, stated “an employee (except members of the Police and Fire Department) may be suspended for a period of not to exceed five (5) working days for purposes of discipline without the right of appeal”. He stated that the legal opinion given by the City explained that “except members of the police and fire department” could only mean members of the collective bargaining union. He remarked that per Rule II, Section 1, the definition of an employee, that he fell under that definition and supported his right to appeal. He added that a denial to his right to appeal would have far reaching implications and that he wanted his due process rights. He stated that ORC, Section 124.06, stated that “No person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted, or reduced as an officer or employee in the civil service, in any manner or by any means other than those prescribed in this chapter, and the rules of the director of administrative services for positions in the service of the state or the municipal or civil service township civil service commission within their respective jurisdictions.”

EXECUTIVE SESSION:

Discuss Civil Service Commission Rules & Regulations, Rule X.

Moved by Spann and seconded by Espinoza-Gonzalez to go into to executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Adjourned into Executive Session at 5:15 pm.

Reconvened into Special Civil Service Commission meeting at 5:40 pm.

Moved by Schiffbauer and seconded by Espinoza-Gonzalez to deny the Chief of Police’s right to appeal a disciplinary suspension of less than five (5) days to the Civil Service Commission under Rule X.

A voice vote was taken and the motion carried.

Yes – 2 No – 1 (Spann)

Chairman Schiffbauer stated that the next Regular Civil Service Commission meeting was scheduled for 5:00 PM on Monday, July 24, 2023.

ADJOURNMENT:

Moved by Spann and seconded by Espinoza-Gonzalez to adjourn meeting.

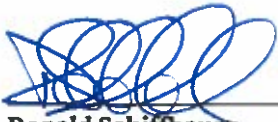
A voice vote was taken and the motion carried.

Yes – 3 No – 0

The meeting was adjourned at 5:45 PM.

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Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, July 24, 2023

Date Approved