

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF
REGULAR MEETING FEBRUARY 18, 2014**

To Order: The meeting was called to order at 6:30 P.M.

Roll Call: Present were Members Russ Friedrich, Dan Zezena and Chairman Jim Yost
Also present was Assistant Law Director Toni Morgan and Recording Secretary
Donna Tjotjos.

Election of Officers:

It was moved by Friedrich and seconded by Zezena to retain the same elected officers as in 2013 for the year 2014.

MOTION CARRIED

So be it that Jim Yost remains as Chairman; Russ Friedrich remains as Vice Chairman and Dan Zezena remains as Secretary for the year 2014.

Minutes:

Chairman Yost noted the minutes of the last meeting held January 21, 2014. He asked if anyone had any questions on the minutes.

Member Friedrich asked if the minutes were being typed verbatim off the machine.

Recording Secretary explained for the most part.

Member Friedrich stated that they are very detailed and minutes in the past were just minutes.

Chairman Yost asked for a motion.

It was moved by Friedrich and seconded by Zezena to approve the minutes of January 21, 2014.

MOTION CARRIED

Reports:

Chairman Yost moved the meeting along to the update on the Firefighter's exam.

Recording Secretary reported that the applications began coming in today. The applications will be accepted until 3:30 p.m. February 28. The test is scheduled for March 10 to be conducted by Clancy.

Member Zezena asked what the count was for today.

Recording Secretary stated that the count received for the first day was ten and we exceeded the first day's count of the last examination by five. She explained that the City of Maple Heights laid off firemen approximately two weeks ago.

Chairman Yost asked if some of them showed up.

Recording Secretary stated that there were a few that had phoned in to ask questions about the application process and what is required.

Member Zezena stated that we are requiring them to be Paramedic prior to the examination and that could be why the numbers are low. He continued to state that Mayfield just had a layoff too.

Recording Secretary explained that Civil Service received two memorandums. One was received from Assistant Law Director Toni Morgan and one was received from Recording Secretary Tjotjos. She asked if Assistant Law Director would like to provide a summary.

Assistant Law Director Morgan explained that there was some discussion where the Fire Chief was looking to have input into the exam process and was thinking about interviews. She explained that she did some research and found that the kind of interviews that are allowed, in order to keep it under a competitive exam, which Civil Service is required to do, are called structured interviews; not just interviews performed by the firefighters. They are structured interviews designed to treat everyone equally and test whatever it is they are looking for. So, basically that is something under Charter, the State Constitution and under ORC that is really not allowed. The only place that they could have the kind of input he is hoping for comes under ORC 124.45 and this is credit for efficiency. It could be added credit and she continued to read from the ORC section. She stated it isn't something that Civil Service Commission has to do, but she is just showing where this could be an option to include that type of input. That is the only thing of that nature that would be available to them. The interviews have to be structured interviews as part of the assessment process and cannot be done by the fire department itself. This keeps it competitive and impersonal.

Member Zezena asked if this was something they had to act on or was it for informational purposes.

Assistant Law Director Morgan stated that it was just an fyi.

Member Zezena stated that this is smart because you have to have people that know how to interview too, which is very important and someone could ask the wrong question, which could affect the whole process.

Recording Secretary stated the other question that came up regarding the promotional exams which provide the top three candidates instead of our current rules which follow ORC to promote the top ranking candidate. She researched and found a few city's rules where they provide the top three ranking candidates, but with our last promotional exam, we only had two candidates for the Chief's position; two candidates for the Assistant Chief's position and three candidates for the Captain's position and the Lieutenant's position did have more than three candidates. Unfortunately, the top three rule wouldn't apply to the Chief's position or Assistant Chief's position because there will only be two candidates taking the test at all times. There will never be the third candidate to be able to provide the top three for those positions. She stated that the only ranking level where the three would apply would be the Lieutenant's position.

Assistant Law Director Morgan stated that isn't precisely right because you could always establish a rule that doesn't necessarily have to be three candidates. It could just be the top candidates up to three or something like that. She explained that this is something that she and the Law Director are still looking into. She doesn't believe that there is any clear guidance at that time. She asked what the thoughts were of the members on whether or not they would like to see a change in their rule or if they had a preference to do either if that was the case.

Member Friedrich stated he liked the idea of providing the top three and he liked the Assistant Law Director's wording to allow up to the top three. That would encompass when you only have two on the list. He believes that is a good way to have it.

Assistant Law Director Morgan asked if that was everyone's preference.

Chairman Yost asked for clarification if she meant other than what Civil Service is doing now.

It was explained that the current rules follow ORC which promote the top ranking candidate.

Member Zezena asked if what they want now are the top three candidates.

Assistant Law Director Morgan stated yes. Three will go up and then one will be picked from the three.

Member Friedrich explained that the person who scored highest on the test is not necessarily the guy who is best suited for the position. The group who then interviews them, scores them accordingly and then that goes into a packet as to who they pick.

Member Zezena stated that the bottom line is they're given a whole bunch of study material and some of it is based on what you would do and things of that nature and if we are just basing it on the number one pick, then you might not get the best candidate. He agreed to provide the top three and word it the way that is.

Assistant Law Director Morgan stated she would take the information back to her Department for more discussion.

Member Zezena asked who would be the one that determines from the top three.

Assistant Law Director Morgan stated the Mayor.

Chairman Yost stated that it is the Mayor that appoints that position.

Member Zezena asked whether or not the appointing authority would understand why he is being given the top three.

Chairman Yost explained that the Mayor appreciates what everyone has gone through in order to get to that point.

Recording Secretary asked for clarification that no matter what the two candidates scored on the exams, both candidates will go in front of the Mayor. As it stands there are only two candidates that can take the Chief's test for example because the next lower rank is the Assistant Chief's and the department only has two.

Assistant Law Director Morgan asked if the candidates have to pass the exam minimally before they are placed on the list.

Chairman Yost stated yes, the written and ~~agility~~ exam will have to be passed.

Member Zezena stated that there are two people who go for the Chief's position and even though the one person that scores the highest on every category, possibly could not get the job and asked if that was correct in his understanding.

Member Friedrich stated yes.

Assistant Law Director Morgan stated that they must pass the exam first.

Member Friedrich explained that you might have a guy who passes with a 95 and another one who passes with a 92, but the guy with the score of 92, over experience, is shown by far the best candidate.

Member Zezena asked what happens if there is a real separation in score.

Chairman Yost stated that if there is a big enough difference, then the candidate who scored highest should weigh more.

Member Zezena said that it should, but as it is being discussed, it doesn't mean that it could. He stated that he would be okay with that at the Lieutenant level.

Chairman Yost stated every community is faced with that same situation too.

Member Zezena stated most communities, from his understanding, appoints the person that gets the highest ranking score.

Recording Secretary stated that the two cities provided in the example choose from the top three candidates. The city of Avon chooses the top three and the city of Media chooses the top three.

Assistant Law Director Morgan stated over the state it varies. There are both.

Member Zezena addressed Member Friedrich and asked if he was for the top three even in the Chief's exam.

Member Friedrich stated yes and asked Chairman Yost if he was for providing the top three.

Chairman Yost preferred that it be the top three.

Member Friedrich stated that the scores will be reviewed first, but with the exception that one guy would do better than the other.

Member Zezena stated he was in favor of that too.

Assistant Law Director Morgan stated she would provide more information on that for the next meeting.

Member Friedrich stated that a good point was brought up in that what if there is a large variation in scores.

Member Zezena provided an example of if the appointing authority at the time of hiring chooses the candidate that scored the lowest, then there could be problems in the ranks. Right now, it is clear and simple. I scored this on the test and this is what I did during my interview process. It is pretty simple. There could be some rough feelings and all that other stuff that comes out of it. If he was the one that scored the highest, he stated he would have a real problem with someone who scored way lower than him getting the appointment above him.

Member Friedrich suggested a percentage of spread could be added.

Assistant Law Director Morgan stated that she has never seen that done before. She asked what the passing score is.

Recording Secretary stated 70 percent.

Assistant Law Director Morgan stated that there could be someone with 70 and someone with 90 percent.

Member Friedrich stated that is exactly what Member Zezena was referring to.

Assistant Law Director Morgan stated that is the trade off you make if you don't appoint the top candidate. Neither situation is perfect.

Member Friedrich stated couldn't it be said that the candidate could be appointed from the top three providing the top three are within five percent.

Assistant Law Director Morgan stated that she doubted that, but she will look into it further.

Member Zezena stated that if one question is missed on the test, who cares, but the other way, you would have one guy scoring 95 percent and the other scoring 70 percent and he gets it.

Chairman Yost stated he didn't think that would happen.

As an example, Recording Secretary provided the results of the last promotional exam in which the Chief scored a total of 100.37 and Assistant Bement scored a total of 83.497.

Member Zezena stated so what happens if you appoint the lower scored person.

Assistant Law Director Morgan stated that is the can of worms you open.

Member Friedrich stated in thinking of adding the ten percent of the top score getter, which would in that case would be a nine point swing.

Member Zezena asked why this percentage couldn't be used and if it was a Charter thing.

Assistant Law Director Morgan stated that the ORC states the top one and some cities have changed it to choose out of three, but that is about as much tinkering as she has ever seen done and to start adding language such as adding a spread and if you put a spread in, what about somebody that came within one point. Everything gets murkier and murkier.

Member Zezena stated that once you hit that spread of five percent or whatever percent we are talking, then that is it. He didn't feel it would be that murky then because once you decide on a spread, so if the other person is within six percent, then it is what it is. It is black and white to him.

Assistant Law Director Morgan stated she would research it.

Chairman Yost stated the other issue is if we make reference to ORC, that reference will need to be taken away.

Member Zezena reiterated that he felt there was some effectiveness to testing, but within a certain percentage. Not always the best person for the position is going to test the best on the test. So, with that being said, he reiterated he would like to see the top three candidates but also include the percentage spread.

Chairman Yost added that it would be the percentage difference between any two candidates. He asked if the Assistant Law Director would check on that.

Assistant Law Director Morgan stated she will check on it.

Member Zezena asked if it would be questionable if Civil Service put that percentage on the scores.

Chairman Yost stated he was concerned with it because then where would you draw the line?

Member Zezena explained that it would be five percent of the highest score. So, if he scored 80 percent and you score 70 percent, then you would be out.

Member Friedrich stated that if you used ten percent and a candidate scored 90 that would give 9 points and you would still take a guy who scored 81, but you won't take a guy who scored 70.

Recording Secretary asked if that wouldn't be the top candidate anyway.

Member Zezena explained that if he scored 100 and Jim scores 97, the bottom line is he is a better candidate for the position. Just because he missed one question doesn't mean he isn't the best candidate. He should get the promotion and that is what we are trying to say. There would be a cut off too so if someone scored 80, then they wouldn't be considered.

Chairman Yost stated that this would include the personal evaluation too.

Member Zezena stated that it would be the overall score of the written and assessment and if it is five percent below the top score, then the candidate wouldn't be considered.

Assistant Law Director Morgan restated that she would do the research.

Chairman Yost moved the meeting along to the next subject.

Recording Secretary explained that that there are two certified eligibility lists which need to be certified as the Police Department added two additional names to their list because of the voluntary removal of two candidates. The Fire Department requested eight names because eight names were being removed based on Rules and Regulations, Rule VII, Section 5 which states names not to be certified due to: (a) fails to report or arrange within six days for an interview with an appointing authority. Chief Reese sent out eight certified letters to these candidates on February 13 and did not here a response. Letters to those candidates will be sent out tomorrow morning upon the approval of the certified list.

Chairman Yost asked for a motion.

It was moved by Friedrich and seconded by Zezena to certify the updated Police eligibility list.

MOTION CARRIED

It was moved by Friedrich and seconded by Zezena to certify the updated Fire eligibility list.

MOTION CARRIED

Member Yost adjourned the meeting.

Meeting adjourned at 7:00 P.M.



Chairman



Recording Secretary

March 18, 2014
Date Approved