

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF
REGULAR MEETING JANUARY 21, 2014**

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

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

Election of Officers:

Chairman Yost noted that member Zezena is absent and asked member Friedrich if he felt all members should be present for the election of officers.

Member Friedrich felt that it should be postponed.

It was moved by Friedrich and seconded by Yost to postpone elections until all members are present.

MOTION CARRIED

Minutes:

Chairman Yost noted the minutes of the last meeting held December 17, 2013 and asked for a motion.

It was moved by Yost and seconded by Friedrich to accept the minutes of December 17, 2013 as presented

MOTION CARRIED

Reports:

Recording Secretary Tjotjos explained it was asked that she look into agencies that provide promotional exams and costs. She explained that most companies can give costs on written examinations based on the number of candidates, but they really can't provide costs on the assessment center because they would need to know exact number of candidates per level in order to provide pricing. Daniel T. Clancy's cost listed under Assessments was taken from the last examination provided to our city. She continued to explain that an email blast was sent out to the Clerks who are members of the Ohio Municipal Clerks Association with a result of receiving approximately 15 responses from other municipalities. The responses included who or what agency they use for promotional examinations for Police and Fire, what tests they give in a promotional examination, if their rules provide the top three candidates from a promotional eligibility list or do they follow the Ohio Revised Code which states the top ranking candidate, who the appointing authority is for promotional examinations and if the Fire Department and Police Department provide internal interviews and are part of the exam scores. It was explained by other Civil Service Commission clerks that Civil Service Commission provides an eligibility list and in order to provide an eligibility list, they have to obtain scores from examinations; whether that examination is written or whether that examination includes an Assessment Center and or Oral Interview. When speaking with Daniel T. Clancy, their Assessment Center does do

oral interviews. However, they don't provide feedback, which they did years ago, because it costs additional monies in order for them to provide that service. She explained the process of the Assessment Center examination.

Chairman Yost asked if it was included in the percentage of the grade.

Secretary Tjotjos stated that the entire Assessment Center is 40 percent of the grade and the written examination is 60 percent. In summary, she stated, that Civil Service provides the eligibility list. Any interview process takes place after the appointing authority receives the eligibility list; whether that is the Mayor, Police Chief or Fire Chief. Normally, the entrance eligibility lists go to the Police Chief and the Fire Chief. The promotional eligibility list normally goes to the Mayor, but because the rules state that the top ranking candidate gets the promotion, there really isn't an interview process because we provided the top ranking candidates and that person gets the promotion.

Assistant Law Director Morgan asked for clarification on who does the examination and assessment center.

Secretary Tjotjos stated outside agencies.

Assistant Law Director Morgan asked if it was all part of the examination.

Chairman Yost stated yes, for example Clancy has been doing most of ours.

Assistant Law Director Morgan asked what the assessment center does that the written examination doesn't. She asked how it was different.

Chairman Yost stated that they are tested on specific scenarios of their position.

Assistant Law Director Morgan asked if it was all interviews or is it other things as well.

Secretary Tjotjos explained that the candidate is provided a list of reading materials to study from for the written examination.

Assistant Law Director Morgan stated that is the examination and asked if that is performed by another agency other than the assessment center.

Chairman Yost stated no, the assessment center would be one part that Clancy provides.

Assistant Law Director Morgan stated they do both and so; there is a written exam at 60 percent and then the assessment center. She asked what the assessment center covers.

Chairman Yost stated he has not attended one.

Secretary Tjotjos explained the process.

Assistant Law Director Morgan asked if this was along with the examination or does the candidate already know how they scored on the examination when they do this part.

Chairman Yost explained it is held afterward.

Secretary Tjotjos explained that the candidate has to pass the written exam in order to move on to the assessment center.

Chairman Yost stated that the written exam may eliminate some. The physical exam actually eliminates a lot as well.

Assistant Law Director Morgan asked if the physical exam is part of the assessment center or is that a third exam.

Secretary Tjotjos stated no, the physical exam is only conducted during an entrance examination. During the promotional exam a physical exam is not given.

Chairman Yost explained that the entry level is one thing. It includes the physical exam and written exam.

Assistant Law Director Morgan asked if the assessment center has an interview and is it mostly the interview process.

Secretary Tjotjos explained what happens when a candidate checks in to an assessment center.

Assistant Law Director Morgan asked what the Fire Chief was asking for in addition to this.

Chairman Yost stated he wanted a panel within the Fire Department to be involved in the personal assessment. He explained that the Civil Service Commission doesn't usually do that. As it is stated here, the Chief and the Mayor will end up doing the hiring, but the Mayor may end up having some questions. He wanted to have a couple of the officers in the department to evaluate the personal assessment too.

Assistant Law Director Morgan asked if he wanted it to be 20 percent.

Chairman Yost stated yes.

Assistant Law Director Morgan asked if during the research Secretary Tjotjos performed did any other city do that.

Secretary Tjotjos stated that they don't do internal interviews as part of the scoring process because Civil Service Commission is outside of the department. Their position is to provide the examinations, obtain scores which results in an eligibility list. In respect to promotional exams, Civil Service Rules refer to the Ohio Revised Code which states that they will appoint the top ranking candidate who gets the job.

Chairman Yost stated that there may be some personal problems between some of the guys and the candidate.

Secretary Tjotjos explained that there are some cities who provide the top three ranking candidates and that is what Chief Reese is asking for as well. He is asking for the top three, which is good, but the interview process will take place after Civil Service has provided the eligibility list to include the top three.

Member Friedrich explained that his concern during the last meeting was that the panel wasn't going to be big enough and Chief explained that he was going to have a panel of six officers. The problem with one or two people is you get someone with a personality conflict and then there becomes a problem in how they judge the guy. If six people are sitting there with a candidate who has a personality problem, then there are more who could score him accordingly.

Assistant Law Director Morgan stated her concern is that she wasn't sure whether the language supported what he wanted.

Secretary Tjotjos explained at this time, Civil Service follows the Ohio Revised Code where it states the top ranking candidate gets the promotion. Ohio Revised Code does say that the promotional examination could include a written and assessment. It doesn't say anything about internal interviews. However, the union contract does state and or interview. John wanted the oral interview involved and what was found out from Clancy was that it is part of the assessment center.

Assistant Law Director Morgan stated that the contract doesn't state and or. At least it doesn't say that in this part.

Secretary Tjotjos stated that it states assessment and an interview and that is basically what Clancy does.

Assistant Law Director Morgan stated that it might not mean what he is seeking and that was her concern.

Secretary Tjotjos stated that Chief Reese is asking for an internal interview and that isn't what that states. She reiterated what her report showed.

Member Friedrich stated that when this report was done the last time it showed that the Ohio Fire Chief's Association was almost double. He asked about the other company listed named Ramsey and Associates.

Secretary Tjotjos stated that she is getting more information on Ramsey. She stated that there was some information received, but the information was not submitted to the members because she didn't want to overload the members with details yet as they are not ready to do promotional.

Member Friedrich stated he was surprised to see how many of the municipalities listed in the report actually use them. He stated that maybe Civil Service ought to take a look at them.

Secretary Tjotjos went over the information from Ramsey briefly explaining what the agency provides. She stated that the fees are included in this information and it will be disbursed to the members for the next meeting.

Assistant Law Director Morgan explained that during the last meeting she was supposed to look into the promotional exams and the test as well as look into the rules and regulations as far as the interview process is concerned. That is why she asked if there was an interview process done essentially already. The main purpose for Civil Service is to fill positions based on merit and fitness. Part of that is to make sure they are competitive and that there are no personalities as such in it. It has to be done via practical demonstrations. That is 124.45 and that is what that says. 124.45 also says that it shall include the written test, which you already do; that it may include, you can or not it is up to you, practical demonstrations if they use equipment or machinery. It talks about credit for seniority, which you do. They have in here a credit for efficiency and she didn't believe Civil Service does that. It is an added credit which can count up to ten percent. That is a chance if the Fire Department wanted to start doing that, where they could have a more personal input. She read that section of the Ohio Revised Code which states "Credit for efficiency may be given as an added credit, shall be ten per cent of the member's efficiency rating for the last year, and shall be based on the record of efficiency maintained in the fire department in the manner established by the civil service commission," and this is one of those things that could be found out what other cities do, if anybody uses it or how they do it" provided the efficiency shall be graded by three ranking officers of the fire department familiar with the work of the member." And it does go on a little bit, but she just wanted to provide that option to the members to let them know that option exists and maybe have Donna to do the foot work again just to see. It is not required, but it is an option and it might satisfy the Chief's notion of the fact that they know the people and they would like some input. That is something Civil Service could do. You don't have to, but you could. In 124.23 indicated that the exam could look at factors such as education, training and all that. Tests may be written, oral, and physical and it may include structured interviews. That is stated in 124.23. It is her belief that because it says structured interviews, she believes that in giving those scenarios and they test everyone the same way so that there are no personalities or bias involved.

Secretary Tjotjos asked if that was specific to promotional exams or is that referring to all examinations.

Assistant Law Director Morgan stated that it is examinations in general under 124.23. She stated her thoughts are that this structured interview idea is not just a panel of their peers. She read the collective bargaining agreement which states that the employer has the right to utilize an accredited assessment center and interview process at 40 percent. She didn't believe that means what the Chief wants it to be.

Secretary Tjotjos stated that the Chief wants an internal interview.

Assistant Law Director Morgan stated she didn't believe that is what that means. A ruling from the Law Director could be established, but she was fairly certain that is not what that statement means. She stated she will ask him.

Chairman Yost stated that he felt that is why other communities stayed away from that.

Assistant Law Director Morgan stated that if Civil Service did implement the additional credit for efficiency, it could satisfy his input.

Chairman Yost asked if that would be only for promotional and that may help.

Assistant Law Director Morgan stated it is only for promotional. It is a possibility.

Member Friedrich stated that could be part of that interview with the panel.

Assistant Law Director Morgan stated it would be just like credit for seniority. It is some kind of record that the fire department has to keep but in the manner established by the Civil Service Commission.

Secretary Tjotjos stated that it is her belief that they do not keep performance reviews and so now, the fire department would have to keep performance reviews on their staff.

Chairman Yost stated that it wouldn't be part of the testing.

Assistant Law Director Morgan stated that they would have to meet the minimum requirements and then they would get their seniority and then they would get their efficiency credit.

Chairman Yost stated that in the fire department, the Lieutenant would have to keep track of his men's efficiencies. He would actually be grading them.

Secretary Tjotjos stated that the Fire Department used to do performance reviews during their probationary period. She was not sure if that is still accomplished. They used to provide Civil Service with copies of the individual's performance reviews during their probationary period.

Assistant Law Director Toni Morgan stated that the option is there if Civil Service wanted to utilize it.

Secretary Tjotjos stated that Civil Service stopped getting the performance reviews years ago and she wasn't sure if they are still being done.

Chairman Yost stated that it states in that section that Civil Service Commission may use.

Assistant Law Director Morgan stated that they don't have to. She stated that if they did the work and Civil Service wanted to give credit for it, it is available. It is up to the Commission.

Chairman Yost stated that would be on their record and then when he is up for promotion; his record would show some credit there in comparison to someone else's.

Assistant Law Director Morgan stated that it could give someone a leg up. Again, it is available if they want to go that route.

Secretary Tjotjos stated that if Civil Service Commission changed their rule to allow for the top three ranking candidates, then thereafter they could add that efficiency rating on those three candidates.

Assistant Law Director Morgan stated that she believes that the credit for efficiency would be added at the same time as seniority credit. She stated that it would be another piece of that.

Secretary Tjotjos stated that seniority credit is added right after the scores are received from the assessment.

Assistant Law Director Morgan stated as far as a private interview from the Police Department and Fire Department, she didn't believe that is what that section meant.

Member Friedrich stated that he didn't like this section. He stated it is too arbitrary to having someone over you and he provided a personal example of having a bad Captain. Everyone abandoned ship because of that Captain. He stated that this is a guy that can influence a score like that.

Secretary Tjotjos stated that all the ranking officers that will be involved on the interview panel that Chief is requesting all report to one individual.

Member Friedrich stated the part he doesn't like is the fact that you are stuck with a superior officer over you for a couple of years where someone else may come in and get shifted and have a couple of supervisors give him.

Assistant Law Director Toni Morgan stated that it is graded by three ranking officers it is just not one. It has to be at least three that are familiar with the work of the person. It wouldn't be just one person's opinion; it would have to be three.

Member Friedrich asked what the candidate would be rated on.

Assistant Law Director Morgan stated that is what has to be found out what this efficiency is and it would have to be uniform throughout with the same sort of items.

Member Friedrich added that someone would have to do an efficiency report. If three people are grading the supervisor's efficiency report is not going to work. If the three of them are doing efficiency reports for these people then fine, but now we are creating a whole layer of work.

Secretary Tjotjos stated they would just have to go back to submitting performance reviews. She added that each level of promotion has a probationary period. So, within that probationary period of a year, those performance reviews could knock that person down to the next level. So, even though the individual was promoted based on written exams and the assessment center, the employee who is promoted still has to perform on that level and the performance reviews during that probationary period will conclude whether or not that individual is a good supervisor or if the individual can handle that position as promoted. If the individual then is found not to perform then there is the opportunity of demotion.

Member Friedrich stated so what, that is not what is being discussed, the discussion is getting him to that point.

Chairman Yost stated that going through a probationary period and going for a promotional may take many years.

Secretary Tjotjos added that the city has performed a number of promotional exams over the years and have not gone through any problems up till now with that level.

Chairman Yost stated that by giving the top three candidates to be considered and interviewed sounds pretty important.

Member Friedrich added that he believes that is the way it should be.

Secretary Tjotjos stated she would send the language that other cities use in their rules that refer to appointing from the top three candidates.

Chairman Yost provided an example of another city where an individual tested for a promotion and ranked number, but is not the man for the job.

Secretary Tjotjos stated that sometimes you don't realize an individual is not suited for the job until the person takes position and there are some people who get that promotion and then realize themselves that they can't keep up with the responsibilities and then leave.

Chairman Yost stated that an individual can sell ice boxes to Eskimos during an interview, but the people that work with him know different. Chairman Yost asked if there was any item to take action.

Secretary Tjotjos stated that the discussion involved the Rules and Regulations and since it is only discussion, language could be written for your review and adoption at the next regular meeting.

Assistant Law Director Morgan asked if this is only an amendment to the rules or is there an ordinance that will be affected.

Chairman Yost asked if the ordinance that was in front of Council covered this section in the Ohio Revised Code.

Member Friedrich stated that the ordinance in front of Council only covered the age. The rest of this discussion, he believes is only under the Rules and Regulations.

Chairman Yost stated that if there is reference to using the Ohio Revised Code as the Civil Service Commission guideline, then it doesn't matter what Civil Service says. He added that if Civil Service makes that reference, then they have to go according to that.

Assistant Law Director Morgan added until Civil Service changes it. She stated that the top three candidates, she will look into as to how they want to amend the rule.

Chairman Yost explained if Ohio Revised Code is referenced in the rules and regulations, then it has to be removed.

Assistant Law Director Morgan stated she will see what the ORC states. She stated she will look into the amendment to the rules. She asked if there was a local ordinance that covers this same topic. She asked if she needs to look in a third place or is there no ordinance that covers this.

Secretary Tjotjos stated not in terms of appointing the top ranking candidate or providing the top three candidates on an eligibility list. She stated she would send over other cities rules in how they added the top three. So, in answer to the question on whether or not action needs to be taken, the answer is no. The only action required regarding this subject is to amend the rules and right now, you have no language in front of you to approve and so, there is no action required.

Chairman Yost requested that the rule amendment be on the next agenda.

Unfinished Business:

T 5-2014 Recommended legislation to amend section 248.03 of the Codified Ordinances is now with Council and will be introduced during tonight's Council meeting.

Chairman Yost stated that Civil Service doesn't have to do anything with that now as it is in the hands of Council. He understands that it is going to Committee.

Secretary Tjotjos stated that it is going to Committee and then it will go through three readings.

Chairman Yost stated it was just to remove the reference to ORC on the age. He stated that someone asked him about this and wondered if Civil Service would be getting into an age discrimination thing. He stated that when he was 62 or 64 he didn't think he wanted to be doing what the firemen are required to do physically.

Member Friedrich stated at that point, you would be a senior officer doing a desk job.

Chairman Yost stated not theoretically as some people don't want to be officers.

Secretary Tjotjos stated that it really has to do with pension. The firefighter would have to be on board 25 years and reach the age of 52 in order to retire. If someone is hired at 41 and serve 25 years, they will be at the age of 66 in order to retire.

Chairman Yost stated that the other side of that coin, that person could put the entire fire staff in jeopardy if he was having a problem in not being able to carry the load. He may be putting someone else in danger if he can't carry his load.

Assistant Law Director Morgan stated that they are looking at changing it and she assumes they will and she assumes Civil Service is okay. If someone 41 years old wants to challenge it, then that is their right. We will just have to wait and see what happens.

Secretary Tjotjos stated that is why Chief Reese provided his memo to request that Civil Service Commission proceed with the entrance examinations as soon as possible.

Chairman Yost stated that tonight, that age thing shouldn't be discussed. It has already been discussed in here and approved and it was discussed in Council in 2006 and approved except they forgot to take out the referral of ORC. That is the problem. He stated that it has already been hassled with over and over and they are going to get up in there and start talking about the age thing again. That is not what Civil Service wanted them to do. Civil Service wanted them to take out of our rules and regs. the referral to Ohio Revised Code.

Assistant Law Director Morgan added as it relates to age because there are other things in that section that you don't want to remove from your rules. As it relates to age, that will come out.

Chairman Yost stated that Civil Service just wanted them to take that referral out.

Assistant Law Director Morgan stated it is Council; they can do what they want. She stated she assumes they will go along with it.

Chairman Yost stated he believes it is completely unnecessary because it has already been done and decided on. He stated that Ohio Revised Code changed in 2009 he believed and somehow we missed it and now all of a sudden Civil Service has to go by Ohio Revised Code when Civil Service was all set before. That was the only thing they asked Council to do is to take that referral out of it.

Assistant Law Director Morgan stated that is what was asked of them. She asked will that stop them from discussing it, probably not.

Secretary Tjotjos asked for clarification in that once Council has ruled on the amending ordinance, then Civil Service can amend their rules and regulations.

New Business:

Chairman Yost stated that is correct. He then moved the meeting on to new business and stated that Civil Service needs to certify two additional people to the Police Department.

Secretary Tjotjos explained that two names needed to be added to replace Bryan Hanna who was hired and has since resigned and Nick Marquardt who has voluntarily removed himself from the list. The Police Captain did receive two additional names and those are Shawn Goellner and Andrew Kory.

It was moved by Yost and seconded by Friedrich to certify those names as presented.

MOTION CARRIED

Secretary Tjotjos stated that with Chief Reese's memorandum, he is requesting that Civil Service proceed and move forward with the examination according to the Ohio Revised Code as it states.

Chairman Yost added even if the Civil Service has to change it later. He thought Civil Service had figured out they had time on this.

Secretary Tjotjos explained that they don't if he wants to proceed immediately. She explained that it will take time for Council to adopt and so, worse scenario is that it will take three readings before adoption and then an additional 30 days before it is implemented and that will move the examination date into May. The expiration of the current list is May 22, 2014.

Member Friedrich asked if Council passed it by emergency during their second meeting, would that give enough time.

Assistant Law Director Morgan stated that it could, but she was unsure if they would.

Secretary Tjotjos stated that Civil Service does not have any idea of what the outcome of that amendment will be.

Chairman Yost asked if they could request it.

Assistant Law Director Morgan stated that they could talk to the Law Director or talk to the Council members. She stated that they can certainly ask. She didn't know if they would, but they could certainly ask.

Chairman Yost stated that they would only ask because of the timeframe and all they can do is say yes or no.

Member Friedrich stated that the Chief isn't too worried that there will be too many guys at the age of 41. He believes that the odds of us getting someone at the age of 41 and end up somewhere on top are minimal.

Secretary Tjotjos stated she believes that is the way the Law Director explained to the Chief in his memo. She read the memo from the Chief where it stated that he spoke with the Law Director and that it is rare that someone of the age of 41 will end up on the list and his concern was that Civil Service pursues the amendment to the rule. She explained that with the request to proceed immediately and to have a certified list by April 15, the notice would have to be posted February 7. The test would be March 10 and thirty days prior to that date is February 7. She explained that the ad would have to be placed for two consecutive weeks and provided those dates. She explained applications will be filed for two weeks straight and provided those dates. All of the dates within the calendar of events leave enough time to get an eligibility list certified by April 15. That is the earliest Civil Service can do this examination. She also stated that the North Ridgeville Education Center only had March 10 open and nothing was open in April.

Chairman Yost stated that will be one month before it is needed.

Secretary Tjotjos explained that the current eligibility list expires the 22nd of May. If it was pushed one month, Civil Service is risking eight days of not meeting the expiration date and that includes the weekend. She explained that it is up to Civil Service on whether or not they want to push the exam date out one month.

Chairman Yost stated he believes they should go ahead with it.

Member Friedrich agreed. He asked when the next Council meeting would be held.

Secretary Tjotjos stated there is a meeting tonight to introduce legislation. They meet again on February 3. The meeting after that is February 17 and if all goes well, it will pass on March 3. If it doesn't pass by emergency then the legislation will not take affect for 30 days, which will take it into April.

Chairman Yost stated that the testing will already be in place, but it should be passed before certifying the list.

Secretary Tjotjos stated in the notice the minimum requirement has to refer to age.

Chairman Yost asked if they could use the word pending for that section in the notice.

Secretary Tjotjos stated in Civil Service notice of exam, the first item under minimum qualifications is age. The notice states it as well as the advertisement. Both will need to be posted to the public in February to test in March. Right now, she stated that she used the verbiage per Ohio Revised Code.

Chairman Yost stated that is all that they can go by.

Assistant Law Director Morgan added that is all that they can do at the moment.

Secretary Tjotjos stated that most cities are not aware of this change Ohio Revised Code has made and most cities mimic the same ruling that North Ridgeville Civil Service Commission follows. They could be in the same kind of trouble as. . . .

Assistant Law Director Morgan stated it depends on whether or not they have an ordinance. If they have an ordinance, then they are in trouble. It also depends on if they are a Chartered city. If they aren't a Chartered city, then they have to follow ORC.

Secretary Tjotjos stated that North Ridgeville, Avon and Avon Lake are pretty similar when it comes to ordinance, charter and rules and regulations. However, Avon Lake just hired outside counsel to review their rules and regulations and make changes that comply with all the changes made in the Ohio Revised Code.

Chairman Yost asked if there was anything else.

Secretary Tjotjos stated that the Civil Service Commission will need a motion to approve the exam date, calendar of events, examination notice, application and advertisement.

Assistant Law Director Morgan asked if that could be one motion.

Secretary Tjotjos stated that it could be.

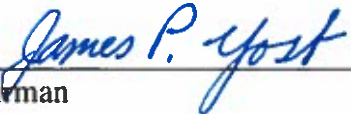
Chairman Yost stated that it is all noted on the calendar.

It was moved by Yost and seconded by Friedrich to approve all items noted on the calendar of events for February, March and April

MOTION CARRIED

Member Yost adjourned the meeting.

Meeting adjourned at 7:20 P.M.



Chairman



Recording Secretary

February 18, 2014
Date Approved