

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
SPECIAL MEETING – TUESDAY, DECEMBER 05, 2023**

CALL TO ORDER:

The meeting was called to order at 4:30 PM.

ROLL CALL:

Present were Member 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.

APPROVAL OF MINUTES:

Chairman Schiffbauer stated that the Commission received a copy of the regular meeting minutes of September 25, 2023 and asked if anyone had any questions or comments.

None were given.

Moved by Spann and seconded by Espinosa-Gonzalez to approve the meeting minutes of September 25, 2023.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that the Commission received a copy of the special meeting minutes of November 8, 2023 and asked if anyone had any questions or comments.

None were given.

Moved by Espinosa-Gonzalez and seconded by Spann to approve the meeting minutes of November 8, 2023.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

REPORTS:

Civil Service Protest Guidelines

Chairman Schiffbauer stated that Assistant Law Director Morgan would provide them with an overview of the Civil Service Protest Guidelines.

Assistant Law Director Morgan explained that she had given them a document with four options that they had and that the bottom line with all of them was to compare the question and answer to the source

material and make their judgement based on that. She stated that the first option was where they accepted the appealed answer as the only correct answer. She mentioned that it was unlikely to happen but it was possible. She stated that they would look at the source material, look at the question and decide that the protest answer or the one that they were appealing or protesting, was a better answer than the source material. She said that they could decide that the answer that the testing agency had given them was not the best answer but the protested one was. She discussed that the second option would happen probably more often and was to accept the appealed answer as an additional correct answer. She stated that they would look at the source material and look at the answer that the testing company decided was the best one and the Commission liked that and decided that made sense, but when looking at the one, that was protested or appealed, it made sense as well and that it was okay to accept that. She explained that that meant that anyone who had either answer would get credit for that one. She stated that the third option was to deny the appeal. She commented that in the best of scenarios, the source material and the test question lined up very well and they were happy with that but the protested or appealed answer didn't and so they would deny the appeal. She stated that the final possibility, which was hopefully sparingly used, but there could be an instance where the question was just unintelligible. She explained that if they looked at the question and thought that no reasonable person could decide what they were actually asking for or in looking at the question and source material provided for that question for them to review, just didn't answer that question. She added that in that case, they could delete the question and that would mean it would be taken off of everybody's exam. She stated that so far, that was all of the options that she had come up with. She instructed them to look at the source material, to look at the answer they provided and that they would be comparing those two. She stated that that was how they would support their answer, if it fit with the source material, if it fit very well with the source material or it didn't make any sense at all. She explained that whatever the Commission decided according the rules, was the final answer and wouldn't be appealable.

UNFINISHED BUSINESS

NEW BUSINESS

Received Oath of Office dated October 19, 2023 for Firefighter/Paramedic Kory Campbell.

Chairman Schiffbauer stated that the Commission had received an Oath of Office dated October 19, 2023 for Firefighter/Paramedic Kory Campbell.

Received Oath of Office dated November 1, 2023 for Patrolman Bryan Adams.

Chairman Schiffbauer stated that the Commission had also received an Oath of Office dated November 1, 2023 for Patrolman Bryan Adams.

Certification of payroll by Civil Service Commission (Per Rule I, Section 3).

Chairman Schiffbauer stated that due to the addition of those two employees to the City, the Commission must certify the payroll. He stated that the Commission had received a copy of the payroll list and asked if the Commission had any questions or comments.

None were given.

Moved by Spann and seconded by Espinosa-Gonzalez to certify the payroll list.

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A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify Firefighter/Paramedic Class C Entrance Eligibility List due to Firefighter appointment.

Chairman Schiffbauer stated that due to the Firefighter appointment, the Commission needed to Re-certify the Firefighter/Paramedic Class C Entrance Eligibility List.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to open up public comment.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify Police Patrolman Class D Entrance Eligibility Exam List due to Patrolman appointment.

Chairman Schiffbauer stated that due to the Patrolman appointment, the Commission needed to re-certify the Patrolman Class D Entrance Eligibility List.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to open up public comment.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Review of protests to the Police Lieutenant and Captain Promotional written exams.

Chairman Schiffbauer stated that they would be reviewing the protests for the promotional exams for Lieutenant and Captain only. He explained that they would be reviewing the Sergeant's protests at the next regularly scheduled meeting on December 11th at 5:00 p.m. He explained that between the two exams, the Commission had approximately 42 questions to go through. He commented that he appreciated the time that the Commission members had put into it already and had spent a number of hours going through and reading the questions, reading the protests and comparing it to the source material. He stated that they would be going through them and taking a vote on each one separately. He said that he did want to make an amendment to the Civil Service agenda to allow for public comment prior to adjournment but after the review and determination of the protests for the Police Lieutenant and Captain promotional exams.

Moved by Schiffbauer and seconded by Spann to amend the agenda for public comment.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that the first protested question on the Captain's test was Question No. 2 and read the question and correct answer. Chairman Schiffbauer stated that the protest was denied and that

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the answer was the best choice out of all four answers. He asked if there was any discussion from the Commission members.

None was given.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to Question No. 2 of the Captain's examination.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read the next protested question, Question No. 12 and the correct answer. He stated that he agreed with the protest felt out of scope for what the position was required to know. He asked for additional discussion.

Co-Chairman Spann stated that he agreed.

Chairman Schiffbauer stated that the question was whether or not it was the correct answer, the question was whether or not the question or knowledge was applicable to the job.

Assistant Law Director Morgan stated that it wasn't something that they determined at that setting. She commented that that would have been before they picked that test. She discussed that they could make a determination if they were given a question that was covered by the source material that they were also asked to study and how did it fit that. She stated that if it didn't fit that then they didn't want that question in there. She added that if they could answer that question from the source material, then there shouldn't be anything wrong with that question. She stated that there could be an additional answer, but the question that the test makers gave would also be acceptable.

Deputy Clerk of Council Wieber stated that in the Civil Service rules and regulations it did state that the examinations had to be applicable to the position that they were applying for.

Assistant Law Director Morgan stated that that was true but that was when they chose the testing materials and once the decision was made, that that was what they would be tested on.

Moved by Schiffbauer and seconded by Spann to remove the question due to it being too vague or written too poorly and remove the question from every applicant's examination.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read the next protested question, Question No. 17 and the correct answer. He stated that he agreed with the protest to the question due to the fact that judiciary protocol or procedure was not a reasonable expectation of that position and therefore, supported that the question was too vague or too poorly written to be used and remove the question from every applicant's examination.

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Moved by Schiffbauer and seconded by Spann to remove the question due to it being too vague or written too poorly and remove the question from every applicant's examination.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read the next protested question, Question No. 18 and the correct answer. He stated that he agreed with the protest to the question due to the fact that judiciary protocol or procedure was not a reasonable expectation of that position and therefore, supported that the question was too vague or too poorly written to be used and remove the question from every applicant's examination.

Moved by Schiffbauer and seconded by Spann to remove the question due to it being too vague or written too poorly and remove the question from every applicant's examination.

Assistant Law Director Morgan asked if he was indicating that the source material didn't contain the answer to that question.

Chairman Schiffbauer said, no, not necessarily. He stated that he was indicating that the question wasn't applicable to that position.

Assistant Law Director Morgan stated that those kind of determinations of whether they liked the question or not or when the Commission chose the test, that was when those questions would be made.

Chairman Schiffbauer stated that the Commission chose the testing agent but the Commission didn't choose the testing questions or the content.

Assistant Law Director Morgan said that no, they wouldn't. She discussed that they could talk to the people who did the tests and tell them their concerns, but that was the time to do that. She stated that the current meeting was just to determine if the answers existed in the materials that they were given.

Chairman Schiffbauer commented that while he had read a good portion of the Ohio Revised Code over the last four hours of the previous night, he did not read Chapter 2935 of the Ohio Revised Code, so he couldn't comment whether or not that information was stated in there or not. He explained that what he did feel strongly about and thought the rest of the Commission members did as well, was that that question wasn't applicable to that job title.

Assistant Law Director Morgan stated that it wasn't exactly the Commission's determination that they were called upon to make.

Chairman Schiffbauer asked what their options were.

Assistant Law Director Morgan stated that they were provided with the source materials and asked if that was correct.

Chairman Schiffbauer explained that he went to the Ohio Revised Code on his own and the source materials for the books and other stuff wasn't provided.

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Assistant Law Director Morgan stated that she thought the testing agency gave the pages.

Deputy Clerk of Council Wieber commented that all they did was reference the page and the book.

Assistant Law Director Morgan asked if they found that the answer was not on that page.

Deputy Clerk of Council Wieber explained that they didn't have a book to go through to find it and stated that it was just their word that it was taken from whatever page and book.

Chairman Schiffbauer stated that the books Search & Seizure or The Law Officer's Guide and the others, none of that material was provided to the Civil Service Commission to review when reviewing the test questions. He stated that the only source material that they had access to regarding the review of the questions was the Ohio Revised Code but couldn't find the policy and procedures for the Police Department.

Assistant Law Director Morgan stated that the Commission had been put in a difficult position in making some of those determinations because it was things often outside the scope of their own expertise. She explained that when they chose the test, they often had to rely on the testing agencies and people within the profession of the Chiefs and other people who made recommendations to the Commission. She stated that she knew it was a difficult position to be in. She mentioned that her recommendation was that the comparison there be between what had been asked of the people to study and whether it was a fair question based on what they had studied. She stated that if they didn't feel that that information was there or if they needed more information, she could get that for them. She discussed that they didn't need to rush into it and that she could talk to the testing agency and request the page so that they could look at that. She stated that it would have been better if she had known that was a concern or if they didn't send the Commission that kind of information because they shouldn't have to research that on their own.

Chairman Schiffbauer stated that there were a number of questions that pertained to what he would consider judiciary protocol and procedures that he didn't believe was a required knowledge of the position. He stated that he also didn't have a copy of the job description in front of him as well.

Assistant Law Director Morgan stated that she could get that material for them if they wanted her to do that. She discussed that it would be a bump in what they were doing there but they wanted to do the best job possible.

Chairman Schiffbauer explained for the benefit for the public that was in attendance, he would reference the questions where that scenario came into play and they would end up tabling the decision making for questions 17, 18, 21, 22. He discussed that they all pertained to what he considered scenarios that happened way after the police department had intervened with the person.

Assistant Law Director Morgan stated that she appreciated the depth to which they had delved into it but they also had to be fair to the people that they had said, this is what they needed to study, they had to be fair to them as well, as far as was there an answer in what they had studied. She stated that she could get that information for them from the testing company if he wanted to move on to the next question. She asked if it would be an issue for the next set of protests, too.

Chairman Schiffbauer explained that there would be some issues on the Lieutenant's test as well.

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Assistant Law Director Morgan stated that they would look at those separately and would look at them again. She discussed that they definitely wanted it to be as good a job as they could possibly do because it was very important to a lot of people.

Member Espinosa-Gonzalez asked if they wanted to review questions 30 and 83.

Chairman Schiffbauer stated that was correct. He read Question No. 30 and the correct answer and stated that it could be found in O.R.C. Chapter 4511 and therefore the protest was denied. He stated that it was not an unreasonable expectation to for the Captain position to know.

Moved by Schiffbauer seconded by Espinosa-Gonzalez to deny the protest and agree with the testing agency's finding.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 83 and the correct answer and stated that the answer could be found in Chapter 13 and should be known by law enforcement leadership

Moved by Schiffbauer seconded by Espinosa-Gonzalez to deny the protest and agree with the testing agency's finding.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that with the exception of questions 17, 18, 21 and 22, that was all of the Captain's exam protests. He commented that for the Lieutenant's exam there were a total of 34 questions protested. He stated that the first question was Question No. 2, which he read along with the correct answer. He stated that testing company's response stated that all responses were applicable. He discussed that the Commission would accept the appealed answer as an additional correct answer.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to accept all additional answers as the correct answer and agree with the testing agency's finding.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read question number three along with the correct answer. He stated that they would be discussing that question on the 11th, however, he was inclined to agree with the protest and discard the question on the basis that the question was too vague or too poorly written.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to discard the question based on its vagueness and poorly written status.

A voice vote was taken and the motion carried.

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Yes – 3 No – 0

Chairman Schiffbauer read Question No. 4 along with the correct answer. He stated that it was unclear without exception whether or not it was applicable in the source material City of North Ridgeville Police Department Policy and Procedures.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to question number four.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 9 along with the correct answer.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to Question No. 9 based on the source material.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that Question No. 11 fell under what was discussed earlier and he wanted to table that because he had the comments regarding protocol and judiciary procedure.

Assistant Law Director Morgan stated that when she said they could compare it to source material, she didn't know that they did not have that in front of them.

Chairman Schiffbauer read Question No. 13 and the correct answer. He stated to the Commission that the comments that he had written regarding the question not being applicable to that role, however, he didn't confirm within 2950 whether or not it was correct and asked if they could get that information. He added that it could be referenced by Lieutenant and he didn't necessarily think that they needed to be committed to memory. He stated that if it was in the source material and true, then that was what they needed to evaluate it on. He explained that he was inclined to agree with the protest, but he felt as though Chapter 2950 of the Ohio Revised Code needed reviewed to see if that was the correct answer and if it was, then that would change his recommendation. He commented that they would table that with the other questions.

Assistant Law Director Morgan stated that was just two so far, questions 11 and 13.

Chairman Schiffbauer stated that that was correct.

Chairman Schiffbauer read Question No. 14 and the correct answer.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to Question No. 14 due to it being in the source material.

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A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that Question No. 16 would be tabled with the others, because he believed it was way after the officer had interacted with the individual. He then read Question No. 18 and stated that the testing company said to give credit for all answer choices.

Moved by Schiffbauer and seconded by Spann to accept the appealed answer as an additional correct answer.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that Question No. 19 would be tabled because it had to do with judiciary protocol and he didn't read Chapter 2961 as he felt it was out of the scope. He then read Question No. 20 and the correct answer.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 20 because it was reasonable to expect a Police Lieutenant in a leadership role to know.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 21 along with the correct answer. He stated that it was a reasonable expectation for a Police Lieutenant.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to Question No. 21.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 23 along with the correct answer. He stated that the question would be tabled as he didn't reference that section of the source material but was originally inclined to agree with the protest. He then read Question No. 24 along with the correct answer. He stated that the protest would be denied as the question was not asking what the protest had stated.

Moved by Schiffbauer and seconded by Spann to deny the protest to question number 24.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

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Chairman Schiffbauer stated that Question No. 25 would be tabled because it related to judiciary procedure and didn't think it was a reasonable expectation. He then read Question No. 27 along with the correct answer. He stated that he originally agreed with the protest because situations like that were low and if they needed to reference the threshold, they could. He asked that they get that information and check it with the O.R.C. He then read Question No. 28 along with the correct answer and cited the source material.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 28.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 29 along with the correct answer and cited the source material.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 29.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 31 and stated that the testing agency's response was to give credit to choices A, B & C.

Moved by Schiffbauer and seconded by Spann to accept the appealed answer as the correct answer.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Assistant Law Director Morgan said that just to clarify that, because the agency didn't choose D and asked if the appealed answer was A, B or C. She explained that someone could have appeal choice D and that that wasn't one of the options.

Chairman Schiffbauer stated that he didn't know who put "D" on theirs.

Assistant Law Director stated that that would still be an additional answer, but only if it were A, B or C.

Chairman Schiffbauer read Question No. 34 along with the correct answer.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 34.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that they would table Question No. 38. He commented that he didn't specifically look that one up because his original opinion was that that was a low volume encounter and could be researched by the officer and not have to be committed to memory. He added that they would have to look at the Ohio Revised Code to confirm. He then read Question No. 39 along with the correct answer. He stated that he agreed with the protest because he thought the word "must" in the question indicated that the officer did not have a choice.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to remove protested Question No. 39 because the question was too vague or too poorly written.

Assistant Law Director Morgan stated that two hours was the time limit in order to get a test. She commented that it didn't have to be supported by expert testimony. She added that it was relatively common. She stated that she knew Chapter 4511 would indicate that.

Chairman Schiffbauer explained that the reason for it was because there was confusion in the word "must". He then explained why. Chairman Schiffbauer then read Question No. 40 along with the correct answer.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 40 because it was reasonable to expect the Police Lieutenant to know and it was in the source material.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 42 along with the correct answer. He stated that he had originally agreed with the protest but was not provided the source material and therefore, could not confirm whether or not the question was correct. He stated that they would need additional information, which they received prior to the meeting but they would review it and evaluate it at the next meeting. He then read question number 62 along with the correct answer.

Moved by Schiffbauer and seconded by Spann to deny protest to Question No. 62 because the applicant should be selecting the best answer.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 64 along with the correct answer. He stated that he was inclined to agree with the protest because the question was too vague and poorly written and believed that the question was ambiguous.

Moved by Schiffbauer and seconded by Spann to remove Question No. 64.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

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Chairman Schiffbauer read Question No. 66 along with the correct answer. He stated that in that case, the candidate should have selected the best answer as indicated by the testing agency.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to deny the protest to Question No. 66.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 68 along with the correct answer. He stated that the applicant cited multiple answers but in that case the candidate should have selected the best answer.

Moved by Schiffbauer and seconded by Spann to deny the protest to Question No. 68.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 72 along with the correct answer. He stated that he did not have the source material to review but he was inclined to agree with protest as that question would apply to the person conducting the hiring but that they would wait to receive the source material to validate whether or not that was indeed the correct answer. He then read Question No. 88 along with the correct answer.

Moved by Schiffbauer and seconded by Spann to deny the protest to question number 88.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read Question No. 89 along with the correct answer. He stated that he agreed with the protest on the basis that the question was too vague or too poorly written and explained why.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to discard question number 89 based on its poorly written status.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer read question number 93 along with the correct answer. He stated that the protest cited multiple correct answers.

Moved by Schiffbauer to deny the protest to Question No. 93 as the applicant should have chosen the best answer.

Co-Chairman Spann stated that he wanted to see the source material for that question.

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Assistant Law Director Morgan stated that it was reasonable to want to see that.

Chairman Schiffbauer stated that they would table the question. He then read Question No. 98 along with the correct answer. He discussed that he was inclined to agree with the protest, however, it would need to be confirmed with the source material. He read Question No. 99 along with the correct answer. He stated that he wanted to review the source material cited, so it would be tabled as well. He asked if there were any further questions or comments from the Commission members.

Co-Chairman Spann asked where they would be getting the source material from.

Deputy Clerk of Council Wieber explained that she would reach out to the testing company and they would send a copy from the source material cited, the page the question was pulled from.

Assistant Law Director Morgan stated that they didn't have to send everything, just enough to support the answer.

Chairman Schiffbauer stated that he would open the floor up for public comment if there was anyone who wished to speak, he asked that they come forward, use the microphone and state their names.

Greg Petek stated that he appreciated the time and energy the Commission had put into the protest process. He explained that when they were going through the protest period, all that they had were Civil Service Rules and Regulations. He discussed that he had no idea where the guidelines came from but that it was arbitrary and wasn't in the section that they were allowed to use to protest. He said that any guidelines in there that said that the Commission could only toss out questions on whether or not the source material matched, that was not provided to them during the protest period. He mentioned that the only thing provided to them was the fact that "The promotional examination under Rule 5, Section 4(c), was that it shall be in writing, shall be practicle in character and shall relate directly to those matters which will fairly test the relative capactiy of the person examined to discharge the particular duties of the position for which the promotion is sought". He stated that that was all there was in the guidelines. He said that in reading the appeal section of it, "The Commission shall consider each appeal be reviewing each protested question and determining the correct answer, if any, and shall either approve the question and answer(s), if so determined, or eliminate the question entirely. The Civil Service Commission shall be after the testing agency reviews the protested question and provides the Civil Service Commission with their input." He stated that it basically said, that the Civil Service Commission was final and that final scores would be recalculated. He commented that basically the Commission gave the final answer. He remarked that Section 4 of the guidelines that were given to the Commission and added to the agenda, that they were never provided those during their protest period. He stated that if they had been provided those, they would have made further recommendations or further protests under that. He added that their guidelines were completely under whether or not they were relative to the position for which they were testing. He stated that he appreciated the time and energy that the Commission had put in to it.

Assistant Law Director Morgan stated that she had written the four guidelines. She mentioned that they were written not for the test takers, but to help the Commission in making their decision as to what options they had when they looked at a question and what could they do with that question.

Mr. Petek asked how did she narrow their scope from whether or not it was applicable to where they could only accept questions where the answers could be found or couldn't be found in the source material.

Assistant Law Director Morgan stated that the practicality and the things that were tested, those guidelines were when they picked the source materials, that was what they had to look for. She discussed that when the test was graded, they had to look at if the answer was in the source materials, was it supported by the source materials, because they didn't want to give them something to study and end up with questions that didn't reflect what they had studied.

Mr. Petek stated that he understood that but they were under the impression that the protests were to be filed under the Civil Service Rules and whatever guidelines that were suggested for the Commission, they weren't aware of those and didn't think that standard applied to what they were protesting during the protest period.

Assistant Law Director Morgan stated that they could protest anything they wanted and that there weren't any limitations on that at all because they might think of something that they wouldn't normally think of. She said that it was wide open and the Commission would look at whatever they had to offer and then they would take that information and see if in looking at the source material, was that a reasonable assumption, even if it was something they might not have thought of. She added that it had to come from what they had studied.

Mr. Petek stated that he wasn't denying that but he could also form a test over anything that was written or formulated and make the test where they would fail it, if he wanted to. He added that it may be in the source material but also was that test relevant to the position for which those officers were testing. He stated that that was a question that needed to be answered.

Assistant Law Director Morgan commented that was a good question. She stated that when things didn't go as smoothly as they liked, sadly, that was when they learned the most and she thought that the next time they had to pick a test, there would be a lot more awareness and discrimination. She added that it wasn't a good thing that that happened but she thought that they had learned a lot.

Mr. Petek stated that he agreed.

Chairman Schiffbauer stated that he appreciated Mr. Petek's comments and he agreed with some of what he said. He asked if there was any additional public comment.

None given.

Chairman Schiffbauer asked if there were any questions or comments from the Commission.

Member Espinosa-Gonzalez she stated that they had just gone through the Captain and Lieutenant's exams and asked regarding the Sergeant's exam if the expectation was to do the same thing or if they would get all of the source material up front.

Assistant Law Director Morgan stated that she expected them to have the source material that they needed in front of them.

Chairman Schiffbauer stated that he sent the document that they reviewed there to Tina and she had gotten some of the source material for them, but they would get additional because there were almost 50 questions on the Sergeant's test. He mentioned that if they noticed in his notes, a number of those questions stated "additional information needed". He discussed that he had a few comments but would be

brief. He stated that first of all, he agreed with Toni regarding the fact that sometimes the wheels had to fall off in order to know that there was a problem. He commented that that was not a pleasurable experience for the candidates and it was not a pleasurable experience for him, not only as a Commission member but also as a resident of the City. He mentioned that he agreed with Officer Petek about the determination of questions and whether or not there was relevance, he thought everything that they would have tabled, would have been agreeing with the protest, that it wasn't relevant to the position. He stated that the amount of material that was required for them to consume, after reviewing it for only four or five hours, was an exorbitant amount of material. He added that regardless if there were a 30 day extension to give the officers a chance to study, he believed it was an unreasonable expectation. He commented that going forward with any type of promotional exam, he expected the Commission, whether it was him or their successors, to take a more active role in reviewing the content that was being provided or the source material, to ensure that it was relevant, to get feedback from the officers that were holding those ranks for which positions were being tested for and to ensure that they had a test that was reflective of the Lieutenant, Sergeant and Captain positions within North Ridgeville. He stated that he didn't fault the testing agency. He remarked that they were given a task and they were given three books hundreds of pages of material, and their option was to pull questions from that, and that was exactly what they did. He stated that he didn't believe for one instant that somebody was sitting back there thinking, "How can we catch them". He stated that the issue was that there was a lot of material. He discussed that O.R.C. he agreed with, policy and procedures he agreed with, but anecdotally, he didn't think it was relevant that they know what Eisenhower's task prioritization was. He stated that he expected, not only that Commission, but also the police department leadership, to have an active role in selecting the test material and in making sure that test material was provided in a manner that was accessible to everybody. He remarked that he understood that if they bought the materials, they spent anywhere from \$250 to \$350. He commented that no person should be excluded from being able to take a promotional exam based on their ability to afford or not afford testing materials. He stated that that wasn't the type of environment that he wanted to support. He remarked that additionally going forward, ensuring that materials were accessible to the officers and to all that wanted to take the test, was important as well. He stated that there were a lot of questions on the tests that he felt were not relevant to the position, but there were some he thought that if people would have studied a few of the questions, could have know. He commented that even he got a couple of answers correct on them. He discussed that at the end of the day, it was a learning opportunity and speaking for himself, he would definitely do things differently with the promotional exams and expectations going forward. He added that he appreciated the officers that showed up on a consistent basis, taking the time to share their feedback and that it did not go unheard. He mentioned that they had some homework related to follow-up information from some of the source material that wasn't available. He stated that on Monday they would go through a similar exercise for the Sergeant's exam and go through the protest questions and have public comment afterwards. He commented that he wouldn't have the diatribe that he had at that meeting, as it would be more of the same unless there were additional people in the audience. He asked if there were any additional comments.

Co-Chairman Spann stated that he thought he made it clear at the last meeting that his biggest concern was the amount of source material and also the relevancy. He added that it was nothing that they, as normal citizens, could take a look at and say that something pertained or it didn't. He stated that he thought they definitely needed to have some sort of additional eyes on the tests to make sure that they were relevant because at the end of the day, they wanted to make sure that they got the most qualified candidate for the position. He mentioned that they didn't want the guy that could memorize information that didn't pertain to their job, but to make sure they got the best qualified candidate.

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Assistant Law Director Morgan stated that she wanted to thank all of them for their hard work and that their comments were good ones and that they were not falling on deaf ears and that they would do better.

Chairman Schiffbauer stated that they would recalculate the score after they received the source material. He said that Tina would communicate with them on when they could expect those scores and then they would have to be certified by the Commission again. He stated that they would then go back to the discussion from the November 8th meeting about whether or not to just move everybody on to the assessment portion or retest. He asked if there was any other business to come before the Commission.

None given.

Chairman Schiffbauer stated that the next Civil Service Commission regular meeting was scheduled for Monday at 5:00 p.m. on December 11th, where they would be going over the Sergeant's exam.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 3

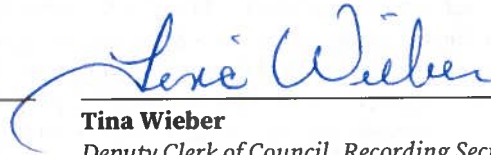
No – 0

ADJOURNMENT:

The meeting was adjourned at 5:48 PM.



Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Wednesday, January 03, 2024

Date Approved