

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF
REGULAR MEETING OCTOBER 22, 2013**

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

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

Minutes:

Co-Chairman Friedrich asked if Member Zezena read over the minutes from the last meeting.
It was moved by Zezena and seconded by Friedrich to approve the minutes dated
September 17, 2013.

MOTION CARRIED

Reports: No reports

Unfinished Business: No unfinished business

New Business:

Certified and Eligibility List Update

Secretary Tjotjos noted that there were no changes made to the certified and eligibility list
since the last meeting.

Correspondence

Co-Chairman Friedrich stated that there is correspondence from the Fire Chief. This piece of
correspondence was a carbon copy of an email received from Chief John Reese regarding the
possible loss of a Fire Fighter along with his recommendations to provide an entrance exam
right after the New Year.

Assistant Toni Morgan addressed Co-Chairman Friedrich and stated that in relation to the
correspondence she found and handed out copies to the members Section 3b under Rule VI
which states that all applicants for original appointment as a firefighter in the Fire
Department shall comply with the requirements of North Ridgeville Codified Ordinance
Section 248.03, which copies were also handed to the members; and which states; "Any
person who meets the normal qualifications requirements and who is also qualified as to age
pursuant to Ohio Revised Code Section 124.42; no person shall be eligible to receive an
original appointment on and after the person's thirty-first birthday. She continued to state
that Ordinance 248.03 states "...who is also qualified as to age pursuant to Ohio R.C. Section
124.42 shall be eligible...." She also explained that led her to review ORC 124.42. She
stated that the language in that section leads her to believe that maybe, Civil Service
Commission should consider; possibly before they do the next entrance exam. She stated it

indicates on the last line of the very last page "no person shall be eligible to receive an original appointment on and after the person's forty-first birthday and then the next sentence says; notwithstanding that a municipal council may enact an ordinance providing that a person between the age of eighteen and forty may receive an original appointment to the fire department."

Secretary Tjotjos stated that she will check the union contract and ordinance.

Assistant Law Director Morgan stated that if there is something; let her look at it because she reads the Ohio Revised Code as something that they are not giving the city discretion on. They are saying forty or forty-one. She stated that they specifically address municipalities and it doesn't look like it's something they are giving us discretion on. She stated that Civil Service may want to consider bringing Rule VI, Section 3b into line with that. It is something to look at and it looks to her that they are not giving us discretion there. It looks pretty clear that municipal council may enact an ordinance up to age forty but that is about all the leeway they seem to give. It is very, very specific and a lot of instances the local Civil Service Commission anything they think is appropriate, but this one seems to be a little different and it is something she feels needs to be looked at.

Secretary Tjotjos thought that there may be an ordinance she wasn't sure as she didn't have anything in front of her.

Assistant Law Director Morgan stated that she hadn't seen the ordinance, but wasn't sure even if the ordinance would be able to override in this instance. It is something that Civil Service needs to consider before an exam is given.

Co-Chairman Friedrich stated that while we are considering this, we need to check with the Chiefs to see where they stand on it. He believes that in the last 30 or 60 days, they ruled one of the guys ineligible because of age. He remembers reading that in one of the reports.

Secretary Tjotjos stated he was correct. She pointed out from the report that three individuals were eliminated from the eligibility list because of age restriction.

Assistant Law Director Morgan stated that all we can do is go from a certain point forward unless someone files a claim of some sort, but this would be a way to head off any claim. She stated that what she gave the Civil Service Members in terms of our own ordinance binds us to ORC, which is forty or forty-one. She stated that our ordinance clearly says that we follow 124.42.

Co-Chairman Friedrich stated that it is different if we come up with our own new rule.

Assistant Law Director Morgan stated that if it doesn't say that you have to follow it, then we have leeway. This one we said we would follow it and ORC also seems to indicate that we should as well. She stated we probably ought to do what we say we are going to do.

Member Zezena stated that it clearly says the age.

Co-Chairman Friedrich gave direction that the Secretary check with the Chiefs to see their stand on this. He stated that this rule will need to be rewritten anyhow. He asked if Assistant Law Director Morgan could come up with language and see if we have to follow the State's code or can we rewrite this.

Member Zezena asked if Civil Service needs to mention the Ohio Revised Code in their rule.

Assistant Law Director Morgan stated we say in the rule that we will follow the ordinance and the ordinance clearly says that we will follow the Ohio Revised Code.

Co-Chairman Friedrich stated which says forty and is now conflicting. He stated that if the Chiefs say they don't have a problem with forty or forty-one, then we just need to remove thirty-one, but if they have a problem with that, then we need to have Assistant Law Director Morgan rewrite it without saying we following ORC.

Member Zezena asked if it would be an issue if we took out thirty-one after these people didn't make it.

Assistant Law Director Morgan stated if they get upset and come back and files legal action saying that we are not following our own rules, then that is whole other issue.

Secretary Tjotjos stated that to her recollection, the reason it was kept at thirty-one had to do with pension issues.

Member Zezena stated that it takes a number of years to hit the pension and if you hire someone that is older, you're going to have an older person to get to their pension time. So, if you hire someone at the age we have, they will still be somewhat young as they get close to their pension and are still workable or usable in man hours.

Assistant Law Director Morgan stated all she is looking at, at the moment, we are saying we are following ORC and we are not.

Member Zezena asked if Civil Service could be provided a legal opinion for their next meeting.

Assistant Law Director Morgan stated she could do that and if there is some additional information that you're aware of so that she can take everything into account.

Secretary Tjotjos stated she would check with the Chiefs and where this rule was established; whether by ordinance or contract.

Member Zezena stated that if you hire someone at forty, he believes it is 24 years in the pension so that means their getting out when they are at age 64 and doing a fire job; he believes that is what they are looking at. He stated if they are at 31, they are getting out at age 51.

Co-Chairman Friedrich stated if you look at it from a taxpayer's standpoint or a business man's standpoint, who wants to let all these people out and implode the system somewhere along the line. Now, these guys are on pension for so much longer.

Member Zezena stated that is why the DROP program went into effect.

Co-Chairman Friedrich stated the DROP program paid so much; it paid more than executives did at jobs. It was crazy. He stated either way, this has to be cleaned up somewhere in the near future. Assistant Law Director Morgan is absolutely correct.

Secretary Tjotjos noted this subject does tie in with the suggestions mentioned in Chief Reese's email. She explained that Civil Service Commission has, in the past, looked at the budget for the upcoming year and decided on examination dates during their January meeting. However, if the Members decide to agree with the Chief's suggestion to hold the exam after the first of the year then, at the next regular meeting, they will have to approve funding, exam agencies, etc.

Co-Chairman Friedrich asked if has been two years since the last exam for the fire department.

Secretary Tjotjos stated that the eligibility list does not expire until May of 2014. However, the Fire Department has indicated a possibility of one firefighter going off payroll by the end of December and they would need to have someone taking his place right after the New Year in order for them to refrain from using overtime costs.

Co-Chairman Friedrich stated that this would be the year that Civil Service would be doing the entrance exam for fire anyway.

Secretary Tjotjos stated yes, that is correct.

Assistant Law Director Morgan asked what all goes into scheduling an exam.

Member Zezena stated that per law, Civil Service has to advertise in certain amount of places within a period of time.

Co-Chairman Friedrich added that Civil Service reviews agencies that are providing the exams and at what expense.

Assistant Law Director Morgan asked if it was professional companies that came in and do the exam.

Member Zezena stated that outside agencies do the testing so that when they grieve a question, the response to that grievance is given by the agency and not the City. There is more that goes into it, but there is cost involved.

Secretary Tjotjos stated that the promotional exams are at times 50,000 dollars; but the entrance exam could range with the entire cost of between 2,500 to 3,000 dollars.

Assistant Law Director Morgan asked how the physical exam work and do they have to come with that already complete.

Secretary Tjotjos explained that for fire, the applicant has to provide the agility certification from Tri-C completed and then provided with their application. Once the written exam is finished, the scores from the agility get combined with the written score. Fire entrance exams are faster at getting completed than the Police, because we use an outside school to do the agility for Fire.

Assistant Law Director Morgan asked if it was the same company that does the written and the agility exams.

Member Zezena stated Tri-C does the agility and then we use Clancy for the written. There are three that we look at, but we usually use Clancy.

Co-Chairman stated that the Police does their own agility.

Secretary Tjotjos stated that our Police Department has the best staff in northern Ohio who administers one of the best agility tests. This agility test is administered by our Police staff who are also very involved with Lorain County Community College in helping with their agility exams for the academy.

Co-Chairman stated that he believes over a year ago they had a competition where they invite all the cities to do contests against other Police Departments. It was a year or so ago, that they give four positions that finish first, second, third and fourth. North Ridgeville finished first, third and fourth. They took three out of the four positions. He stated they are serious and good for them. He stated that during the course of their career, they are made to take agility tests every year.

Assistant Law Director Morgan stated she did know they had an incentive program so it must work.

Secretary Tjotjos asked what the members wanted to do with the suggestions made in the correspondence or did they want to move it to the next meeting when all members were present.

It was moved by Friedrich and seconded by Zezena to postpone action until the next regular meeting in regards to the correspondence received by Chief Reese.

MOTION CARRIED

Assistant Law Director Morgan stated she will have a legal opinion on what she has found and what additional information can be given to her in regards to Rule VI.

Co-Chairman Friedrich thanked Assistant Law Director Morgan for finding that.

Adjournment:

It was moved by Friedrich and seconded by Zezena to adjourn the meeting.

MOTION CARRIED

Meeting adjourned at 6:50 P.M.



Chairman James Yost



Recording Secretary

November 19, 2013
Date Approved