

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF
REGULAR MEETING AUGUST 15, 2017**

To Order: The meeting was called to order at 6:30 p.m.

Roll Call: Present were members Nick Ciofani and Chairman James Yost.
Absent was member Michael Crevda.
Also present was Assistant Law Director Toni Morgan, Fire Chief John Reese and Recording Secretary Donna Tjotjos.

Deputy Clerk Tjotjos addressed the Chairman and explained there was correspondence received after cloture from Fire Chief John Reese requesting the Commission provide for another Firefighter/Paramedic entrance examination. She requested that the Commission move to amend the agenda to add this subject matter under new business.

It was moved by Yost and seconded by Ciofani to amend the agenda to include the request from Fire Chief Reese under new business.

MOTION CARRIED

Minutes:

Regular meeting July 18, 2017

It was moved by Yost and seconded by Ciofani to approve the meeting minutes dated July 18, 2017.

MOTION CARRIED

Reports:

Deputy Clerk Tjotjos explained that the Commission received two letters from candidates to withdraw their name from the current Firefighter's Eligibility List. There was one more letter received today. The certified list before the Commission is the current one which shows three names being removed. The list before the Commission this evening will need to replace the one received in their packet and will need to be certified under new business as is on the agenda.

UNFINISHED BUSINESS:

Clarification on recent rule amendment (copy of memorandum received 5/18/17).

Assistant Law Director Morgan apologized for not being at the last meeting. She stated it was not something that Cincy handles. She read the minutes and she ended up not being

one hundred percent clear on what the Civil Service Commission members wanted. The memo she put out provided two options. One was to keep things the way they are and only give out the scores. There was a second option, which is what she thinks the Commission opted for, but wasn't clear in the minutes. The minutes discussed giving out the assessment, but the rule is written broader. She asked if the Commission wanted to amend the rules so that there is a third option for just this assessment matter or did they want to use the language she included in her memo where it was broader.

Chairman Yost stated they wanted to make sure that if they released the assessment it could not be used for protest or appeal. Scores are still protected.

Assistant Law Director Morgan asked if the Commission was opting for the second option. She just wanted to be clear. She will provide something for the Commission next meeting.

Chairman Yost asked if they were to take action on this item tonight.

Assistant Law Director Morgan stated that she doesn't have it written up, but the language was in the memo. If the Commission wants to tonight, they can. She asked if they voted on it during the last meeting.

Chairman Yost stated they did.

Member Ciofani stated that there was a difference of opinion and he made the point that if they can't agree on it, then it would be null and void as it was one person for and one person against and so they came up with the idea to allow the assessment information to be released but without using that assessment as part of a protest or challenge.

Assistant Law Director Morgan stated the candidates can receive additional information but it wouldn't be something they could protest.

There was discussion held regarding the assessment tests received. The Fire Chief and the Commission agreed the test was money well spent. Fire Chief Reese stated that it was better than what they have had in the past.

Chairman Yost moved the meeting on to new business.

NEW BUSINESS:

Certify top ten Firefighter Paramedic list as candidates have been removed and candidates were added.

Chairman Yost addressed Deputy Clerk Tjotjos and asked if the candidates that sent in the

letters of withdraw were removed from this list.

Deputy Clerk Tjotjos stated yes, all three candidates were removed from the list and additional candidates were added to ensure ten candidates are being certified. She stated those that were removed were DiSerio, Boatman and Mikoch.

Fire Chief Reese stated that there are more letters coming.

Deputy Clerk Tjotjos went over the list and showed where the candidates were removed and which candidates were added.

It was moved by Yost and seconded by Ciofani to certify the top ten Firefighter Paramedic list as presented.

MOTION CARRIED

Certify top ten Patrolman list as candidates have been removed and candidates were added.

It was moved by Yost and seconded by Ciofani to certify the top ten Patrolman list as presented.

MOTION CARRIED

There was review and discussion of the request to hold a Firefighter/Paramedic Class C entrance exam in order to obtain a new list.

Assistant Law Director Morgan addressed Chairman Yost and stated after the Commission hears the concerns from the Fire Chief, she has some information she wants to give to the Commission about where the City is at this moment because depending upon how the Commission decides, the Commission will probably have to adjust the rules a little bit.

Fire Chief Reese stated that he is here to ask if he has an option to do a new test to acquire a new list. The reason is that he had a meeting with the Mayor and Law Director about three weeks ago and he told them the concerns he was having. They suggested that he ask Civil Service for a new list. He stated he didn't want to do that yet as he wanted to see what he can get out of this list. He didn't want to wait because he is down three people right now and he didn't want to wait unless he had to. He went through this list. From the original list, number one was hired in Valley View; number two was fired from Lakewood for a racism issue; number three was hired in Avon Lake; number four they interviewed twice. He is a North Olmsted Township Firefighter on probation. During both interviews they had a funny feeling about him and he was passed up for someone else. Since then, they heard that he is in trouble and is on probation. Number five went to Lakewood; number nine took a position seven months ago and the location is unknown; Mikoch was hired in Bedford Heights. Brandon Bement is one of two people he is asking to come in for a background.

He explained that he had a Bement that just retired. He also has another Bement, which is his son who is still working in the department. This Bement would be a third cousin. He believes the Administration is concerned in terms of hiring due to nepotism. He isn't out, but he does have a job with Sheffield Lake. Number ten took a job with the Avon Lake Service Department. He didn't come for the interview. Patrick Linn took a job and Jacob Reynolds took a job. They were originally twelve and thirteen on the list. Number fourteen and fifteen took a job as well. He felt he begged Brennan Muhic to come in for an interview. He is an Ashland Firefighter and Chief Reese didn't feel he was interested. He has already reached number eighteen on the list. Number seventeen stated on his application that he would talk to them about why he was leaving the City of Brooklyn. Fire Chief Reese called the City of Brooklyn's Fire Chief and he said that he just got done firing him. Number eighteen is a kid that his father was the Assistant Fire Chief in Avon who retired. He personally knows the kid and he has been in and out of jail over the years. He won't pass the background. He is seeing familiar names with the rest of this list and they spoke to some of them in the past and they haven't been hired. He believes the list is over a year old and will expire in May of next year.

Chairman Yost asked if he was down three guys.

Fire Chief Reese stated that he has two injured and one just left to go to Cleveland Heights. The one guy that is injured is coming back but he is barely going to put his foot in the water and he is retiring. He will be down.

Chairman Yost stated that if we wait until May, then the Chief will be shuffling.

Fire Chief Reese stated that he would like to get four guys to look at and pick one. Here we have two and just looking at them right now, they are real iffy. They are sixteen and eleven. Westlake just gave a test. Everyone knows that the two highest paid departments are Westlake and Beachwood. Westlake gets the most candidates. They were hiring four and they only had thirty-two guys take the test.

Chairman Yost stated the last exam was down in numbers too.

Member Ciofani addressed the Chief and asked why he thought that was.

Fire Chief Reese stated that they screwed the pension all up and it was one of the main attractions to the job years ago.

Chairman Yost stated that is one of the things people were upset at Kasich about. Guys were fighting for things that they used to get and now they aren't happy; that is both Police and Fire.

Fire Chief Reese stated they upped the retirement age and starting next year you get absolutely no help with medical insurance when you retire.

Chairman Yost asked if he would be satisfied with number eleven and sixteen. He stated it will probably only help him for a while. By the time testing happens next spring and get a certified list, it will be well into summer before he can hire.

Deputy Clerk Tjotjos stated the list would have to be provided before the end of May since it is set to expire in May.

Fire Chief Reese stated that if they told those two guys that they don't have enough people to interview and they are going to give another test, they probably won't show up again to take the test. That is how we know if a mistake was made here and they will be able to go back and hire the guy that shows up again if he does well on the test. That happened the last time when the list was going to expire. The guy next on the list took the test again and showed that he really wanted that job. He felt that both of these guys have jobs and a chance of them wanting to leave is pretty wishy-washy.

Chairman Yost asked if those two passed the background check.

Fire Chief Reese stated that he hasn't even talked to them yet. Basically, he gave them a background interview packet.

Chairman Yost asked how they did on the test and referred back to the scores. The scores were discussed.

Fire Chief Reese stated that Muhic will more than likely take a pay cut to come here and his concern with the other guy is hiring another Bement.

Member Ciofani stated that it would be a lot easier if we had a good list and the fact that the Chief is present tonight to go through this says that it's not a good list.

Fire Chief Reese stated that he would hate to wait to give another test, but at this point he would just because he believes he would get a better choice.

Member Ciofani asked if we couldn't just pay Westlake a stipend to get their list.

Chairman Yost asked what Brennan is doing right now.

Fire Chief Reese stated he is an Ashland Firefighter. He would have to take a pay cut to come here.

Member Ciofani stated this just screams for regionalism. It would be great to have multiple cities do a test and then it could be just picked from there.

Fire Chief Reese stated he has tried to get them to do that.

Deputy Clerk Tjotjos stated that has been discussed among the municipalities and the problem is that each city will fight over the number one guy. There would be an issue.

Member Ciofani asked how many people was Westlake hiring.

Fire Chief Reese stated four. That doesn't mean they won't have another opening six months from now. He stated that he just stole a guy from Euclid. He went there on a lateral transfer from Perkins Township and we ended up hiring him. When he took the Euclid job it was a lateral transfer. What a lot of them are doing now is they are collecting applications from anyone that is already on full time somewhere and hiring them as a lateral transfer. Basically, some of the cities are doing that to save on giving Civil Service tests.

Assistant Law Director Morgan stated that the Commission is hearing the issues that the Fire Department is facing and here is what we have as far as what is in place with our rules. The current eligibility list expires around May 2018. There are ten names that are certified and currently there are only two that the Chief likes. It is her belief that there are nineteen more potential candidates on the list. From that pool, we are hoping to hire three people. Those are the facts. If we give a new exam, one of the big draw backs is cost. It would cost anywhere from \$5,000 to \$7,000. People's names that are already on the list can take the exam again, so you aren't getting a huge number of new people, potentially, it just depends. When it comes to Rule VII, Section 2, it sort of indicates that it is following Ohio Revised Code §124.46. It may have before they changed that code, but now that section states that the list shall continue for two years. We are kind of stuck with that. Here's the part the Commission needs to decide: if you want to give a test sooner, we will need to take the rule that we have and get Council to approve it because that is the only way it makes it legal. If we have a rule that doesn't follow the ORC, which we can deviate from the ORC, however, Council has to legislate. That is where the decision lies. She asked if the Commission wants to wait it out the two years.

Member Ciofani asked for clarification on Council making a decision.

Assistant Law Director Morgan stated that Council would just be stating they approve the rule.

Chairman Yost added that the Commission is only requesting to deviate from the ORC because we are a city, we can do it, but Council has to approve it.

Fire Chief Reese stated he was mistaken because he thought after a year; you could get rid of that list.

Assistant Law Director Morgan stated that is probably what the ORC said at one time, however, they have amended that rule to state a flat two years.

Member Ciofani stated the Commission would request Council to approve the rule to allow another test to happen before the end of two years.

Assistant Law Director Morgan stated that it would go before Council with the explanation that this is what the Commission has been doing and this is what they want to continue to do.

Fire Chief Reese asked if that wasn't how the Commission was able to get that rule.

Assistant Law Director Morgan stated at the time it was written, it may have been in conformance with the ORC.

Deputy Clerk Tjotjos explained that the ORC section was amended in 2007.

Assistant Law Director Morgan asked the Fire Chief if it was important for the Commission to decide on it tonight or could they think about this for a while.

Fire Chief Reese asked if he goes down this list and knows that this guy is not going to pass a background check, does he need to spend the time backgrounding and interviewing them knowing they won't work out.

Assistant Law Director Morgan stated that background isn't covered at all in the ORC. Some people do it up front.

Fire Chief Reese asked if he had to even talk to them.

Assistant Law Director Morgan stated that according to the ORC, he has to hire number one within ten days. That is how far off our rules are compared to ORC. That will be discussed during the next meeting. Our rules don't say that you have to.

Fire Chief Reese stated that he is trying to make this list work.

Chairman Yost reiterated that if he hires these two guys, would that help him until the Commission can give the test next spring.

Fire Chief Reese stated he is going to try and weed through this list and find one or two more names and background four people or at least three and hire one of them. He hopes to get two more out of this list.

Chairman Yost stated that he should be able to get two more out of tonight's certified list.

Fire Chief Reese asked what number that would get him to.

Deputy Clerk Tjotjos stated number seventeen.

Fire Chief Reese stated that isn't going to get him anywhere.

Deputy Clerk Tjotjos stated that there are four names on that certified list that the Chief has already sent letters to.

Assistant Law Director Morgan stated the Commission could wait a little longer to see what comes out of this pool before they make a decision. The list is good until 2018.

Deputy Clerk Tjotjos asked if the rule could go in front of Council because it will take time to get approval. After that, a decision could be made to give a test, but she stated she would have to have time as well to get pricing to the Commission for approvals, etc.

Assistant Law Director Morgan stated that this is time sensitive to some degree.

Chairman Yost asked if Assistant Law Director Morgan could get something drawn up for next month's meeting.

Assistant Law Director Morgan stated that is the decision the Commission can make and asked if they wanted to make a motion to stick with the two years or modify the rules which will need to go to Council.

Fire Chief Reese reported on those candidates that he sent withdraw forms to. He is now just waiting to hear from those three.

Assistant Law Director Morgan asked how many names is he down to.

Deputy Clerk Tjotjos stated he is down to fifteen names remaining on the list.

Fire Chief Reese stated that more than likely he will have five out of those fifteen names. He asked if three more names come off what number he would be at.

Deputy Clerk Tjotjos stated that she has already given Golay and so he will be down to number twenty-one. So he will get Sada and Adamuik.

Fire Chief Reese stated that Sada on his list is fourteen.

Deputy Clerk Tjotjos stated the list the Chief had was not the current eligibility list.

Assistant Law Director Morgan stated that she still needs a motion.

It was moved by Yost and seconded by Ciofani to leave Rule VII, Section 2 the way it is.

MOTION CARRIED

Chairman Yost asked that it be clear that this is the rule Civil Service Commission has always followed.

Assistant Law Director Morgan stated she will make it part of one of the whereas clauses.

Chairman Yost requested that it be explained the reason the one year is critical based on this situation.

Member Ciofani asked how many times the Commission has given a test after one year.

Chairman Yost stated he has been here for fifteen years and they have never given the test after one year.

Fire Chief Reese stated that the City has never had a list like the current one.

Deputy Clerk Tjotjos added in the past the City had about a hundred names to choose from.

Assistant Law Director Morgan stated once we figure out we are not conforming to ORC, we have to take the steps to make it right.

Deputy Clerk Tjotjos stated she can get him as many names on that list as he wants. They just won't be certified until the letters of withdraw come in.

Fire Chief Reese asked the Commission not to forget that a Lieutenant's exam has to be given next year. The list expires next year.

Deputy Clerk Tjotjos asked if he had someone retiring.

Fire Chief Reese stated he is on leave right now, but planning to retire next July.

Chairman Yost asked if it was work related medical leave.

Fire Chief Reese stated it wasn't work related. It happened as a result of surgery.

ADJOURNMENT:

It was moved by Yost and seconded by Ciofani to adjourn the meeting.

The meeting adjourned at 7:26 P.M.

James P. Yost
Chairman

Donna Fazio
Recording Secretary

September 19, 2017
Date Approved