

**MINUTES OF MEETING**  
**AVON CIVIL SERVICE COMMISSION**  
Held Monday, March 6, 2023

**AVON CITY HALL**

**CALL TO ORDER**

The meeting was called to order at 10:00 A.M. by Peter Kratt, Chairman of the Civil Service Commission.

**ROLL CALL**

Present: Chairman Peter Kratt and Commissioner Bill Greaney  
Commissioner Alan Wojciechowski was absent

In attendance: Law Director John Gasior, Police Chief Fischbach, Fire Chief Dave Swope,  
Safety Director Streater and Recording Secretary, Rose Seighman

Guest: Kristofer White

**ADDITIONS/DELETIONS TO AGENDA:**

Mr. Kratt asked if there were any additions or deletions to today's agenda, there were none.

**APPROVE MINUTES OF MEETING OF 2/6/2023:**

*Mr. Greaney made a motion to approve the minutes from the meeting of 2/6/2023. Mr. Kratt seconded and the motion passed 2-0.*

**ACTION ITEMS:**

- *To approve changes to Rule IV, Sections 1, 2, & 4*

Mr. Kratt asked if there were any further questions regarding the changes to the Lateral entry process that we've discussed the last two meetings? Chief Fischbach asked Mr. Greaney if he had any questions, since Mr. Greaney was absent last month when the Chief went over this. Mr. Greaney asked if this is to be considered temporary? Chief Fischbach answered that it is not temporary, this will be an option that will be open to them moving forward. Right now, his plan is to continually accept applications through the Lateral Entry process. As long as the candidate meets the requirement of a minimum of two (2) years of full-time service in Ohio, then the application will be accepted and it will be on file for one year. Essentially, we will have a rolling list for Lateral entry candidates. This will give us another option and the ability to look at more candidates. He is not looking to get rid of this option at this point because he doesn't see the pool of candidates getting larger any time soon. He thinks we need the ability to have this option. Mr. Greaney asked if once the department is at full capacity, will he then hire one off the Lateral Entry list and then one off the Entrance Exam List? Chief Fischbach said that he would absolutely do that. At this time, he isn't prepared to ask the Commission

to suspend that rule. If these rules are approved today, they need to get some candidates to apply and if that happens, he can see himself coming back next month and asking the Commission to suspend that rule if we have more candidates on the Lateral Entry list than we do the Entrance Exam list. Right now, we will exhaust the current list prior to one year, which we have never done before. He explained if we are at full staffing and aren't under a hiring crunch, he would anticipate keeping rules as written and if we do hire off the Lateral Entry list, then the next hire would be from the Entrance Exam list. He just doesn't see us being in a good spot in the next month or two. It would be up to the Commission whether or not they would want to suspend that rule, but if we were sitting here today and this rule was already in place, he would be asking the Commission to consider suspending the rule because we are not in a good spot right now. Mr. Greaney explained that he thought the great thing about this rule change was that we would hire one from the Lateral Entry list and then one from the Entrance Exam list. Chief said that he agrees and wants to make clear that he is in no way trying to go around the Civil Service process. He believes there is value in an Entrance Exam, especially for officers that are new and haven't gone to the Academy yet. We need a mix of young officers, but we also need officers coming from other departments that have experience and training, we need to have that blend. Having the rule where we hire one from Lateral Entry list and one from Entrance Exam list is a good point, as long as we are up on our staffing and not in a personnel crunch like we are now. Mr. Greaney commented that with this change, we may get an influx of people that want to come here. Chief doesn't like to take officers from other agencies because we are all in the same position and fighting for the same candidates. He doesn't know what to expect but he mentioned Avon Lake gave an entrance exam for officers and they ended up with 27 on their list, which is bad. We used to get hundreds in the past. Once you start going through the background check and physical agility tests, you might end up with half that. There just aren't the candidates out there. He hopes we have an influx. If these rules are approved, he will move quickly to advertise that we are accepting lateral entry applications.

***Mr. Greaney made a motion to approve the changes to Rule IV, Sections 1, 2 & 4. Mr. Kratt seconded and the motion passed 2-0.***

- *To approve changes to Rule VII, Sections 1, 2, & 5*

Mr. Kratt asked if there are any questions on this item. Chief Fischbach explained that he laid this out last month and the rules are pretty straight forward. Mr. Greaney asked if someone was previously on our list that took our exam and is a police officer and was ranked number 2 or 3 on the list, then we eliminated them for some reason and we went to a number below him, those candidates that were eliminated that way, could they apply under our new Lateral Entry process? Chief Fischbach explained that they can certainly apply, assuming they meet the other qualifications, but just submitting an application doesn't mean you will be hired. If we already passed over them once, it doesn't preclude them from being looked at again, we look at each candidate on an individual basis. The short answer is they can apply again under the Lateral Entry process, but we will follow all the city standards. The only difference with the Lateral Entry applicant is that they don't take a written exam. The "exam" in the Lateral Entry process is the application review that he and the Safety Director would do. They are still evaluating them and going through the background check, psychological exam, physical agility, etc. None of that is changing and he isn't lowering those standards. He wants the best candidates, quality candidates. He wants the best of the best and he isn't looking at lowering standards, he is just looking for ways to give us a wider pool of people to look at.

***Mr. Greaney made a motion to approve changes to Rule VII, Sections 1, 2 & 5. Mr. Kratt seconded and the motion passed 2-0.***

- *Remove names from Police Eligibility List*

Chief Fischbach commented that as he has noted before, these candidates are taken off the list for a variety of reasons, they either don't respond to our calls and emails, have taken a job elsewhere, don't show up for interviews, etc. He said Rose can attest to the fact that we keep track of every time we reach out to the candidates. Mr. Kratt asked if he documents that information and Chief answered that we do, every time we attempt contact is documented. Chief commented that he knows that a couple of the candidates on this list were taken off because we scheduled them for interviews and they didn't show up. They tried to call back to reschedule the candidates but never heard from them.

***Mr. Greaney made a motion to remove the three names from the Police Eligibility List as presented. Mr. Kratt seconded and the motion passed 2-0.***

- *Request to be reinstated on the Police Eligibility List*

Kristofer White stated that he is here this morning to request to be reinstated on our Police Eligibility List. When he found out about our process to hire police officers last summer, he was also recovering from labrum surgery. When he got the phone call from the Avon Police Department, he knew the PT test was soon to follow and he knew there was no way he could perform that test to the best of his ability. He removed himself from the list. He did some research after the first of the year from other cities regarding being reinstated to the list. He contacted Rose and asked if it was feasible in Avon and that's why he is here this morning. Mr. Kratt asked if he had requested to be removed from our list. Mr. White answered that he did make that request.

Mr. Kratt asked Chief Fischbach if he had any comments. Chief Fischbach explained that he thinks this will fall to our Law Director. Mr. Gasior explained that our rule has criteria that the Commission needs to consider. Chief Fischbach said that in reading through that rule, they allow for a candidate to request to be reinstated if WE remove them for our reasons. The rules don't address when a candidate voluntarily removes themselves from the list. His question is if we do reinstate a candidate that voluntarily removes themselves from our list, where would we put them? By our Civil Service rules, once a candidate is removed from our list, we then move on to the next person on the list. Our rules indicate we are only allowed to look at so many candidates, depending on how many we are hiring, so when a candidate gets removed, they are gone and off the list and the list is essentially recertified and we move onto the next person. In this case, we are well passed where this candidate was. He doesn't know how the Commission would handle putting them back on the list, do we bump somebody off that we are currently looking at, do we put them back where they were originally, do we put them at the bottom? Our rules only address when WE remove someone from the list, not when a candidate removes themselves. These are his concerns.

Mr. Kratt asked for Mr. Gasior's comments. Mr. Gasior indicated the process is a little complicated by the fact we use the National Testing Network for our testing. If he is not mistaken, it's almost like a rolling list of candidates that are available to be hired. He said as you read the rule, Chief is correct:

***The name of any person appearing on an eligibility list who fails to respond to a written notice from the Commission, who declined an appointment without reasons satisfactory to the Commission, or who cannot be located by the postal authorities, shall be removed from the eligibility list.***

In this case, we have an individual who was on the list and he stated his reasons as to why he removed himself from the list and now he would like to be reinstated. Mr. Gasior's question is, how did he get on the list in the first place, was it National Testing? Mr. White answered that he did take the National Testing Network (NTN) exam when it was posted last summer. Mr. Gasior asked someone to explain the process to the Commission. Chief Fischbach explained that we used NTN to do the written portion of our Eligibility list. There is a date of when we begin to accept the scores and there is an ending date. There is a window of time when they can take that test. It's different than a traditional exam when we post a date/time/place where the exam will be, candidates need to show up somewhere locally and take the exam. NTN has the same concept, but instead of a specific date and time for the exam, it gives the candidates the ability to take it essentially any time they want. They can go to a testing location or take it from home. It has to be taken during the window of time when we say it is open. Rose added that the window of time that we have open for candidates to submit scores doesn't mean they have to take the exam during that time. They could have taken the exam three months before for Berea and then they see Avon is accepting scores through the month of March. They shoot their scores from when they took the exam three months previously to Avon. That's how we get more candidates on our list. The scores are good for one year, so a candidate can submit their scores for up to a year to any agency that is accepting scores. Chief added that they have to submit their scores during our open window. A candidate cannot send us their scores after our window closes. Our Eligibility list was established when the Commission certified our list. Someone cannot send us their NTN scores now and get on our list. Rose added that in that respect, it is not a rolling list. Chief agreed and said we do not have a rolling list, we have an established eligibility list. That list today is the same list, with the same ranking as the day the Commission certified it. Chief explained that we have already exhausted the Lateral list that we had with NTN, that was done within the first month or two. We are working off the Entrance Exam Eligibility list and we are currently looking at candidates that are ranked in the mid-30s. The only way we could get there was because we removed all the candidates before them. As we either hire or they are taken off, we continue to go down the list.

Mr. Kratt asked if Chief had any suggestions for Mr. White if he is not reinstated on our list. Chief stated that our Eligibility List will be exhausted by the end of the year. We will be having another Entrance Exam probably this summer or fall at the latest. He thinks it's a question for the Commission and the Law Director, since our rules don't address a candidate that takes themselves off the list. Our rules only address when we take the candidate off the list. Our rules allow for that candidate to come before the Commission and argue why we took them off the list. And again, since we are working off a certified, established list, where would the candidate go if he were reinstated? Would he go back where he was originally on the list – which we are far beyond where this candidate was on the list. If we had a rolling list of candidates and not one that is ranked and set, that would be an easier situation.

Mr. Gasior said as you read the rule, it stands to reason if the Commission has the authority to reinstate someone that we removed from the list, based on a thoroughly satisfactory explanation of the circumstances, it seems as though the Commission would have the authority based upon a satisfactory explanation to reinstate someone who voluntarily removed themselves from the list. He doesn't see why the Commission wouldn't have both powers available to them. The significance of being removed is probably more concerning than a person who voluntarily removes themselves. But that still leaves the problem of where you are placed on the list. He feels the rule doesn't give us an option anywhere, even if it is a situation that is described in the rule and you do decide to reinstate, where do you reinstate?

The only assumption you can make is you would be reinstated where the person was held on the original list. Mr. Gasior asked if you can be removed if you've been passed over three times? Chief said yes. Mr. Gasior asked how many hires have you made? Chief asked if Rose knew where candidate Stringer was ranked because he was just removed from our list because he was passed over three times. Mr. Gasior stated that the assumption is that when someone is hired, every candidate above that candidate on the list would be considered to have been looked over. Chief agreed. Chief is checking with his office to see when Stringer was passed over.

Mr. Greaney asked Mr. White, when he removed himself from the list, what process did he use to be removed, was it by phone or email? Mr. White said he called into the Chief's secretary, Candice, and left a voice message saying he was removing himself from the list. Rose added that Candice sent her an email saying that Mr. White left a message on her VM and is removing himself from the list. Mr. Gasior asked Mr. White what rank was he on the list? Rose answered that he was ranked #16 on our list. Mr. Gasior said that his question now would be, how many times did we pass over candidate #16? Chief Fischbach said Mr. Stringer, who we just took off the list, was ranked #18 and he was removed because we passed over him three times. If Mr. White was #16, we would have passed over him three times by now. Of course, Chief said, who knows what would have happened had we gone through the process, but we know we already passed over #18 three times.

Mr. Kratt indicated that Mr. Greaney does not feel he can move Mr. White back on the list and Mr. Kratt doesn't feel he can either. Mr. Greaney would like to think about it for a month, which is acceptable to Mr. Kratt. Mr. Gasior said that the Commission can take the matter under advisement. Mr. Kratt said that is what they will do.

***Mr. Greaney made a motion to defer this item to next month and take a vote then. Mr. Kratt seconded. Motion passed 2-0.***

**GENERAL COMMENTS:**

Rose reported that 11 of the 16 candidates eligible to take the upcoming Fire Lieutenant Promotional exam have signed up to take it. All candidates passing that written exam will move on to the Assessment portion of the exam on April 22<sup>nd</sup>. Mr. Kratt asked if Chief Swope was happy with that number and he said he was.

**NEXT MEETING DATE:**

Tuesday, April 4, 2023, at 10:00am

**ADJOURN:**

Following a unanimous vote, today's meeting was adjourned at 10:27 A.M.

**PASSED:** \_\_\_\_\_ **SIGNED BY:** \_\_\_\_\_

Peter Kratt, Chairman

**ATTEST:** \_\_\_\_\_

Rose Seighman, Recording Secretary

C: John Gasior  
Safety Director Duane Streator  
Chief Fischbach  
Chief Swope  
Rose Seighman