

MINUTES OF MEETING

AVON CIVIL SERVICE COMMISSION

Held Wednesday, April 5, 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, Commissioner Bill Greaney and
Commissioner Alan Wojciechowski

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

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 3/6/2023:

Mr. Greaney made a motion to approve the minutes from the meeting of 3/6/2023. Mr. Wojciechowski seconded and the motion passed 3-0.

ACTION ITEMS:

- *To consider approval of updated Labor Eligibility List*

Rose stated that the Labor Eligibility List this quarter had 2 names removed from the list and 2 names were added.

Mr. Wojciechowski made a motion to accept the updated Labor Eligibility List, Mr. Greaney seconded and the motion passed 3-0.

- *To consider approval of updated Clerical Eligibility List*

Rose stated that the Clerical Eligibility List this quarter had 2 names removed and 3 names were added.

Mr. Greaney made a motion to accept the updated Clerical Eligibility List, Mr. Wojciechowski seconded and the motion passed 3-0.

- *Motion to continue deliberations regarding reinstatement of Kristofer White to Police Eligibility List*

Mr. Greaney made a motion to continue deliberations regarding the reinstatement of Kristofer White to the Police Eligibility List, Mr. Kratt seconded and the motion passed 3-0.

Mr. Kratt stated that Mr. Wojciechowski was not in attendance at the last meeting and had some comments/questions. Mr. Wojciechowski asked if this candidate took himself off the list voluntarily. The candidate did take himself off the list voluntarily. Chief Fischbach recapped this situation for everyone. Chief Fischbach stated that the process is that Rose takes care of the master list of candidates on our eligibility list and his staff takes care of contacting them and the interview process. He explained that Captain Fischbach maintains the list and works hand in hand with Rose to be sure we are all on the same page. He explained that our rules specify that he can only look at so many candidates, depending on how many officers he is hiring. He originally had 52 candidates on our Entrance Exam and 12 on our Lateral Exam, and this Lateral is not the new process that was just approved. This was back in July of 2022 and these candidates took an exam, just like the Entrance Exam candidates, only difference was their background. Our rules specify that he can look at the top 10 candidates if hiring one position, he can look at 15 candidates if he is hiring 2 to 4 positions and he can look at 20 candidates if he is hiring more than 4 positions. Mr. White was ranked number 16 on the Entrance Exam. They called him in for an interview with the command staff, which is the first step in the process. They tried to get a hold of him at least twice but they were unable to. On August 25, 2022, he called and left a message requesting to be removed from our list. Chief Fischbach explained that our process at this point, when someone removes themselves from the list, which happens a lot, is to move on to the next person on the ranked list. As an example, he explained, if he was looking at the top 15, and Mr. White was in that list of 15 candidates, by him removing himself, Chief Fischbach can then move onto the next person below him on the ranked list. When he removed himself, Chief Fischbach moved onto the next candidate. Currently, he explained that the Lateral List that had 12 candidates on it, has been completely exhausted, we have no more candidates on that list. On our Entrance List, we are now down to number 49 out of 52 candidates. Candidate number 49 is now our 20th candidate in the top 20, so that means all the candidates before number 49 have been removed either by removing themselves or we removed them due to our rules (they no-showed, didn't respond to us or we found disqualifying things in their background checks, etc). He understands some of this may be confusing, but basically, candidate number 49 is now number 20 in the 20 candidates he is permitted to look at.

Mr. Kratt asked Chief Fischbach if they decided to reinstate this candidate, would we need to revise our rules? Chief Fischbach responded that he has spoken with the Law Director and he believes the rules clearly address when we remove somebody from the list, and by "we" he means the Commission, as they are ultimately the ones that remove names from the list. When we choose to remove somebody, that person has the ability to come before the Commission to argue that they should not have been removed without good cause. Our rules are silent on what to do when someone removes themselves from the list. The question is do they (the applicants) have the ability to come before the Commission to ask for reinstatement? He believes the reason for that is when we remove someone, they have the ability to come before the Commission to make an argument for reinstatement. But when someone removes themselves, the argument would be against themselves, they asked to be removed but now want to argue they want to be put back on. This is why Chief Fischbach believes it was never put in the rules because the candidate would be arguing with his own decision to remove himself. Now that it's been brought to our attention, he believes we should address the situation where someone removes themselves from the list and how the Commission wants to handle it. He believes there is a gap in the rules in this particular instance. Last, his concern is if you decide to reinstate him, which the Commission has the ability to do,

where do you put him? Because it's a ranked list based on a test score, he isn't sure where he would go. If we put him back to where he was originally, do we bump the current last person on our list off to make room for him? Those are his concerns.

Mr. Wojciechowski asked if when the candidate requested to take himself off the list, did he give a reason? Rose answered that when the candidate called a few weeks ago to ask to be reinstated, he said that his surgery was the reason he took himself off the list. When he called and left the voice message with Candice, the Chief's Administrative Assistant, he simply stated that he would like to be removed from the list. Mr. Wojciechowski then said his surgery must have been between those two phone calls. Rose said she isn't sure when his surgery was. When the candidate came before the Commission, he said that he knew when he got the call from the Police Department to come in for an interview, that he wouldn't be able to pass the PT test at that time because of his surgery.

Mr. Greaney said he wanted clarification on the fact that the candidate did not ask to be removed from the list for medical reasons, which he did not. Chief Fischbach said that they reached out once, if not twice for an interview with this candidate and what probably prompted him calling to ask to be removed was our phone calls to him.

Mr. Kratt asked if there was a motion to reinstate Mr. White to the Eligibility List. **This motion failed for lack of a motion.** Mr. Kratt indicated we will not be reinstating Mr. White. He asked for any comments from the other Commissioners. There were no comments.

Mr. Kratt asked how the Fire Promotional Exam went over the weekend. Rose was there and reported that 11 candidates signed up to take the exam and all 11 showed up. It took place at Avon High School. The Ohio Fire Chief's Association indicated they should be sending the scores today. Once Rose gets those scores and shares them with the candidates, they will have 10 business days to check the scoring of the exam to ensure it's accuracy. They are not permitted to challenge any questions on the exam, but simply ensure the exam was scored correctly. Once that period is over, the Assessment portion of the exam will take place on April 22 and once that Assessment is graded, we take both those scores and come up with the final ranking and eligibility list. Rose anticipates we should have that list for the Commission to certify in May.

Mr. Greaney asked Chief Fischbach, with the new lateral rules put in place, if he has received any applications? Chief answered that he did, he has 24 Lateral applicants, which is great. As he's reported before, our hiring process is lengthy and we go through a very specific vetting process to be sure we are getting the best candidates. He has a spreadsheet that he started with a list of those applicants with the date that they applied. There is no test to rank them, so this list is based on the date they applied. The applications are good for one year, as is specified in our rules. Safety Director Streater has been reviewing them and we have started the interview process. We have two candidates that we have moved on to the background investigation portion. We have some good, viable candidates on that list. He has five positions that he needs to fill. He has two full time officers in field training right now. We can only train so many officers at one time. He does have a couple of candidates that will be good quality candidates that he wants to give job offers to, but he cannot until there is room in his field training program. He said this new lateral program is working how he was hoping it would to give us more options. As he mentioned earlier, he is on candidate number 49 out of 52 on our current Entrance List. He said that this has never happened before, where we will have exhausted the list in under a year. Usually, our lists are good for two years and at that time, there are still people on the list that we haven't gotten to. He mentioned to Rose that we need to start having a conversation about putting another Entrance Exam on the calendar. The current list was certified on July 18, 2022. He won't be requesting

that it be extended for another year, since there probably won't be any candidates left on it. He believes putting another National Testing Network exam out there gives us the best chance of getting candidates. Avon Lake just gave a traditional Civil Service Exam, where the test was held at a specific date, time and place. They got in the low 20's for that exam. He believes that type of exam is going by the wayside now. With people and technology today, he doesn't see us going back to that type of exam. He would like to request to start the process of talking to NTN about a new exam. He would like the testing window to be open for two months this time. Last July it was open for one month. He believes if we open it up June 1st and close it July 31st, we would be able to come to you in August with a new list to certify. The current list would have expired in July, so we will be past that date. As he has mentioned in the past, he has a desire to have a mix of both new police officers and experienced police officers. So he absolutely needs to have that new Entrance List. He mentioned that with brand new officers, if they need to go to the Academy, he won't see that officer on the street for about one year from the time he hires them.

Chief Fischbach will be looking at job offers really soon. He believes at the next Civil Service meeting he will need to evaluate the rule that he has to stick with an Entry Level hire and then a Lateral hire. He may ask to have that rule suspended, he isn't there yet, but it might be coming.

Mr. Greaney asked if he sees any pattern to where the Lateral candidates are coming from, any specific department? Chief Fischbach said yes, half of those candidates are from Cleveland, which isn't unexpected. The other half are Township officers, Village officers, City officers, hospital officers, etc all in the mix, which is what he wanted. Mr. Kratt asked if Avon is still a desirable place to be an officer. Chief answered that we are, but since people in general just don't want to be police officers anymore, even being a desirable city to work for doesn't really matter. He is going to a job fair in two weeks at the college to try and recruit. It's a job fair for public safety and he will be there. He is doing everything he can to recruit. Mr. Greaney asked if we had any applicants from Chicago, Chief said that we do not have any from Chicago, not yet at least.

Mr. Kratt asked if Mr. Gasior can put together, in the next couple of months, an amendment to our rules that would cover the situation regarding reinstating an officer to our Eligibility List? Mr. Gasior said he would.

Mr. Gasior had one comment regarding the vote today. There was a motion on the agenda to continue deliberations, which was passed. Then there was a motion to reinstate. It is better for someone to make a motion to reinstate and have someone second it and then vote the motion down. It's clearer for the record. What happened today is the matter failed for lack of a motion. To him, in our other bodies, we make the affirmative motion to reinstate, it's seconded, roll is called, which would be "no, no, no" and the motion is defeated. We do not need to do that for today, but for future instances, that is the way we should handle it.

Mr. Gasior also mentioned that he will get together with Safety Director Streater and Chief Fischbach to go over the rules because there are questions out there regarding reinstatement.

GENERAL COMMENTS:

NEXT MEETING DATE:

Monday, May 1, 2023, at 10:00am

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:22 A.M.

PASSED: _____ **SIGNED BY:** _____

Peter Kratt, Chairman

ATTEST: _____

Rose Seighman, Recording Secretary

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