

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Monday, May 2, 2022

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 Alan Wojciechowski
Clerk's Note: Mr. Greaney arrived at 10:30am.

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

ADDITIONS/DELETIONS TO AGENDA:

Mr. Wojciechowski made a motion to accept the agenda as published. Mr. Kratt seconded and the motion passed 2-0.

APPROVE MINUTES OF MEETING OF 4/2/2022:

Mr. Wojciechowski made a motion to accept the minutes from the meeting of 4/2/2022. Mr. Kratt seconded and the motion passed 2-0.

OLD BUSINESS: None

DISCUSSION ITEMS:

Proposed Rule Changes: Mr. Kratt asked which person would be best to explain the proposed rule changes. Mr. Streater said Chief Fischbach would be the best person. Mr. Streater also reported that he has reviewed them as well and is open to questions after Chief Fischbach speaks.

Rose handed out copies of all the rule changes to the Commissioners before the meeting started. Chief Fischbach asked everyone to turn to page 6 and started with Rule IV. He started with this rule, as it has the most changes to it. He went to Section 11, Subsection B – credit for Military Service. The current rule allows for 5 points for both Police & Fire. The proposed changes separate the Military credit for the Police and Fire. The proposal is to remove Subsection B as it applies to both Fire & Police and insert it separately in the sections “Additional Credits for Police” and “Additional Credits for Firefighter/Paramedic”.

Mr. Kratt said he would like to clear up some wording on this rule. Section C states “No more than an additional 20% will be added to an applicant’s score....” He would like it to state “No more than an

additional 20% of a passing score will be added to an applicant's score...." Chief Fischbach said that Mr. Kratt is correct and he agrees with that additional wording.

Moving on to Subsection C of the current rule "Additional Credits for Police", what the Chief would like to see is a move away from flat points to a percentage of a passing score. The extra credit points will be based on a percentage of the candidate's written test score. The better someone does on the written test, the more extra credit points they will receive. A candidate can receive a maximum of 20% of their raw score. The Chief is confident in the written test that we give which identifies good candidates, so changing it to using a percentage raises your extra points depending on your written score. The way it is currently written, someone barely passing with a 70% has the potential to earn an extra 20 points, which is the same amount of points as someone that scores 100% on the written exam. That's the reason for moving from issuing flat points to a percentage of their score. This gives the candidate that scored well on the exam a little better bump, which he feels is appropriate.

Mr. Kratt commented that he was sorry Mr. Greaney isn't here, as these are things that he likes to delve into. We are not voting on these today, so he would like to get Mr. Greaney's thoughts on these changes.

If we did move to a percentage for these extra points, Chief Fischbach would like to see the following changes:

Current rule allows for 5 extra points for an Associate Degree, with no consideration given to what type of Associates Degree. It could be in any subject area. 10 points are awarded for a Bachelor's Degree, again, in any subject area. He knows there is no hard rule that would indicate what would make a great police officer, so we are trying to identify what things a candidate might possess that would give them an edge. He thinks having a college degree is important for sure. But he believes having a degree in Police Science or Criminal Justice is even better, since that is the work that they do. Going to school for 2 or 4 years studying Criminal Justice/Police Science is something that is worth recognizing over any other general field of study. Mr. Kratt commented that we've discussed this before and asked Mr. Gasior if he remembers that. Mr. Gasior said he knows we've discussed it but doesn't specifically recall anything specific. Chief Fischbach continued that he would like to see is not ANY Associates Degree, but specifically an Associates Degree in Criminal Justice/Police Science receiving 5% extra points. A Bachelor's Degree in any field of study would receive 5% extra points and a Bachelor's Degree in Criminal Justice/Police Science would receive 10% extra points. He believes it is important to recognize that any college degree is helpful. All academics, especially a 4-year Bachelor's Degree, is important, but he would argue that if the degree is in Criminal Justice/Police Science, that is even better. It does fall in line with what the Fire Dept does, as they specifically recognize degrees in Fire Science. Mr. Kratt asked if there are any thoughts that this change is erring on the wrong side, have there been any objections? Chief Fischbach responded that there are none that he is aware of. He said if you look around us, usually if you receive college credit, it is geared toward the Criminal Justice/Police Science field that you get extra credit for. He believes a candidate that has expressed interest in Criminal Justice/Police Science in college certainly shows a desire to be in the field and to him, believes that is an added bonus over a candidate that has a degree in another field.

Mr. Streater added that they have discussed the possible need for the wording in this section to be amended. Chief Fischbach explained that in the Fire Section for extra points, it is worded "Associates Degree in Fire Science or in a field related to the position sought as approved by the Director of Public Safety". This leaves it up to the Safety Director to decide if the person should get the points. He believes it is inviting to have people throw degrees in there that aren't Criminal Justice/Police Science. Anyone can argue a particular degree would be related to Criminal Justice/Police Science, he doesn't have a hard line rule of what is Criminal Justice/Police Science. Sticking with Criminal Justice/Police Science is pretty clear cut, if you have the degree then you get the points, otherwise you don't. Mr. Streater agrees,

however thinks if someone has a degree in Criminal Justice but it is in Corrections, what would we do? He asked the question: "Are colleges offering different Criminal Justice degrees? He explained that candidates submit various degrees to Rose and she then has to determine whether it qualifies. Mr. Streator believes we have to have something in place to make this determination. He explained that we ran into this with the last Fire Exam. The colleges started expanding the degree because they wanted students in these programs. If there is an Emergency Management in Criminal Justice degree, would that qualify? Knowing what we've experienced before, we should address this now. Mr. Kratt said he prefers to get the language a little closer together with the Fire Section. He asked Mr. Gasior if he has any suggestions for how this can be worded. Mr. Gasior responded he does not. Mr. Streator said he does not believe we should change the wording to include the "related field" but there has to be someone making a determination on whether a degree qualifies or not so it doesn't have to go back to the Commission for a determination. Mr. Gasior commented that if someone takes issue with your determination to not include the degree they can always come to the Commission to make their case. Mr. Kratt asked if Mr. Gasior was comfortable with the language the way it is. Mr. Gasior indicated he likes the language we used in the Fire section, with the Safety Director making the decision. Colleges tend to change programs, you get a new Dean and they change the program name, even if it's essentially the same program, with just one additional class added. Mr. Streator said he and Chief Fischbach will get together and come up with new wording. Using the term "related field" will really open it up to a lot of interpretation. Mr. Gasior said it's always difficult to do these things, but keep in mind with an open competitive entrance exam, you are given 10 names to choose from. Once a candidate gets into the top 10, they are all on equal footing. Mr. Kratt said the candidate can always come to the Commission. Mr. Gasior agreed and said you can have a candidate that is in the top 10 that cores 91 but they are just a far better candidate then the one that scored 98 because of all the other intangibles that we are trying to get at. Mr. Kratt said he would appreciate it if Mr. Streator and Chief Fischbach can come up with additional language for that section. Mr. Streator said they would do that and get it out to the Commission.

Chief Fischbach explained the last few items in this section are simply changing the straight points to a percentage. Those sections include the points for having current certification as a police officer through the Ohio Peace Officer Training Commission, which will change from 10 points to 10% points. Also, if you have a current certification through a Peace Officer Training Academy from a state other than Ohio, that will change from 5 points to 5% points. Having either of these certifications allows the City to put them into our field training program faster, rather than sending them to the Academy.

Credit for Military Service will now be found under this section, since we needed to separate it from the Fire. This rule will change from 5 points to 5% points. Because of a situation that came up with Fire, the language here changes to allow for those that are serving in the Reserves to receive additional points, not just someone that has already served. Chief Fischbach has a current staff member that is in the Coast Guard Reserves and has been for quite some time. When he applied for his position in Avon, he was not able to receive any extra credit points, because he was still actively in the Reserves. Under this proposed rule change, he would be eligible to receive those points. He believes if we are going to recognize military service and training, we should recognize those still serving, as they are deserving as well. Mr. Gasior commented that it is possible that a candidate in the Reserves could get extra credit points under this rule and then later be Dishonorably Discharged. He stated that when we give points to someone who was Honorably Discharged, we are making no assumptions at all. But giving points to those still serving, we are making the assumption that they will be Honorably Discharged. Chief Fischbach agreed that what Mr. Gasior is true, however, we are not allowing ourselves to recognize those that are currently serving. Once again, using his officer as his example, who is currently serving. He said they recognize the training they are receiving in the military and the benefit that goes along with that. Mr. Gasior said the training is one thing, but the Honorable Discharge speaks to the character of the candidate. Chief Fischbach said the Honorable and Dishonorable Discharges are obviously very different statuses when you cut service with

the military. He gave the example that if we had someone who served 4 years active duty and went into the Reserves, serving 10 years, honorably, with the Military won't get any credit while someone that served 2 years with an Honorable Discharge would get credit. The person who is actively serving is deserving of the credit as much as the one that served 2 years. If we came into an issue where someone took the test, got the extra credit points and then something happened and the military Dishonorably Discharged them, we have processes in place so that if that was a violation of our rules and regulations, we would be able to address that at the time. To rule them out because they may, somewhere down the road, be dishonorably discharged, is a disservice to our active military members. He would have no issue hiring someone and if they did something in the military that caused them to be dishonorably discharged, we would deal with it accordingly as a City of Avon employee. Mr. Wojciechowski asked the Chief, if someone is on active duty for 4 years and they received a DD214 with an Honorable Discharge, then they joined the National Guard, would they get the Honorable Discharge before joining the National Guard? Chief Fischbach answered that you can have a break in service. He thinks most often, you would go from active duty to Reserve status, but there is the potential to have a break in duty. You can serve, receive your Honorable Discharge, not be in the military for a year or two, then join the Reserves. He believes there are time limits on that, although he doesn't know what all the rules are for all the branches of the military, so he can't speak to all of them. He does believe the more practical way it is done is to serve active duty and then transfer to the Reserves status. There are those that go straight from boot camp to reserves and don't do active duty at all. By not including any of the reserve members, we are leaving out the whole intent of giving additional military service credit. Chief Fischbach explained that we recognize law enforcement as a paramilitary organization, the training they receive in boot camp and the structure they receive is a benefit to police work. Which doesn't mean every member of the military would make a good police officer, these things are hard to put a finger on. We are specifically looking at those serving in the reserve capacity that have the ability to work full time as a police officer, and not only recognizing their service but the training they have received, we feel it is a potential benefit to police work. To the Law Director's point, certainly there is a possibility that we could offer those extra points to someone and then they would be Dishonorably Discharged, but as I said, we would deal with that accordingly as a city employee. He deferred back to his current employee who served honorably and is still currently serving, he received the training and structure that we feel is a benefit, but under the old rule, never received those points. Mr. Wojciechowski asked if someone was an MP in the military, that it wouldn't make any difference, with points or a percentage? Chief Fischbach answered that they aren't identifying any specific MOS or job in the military, we've never identified points for specific jobs, it was always simply military service that we issued points for. Mr. Streator added that we ran into this situation in the last Fire Exam, when we had a candidate who was still in the military and was anticipating a discharge date that was relatively close to the test. He came in with an active duty ID, not a DD214. We were able to get a copy of the DD214, it just didn't show a discharge date and the DD214 – to answer Mr. Wojciechowski's question – when you go from active to reserve status, you do get a DD214, but on that form, it shows your commitment date in the reserves. We found that it's very hard for the candidate to get the paperwork. It is hard for Rose to get the documentation she needs to issue the points. If someone is active in the military and they know their departure date is somewhere in the timeframe, they should get the points. If they come back later and show they were Dishonorably Discharged, that would show up in the background work that we do for all candidates – in both Fire and Police. Mr. Kratt asked Rose if she had any comments on this, since she is the one that has to gather all this information. She agreed with Mr. Streator, that it is not always easy to get this paperwork. And a DD214 isn't always so easy to read, they aren't all the same. In the particular instance Mr. Streator was talking about, it was hard for that person to get the paperwork indicating that they were currently honorable before he actually separated from the military. It was a timing thing. If the candidate did not want to separate with the military and continue in a reserve status, they currently would not earn any extra points. They could be in the reserves for 14 years and never get the credit under our current rules. That seems unfair to her. Mr. Kratt asked Mr. Streator to

what extent he has authority to make decisions at the level we are talking about – regarding questionable paperwork. Mr. Streator said in this case, the candidate was able to get us his paperwork to show he was honorable and still serving. But it was very difficult for him to do that. This is what prompted him to look into this. As Chief Fischbach explained, he has a current staff member that is still in the reserves who did not receive any extra credit points but would have under this new rule. Mr. Kratt asked if this rule change gives him enough flexibility. Mr. Streator answered that he doesn't foresee any other situation that this would not address. He added that in the Fire Section, we need to add the wording about Honorable Discharge or Active Service in the Reserves.

Chief Fischbach said in Section C of this rule, we need to add the wording that no more than 20% will be added to an applicant's raw written exam score. Mr. Streator also commented to Rose that the change will need to be reflected in the Fire Section as well.

Chief Fischbach moved on to Rule V, page 9, current rule states "Each person on an eligibility list shall file with the Commission written notice of any change of address, and failure to do so may cause his name to be removed from the list." He is simply asking for an update here, as most people these days communicate via email or telephone. Problems we are experiencing now with our current list is people aren't responding. Our staff leave emails and voice messages, by keeping email and phone numbers updated, will be helpful. If we don't receive any response from the candidate, we need to move on in the process. The question was brought up, how would we know if they failed to update their contact information and the answer is, we wouldn't, other than they are not responding to us. Current rule says they have to keep their address updated with the Commission, and we don't know if they are doing that. This is nothing more than keeping up to date with the current times. Communication now is done via phone and text, and you could argue about the reliability of the USPS. Mr. Streator commented that this change provides documentation that both Fire & Police can send to Rose indicating they emailed the candidates on this date/time and there is a date/time stamp on it. Chief Fischbach added that our application process requires the candidate to give us an email address and going through National Testing Network, they require an email, so it is logical to use the email address as a way to communicate since it is required to even start the process. Mr. Kratt asked if this is consistent with what other departments are doing? Chief Fischbach answered he believes the trend for most agencies in our area is to use National Testing Network, their process is having a valid email address. If a candidate did not have an email, then obviously we would use another means for that candidate. Our intent is to be able to communicate timely with the applicants, it does us no good to not be able to get in touch with them, it just stalls our process. He believes we are definitely in line with what other agencies are doing. Mr. Gasior commented that if a candidate is serious about a job, they will do what they can to keep in touch. Chief Fischbach added that when candidates are reaching out to us, they are reaching out via email.

Chief Fischbach moved on to Rule VII. He noticed that going from rank of Patrol Officer to Sergeant we require 36 months in time of grade, which is appropriate. Going from Sergeant to Lieutenant is 12 months, which is appropriate. It is different than Fire, but Police is different than Fire, so he is OK with not having the same waiting period. We can have a Sergeant that has 12 months in that rank, but for whatever reason, has not fulfilled his probationary period. An example is that one of his Sergeants had to take a medical leave, which extended his probationary period 3 months. Our current language would have him eligible to take the promotional exam. However, Chief Fischbach feels that a Sergeant that hasn't fulfilled his probationary period shouldn't be taking a promotional exam. Chief Fischbach would like to add language that says the candidate must have 12 months in grade or passed their probationary period, whichever is longer.

Clerk's Note: At 10:30am, Mr. Greaney entered the meeting.

Chief Fischbach indicated he would go over the rules again for Mr. Greaney. Mr. Greaney had a question regarding the last rule Chief Fischbach went over. He said rather than use the wording Chief Fischbach suggested, would it be wrong to say “Including probationary period.” Chief Fischbach is not opposed to how it is worded, as long as it is clear you have to be off your probationary period. The intent is so that you cannot be promoted while still on probation. He is fine with the wording as long as this is accomplished. Mr. Greaney asked if the probationary period is always 12 months and Chief Fischbach said yes, it is. Mr. Kratt asked Rose if she could get the minutes out as soon as possible so everyone, especially Mr. Greaney, has time to look them over. Mr. Greaney said he is good with the Rule V change regarding address changes. He said it makes sense, like others have said, if the candidate is serious about the job, they will keep in contact.

Chief Fischbach then went over the rule changes that Mr. Greaney missed. Regarding Rule IV and the Police switching from straight points to a percentage of their raw written score, Mr. Greaney asked if you could get higher than 100 points. As an example, if you score 95 on your written exam, your final score could be over 100. Chief Fischbach explained yes, there is that potential. What this new rule will do is limit those extra points to be a percentage of how well they did on their written exam. In past exams, you had people scoring well and with extra points, surpassed the 100 point mark.

When Chief Fischbach went over the extra credit for college degrees, Mr. Greaney mentioned that colleges now have different names for different programs and will we only be issuing points for Criminal Justice/Police Science specifically? Chief Fischbach said that we did talk about this. He knows the Fire Department rules have the wording “or related field” and he feels that is ambiguous and puts an arbitrary decision on the Safety Director making the determination if a field of study qualifies or not. Chief Fischbach feels that we have to make a decision on what we will or won’t accept with some leeway with the Safety Director. Mr. Gasior commented that he doesn’t believe the decision by the Safety Director will be arbitrary. Chief Fischbach said that if we don’t clarify what we’re going to accept then there is the ability to argue why we are accepting this but not accepting that. Chief Fischbach explained that we are going to try and figure out some language that would work for this situation. Mr. Gasior said that we could get a transcript and you can see each and every class that was taken and some judgement can be made based on the transcript. He doesn’t like to think we’d make an arbitrary decision, it would be a thoughtful decision. Even if we have to call the Dean of the College. Chief Fischbach said maybe arbitrary wasn’t the right word, he wants to be sure we don’t have rules open to that thought process. We will have an offline discussion and come back to the Commission with more clarifying language. He also feels if we get into the process of asking each candidate for their transcripts, that will be very time consuming at a time when we are already under the gun when we give these tests. Mr. Streater does not anticipate using the “related field” language in the rule, but he does know colleges have programs not specifically called Criminal Justice/Police Science that might qualify. It would have to be something in the police field, someone with a Sociology Degree would not qualify. Mr. Greaney suggested saying a degree in Police Sciences (with an “s” at the end), perhaps that would signify that the degree has to specifically be within that field. Mr. Greaney asked if the rule which states if a candidate is late for the exam that he cannot take it, is that true for the police as well? Chief Fischbach answered that if it is not, he wants it to be. Mr. Streater answered that the rule he is talking about is a general rule for all exams, so it applies to both Fire and Police.

Mr. Kratt asked if the Fire Department had any comments. Assistant Chief Bruehler’s only comment was that the Military Service language for Fire will mirror the change we are making to the Police Military section as well.

Mr. Kratt asked if Mr. Gasior is comfortable with the draft for the rule changes as well as the process? Mr. Gasior will talk with Chief Fischbach and Mr. Streater and get squared away on a couple of things.

Mr. Kratt asked if Mr. Gasior looks at these draft rules and Mr. Gasior said he does. He said he will go over them again after some of these edits are made.

ACTION ITEMS:

Chief Fischbach has a current eligibility list for Patrol Officer, but he is running into the same issues he has mentioned at past meetings. The candidates don't respond, they have already found employment elsewhere or they are no longer interested in the position. The current list expires this year. He would like the new rules to be in place before the exam is advertised. He would like this to happen as soon as possible. We are getting into the summer, staff will be taking vacations, so the sooner the better. He is concerned about the number of applicants we might get, as agencies around us are not seeing good numbers for their exams. Mr. Kratt said assuming our next meeting is June 6, would that give him enough time? Rose said that she can work with NTN in the background and have things ready to go so if the rules are approved on Monday, June 6, then the exam can open on Tuesday, June 7. Chief Fischbach said he would be comfortable with that. Regarding the promotional exam for Sergeant, our eligibility list expires October 14th. He has a current Sergeant that is trying to retire around October. He has medical conditions he's been battling and has expressed he wants to retire in October. He is anticipating needing to replace him then. He would rather be proactive about this. We are trying to schedule this exam to coincide with the current list expiring. The current list will expire October 14th and we hope to have the new exam already underway and a new list ready to replace the one that expires on October 14th. He has spoken with his command staff and some of the candidates that took the last Sergeants promotional exam and they felt that it was the best process we've used to date. He is comfortable with their input and wants to stick with what we did which was use National Testing Network. There will be a written and video type of exam. Then we partner with Pradco to do a lot of our psychological, character, leadership type testing and we've seen very good results from them. The process would be the NTN exam followed by the Pradco assessment. We will work out details. Last exam, the top 5 candidates on the written/video exam moved to phase 2, which was the Pradco. Chief Fischbach is trying to figure out what that logic was and if we should open it up to more candidates going to phase 2. Before the last exam, we moved the top 7 to phase 2. The Pradco process is very in depth and can be time consuming, so it may not be practical to move everyone that passes to this phase. Right now, we have 23 candidates eligible to sit for the Sergeants Exam. If they all pass, it doesn't seem practical to move them all to phase 2. We are working on this process now. Mr. Greaney commented that that's a lot of candidates. The criteria to sit for the exam is that you are in good standing and have 3 years of service on the job. Our department is growing, so we have more staff. Chief Fischbach is excited to see this broader pool of candidates to choose from.

Mr. Greaney made a motion to approve the exam for Police Sergeant Exam. Mr. Wojciechowski seconded and the motion passed 3-0.

Mr. Greaney made a motion to approve the exam for Entrance/Lateral Exam. Mr. Wojciechowski seconded and the motion passed 3-0.

CHAIRMAN'S COMMENTS: None

GENERAL COMMENTS:

NEXT MEETING DATE:

Next meeting is Monday, June 6, 2022 at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 11:00 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