

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Tuesday, September 6, 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, Commissioner William Greaney and Commissioner Alan Wojciechowski

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

ADDITIONS/DELETIONS TO AGENDA:

Mr. Greaney made a motion to accept the agenda as published as well as approve the minutes from the 8/8/2022 meeting. Mr. Wojciechowski seconded and the motion passed 3-0.

DISCUSSION ITEMS:

Rule IV Section 1 Subsection B

Rose explained that our rules indicate that if a candidate wishes to sit for a promotional exam, they need to let the Civil Service Secretary know *in writing* by a certain date and time. We were discussing whether we need to make a rule change or are we simply going to make the assumption that the words “in writing” encompass an email, with email being the way everyone communicates these days. Mr. Gasior looked through the rules to see if there is anything there that defines the word “*notice*” and he could not find anything. Mr. Gasior believes that an email is a “writing” and in addition, it is electronically dated and time stamped. Mr. Kratt confirmed that Mr. Gasior believes there is no question that an email falls under the definition of “writing”. Mr. Gasior said that is correct. Rose asked if we should expand the rule to say “in writing or an email” and Mr. Gasior responded that in Rule II of our Rules, there is a list of definitions. He believes defining writing in that section would be a good idea. He then brought up a text, what if you received a text on your phone. Rose asked if we should define writing as “anything electronic” so it would include emails, texts, etc. Mr. Gasior said they dealt with this a little bit in Charter Review. They were talking about posting of ordinances and doing it electronically because most people now go to the website and see legislation that council passes. So why do they still go to five different places around town to post – they had to be posted at Drug Mart on Nagel Road, the Police Station, Fire Station, etc. Mr. Kratt asked if this has been a problem in legal issues lately? Mr. Gasior said we had a situation about a year ago when an individual sent an email stating they wanted to sit for an exam. Rose printed the email out and the candidate stopped by City Hall and signed that email. But in this day and age, you can send it via email, the Secretary has it. Mr. Kratt asked if we should amend the definition of our rules so we include emails or electronic communication. Mr. Gasior said he does not think we need to

do that at this time. Mr. Gasior mentioned that we used to send out, through post office mail, the candidates scores on the exam. Rose shared that we now are emailing them out. Mr. Gasior said nobody has challenged us on that, saying we should not email them out. Mr. Kratt asked if that is what Mr. Gasior is saying - we don't have to be that specific right now. Mr. Gasior said that was correct, we are good for now and we are just letting the Commission know that the emails are coming in and we are accepting them as "in writing" and as long as that email is dated within the time period of when the Commission is accepting them, we are good. Going forward, the Commission and the Chiefs may want to look at the rules and see if there are any other areas where you may want to make it clear that accepting emails is appropriate. He doesn't know about texting, though. He is thinking someone may say they texted the Safety Director noting they want to take the exam. Chief Swope said that is where he would be concerned with texting because whose phone number are they texting? The rules say you have to inform the Secretary. Mr. Gasior pointed out that Rose does not have a city owned cell phone, so nobody could text her to let her know they wanted to sit for the exam. If she did have a city owned phone that the city pays for, that might be different, but since she doesn't have one, we don't have to worry about that right now. Mr. Kratt said from a procedural point, understanding where we are at, he is assuming that Rose and everyone else would like to see a change in Rule IV Section 1(B). Rose said that at this time, Mr. Gasior thinks we are fine and do not need any changes to our rules, as "in writing" does include an email. Mr. Gasior said he is letting the Commission know that for the purposes of Rule IV, writing includes an email. He is suggesting that the Commission, at some meeting down the road, may want to adopt a definition of "writing" that would include email. Mr. Kratt said this really is just for discussion today and we are not making any changes. Rose said that was correct. Mr. Gasior said that we have made an interpretation that email is included as a "writing".

Mr. Greaney asked if the Police or Fire Department had an officer or a firefighter and there was correspondence, an example being a reprimand, is that in writing or would you email it? Chief Fischbach answered that if it is a reprimand, it would definitely be in writing and be more formal than an email, because that would be placed in their personnel file and is considered discipline. But on a daily basis, his correspondence with officers is mainly through email. Mr. Greaney asked if he has protocols that say they have to read their emails every day. Chief Fischbach answered yes. Mr. Kratt asked how long emails are kept. Chief Fischbach answered that it all depends on the city's records retention schedule, which is called the RC3, and what category they fall under. Most emails can be deleted right after you get them, it all depends on the nature of the email. Mr. Kratt asked what is the shortest and longest time you'd have to keep an email. Chief Fischbach answered the shortest is only as long as the email is needed, which could be minutes – an example would be an email instructing the officer to wash their car. That email does not describe how we do business, so it can be discarded almost immediately. He does not know the records retention schedule by heart, but some emails need to be kept 3-5 years. It all depends on what category they fall under. All of that is covered under our records retention policy.

ACTION ITEMS:

*Approve the removal of Kristofer White from Police Eligibility Lists
Approve removal of Connor Mares from Fire Eligibility List*

Mr. Greaney made a motion to remove the names of Kristofer White from the Police List and Connor Mares from the Fire List. Mr. Wojciechowski seconded and the motion passed 3-0.

CHAIRMAN’S COMMENTS:

GENERAL COMMENTS:

NEXT MEETING DATE:

Next meeting is Monday, October 3, 2022 at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today’s meeting was adjourned at 10:15 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