

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Wednesday, January 15, 2020

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 Commissioners Alan Wojciechowski and Tony Sarraino.

In attendance: Law Director John Gasior, Fire Chief Frank Root, Assistant Fire Chief Mike Emling, Police Chief Rich Bosley, Captain Larry Fischbach and Recording Secretary, Rose Seighman

ADDITIONS/DELETIONS TO AGENDA:

Mr. Sarraino made a motion to accept the agenda as published. Mr. Wojciechowski seconded and the motion passed 3-0.

APPROVE MINUTES OF MEETING OF 12/4/2019:

Before approving the minutes, Mrs. Seighman indicated that she corrected a sentence in the minutes where Mr. Kratt was asking about Pre-Test Grading Challenges. The original sentence stated: **Mr. Kratt would like to discuss the idea that we may need to change our Rules to include Pre-Test Grading.** This sentence was changed to read: **Mr. Kratt would like to discuss the idea that we may need to change our Rules to include Pre-Test Grading Challenges.**

Mr. Sarraino made a motion to accept the minutes, with this correction, from the December 4th meeting. Mr. Wojciechowski seconded and the motion passed 3-0.

DISCUSSION ITEMS:

Chief Bosley shared that Avon has a sergeant that will be retiring at the end of March and we do not have a standing Sergeant's list, so he would like to request a promotional exam for Sergeant. The department has also exhausted their Entrance List for Police Officers, so they are also requesting a Lateral Entry as well. Mr. Kratt asked if he has a date in mind, but he does not. The Chief has quotes from vendors that he is looking at right now. He is looking at the National Testing Network for the written exam portion and Pradco for an Assessment as part of the Sergeant's Exam. This is similar to what we did when we had our last Sergeant's Exam. We had the written test with one vendor and then the Assessment with another vendor – and it was Pradco for that test as well. Mr. Kratt remembers that the police were very pleased with those vendors and how that promotional exam went and Chief Bosley confirmed that is true.

Mr. Kratt asked if the Police are simply putting the Commission on notice that they will be asking for a test as soon as they know the specifics (vendor, date, time, etc) and Chief said yes.

ACTION ITEMS:

Elect a Chairman for 2020. Mr. Kratt asked if there was a nomination for the Chairman.

Mr. Sarraino nominated Mr. Kratt for another term. There were no other nominations. Mr. Kratt accepted the nomination and directed the Secretary to declare a unanimous vote for Mr. Kratt.

Accept the updated eligibility lists for Clerical and Laborer

Mrs. Seighman stated that on the laborer list, 3 applicants were taken off because their applications expired (were more than 2 years old) and 2 were added. For the Clerical list, 1 applicant was taken off because their application expired, none were added.

Mr. Wojciekowski asked if we plan on doing any hiring. Mrs. Seighman responded that when she spoke with Mrs. Szlempa, our HR director, she indicated we don't want to advertise for applicants since we have no job openings at this time. But the next job opening we have, we will advertise and at that time, we will be able to add names to our list.

Mr. Sarraino made a motion to accept the eligibility lists as they were presented. Mr. Wojciekowski seconded and the motion passed 3-0.

Approve Firefighter Entrance Exam for April 4th at 10:00am

Asst Chief Emling explained that our current list of incoming firefighters expires in March which is why they would like to have another exam. Ohio Fire Chief's Association is scheduled to proctor this entrance exam on April 4th.

Mr. Sarraino made a motion to approve a Firefighter Entrance Exam for April 4, 2020. Mr. Wojciekowski seconded and the motion passed 3-0.

At this time, Mr. Kratt wanted to discuss the Examination Notices for the 3 promotional fire exams. He asked if everyone had a chance to review these notices. They have. Mr. Kratt noticed all three tests are taking place in the same room and he assumes that is not a problem. Asst Chief Emling explained we have done this in the past and it is not a problem. They are different exams, but time frames are the same. Mr. Kratt noticed the percentages of weight given to the written exam and Assessment Center for these exams are different for all three. Asst Emling explained that this is how the Ohio Fire Chiefs Association recommend they do it, as they believe at the Lieutenant level, those candidates need to be able to read, comprehend, understand and retain all that information. With the Captains, they need that as well, but it becomes more important to have the Assessment Center component to the testing as well. The Assistant Chief position, you've amassed all the written information, you have all that experience as you've moved up through the ranks, we want to see how they perform without memorizing material. This is a way to evaluate the individuals to see how they think on their feet, and not so much testing them only on memorizing information for a written test.

Mr. Kratt asked if we are all OK with how we have the post grading challenges in our Rules? Mr. Gasior said we have post grading challenges that take place after the examinations are all complete. Chief Root

mentioned we still have the pre-grade protest period for the questions themselves. Mr. Gasior responded that we do not have that any longer, that it was taken out in 2015 because of the issues surrounding the 2015 Fire Examination. Mrs. Seighman indicated that on the last entrance exam for the firefighters, the results were sent to her within one week's time. Mr. Kratt asked when we anticipate sending out the Examination Notices, on January 31, 2020, as is written on the notice? Mrs. Seighman said we were debating between Friday, January 31 and Monday, February 3. Mr. Gasior said it doesn't matter, we can get it out January 31st. Mr. Kratt indicated the Rules stipulate they go out at least 45 days prior to the test date, which would be February 5 or 6. That is correct, so our January 31st date would be fine. Mr. Kratt said we actually don't need to "approve" these notices, we were just sharing them with the Commission before we sent them out. Mr. Gasior said that was correct. He also stated that we should perhaps add a sentence to the notices. Where the notice says **"There will be a 10 day (excludes holidays and weekends) post-grading inspection period for the written exam only."** We should add **"commencing on the date the applicant receives their results"**. Chief Root asked when the protest period begins and the answer is the day the applicant receives their results. They have 10 days to submit their protest and those 10 days exclude weekends and holidays.

Mr. Gasior explained how it came to be that the pre-grading challenges were eliminated and the decision was made to go with the post-grading challenges only.

Mr. Kratt asked for confirmation on the following: if a candidate believes a question on the WRITTEN portion of the exam was not fair, he can bring that to the Fire Chief, who will then go to the Civil Service Commission and explain the reason why they believe the question was unfair. If the Commission believes it was an unfair question, then we would ask the testing company to throw out that question and score the test without that question. Mr. Gasior indicated that is correct.

Chief Root asked if there was the same protest period for the Assessment Center portion of the exam. Mr. Gasior answered no. Chief Root shared a situation where he protested an Assessment Center portion of an exam he took in a previous city and he was very unhappy with the results. Mr. Gasior explained that we don't have a means to protest any of the Assessment Center portion of our exam. It is virtually impossible to go back through video to protest some part of the Assessment Center. We are now starting to use video/audio exams as well, so it is going to become more difficult to protest these types of tests. Chief Root said his issue with Ohio Fire Chief's Association Assessment portion of their exam, which they could have rectified in the years since Chief Root took this. The issue is they had no way to explain why Chief Root received the scores he received. When he called them to inquire about this, he was given no justification for his score at all and was basically told how dare he question them on this. That is his issue. Mr. Gasior said we would need to change the Rule to include a 10 day post grading inspection period for both the written and the Assessment Center portions of the exam. Chief Root is in favor of that. He added that as we are going to hire higher ranking positions in the department, that many people in his department work on special teams and get to know a lot of people throughout the state. We could have a conflict that a certain candidate has met a Fire Chief in the course of his job and that Fire Chief is now an assessor on a promotional exam test. Mr. Kratt said if we do go ahead with this type of a rule change, it would also affect the Police Department. Mr. Kratt asked how Chief Bosley feels about this. Chief Bosley said the current company we have doing the Police Assessments is Pradco and he doesn't know how you could protest the Pradco. As a side note, Chief Bosley indicated he is in the process of becoming an assessor for the Ohio Association Chiefs of Police and with his training so far, he learned that as far as court litigation goes, there has not been one successful protest to an assessment center in Ohio in at least 25 years. Assistant Chief Emling explained that after talking with Chief Woo from the Ohio Fire Chief's Association, there will be a 3 person panel of Chiefs that will assess. In an example

where a candidate may score very high because he may know that particular assessor, he would have to try and justify that with the other two assessors, the candidate wouldn't just automatically score that high. Same if someone received a very low score because an assessor may know that person and score him very low, he would need to justify that to the other assessors as well. This should mitigate any sort of preferential treatment toward any one individual. Mr. Kratt said we need to make a decision. Chief Root said he is fine with our rules as they stand, he was simply playing devil's advocate. Chief Bosley said he would have one question for the Ohio Fire Chiefs and this is if the rules changed, does the Ohio Fire Chief's even retain the data on the assessments so if there was a protest, they could go back and look over the data. Chief Root said they did not at the time of his protest and Chief Bosley said standard practice is that they do not keep that data. Assistant Chief Emling said he understands it to be that they do retain that information and release it as requested. He feels that the Ohio Fire Chiefs Association has put on flawless written tests for us, and that is the reason he went with them for the Assessment Centers as well.

Mr. Kratt indicated we have 3 notices here for the 3 promotional fire positions. We have a protest period for ONLY the written portion of the testing. Mr. Kratt called for a motion to accept the 3 notices, with the one additional statement added to each notice – **“commencing on the date the applicant receives their results”**.

Mr. Wojciekowski made a motion to approve the three promotional Notices of Examination with the added statement. Mr. Sarraino seconded and the motion passed 3-0.

Rule IV Section 4 and Section 11

Mr. Kratt stated that as he understands it, we need to eliminate the two rules as they are in conflict. Mr. Gasior replied that is true. We came across these as we were looking into additional points awarded for the promotional exams. This rule was changed last when we had a police exam. In Rule IV Section 4, we have a mistake here, we created a second sub paragraph B by accident and that has to be eliminated. It also brought to our attention a conflict in Section 11(G). It indicates “no additional credits shall be granted for promotional or lateral entry examinations.” Chief Bosley pointed out that it is true in our Police Department, under ORC 124.44, Police receive no additional credits. But that is not true of our Fire Department or ORC 124.45. There is another reference - Rule VII section 7, subsection C that stipulates, “Promotions in the Fire Department shall be made in accordance with the provisions of Section 124.45 of the Ohio Revised Code, with the following exceptions:” and it lists the 2 exceptions. We cannot have Rule IV Section 11 sub-section G, as it is in direct conflict with Rule VII. So, we need to take that out.

Chief Bosley then explained how the state issues extra credit points for a candidate and how the Avon Civil Service Commission issues extra credit points and they are different. Our Civil Service rules simply issue a number of points to the candidate. As an example, they might get 10 points for having a Bachelor's degree. The State issues percentage points based upon your score. If you scored an 80% on your written exam, you would get 10% of your score, so you would get 8 points, not the automatic 10 points that the City's rules would give you. Mr. Kratt asked if it is true that local city rules would trump the State rules. Mr. Gasior said that is correct, they do. However, we don't have a rule that issues credit for promotional exams, our rules say we defer to the Ohio Revised Code. There was a discussion as to why we have given points in the past rather than follow the Ohio Revised Code, regarding promotional exam extra points. Mr. Kratt asked if we should make a rule change. Mr. Gasior indicated for now, we will follow the Ohio Revised Code regarding extra points for a promotional exam. But if we want to

adopt the percentage rule for points down the road, we can do that. Mr. Gasior doesn't know how this has gone on for so long without someone addressing the rules. Mr. Kratt asked how critical the group feels this is and Chief Bosley said he believes it is possible we will have a conflict if you have a candidate that does understand the rules and then we will have a challenge. Mr. Gasior feels the State rule, as explained by Chief Bosley, is appropriate because it goes back to the score and gives you a percentage of that. Otherwise, you automatically get seniority points without any regard to your test score. Chief Root believes we should change whatever Rule needs to be changed so that Police & Fire both follow the same extra credits regarding promotional exams. Chief Bosley had this conversation quite awhile ago with the Civil Service Secretary at the time and she went only by the points, if it said 10 points, she gave 10 points and never calculated it based on a percentage points. Chief Root asked Chief Bosley if the percentage-based calculation should be used only for promotional exams and Chief Bosley responded no, it should be used for both entrance and promotional exams.

Mr. Gasior summed it up by saying for this fire promotional exam, we have nothing in our rules that issue any credit points for a promotional fire exam. Because of that, we will follow the Ohio Revised Code 124.45 when issuing extra credit points for these exams.

Mr. Sarraino made a motion to remove Rule IV, Section 4, second sub-paragraph B. Mr. Wojciekowski seconded and the motion passed 3-0.

Mr. Sarraino made a motion to remove Rule IV, Section 11, sub-paragraph G. Mr. Wojciekowski seconded and the motion passed 3-0.

Chief Bosley has a question regarding Rule IV Section 3 "Identities of Examinees", the companies that we have been using have been working based on the applicant's name. When we use Pradco, Pradco sends emails to the candidates and the candidates then take an online assessment. He is not sure how they could function without using the name. If Avon uses National Testing Network for an entrance exam, it will change how we administer entrance exams, as we would not have a specific date for an exam where all candidates show up to a classroom at a school in Avon and take a written test. National Testing Network enables us to greatly expand our recruitment as candidates can take tests in another state and apply for the opening at the City of Avon. There are National Testing sites across the United States, the closest one to us is in Westlake, Ohio. Mr. Gasior stated that this rule is a very important rule. Chief Bosley said if a candidate is in Cincinnati and wanted to apply in Avon, what is the harm in him putting his name on the test? Mr. Gasior said it could be a problem and anonymity is important. Chief Bosley indicated we used Pradco for the last Sergeant's test. Mr. Kratt said there must be a way to modify this rule so we can still use the National Testing Network. Mr. Gasior said we will look into this further and he will sit with Chief Bosley to work it out.

CHAIRMAN'S COMMENTS:

GENERAL COMMENTS:

Mr. Gasior indicated that we voted on the Rule changes today, but we were supposed to have a reading first and then a meeting to vote on those Rules at the next meeting. We will need another meeting in January to vote on these Rules. It is recommended that we meet next Wednesday, January 22 at 3pm. Tony Sarraino will not be able to attend, but that won't be a problem.

The record will show that the votes that took place earlier in this meeting on the Rule changes have been stricken from the record. They will be acted on at the next meeting of the Commission.

NEXT MEETING DATE:

Wednesday, January 22, 2020 at 3:00 P.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:50 A.M.

PASSED: _____ **SIGNED BY:** _____

Peter Kratt, Chairman

ATTEST: _____

Rose Seighman, Recording Secretary

C: John Gasior
Chief Bosley
Chief Root
Rose Seighman