

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Wednesday, February 5, 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 Commissioner Alan Wojciechowski.

In attendance: Law Director John Gasior, Assistant Fire Chief Mike Emling, Police Chief Rich Bosley, FF James Fischer, Fire Captain David Swope 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. Tony Sarraino will not be in attendance today.

APPROVE MINUTES OF MEETING OF 1/22/2020:

Mr. Wojciechowski made a motion to accept the minutes from the January 22nd meeting. Mr. Kratt seconded and the motion passed 2-0.

DISCUSSION ITEMS:

Mr. Kratt asked where we are with the Police Entrance Exam. Mr. Gasior said we still need a little time because he isn't certain that the changes that Chief Bosley suggested are workable. Mr. Gasior needs to look at them a little longer. He apologized for the delay, as he has had several other things to take care of. Mr. Kratt asked what Chief Bosley's schedule is for this test, because Mr. Kratt thought he was anxious to get one done. Chief Bosley said he does want to get a test scheduled, but wants to be sure they are moving forward correctly. Mr. Gasior asked him when his eligibility list expired and he replied they have exhausted their list already. Mr. Gasior asked if everyone was passed over 3 times and Chief Bosley responded that he didn't know that answer, but he has gone through the entire list at least once. Mr. Kratt asked if the Chief and Mr. Gasior have gotten together to discuss this and Mr. Gasior answered that they have not because he has been tied up with another project he was involved with. Mr. Kratt shared that he spoke with Mrs. Seighman and suggested that she talk with both Chiefs about marking up the rules with what they see as issues and then meet with Mr. Gasior to discuss.

Mr. Gasior would still like a National Testing Network (NTN) representative contact us – Chief Bosley indicated he has a representative that is standing by now to talk with us if possible – but Mr. Gasior would prefer to schedule it so he can speak with her first. Mr. Gasior said the Civil Service Commission has

meetings they need to schedule and he doesn't want them having to schedule more meetings than necessary. Mr. Kratt said he will be gone 2.5 weeks in March, so as far as scheduling meetings, we need to take that into consideration. Mr. Gasior suggested that he puts something together before the end of the month so we can at least get one reading of a rule change in and then have another meeting a week later to adopt it. Mr. Gasior shared that his schedule is much better now that he is finished with his Assessment Equalization Board, which took up much of his time. Mr. Kratt asked if Mr. Gasior was still planning on talking with Clemons Nelson about this and he answered that he is. The Chief shared with Mr. Gasior a situation where an issue was raised in Cincinnati regarding NTN but he doesn't think it would really be a problem here. NTN admitted that the issue was their problem and they owned up to it. They mis-scored the test and it ended up in a federal lawsuit. Mr. Gasior said this is where having a post grading inspection would be helpful. Mr. Kratt said that Mr. Gasior shared with us at the last meeting how Civil Service Rules were adopted a pretty long time ago and with good reasons. One thing Mr. Gasior mentioned was anonymity – Mr. Kratt asked him to explain that further because he would like to hear what the concern is with the new method of testing with NTN. Mr. Gasior responded that the NTN testing would probably be less of an issue because it is a national testing company. The tests are probably graded somewhere in Washington state and nobody is going to know people from around here. The issue is when we get into tests like the Chiefs Association's that run assessment centers and we get chiefs from around the area and they may know each other, may have interacted with each other. These Chiefs could hear "Hey, I heard so-and-so is taking the test, he's a really good guy, great firefighter," etc. It could definitely happen. The tendency could be to up the grade. Mr. Kratt asked if the exam Chief Bosley is talking about would be promotional or an entrance exam. He responded it would be an entrance exam – but with a promotional exam, NTN does have the ability to keep the candidate's name private. Mr. Kratt said that for the entrance exam with NTN that anonymity shouldn't be a big concern then. Mr. Gasior responded that is correct, however, our Civil Service Rules do require anonymity. And he hates to make a rule change to specifically accommodate NTN when there could be another testing company out there that is similar. We should make it broad enough to encompass any company with that type of a test. On the promotional side, he can definitely see an issue.

Mr. Kratt asked if the fire test was still on track and Asst Chief Emling indicated that it is.

Mr. Kratt then asked Mr. Gasior how much time he needs to put something together. Mr. Gasior said he should be able to sit with Chief Bosley and work something out in the next couple weeks. Mr. Kratt asked if he could have something by February 26 and Mr. Gasior said yes, let's plan a meeting for February 26th and hopefully we can do the first reading. Chief Bosley said nobody from the PD can make it on the 26th, but if Mr. Gasior and Chief sit down before then and put something together, they won't need to be here. Mr. Kratt asked how much time is needed between the first reading and then the second reading and adopting the rule. Mr. Gasior answered that there is really no time limit, the rules indicate you just have to have the first reading before you adopt it. We can have the first reading on February 26th then meet again on March 4th and adopt it. Mr. Gasior said that would work great. In anticipation of the rule change, the Chief can get the examination notice ready and announce the test right after the rule change is adopted. Chief has all the costs for the NTN tests, but does not have a contract. But he can have a contract ready for the Commission's approval on March 4. Mr. Kratt will be contacting Mr. Sarraino to see if he can attend those meetings as well.

Mr. Kratt said the agenda has no action items and he has no other comments, did anyone else have anything to add?

Mr. Fischer said he had a couple of question regarding the examination notice for the promotional exams. It goes back to some of the things that were discussed a few months ago. There will be a 10 day post grading inspection period, is that just to make sure your grade was right. Mr. Swope thought there was a pre grading inspection, but was told there is no pre grade inspection, only post grade. Mr. Gasior said that if you see an error, we expect you to bring it up to the Commission. Mr. Swope asked who will make the final decision and the answer is the Commission would rule on it. Mr. Gasior said that when there is a challenge and you bring it forward, we contact the testing company first and get their response to the challenge. Ultimately the Commission makes the ruling based on the testing company's response to the challenge. Mr. Fischer asked if it get submitted in writing and Mr. Gasior said yes, submit it in writing to the Commission. The Commission would then have the challenge from the objector, the response from the testing company and then they will make their decision. The next question was relevancy of questions. Those would be pre-grade testing. Candidates go into test and if they see a question that they feel is not appropriate, they have to write the question down and bring it to the commission, send it in writing to Rose Seighman. Mr. Fischer said that brings him to the next question which is, one of the books they were told to study, there are over 100 pages of sample forms from Lewisville, TX, which would not be appropriate for a Fire Lieutenant in Avon to know. Mr. Gasior said he doesn't know that to be true. There are other things in there, like a step by step instruction on how they set up their ceremony for dedicating a new fire boat. The questions from the firemen is – 'before they study, if it is not written that these pages are excluded, should they memorize the steps for putting together a promotional ceremony for firemen in Lewisville, TX?' If not, should it be written that only certain pages in the book should be studied and memorized and other pages should be excluded? Mr. Gasior asked what timeline are we on right now for this test? Asst Chief Emling answered that the promotional exam is on March 21. Mrs. Seighman said that February 20th is the last date that the candidates can let her know that they are sitting for the test, that is the deadline. So the period that we are in right now is a limbo period. In theory, you let the Commission know your intention to sit for the test by February 20th and then you begin to study in earnest at that point. Some may jump the gun and start studying sooner, but if we can get you the answers you want by February 20th, that would be fair.

Mr. Swope added that in one of the books he is studying for the Chief's Exam has 300 pages on Wildland Firefighting. Should there be a question on wildland fires, should I assume it doesn't apply? There have been times we've been told to study only certain chapters of a book, but it doesn't indicate that here, it only has the book listed. Mr. Gasior said they are valid points you bring up, but you have to address them with Asst Chief Emling and then he would need to address them with the Chief's Assn to see if they are willing to clarify that or if it is important to keep it the way it is. Mr. Gasior said it seems to be contrary to what he understood when he sat down with Chief Wu, that we weren't going to test for fighting fires in a 60-story building since Avon has no such buildings. By that same analogy, you wouldn't be tested on the two examples Mr. Fischer and Mr. Swope brought up. Mr. Fischer said that is the hopes of the guys studying as well. Mr. Gasior said let's get the clarification as soon as possible and then send out an addendum to the notice, "the issue was brought up and just for clarification on study materials, the following will not be included:" Mr. Gasior said that since Mr. Fischer and Mr. Swope have obviously already looked at the materials, that if they see anything they are questioning, they should put it in writing and submit it to the Asst Chief by the end of the week. Then by Monday, Emling and Gasior can have a meeting with the Fire Chief's Assn and get an answer and then we can formulate a clarification for Mrs. Seighman to send out.

Asst Chief Emling asked everyone to bear in mind that a wildfire doesn't have to be in California on a mountain, anything east of Menards could be considered a wildland fire. A discussion followed on how

that, even if specific things in a textbook may not be specifically relevant to the City of Avon, things like procedures, policies and general information regarding it could be very relevant. Mr. Gasior indicated we will work all this out, hopefully by the end of this week and Asst Chief Emling will address it with the testing company to see if there are legitimate reasons to exclude certain portions of the book. After that, the testing candidates will need to rely on their notes as they are taking the test to keep track if a question on the test should not have been on the test and challenge it. Mr. Fischer replied that, as he is speaking for his fellow firefighters, they simply want to make sure they are studying the correct material.

Mr. Fischer then asked if the seniority points were being added to the written score or the overall score. Mr. Gasior indicated the overall score. Also, important is that the extra points are added ONLY to a passing score.

Mr. Fischer asked permission to post the section of the ORC that explains how the seniority points are calculated so the candidates understand. Asst Chief Emling said as long as they are in line with the Civil Service Rules for Avon. Mr. Gasior explained that our Rules follow the ORC regarding seniority points. Asst Chief Emling said to go ahead and post it and thanked him for asking. Mr. Gasior suggested that Mr. Fischer highlight the Seniority Points portion of the ORC.

The last issue is that a book listed to study for the Lieutenant's exam does not have which edition of the book to study from. He would like clarification on that so they are studying the correct edition. Asst Chief Emling will get that information for him.

Mr. Gasior would like the Fire Department to get those questions on the study materials in to the Asst Chief this week so he can meet with Chief Wu to get clarification. Then we will get a notice out to all candidates listing what portion of the books will not be tested.

ACTION ITEMS:

CHAIRMAN'S COMMENTS:

GENERAL COMMENTS:

Mr. Gasior wanted to point out that if something comes up within the next couple of weeks regarding these testing materials for the Fire Promotional Exams, a special meeting may need to be called. The testing company will need to defend why they want that material in the tests and the Avon Fire staff can make their arguments for why it shouldn't be in there. Mr. Gasior indicated that he would like this to be wrapped up ASAP, but definitely before the February 20th deadline that the candidates need to submit their letter of intent to sit for the exam. Mr. Kratt asked for as much notice as possible if a special meeting does need to be scheduled.

NEXT MEETING DATE:

Wednesday, February 26, 2020 at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:35 A.M.

PASSED: _____ **SIGNED BY:** _____

Peter Kratt, Chairman

ATTEST: _____

Rose Seighman, Recording Secretary

- C: John Gasior
- Chief Bosley
- Chief Root
- Rose Seighman