

**MINUTES OF MEETING**  
**AVON CIVIL SERVICE COMMISSION**  
Held Monday, February 6, 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 and Commissioner Alan Wojciechowski  
Commissioner Bill Greaney was absent

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

**ADDITIONS/DELETIONS TO AGENDA:**

Mr. Kratt asked Mr. Gasior to lay out for everyone the new procedures he'd like us to follow regarding our agenda. Mr. Gasior explained that he would like our Civil Service meetings to be more in line with how City Council is run – they call the meeting to order, there is roll call and they check to see if there are any additions or deletions to the agenda. They then approve the minutes of the last meeting and take up the items on the agenda. Looking at our agenda today, items 4 and 5 will be the first presentation or reading of possible rule changes, we will not be voting on them. Items 6 and 7, however, are items that can be acted upon, so the language is “To consider removing names....” And then there is a Motion, a Second and a Vote. After action items, there is Item 8 for comments, Item 9 to set the next meeting and then we adjourn. This is very close in process to what City Council does. Mr. Kratt asked if we need to accept the agenda as published? Mr. Gasior said we do not, Mr. Kratt will just ask if there are any additions or deletions to the agenda, if there are not, we move forward to next item.

Mr. Kratt asked if there were any additions or deletions to today's agenda, there were none.

**APPROVE MINUTES OF MEETING OF 1/9/2023:**

*Mr. Wojciechowski made a motion to approve the minutes from the meeting of 1/9/2023. Mr. Kratt seconded and the motion passed 2-0.*

**TO CONSIDER CHANGES TO RULE IV SECTIONS 1, 2, & 4**

**TO CONSIDER CHANGES TO RULE VII SECTIONS 1,2, & 5**

Mr. Kratt stated that at our last meeting, there was a lengthy discussion regarding these rule changes, but he understands there is additional information Chief Fischbach would like to add today. Chief Fischbach explained, as he stated at our last meeting, that he has been looking into ways we can stay competitive in the recruitment market for police officers. As he has noted in most of our previous meetings, they are struggling to get quality candidates. You can see by looking at Item 6 of today's agenda, we are removing eight candidates from our Eligibility list for various reasons: they are no longer interested, they aren't following our processes, etc. We are quickly falling behind. He has at least 6 vacancies to fill and he has nobody in line to fill them. He is very concerned. It is not just Avon, you can see it on the news, it's all over the country. Recruiting for police is at an all time low. He said we need to look to see how we can improve our options to get qualified candidates and one of those is to have a true lateral entry process. As he has explained in previous meetings, we have had a lateral eligibility list, but it is not a true lateral process. We had all those candidates do the very same process as our entry level candidates, including taking a test. That does not help the lateral candidate at all. Most agencies across the state are going with the true lateral entry process which is an application process and does not include taking an exam or being on a ranked list. This is not a fix all, but he doesn't see things getting better any time soon. Chief Fischbach has done research and he believes the rule changes he is looking for are consistent with what other agencies across the state are doing. Westlake would be a comparison. Westlake has some rules that are more restrictive than what Chief Fischbach is asking for. Mr. Kratt asked for an example. Chief Fischbach explained that Westlake's rules say you have to come from another Civil Service agency, which would preclude candidates from smaller agencies like LaGrange, Wellington, Grafton, etc from applying. Those agencies hire with an application process, not a Civil Service process. The Sheriff's Department is another agency that does not hire through a Civil Service process. Chief feels that is too restrictive. Our hiring process will not change. Avon has a very extensive vetting process for hiring along with an extensive background process to make sure we are getting the best candidate possible. Mr. Kratt asked if those candidates would have gone through an examination. Chief Fischbach replied that they would have gone through some sort of hiring process at the other agency. Every agency does it a little differently, every Civil Service Commission is different as well. We are Home Rule, so we can change our rules. Civil Service is a hiring process to try and find a qualified candidate and put them in some type of a ranking system. By going with the lateral, we will still have that ability, but instead of it being an examination, it will be an application review process done by the Chief and the Safety Director. As an example, they are looking at an officer from the city of LaGrange, who would not be eligible in the lateral process if Avon kept the wording in our rules that Westlake has. Chief said he is comfortable, based on what he's seeing other agencies doing, with these proposed rule changes. The candidate will have to submit an application, as well as have at least two years full-time experience with a municipality in the state of Ohio and have a valid OPOTA certification, which you have to have in order to be a police officer in the state of Ohio. We would have requirements that the candidate would have to fulfill, they aren't simply filling out an application and then can be hired. Chief said that he is getting notifications daily from other agencies in the state that are doing just this. Candidates can write their own ticket right now. There aren't enough applicants and every agency is looking for quality candidates. Mr. Kratt commented that it is a tough profession to be in these days. Chief responded that he has seen better days, that's for sure, but it's still the best profession out there. He said he is not re-writing the story here, he feels that we are playing catch up with what other agencies are already doing. He does not see another option. This may not fix the problem, but it will keep us as competitive as we can be.

Mr. Kratt asked if Mr. Streater had anything to add. Mr. Streater said that as Chief noted, they are getting emails every day from other communities doing this very thing because of the lack of candidates. The system we have set up will help us alleviate some of the issues. Mr. Kratt asked: what we are doing isn't anything out of the ordinary then? Mr. Streater replied not at all. We are actually in

competition with other communities for these candidates. Some communities are offering signing bonuses which he hopes we won't get to that. Mr. Wojciechowski added that big cities like Cleveland are giving signing bonuses. Mr. Streater mentioned he saw in the news where Cleveland can't get officers, so in order to balance the budget, they simply are not going to hire anyone for the unfilled police officer positions. The state put out grant money for retention and signing bonuses for law enforcement. So, we aren't in as bad of shape as other communities.

Mr. Kratt asked if Mr. Gasior has looked over these rule changes. Mr. Gasior said he has reviewed these proposed changes. He explained that Item #4 is just taking "Lateral Entry" out of that rule. That is pretty straight forward. He has no issue whatsoever with Item #4. For Item #5, this is what we need to do to get more candidates. He sees no issue with not going through Civil Service, as long as the other safeguards are in place, which would be the requirement to have an OPOTA certificate, etc. Mr. Gasior said one of the key paragraphs here would be on page 4 where it starts "**The Safety Director and Police Chief will review applications**", that really is the exam. The provision in Civil Service Rules for Resume Review is in the state code, you can "test" a candidate via Resume Review. This is the process that they are going to go through. It's important that our rules state (and they do):

**Prior to appointment, later entry candidates shall submit to the following: background investigation, polygraph or CVSA examination, psychological examination, physical examination (if required by OP&F), oral interview(s), drug screening, fitness for duty and physical agility examination. Positions filled through lateral hire are exempt from written competitive examination.**

Mr. Gasior is assuming by using the word "shall", these are all going to be done. Chief Fischbach said that is correct. Mr. Gasior said that we are not going to short-circuit the process and say we aren't going to do the polygraph because we know a particular candidate. Mr. Gasior said that is the important paragraph. For safeguard purposes, they will have to go through all these tests. The only question Mr. Gasior had was – is there any test that will determine if they can write? Can you get a look at reports from previous agencies where they wrote up a narrative? He has seen other cases where some police officers are terrible writers and he thinks it's important that they can communicate in the written report. Chief answered if we hire from another agency, they do a complete review of their personnel file, talk with their supervisors and coworkers and that would be a part of the discussion. Some people are good at writing or speaking, some are not. There is training for that. Chief said it's important that all of his officers come across as professional, including in their written reports. Mr. Gasior said that he just thinks it's important, even if the candidate comes through with flying colors on all the other aspects of the interview, you could say to them "you need to brush up on some of this and here's a class you might want to go to". Chief agreed. Mr. Gasior said he believes this is a good approach for us under our current circumstances.

Mr. Kratt asked if the Chief agrees with Mr. Gasior regarding the wording "shall". Chief said yes, that is their standard process right now, there is no issue with it. Mr. Gasior also wanted to point out in the rules, that the application is on file for one year. It says the application "**will**" be removed. Does Chief feel strongly that one year is appropriate? Chief answered that with our current list, we will have exhausted it prior to one year and he has never seen that in his career. We typically have our lists good for 2 years and usually still have candidates still interested. But the last test we gave in the fall will be

exhausted soon. Mr. Gasior said they talked about this and if they do have a candidate and are 9 or 10 months into the process, we can always have the candidate reapply.

The last thing Chief Fischbach wanted to go over was in Westlake's rules, they have it written that they have the ability to suspend all their rules if they feel it is in the best interest of the community and safety, etc. Part of this rule states if you do hire an officer using the lateral process, then your next hire HAS to be from the Civil Service Certified List. He agrees this is good when you are in a good spot. But if you are not in a good spot, that's not good. This gives the Commission the ability to suspend that rule so he does not have to hire off the Entrance List after making a hire off the Lateral. He said it's not something he would be looking to do all the time. As soon as Westlake passed the Lateral hires, they made a motion to suspend that rule for one year. This gives them the flexibility to hire where they can find the candidates. He thinks it's important it is in there so the Commission understands we aren't looking to get rid of the Civil Service Commission and certified list. The list has value, particularly for new officers and we need the mix, we need new, young officers coming in with no experience. That's where the certified list will be beneficial. But he has six officers to hire right now and has nobody in line. We need to use all the tools available to us. That rule would be specific and if he or the Safety Director requested it, the Commission could approve or deny it, whatever it felt was in the best interest of all, but he believes it's another option to get ranks back up to where they need to be.

Mr. Gasior added that the rule was narrowed down, Westlake had it written so that they could suspend any rule in their regulations. But ours is just this area. As Chief said, the Commission may find themselves, in the next few years, suspending the rule more often than not.

Mr. Wojciechowski asked Chief, being six officers down, how does he handle that, with overtime? Chief answered that overtime is one way to do it. The main shortage is retirements. Two of the six officers he needs to hire are officers that will be added to the ranks. As the city grows, we need to continue to grow with it. So those two were approved for us to hire in 2023. He was authorized for 48 officers, but with the addition of those two, he is authorized for 50 officers. He has three officers that left due to retirement and one more officer due to leave next month. Those put him behind. He is four behind because of those and then with the additional two officers he is authorized to hire, that makes six. He said we are not at a point where safety is at risk, he doesn't want anyone to think he's crying wolf. We aren't in dire straits yet, but if we don't move now, we will fall further behind. And getting those six is just putting us where we should be, not getting ahead. He is trying to forecast what's coming and he'd rather get us where we should be before we fall any further behind.

Mr. Kratt said the Commission will consider this the first reading for these rule changes. The next meeting, we will vote on approving them.

### **ACTION ITEMS:**

- *Remove names from Police Eligibility List*

Mr. Kratt asked Chief Fischbach if he was sure he wanted to remove these names from the Police Eligibility List. Chief Fischbach responded that he wishes those were names of officers we were hiring. He said that that tells you the state that we are in. These are candidates that signed up and paid to take our test and although he can't say specifically why they are removing these particular names, he knows it is a combination of no longer being interested, they don't respond to our communications, they can't pass the physical agility test, they took a job with another agency, the list goes on.

***Mr. Mr. Wojciechowski made a motion to remove the eight names from the Police Eligibility List as presented. Mr. Kratt seconded and the motion passed 2-0.***

- *Approve a Fire Lieutenant Promotional Exam*

Mr. Kratt asked if the Fire Chief could speak to this. Chief Swope said that public sector and public safety jobs aren't as glamorous as they used to be. He said he still believes it's the best job in the world and he feels for the Police. Fire is on the tail end of that. He has seen changes in the last couple of years that people just aren't coming into this field like they used to, but they aren't in dire straits yet. What he is asking for today is the approval of the Lieutenant Promotional Exam. As the City has grown, as our ranks have grown, the first thing we did was get boots on the ground, now we need more supervision for them. He feels pretty confident that the Notice of Exam is very clear, he really tried to spell it out this time. He has come before the Commission many times, from the rank side, not the administrative side, and has spoken with John Gasior many times about making it as clear as possible so there are no questions after the test is given. I think it's much better than it was a couple of years ago. The process should go much smoother.

Mr. Gasior stated that he has dealt with Chief Swope when he was in the ranks, he trusts that the Chief has cleared up any ambiguity. Chief is confident that it irons everything out. It is a good testing system and we've used it for a few years. With the written exam and assessment center, it works well. It shows that some candidates that might not be the best test takers, but are strong in the assessment, where areas of leadership or working under pressure are identified. With just the written test, those qualities weren't identified.

Mr. Gasior asked if the candidates on the notice of exam are those that are eligible to sit for this exam. Chief answered that they are. These are the candidates that have 48 months of service plus their one year of probation, which is 60 months, or five years. They went back to the state recommendation of 48 months plus the year of probation. We initially had a requirement of 3 years of service, but that was back when we were a new full-time station and the ranks didn't have that many years of experience. To drive the latter truck, you don't even have three years' service yet, so to put someone in charge of a crew that would be running that truck didn't make sense. Mr. Gasior asked Chief Swope about how many of these candidates does he think will participate in this exam. Chief thinks more than half of the 16 eligible will take the exam. Three of the candidates on that list are the most senior guys in our department, they haven't tested thus far, so he doesn't see them testing, although he would like them to. The remaining candidates are the middle of the department, they have 5 years to 16 years of service. We have not had new promotions for about 10 years, so there is a good solid group here that he'd love to see take extra responsibility.

Mr. Kratt asked if Mr. Streater had any comments. Mr. Streater stated that he went over the exam notice and believes any legal challenges have been addressed.

***Mr. Mr. Wojciechowski made a motion to remove the approve the Fire Lieutenant Promotional Exam. Mr. Kratt seconded and the motion passed 2-0.***

#### **GENERAL COMMENTS:**

Mr. Kratt asked Rose about the Annual Civil Service Report that needs to be filed. Rose stated that it is due in April and she has not received the paperwork or notice from Columbus as of yet.

Mr. Kratt is encouraged by the steps we are taking to try and make the process easier and simpler to get more candidates for the openings in our Police Department.

**NEXT MEETING DATE:**

Monday, March 6, 2023, at 10:00am

**ADJOURN:**

Following a unanimous vote, today's meeting was adjourned at 10:27 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