

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Wednesday, February 26, 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: Assistant Fire Chief Mike Emling and Recording Secretary, Rose Seighman, Law Director John Gasior was in attendance via a conference call and Capt. Larry Fischbach joined the meeting at 10:05 a.m.

Tony Sarraino will not be in attendance today.

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 2/5/2020:

Mr. Wojciechowski made a motion to accept the minutes from the February 5th meeting. Mr. Kratt seconded and the motion passed 2-0.

DISCUSSION ITEMS:

Mr. Kratt asked Mr. Gasior to address the issue of a possible rule change. Mr. Gasior briefly went over the proposed rule change and said we will be reading it for the first time today. We are trying to come up with a rule change to allow the Police Dept to use the company called Ergometrics - National Testing Network (NTN). Mr. Gasior discussed the document that each Commissioner was given regarding the company. The Commissioners just received the document and Mr. Gasior indicated they can use the next week to look that over. He then indicated that the rule change that is being proposed is an amendment to Rule IV Subsection 1, we will add subsection C and it would say:

C. Ergometrics/National Testing Network (NTN) is a testing company located in Lynnwood, Washington. It works extensively with public safety departments across the country offering professional pre and post-employment testing services. In situations where the Commission votes to utilize their services or the services of a similar company, for either a Competitive Entrance (Subsection A) or Promotional (Subsection B) examination, Sections 3 and 9 and any other provisions in Rule IV inconsistent with the testing regulations and methodology adopted by NTN or a similar company are deemed inapplicable.

Section 3 deals with identity of the examinee and Section 9 deals with an examinee's pre and post grade challenges. In other words, Section 3 is concerned with maintaining the anonymity of the test taker. Losing that with a national testing company is probably not a big concern. However, Section 9, dealing with pre or post grade challenges is more problematic. But NTN is pretty strict about that, i.e., they will not permit any such challenges. That's why Mr. Gasior wants everyone to look over that brochure that was handed out and become familiar with the implementation process. Much of the exam will consist of looking at videos and responding to questions based up on the video. Mr. Gasior and Mr. Kratt witnessed this firsthand at the recent Police promotional exam for Sergeant to Lieutenant. These types of tests do not readily lend themselves to challenges.

The brochure, page 5, also talks about validation. This is also very important. In case of a challenge, the test has to be validated. If not, the City could spend a few thousand dollars on experts to testify that it actually tests merit and fitness for the position to be filled. But NTN has already validated their test. That is important to note.

Mrs. Seighman will put together an outline of the procedure for how this process will work as far as applying for and taking the exam and also filling out the city of Avon online application and issuing a "date of application". Applicants will go to one of NTN's testing centers (closest one to Avon is in Westlake) and take the exam. All documentation is then turned in by a certain date. Failure to do so will result in the application being rejected.

Mr. Gasior believes everyone will be treated fairly and he has read only positive reviews for NTN. Mrs. Seighman spoke with people in Westlake and Berea and they are very happy with it. Mr. Emling wanted to know if we should put something in the Civil Service Rules that indicate the Fire Department is open to taking this type of test in the future? Mr. Gasior responded that once this rule is amended, the Fire Department would be able to utilize this type of testing company without any further amendments to the rules. Mr. Kratt asked if the Berea and Westlake Civil Service Rules are similar to ours and is this proposed rule change consistent with how they handled this or are we doing something different than they are. Mr. Gasior said their rules are not similar to ours. Rather than try to adopt all new rules, Chief Bosley and Mr. Gasior decided to adopt this Subsection C. The only key areas where our Civil Service Rules are in conflict with the NTN protocols are with the anonymity and the pre and post grade testing. Our amendment to the rules will address that.

After we get the test score from NTN, we will add the extra credit points and do the ranking. Those things will happen just like they did before. Ultimately it is the Commission's decision to select a company that accurately determines merit and fitness through the examination process they offer.

At our next meeting, Mr. Gasior would like to have more information regarding this company. A lot of the exam consists of watch video and then answering questions. There are no books to read or study for the test. What better way test someone's capability to be a police officer than to see how they would react to real life situations. Mr. Kratt asked what happens when a candidate has a question or an issue about a question on the exam, what options do they have if we have ruled out using pre and post grade challenges. Mr. Gasior said they can take it up with the company and they can address the issue. If the candidate takes it up with us, we may be able to take it up with the company on their behalf. It certainly won't be pursuant to Rule IV Section 9, because we are suspending those rules for this exam. That is the only issue that is a little tricky for us. Mr. Kratt asked if there have been a lot of issues with the company? Mr. Gasior thought early on they had some kinks, but they have been around over 10 years. Chief Bosley shared a court case in Cincinnati with NTN over an issue. NTN threw the test out, retested everyone at no cost to the city. They openly discuss that case. He believes it is from 8 years ago. They admitted their

mistake and said they learned from it. If you look at how many tests they give every day, all over the country, they apparently aren't being challenged that often. With the amount of testing they are doing on a daily basis, there is not a lot of negative press and many good reviews. If there is a big problem with the exam and it comes before the Commission to make a decision, we can always throw out the test. Whether NTN offers to retest at no charge or we elect to go with another company, all of that can be determined at that time. Mr. Gasior is confident that won't be happening.

Mr. Kratt asked if the Fire Department has been able to look into using this company. Assistant Chief Emling stated they have not. The Police Department has more experience and they are watching to see how it works for the Police. He indicated that the millennials would be driving this sort of a test since this is what they are used to. It appears to give the city a better snapshot of how these candidates will react in a real-life situation. But Fire and Police are very different regarding testing. Fire would test more for physicality while police would be more conflict related. He wanted to be sure they have the flexibility to use this exam in the future without having to change any other rules. Mr. Gasior confirmed that is true, they can use this testing company without any changes to our rules if this one rule is adopted by the Commission.

Mr. Gasior will speak with Stephanie from NTN again to discuss the Cincinnati case and will report back at our next meeting. He indicated there is less of an issue with an open competitive exam than with a promotional. Mrs. Seighman will report at the next meeting the procedures we will go through as far as applicants signing up to take the test and determining the "date of application". Those things are very important to understand. If the Commission is satisfied with everything, it can adopt the new rule at its next meeting. Once that is done the City can move forward with the open competitive exam with NTN.

Mr. Kratt said we have no action items. Mr. Kratt asked Mrs. Seighman to please get all the written material to Mr. Sarraino, so he is kept up to date on not only the minutes of the meetings, but the documentation that has been handed out as well. She said she would.

ACTION ITEMS:

CHAIRMAN'S COMMENTS:

GENERAL COMMENTS:

NEXT MEETING DATE:

Wednesday, March 4, 2020 at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:20 A.M.

PASSED: _____ **SIGNED BY:** _____

Peter Kratt, Chairman

ATTEST: _____

Rose Seighman, Recording Secretary

C: John Gasior
Chief Bosley
Chief Root
Rose Seighman