

MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Monday, June 7, 2021

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 William Greaney

In attendance: Police Chief Richard Bosley, Captain Daniel Fischbach, Sergeant Eric Bergen, Patrolman Andrew Kehl, Safety Director Duane Streator, Law Director John Gasior and Recording Secretary, Rose Seighman

ADDITIONS/DELETIONS TO AGENDA:

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

APPROVE MINUTES OF MEETING OF 5/3/2021:

Mr. Wojciechowski made a motion to approve the minutes from the meeting of 5/3/2021. Mr. Greaney seconded and the motion passed 3-0.

OLD BUSINESS:

DISCUSSION ITEMS:

Patrolman Andrew Kehl is present in the audience today and Mr. Kratt asked if he would like to address the Commission. Ptl. Kehl approached the podium and explained his reason for being here today. He started with his background – he is a current patrol officer in Avon, a Defensive Tactics Instructor, and a certified bomb technician with Lorain County Bomb Squad. He went to the Police Executive Administrative Leadership School and in 2009 completed his Master’s Degree in Public Administration and Justice & Security. The reason he is here today is to contest a recent promotional exam. He is not contesting the actual exam but the process after the exam was given. The Notice of Examination that was given to each candidate eligible to take the exam indicated 2 phases. Phase 1 was a video exam administered by Ergometrics and Phase 2 consisted of structured interviews administered by Pradco. Ptl. Kehl outlined the details regarding both phases. Once these Phases were complete and scores were

calculated, he was ranked #2 on the eligibility list. He explained there was an opening for the Sergeant position immediately after the exam and going with the long-standing tradition of promoting based on the ranking, the candidate ranked #1 was offered and accepted the promotion. There were no additional interviews, he said the promotion was made based on the ranking. Now, with Chief Bosley's upcoming retirement, there is another opening for Sergeant. It was assumed that the next promotion would be based on the ranking and the person ranked #2 would now get the promotion. He has talked with members of the department that have 25 years of experience and this is how it has always been done. Ptl. Kehl received an email indicating there will be an interview with the Safety Director, Mayor Jensen, Lieutenant Fischbach and Captain Fischbach. He questioned this process, as it has not happened in the past and it was not specified on the Examination of Notice. He spoke with the Safety Director and was told by the Safety Director that he couldn't speak for how things happened in the past, but this time, they will be holding the interviews. He went to the Mayor to inquire about this and the Mayor told him that he and the Safety Director decided to have the interviews. Ptl. Kehl then quoted the Civil Service Rule IV Section 1 which states the exam needs to be posted 45 days prior to the exam and Section 4 which states:

A. Competitive Entrance, Lateral Entry, and Promotional Examinations. Competitive entrance, lateral entry, and promotional examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment or promotion is sought and shall consist of one (1) or more interviews, assessments, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods as determined by the Commission or its designee. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of such examination. When possible, this information will be included in the notice of examination.

The Notice of Examination only stated Phase 1 and Phase 2, which were the video portion and then the Pradco portion of the exam. Not the additional interview after those 2 phases. He stated again that it is commonly known that the next person on the list would get the promotion. He has asked co-workers that have been on the department for 25 years and none of them remember not following this practice.

Ptl. Kehl then pointed to the Civil Service Rules Rule IV Section 4:

B. Police Department Promotional Examination. Promotions to positions above the rank of patrolman in the Police Department shall be in accordance with the provisions of Section 124.44 of the Revised Code

Which states:

ORC Section 124.44 | Police department promotions.

After the examination has been held and an eligible list established, the commission shall forthwith certify to the appointing officer the name of the person on the list receiving the highest rating. Upon the certification, the appointing officer shall appoint the person so certified within thirty days from the date of the certification.

Ptl. Kehl stated that this did not happen. In addition, an interview was added into the process that was not stated in the Notice of Examination. He feels the civil service rules were violated by not having that stated in the Notice of Examination.

He explained to the Commission that he has tried to take on additional roles and received his Master's Degree for this reason, to be promoted. After the first promotion was made off this list, he signed up for the Police Administrative Leadership School because he was told he would be next on the list for promotion. He scored in the top 8 of that class.

Ptl. Kehl asks that the Commission please take a look at this, considering the process was changed in the middle and he is asking for the opportunity. Mr. Kratt asked him to clarify that. Ptl. Kehl explained he would like them to look at this situation since he was ranked #2 and was passed over for the promotion. He has done a lot of things to earn his #2 spot on the ranking. He is asking the Commission to do what they can to consider this particular situation.

Mr. Kratt thanked Ptl. Kehl for his service and then asked Mr. Streator for his thoughts. Mr. Streator commented that in our Civil Service Rules, Rule 7, Section 7 (B) (ii) addresses this:

ii. In all cases where vacancies are to be filled by promotion, the Commission shall certify to the appointing authority the names of the three (3) persons having the highest rating on the promotional eligible list. The appointing authority shall forthwith fill such position by appointment of one of the persons thus certified to him and shall forthwith report to the Commission...

EXECUTIVE SESSION: 10:13 a.m.

A motion was made by Mr. Kratt and seconded by Mr. Wojciechowski to enter into Executive Session to discuss imminent litigation. ***The motion passed 3-0***

In Executive Session were Mr. Kratt, Mr. Wojciechowski, Mr. Greaney, Mr. Gasior, Duane Streator and Chief Bosley.

RECONVENE: 10:26 a.m.

A motion to reconvene was made by Mr. Kratt and seconded by Mr. Wojciechowski. The motion passed 3-0.

Mr. Kratt stated that the Commission has done what it was required to do under the rules. They won't be changing the appointments that have already been made. That is the position of the Commission. Ptl. Kehl thanked the Commission.

ACTION ITEMS:

CHAIRMAN'S COMMENTS:

GENERAL COMMENTS:

NEXT MEETING DATE:

Monday, July 12, 2021 at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:28 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