

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

AVON CITY HALL

**CALL TO ORDER**

The meeting was called to order at 10:05 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: Fire Chief Swope, Assistant Fire Chief Bruehler, Safety Director Streator, Law Director John Gasior and Recording Secretary, Rose Seighman

**ADDITIONS/DELETIONS TO AGENDA:**

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

**APPROVE MINUTES OF MEETING OF 8/9/2021:**

*Mr. Wojciechowski made the motion to accept the minutes of 8/9/2021. Mr. Greaney seconded and the motion passed 3-0.*

**OLD BUSINESS:**

**DISCUSSION ITEMS:**

**Possible changes to Civil Service Rules:** A copy of the Civil Service Rules (with proposed changes documented) were handed out and Fire Chief Swope asked that everyone turn to Page 5 (**Rule IV Section 5 Admittance to Examination**). He explained that currently, an applicant can arrive 15 minutes after the scheduled start time of the exam and still be allowed to take the exam. Most testing companies will wait the 15 minutes before they go over the rules for the exam so everyone hears them at the same time. This rule can delay the start of the exam by 15 minutes. Most applicants show up early, so this is not an inconvenience. Many other exams, when you show up late, you aren't admitted. We want to clarify this rule so that the exam starts at the scheduled time. If the candidate is late, then they cannot take the exam. This rule has been on the books for as long as anyone can remember. This rule has caused some concern, as Rose can attest. Trying to get the test going, then having to wait for people, or have them come in

separately after the test begins leaves open the possibility that the applicant will say that they weren't told the right rules because the exam already started. Another issue is the timing can be off on the test because all of these are timed tests, so we want to eliminate the 15 minutes and the applicants will need to show up on time. Mr. Kratt asked if there were any questions from the Commissioners and there were none.

The next change is on page 6 (**Rule IV Section 11 subsection B**) Chief Swope stated this could be because he was in the Reserves for quite some time, but he believes anyone that serves in the Armed Forces, who receives an Honorable Discharge, should get the military extra credit points. The current rule is very specific in that you have to serve for 18 months of continuous active duty. Avon currently has an employee who served overseas in the Persian Gulf for 13 months and he didn't get any points. Someone that served in the Reserves for 8 years would not get any points with this rule. Chief Swope believes the rule regarding military points is very restrictive. He believes if someone served in the military and has an Honorable Discharge, then they made the commitment to serve their country and should get the 5 points. Mr. Kratt asked Chief Swope if there would be any problems or objections from any members who have been serving and Chief responded no, not at all. The guys in the firehouse he has spoken to are very excited about this possible change. He has spoken to several of them. The Chief said we have a lot of veterans coming back from Iraq & Afghanistan and they should know that their time did count. Someone could have served 17 months and they wouldn't get the points. He said after speaking with Safety Director Streator, the Honorable Discharge is the most important thing. You can separate service with a General Discharge, which is when both parties decide to go their separate ways. But an Honorable Discharge means you fulfilled your commitment to the military. Mr. Wojciechowski asked if what he is saying is if you were in the National Guard overseas for 13 months then it wouldn't count and Chief responded that was correct, it would not count for our extra credit points. Mr. Greaney said he thinks the 18 month stipulation is there for a reason because there are people that can actually serve for a month or two and be Honorably Discharged. This would be a big change, that's why the military always has a 'length of service' attached to it. Chief Swope said that they did change their Discharges so there is a General Discharge for those that did not fulfill their commitment. Using Mr. Greaney's example of someone serving a couple of months, they would not get an Honorable Discharge. He said it's conceivable that they could get a lawyer and petition the court for an Honorable Discharge. Our current rule shuts out so many people that signed up for the military, but were never activated or didn't serve when there was a war. Chief said what they are hoping to accomplish by changing this rule and the next rule regarding college credit, is to get a good quality candidates. Someone that committed themselves to the military or college should get extra credit points. Mr. Wojciechowski said he served in Vietnam when those that were drafted served 2 years and those that enlisted served 3 years. Are they serving less than 2 years these days? Chief said Army still has 2 years, there are still 3 and 4 year options. This doesn't address the Reserves at all because it's all active duty. Mr. Wojciechowski then asked if we are going from issuing 10 points for military credit to 5 points. Chief said it has always been 5 points, we aren't making a change to the amount of points. Mr. Kratt asked if there are any other questions and there were not.

The next change is under the college credit for Fire applicants (**Rule IV Section 11 subsection D(i)**). Chief explained that basically they are cleaning up some things in this rule. Some issues came up during our last couple entrance and promotional exams that we've had to deal with and those are what we are addressing. When the rules were written, the only Fire related degree you could get was a Fire Science degree. Now, 10-12 years later, we have colleges offering different degrees related to Fire Service. We want to add those Fire related degrees for extra credit points. It shows a commitment to Fire Service when attaining a degree in Fire Science or Fire Emergency Services or EMS Management or any degree that has some basis of what they will be doing in their career. We want to give them credit for degrees in addition to Fire Science and at the same time, we wanted to change the points from 10 to 5 for those degrees.

Chief Swope explained that they also wanted to give 5 points for a Bachelor's Degree in any area, since the Bachelor's Degree shows that the candidate was committed to a 4 year degree. Those are the types of candidates they'd like to see, those that show commitment, even if it's not in Fire Science.

Next change (**Rule IV Section 11 Subsection D (ii)**) is clarifying if you are a part time firefighter in the Avon Fire Department for one year, you will be awarded 5 extra credit points **and** you are also eligible for the 5 extra credit points for being a municipal employee. Chief Swope isn't sure if, in the past, candidates may have only received one of those. Ultimately, the person that has been working part time for the department for at least a year would get the extra credit points for that as well as for being a municipal employee. Currently, we are much more stringent with our part time employees and the hours that they work. In the past he believes people stayed on the list of part time firefighters just to get the extra credit points at exam time, when they weren't working much at all for the department. He recently asked someone to resign because they weren't putting in the time. Chief Swope asked if there were any questions on this and there were not.

Chief Swope explained that he was asked to go through the entire Civil Service Rules & Regulations and address anything that needed to be changed before our next Fire Entrance Exam, which could be coming up in October or November. That is why he is coming to the Commission with these changes. He apologizes if he is bombarding the Commission with all the changes.

Last change is in the Promotions in the Fire Department (**Rule VII Section 7**). We are going back to the State's Civil Service Rules with this change. It states for promotions, a candidate would need to have 48 months plus a year of probation, which is 5 years total in order to sit for a promotional exam. About 16 years ago when we put this into effect, Avon did not have employees that were with the department for 5 years, so we changed our rules to require 3 years as a firefighter to be eligible for promotion. Chief Swope said he was part of that promotion to Lieutenant when the department didn't have anyone with the required 5 years, so this rule dropped the requirement down to 3 years in order to have a competitive test. Now, the department has plenty of employees with the 5 years so we can go back to using the State's requirement. Changing this rule will only affect 4 people that don't have the 5 years. We have a probationary period for one year for our firefighters. After that first year, they go for Pump Operator, which cannot happen before their one year probationary period is over with. Then they learn the engine and mechanics of that and at 3 years they learn the ladder truck. With the rule as it stands today, it's possible to have firemen that haven't gotten their certification to drive

or pump the ladder truck, yet they are becoming officers that command and tell people what to do with that ladder truck. There did seem to be a disconnect there, so we went to the State's rule to see what they said and that's why we want to go back to the 5 years, since we now have enough people to hold competitive exams.

Chief Swope asked John Gasior if he was correct to say that we took the State's wording and placed it right into our rules. Mr. Gasior responded that the Probationary periods for the Fire Department can be extended, which is why it's important to separate those 2 items and not just say 5 years. A person can be on probation for an additional 6 months, so then it would be a total of 5.5 years. He was talking with the Chief and they believe our rule was created because back in 2003 when we went from a Volunteer Fire Department to a Full Time Fire Department, we did not have enough people that qualified in the rank to take promotional exams, so we reduced the number of years to 3 so we could have a competitive exam. It served its purpose and now we are going back to what the State dictates, which is the 48 months plus the probationary period.

Mr. Greaney asked if the rule also states that the candidate has to have all the certifications in order to meet the test requirements? Chief Swope answered yes. (Secretary Note: Chief Swope misunderstood Mr. Greaney's question. The Civil Service Rules do not state that the candidates have to have all the certifications to meet the requirements, but Fire Department Policy & Procedures do require them to have the certifications.) What we do need to clarify, not in the Rules but in the next notice of examination, is that a candidate can sit for the exam without a paramedic card as long as they get the card before they are appointed. It doesn't say in our rules what they need, but we have always accepted a Firefighter and Paramedic card. Other cities that give exams, some accept applicants even if they aren't finished with their classes for Paramedic or Firefighter. This helps in getting more candidates to sit for the test. Chief explained that his department offers "ride time" for those in fire classes in different colleges and he had 2 that would have been great applicants. They got along great with the guys, people really liked them, but they hadn't finished school, so they couldn't even sit for our test. We don't need to address this in the Rules, but in the next notice of examination. Mr. Greaney asked about the certifications within the Avon Fire Department - is any of the testing for running the pumper, etc, are they in our Civil Service Rules? Chief answered that none of that is in our rules. Chief explained that he sticks to the schedule of when the staff gets certified in those areas because he feels that someone should not get certified to run the pumper before he is through with the first year of training. If a firefighter takes that pumper training before their first year is up, then he feels they are missing out on important first year training. And the ladder training is after year 3 and this has been in place for about 5 years or so. Once we had a Training Captain, that really put those programs in place. Mr. Greaney then asked if what the Chief is saying is that in the past, we have promoted people that weren't qualified to operate the pumper and the Chief responded that potentially, we have. The candidates at 3 years were eligible to sit for the promotional exam, but the majority of candidates did have the 5 years. And of those that were promoted, they all did have more than 5 years. But the option was there for those candidates with 3 years to sit for the exam and that is the Chief's concern, he wants the rule to change from 3 years to 5 years. Mr. Kratt asked if Mr. Gasior had any comments. Mr. Gasior said he believes that someone that doesn't know how to operate the pump, probably won't do very well on the Lieutenants Exam. He would hope that proficiency in Year 1, Year 2, Year 3, Year 4, operational demands will get them ready to ultimately take the Lieutenants exam. Chief Swope said that he agrees with John but added that leadership is a big portion of that promotional exam

rather than operational portion. Mr. Gasior said that since the city has the 'Rule of 3', the city has the best chance of hiring the best candidate for the promotions. But he thinks what we're trying to do here is to get better as a department and adopt rules consistent with hiring better people. Chief agreed. John Gasior explained that any time you have a change of leadership, like we have now with the new Fire Chief, Assistant Fire Chief and our Safety Director, these people will be looking at the rules and the department in a different light and have a different eye on these things. We have 3 new sets of eyes looking at these things that probably haven't been looked at in several years. I think the changes that are proposed are good changes. Change is not necessarily a bad thing, change is a good thing. Mr. Kratt asked Mr. Streater if he had any thoughts. He said he echoes what Mr. Gasior said. They went through all the rules and after working with Rose on issues that have come up during exams, he feels they have adequately addressed those issues. He feels these changes clear up some of the gray areas. He fully supports the extra credit point changes and also understands why we should change the promotional rule back to what is in the State rule – 5 years. The reason Avon made it 3 years was simply because we didn't have candidates with 5 years back then, but we do now, so it makes sense to change that.

Mr. Kratt shared that these changes are on the agenda under the "Discussion" section and the Commissioners received these changes about a minute before the meeting started. Mr. Gasior said nothing has to be adopted today. Mr. Kratt said that there was mention of an exam, is there any urgency to adopt these today? Chief Swope said that the testing company cannot have an exam ready until late October at the earliest. So, it would be nice to get these changes adopted at the next meeting. Mr. Kratt said that when looking at these changes, he finds the minutes of the meeting to be extremely helpful. He asked Rose to please get the minutes from this meeting out earlier than the usual week before. She will do that. We will defer this to the next meeting. Mr. Gasior said the rules ask for you to read it once and then adopt at the next meeting, so we cannot act on this today anyway.

#### **ACTION ITEMS:**

Rose went over the removal of names from the eligibility lists for fire, police entrance and police lateral. Rose explained that the names they see on the paper that was handed out to them are names of candidates that either requested to be removed from the list, did not pass a portion of the hiring process, were passed over 3 times or were hired. Also in the packet that was handed out has a current eligibility list for each of those exams. Mr. Kratt asked if the names on those lists are AFTER the names were removed. Rose answered that is correct. Mr. Greaney said that the police officer entrance list starts with a candidate ranked #6, so does that mean that that numbers 1-5 were all removed for those various reasons and Rose said that is correct.

***Mr. Greaney made a motion to remove the names on the fire eligibility list and the police entrance and lateral eligibility lists. Mr. Wojciechowski seconded and the motion passed 3-0.***

**CHAIRMAN'S COMMENTS:** None

**GENERAL COMMENTS:** None

**NEXT MEETING DATE:**

Next meeting is Monday, October 4, 2021 at 10:00 A.M.

**ADJOURN:**

Following a unanimous vote, today's meeting was adjourned at 10:32 A.M.

**PASSED:** \_\_\_\_\_ **SIGNED BY:** \_\_\_\_\_

Peter Kratt, Chairman

**ATTEST:** \_\_\_\_\_

Rose Seighman, Recording Secretary

C: John Gasior  
Safety Director Duane Streater  
Chief Fischbach  
Chief Swope  
Rose Seighman