

**MINUTES OF MEETING
AVON CIVIL SERVICE COMMISSION
Held Monday, November 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 Commissioners Alan Wojciechowski and Bill Greaney

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

ADDITIONS/DELETIONS TO AGENDA:

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

APPROVE MINUTES OF MEETING OF 10/3/2023:

Mr. Wojciechowski made a motion to approve the minutes from the meeting of 10/3/2023. Mr. Greaney seconded and the motion passed 3-0.

ACTION ITEM

Approval to remove names from Police Eligibility Lists

Chief Fischbach said there is nothing new to report. For both the Lateral and Entry Police Eligibility Lists, people are requesting to be taken off or they are not meeting our requirements. On the Lateral List, he thinks a lot of people are testing the waters, throwing an application in and not being all that serious about it. But the majority of them are just not meeting our minimum requirements, they are not getting documentation back to us or filling out the forms that are required. Others have been hired somewhere else or changed their minds about applying.

Mr. Greaney made a motion to remove the names from the Police Eligibility Lists. Mr. Wojciechowski seconded and the motion passed 3-0.

Certify Police Dispatcher Eligibility List

Mr. Wojciechowski made a motion to certify the Police Dispatcher Eligibility List. Mr. Greaney seconded and the motion passed 3-0.

Approve a Fire Promotional Exam for Assistant Chief

Mr. Kratt asked if Chief Swope could explain the reasoning for two notices of examination with two different dates. Chief Swope said he realizes they've been discussing the topic of having an exam for Assistant Fire Chief and that day has come. The reason for the two letters is that our Civil Service Rules state we are required to have a competitive exam, which means at least two people have to sit for the exam. On the first letter, it is addressed to the three Captains that are eligible to take the exam, however, they do not have to agree to take it. Those are the ones that are eligible. He has spoken to them and not all have given him an indication whether they will take it or not. He indicated that some people keep it very close to the vest. They have up to 30 days before the exam to notify Civil Service whether they will take the exam. He explained that we ran into this before. The last Assistant Chief exam that was given, none of the Captains ended up taking it, so it dropped to the next rank (Lieutenants). If only one Captain notifies Civil Service that he will take it, then it still drops down to the next rank because it's still not competitive until at least two people are taking it. The second letter is in case we do not have a competitive list after the notice is given to the Captains. We will then issue the second letter to those Lieutenants eligible to take it and give them the opportunity to sit for the exam. He is doing this so he does not have to come back to the Commission to get the second letter approved. The dates on the second letter have to change because Civil Service Rules indicate the candidates have 45 days from the date of the letter to study for the exam. There is a benefit if one of the Captains wants to take it, because he would have a little more time to study. However, the notice is posted and everyone knows what books are used to study. And if we don't get two Captains to take it, then it will drop down to the Lieutenants and that is the second letter.

Mr. Kratt said he appreciates Chief Swope's effort to expedite the process and get both letters ready. Mr. Kratt asked if Mr. Gasior has reviewed the letters. Mr. Gasior answered that he has reviewed them and there are no issues with them. He explained that having both letters ready to go will save time. Mr. Kratt asked if there were any questions. Mr. Greaney asked if the first letter goes out and we do not have two candidates apply, then the second letter goes out, can one of the Captains that did NOT express an interest in sitting for the exam decide to apply at that time? Chief Swope said the rules are clear that they have 30 days before the exam date to submit their letter of intent to take the test. The second letter is dated 31 days before the test would take place. They are dated specifically so their time would have run out to apply to take it. So, if they don't do that and we are 30 days before the test, then they cannot take it.

The test on the first letter is dated December 20th. Thirty days before that is November 20 and it states in the notice, in bold print: **If it is your intention to participate in this exam, you must respond in writing or via email to Diane Szlempa (dszlempa@cityofavon.com), Recording Secretary for the Avon Civil Service Commission, no later than 4:00 P.M. on Monday November 20th 2023.**

If we don't have a competitive exam at that point, then we issue the second letter. Mr. Greaney wants to be sure we are covered because once this date goes by, he would think they have to be included in the second letter. Mr. Gasior said he understands Mr. Greaney's question and he said there is no doubt an argument can be made, but, he believes what we are doing here is making it crystal clear that the Captains have the first bite at the apple and if they don't get a competitive exam, then we are finished with Captains and we are going to one Captain and the Lieutenants. If no Captains apply then it will be pretty simple, we will only be dealing with the Lieutenants. Mr. Gasior understands what Mr. Greaney is saying, though, if a Captain decides once the second letter goes out that he wants to take part in the exam, the City will take the position that their opportunity presented itself in the first notice. Chief Swope said he has kept the study materials the same in both notices. Everything is the

same except the names and dates. Mr. Greaney said that if one Captain takes the exam, then you go to the second letter, does he take the test on the date indicated in the first letter or does he take it January 4th. Chief Swope said he would take it January 4th. Chief Swope explained that the way the rules are written, technically, the one Captain will have two more weeks to study, but, the exam is posted on the bulletin board, the study materials are posted, so if a Lieutenant thinks that the Captains aren't going to take it, they could start studying too. Mr. Gasior added, for further clarification, the only Captain that he thinks might be eligible to take the second test would be the Captain that applied to take the first test. As opposed to Captain A applying, then nobody made it competitive, then we issue the second letter and for whatever reason, Captain A says, I'm not taking it and Captain B steps up and says I'll go competitive with the Lieutenants – none of that is contemplated here and he would strongly advise the Commission to reject any of those arguments. The Captains are getting a shot right off the bat. If there is one Captain that cannot take it because it is not competitive, he can sign off and take it with the Lieutenants. Mr. Kratt asked Chief Swope if his expectation is that only one Captain will probably take the exam. Chief Swope said that is correct, however, nobody knows for sure. He anticipates there being one Captain or no Captains taking the exam. He said it is their right as Captains, they are eligible to take the exam, but after that time, if they don't express their intent to take the exam, then they have to move on and do what's right for the Department, hence, the second letter. Mr. Gasior said that filling this position is important, so a delay is not necessarily in the City's best interest.

Diane added that there is one change that will need to be made to the second Notice of Exam. The actual date of when the candidates need to let the Civil Service Secretary know their intent to sit for the exam should be Wednesday, December 6th. Mr. Greaney added that if one Captain does say he wants to sit for the exam, then a second letter with a new date should be sent to him. Chief Swope explained that he will get the second letter with his name on it, as well, so he will be aware of the change of dates. His first letter would be void and the second letter would take its place.

Mr. Greaney made a motion to approve both Notices of Exam for Assistant Fire Chief. Mr. Wojciechowski seconded and the motion passed 3-0.

COMMENTS:

NEXT MEETING DATE:

Next meeting is set for Monday, December 4, 2023, at 10:00 A.M.

ADJOURN:

Following a unanimous vote, today's meeting was adjourned at 10:14 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