

MINUTES OF THE
CIVIL SERVICE COMMISSION
Council Chamber
January 4, 2023

Attendance: Robert Baker
John Polinko
Richard Tayek
Valerie Rosmarin

Also in attendance: HR Director Siwierka, Lt. Bockelman, Lt. Valencic, Chief Betsa, Councilman K. C. Zuber, and Councilman Mark Spaetzel.

The meeting was called to order at 4:00 p.m.

1. Appointments of Office

- Nominations were opened for the position of Chairman.

John Polinko nominated Robert Baker as the Chairman of the Civil Service Commission. The nomination was seconded by Richard Tayek.

After receiving no other nomination, nominations were closed. Mr. Baker moved to appoint Rob Baker to the position of Chairman. The motion was seconded by Mr. Polinko. Motion passed 3-0.

- Nominations were opened for the position of Vice Chairman.

Chairman Baker nominated John Polinko as the Vice Chairman of the Civil Service Commission.

After receiving no other nomination, nominations were closed. Chairman Baker moved to appoint John Polinko to the position of Vice Chairman. The motion was seconded by Mr. Tayek. Motion passed 3-0.

- Nominations were opened for the position of Secretary.

Chairman Baker moved to appoint Valerie Rosmarin as Secretary for the Civil Service Commission. The motion was seconded by Mr. Tayek. Motion passed 3-0.

2. Approval of Minutes

Motion: Vice Chairman Polinko moved to approve the minutes of the meetings held on November 14, 2022, December 5, 2022, and December 28, 2022. The motion was seconded by Mr. Tayek. Motion passed 3-0.

3. Addition to Agenda

Motion: Chairman Baker moved to amend the agenda to add the Planning & Zoning Manager position. The motion was seconded by Vice Chairman Polinko. Motion passed 3-0.

4. Fire Department

Chairman Baker reported that the Firefighter/Paramedic certified eligibility list will expire on January 23, 2023.

Chief Betsa asked the Commission to allow the list to expire and administer a new exam.

Action: The list will expire, and a new test is scheduled for March 14th at 6 p.m. at LCCC.

Motion: Chairman Baker moved to approve a budget of \$2,100 for the Firefighter/Paramedic exam. The motion was seconded by Vice Chairman Polinko. Motion passed 3-0.

5. Gallagher Study

Chairman Baker reported on the virtual meeting with representatives from Gallagher that HR Director Siwierka, Secretary Rosmarin, and he had on December 22nd. At that meeting, the procedures for the study were discussed along with what documents Gallagher will need from the City to begin their work. Also, Chairman Baker addressed some of the concerns the Commission had about moving forward with the classification study because of the recent removal of civil service oversight from the union contract at ALRW. After his discussion with Gallagher, an email conversation with Vice Chairman Polinko, and a conversation with Mr. Zuber, Chairman Baker agreed that the Commission should move forward with the study as planned and approved by Council. The next virtual meeting is scheduled for January 10th at 1 p.m.

HR Director Siwierka stated that she will invite the Mayor to participate and would like the Finance Director involved since he will need to compile payroll records for the salary study.

Chairman Baker asked HR Director Siwierka to compile a list of positions that should be reviewed and the positions that will definitely be reviewed.

HR Director Siwierka stated that Gallagher still needs to forward the contract to her which will need to be reviewed by Law Director Ebert. The Law Director initially asked for two contracts, one for the classification study and the other for the salary study. Since these studies are intertwined, only one contract is needed. It is hoped that the contract will be received before the next virtual meeting.

6. ALRW USW Local 1-365 CBA

Vice Chairman Polinko reported that he discussed the Law Director's memorandum that will be forwarded to the State Personnel Board of Review with Law Director Ebert. Vice

Chairman Polinko will be provided with a Word copy of the memorandum, which he will edit to clarify some points and return to Law Director Ebert for his review and comment. Law Director Ebert expressed his desire to forward this memorandum soon and possibly next week.

7. Police Department

- Police Officer Eligibility List

Chairman Baker reported that the Commission received voluntary requests for removal from the eligibility list from Courtney Carter, Brian Waitrovich, and Nathan Miller.

Motion: Chairman Baker moved to remove Courtney Carter, Brian Waitrovich, and Nathan Miller per their request from the Police Officer eligibility list. The motion was seconded by Vice Chairman Polinko. Motion passed 3-0.

- Lateral Transfer Entry

Lt. Valencic informed the Commission that since the last meeting, he discussed the lateral transfer entry proposal with Chairman Baker. Both agreed with the program but had differences of opinion regarding when to administer the test. The Police Department recommends running the entry-level exam and a lateral transfer entry concurrently and having one lateral transfer entry for every two hires off the entry-level list.

Chairman Baker stated he agreed with the proposal of the lateral transfer entry and that the eligible candidates must have: 1) two years of full-time service as a certified peace officer with no breaks in service lasting longer than 12 months; 2) complete all the pre-hire requirements; and 3) OPOTA certification without any pending issues or suspensions, etc. Also discussed was the probationary period, which will be the same as entry-level hires, i.e. not less than 12 months.

In response to Chairman Baker, Lt. Valencic stated that the probationary period begins when the candidate completes the field training program. There are five steps in the program. The first three steps are 20 days and the fourth step is the shadow phase. After passing the fourth step, the candidate moves to the fifth stage, or the solo patrol, that begins their probationary period.

Chairman Baker stated that it would be helpful for the Commission to track probationary periods for better coordination when that date occurs and recommended the Commission determine a method to ensure this when the rules are reviewed. He had a difference of opinion with the timing of the lateral transfer entry and recommended that it be permitted after an active entry-level eligibility list had either exhausted or expired since the goal is to offset the declining number of certified candidates. Over the last 15 years, the average number of candidates certified is 46 per list. In 2007, 116 candidates passed the exam but only 48 were certified because at that time, the agility test was part of the examining process and some candidates opted not to be certified or were incapable of being certified because

they did not meet the standards. If the Commission is seeking a contingency plan due to the decrease in numbers, then a lateral transfer entry will give the City the ability to draw from an active lateral transfer entry list after the list has expired until another entry-level test is given. Having the lateral transfer entry consecutive rather than concurrent will provide the Commission the opportunity to assess the program.

Chairman Baker stated that he also discussed with Lt. Valencic that the Police Department will determine when it would be necessary for the lateral transfer entry test to begin and that the testing would consist of an interview process that is similar to what the Commission is planning for other departments. A written exam would not be appropriate in this situation, plus any candidate interested in a lateral transfer entry could still participate in the entry-level written exam and be placed on both lists.

Lt. Bockelman stated his appreciation that the Commission is considering the lateral transfer entry and that it is a process many other departments have instituted because it gives them the ability to handpick good police officers from other departments. He stated that Chief Molnar was unable to attend this meeting and wanted the Commission to be aware that he believes the lists should be concurrent. Chief Molnar views the entire process as an avenue to attract high-level candidates and not as a contingency plan. Lt. Bockelman explained that when someone is being considered for the lateral transfer entry, the Commission will vet their application and then they will be interviewed by the Police Department. Their rank would not be like the traditional ranking, but it will allow the Police Department the ability to select the candidates that they think would be a great fit for the City. Should a lesser candidate apply to the lateral transfer entry to seek a different department because they are a problem officer, then the City will not select them for the position. If the Commission implements the lateral transfer entry consecutively, then it is the Police Department's preference to have it eventually move to a concurrent list.

Chairman Baker explained his apprehension with having a concurrent list is the possibility that a candidate will be handpicked instead of selected based on their ranking, and it may eliminate the opportunity for other candidates who make an effort to take an entry-level exam.

Lt. Bockelman stated that both avenues are valuable to the Police Department, and they would not cease having the opportunity for young aspiring people interested in the police field to be able to take the test, study hard, score well, and get hired. He doesn't support having only one or the other, but a good combination of both would be preferred.

Lt. Valencic stated that most cities do offer lateral transfer entry, and Avon Lake would be unique if the Commission did run two tests after the entry-level expired.

In response to Mr. Zuber, Secretary Rosmarin stated that the next entry-level exam is scheduled for February 15th, and the list will be certified in March. Mr. Zuber stated that based on Chairman Baker's desire to have the lateral transfer entry list run after the entry-level list expires, the City will not be able to accept any lateral transfers for another 15

months. He is concerned that the City may miss the opportunity to hire some quality police officers.

Vice Chairman Polinko stated that his overall concern is the safety of the community. If the City must evolve to a lateral transfer entry, then he will support it and does not disagree with Chairman Baker but understands both opinions.

Chairman Baker noted that there have been lists that the Commission abolished because they were exhausted, and it was in the interest of public safety. Those options are still available.

HR Director Siwierka informed the Commission that the City must make a statement in advance that is clear regarding which list the City will hire from, and she recommended a space in time between these two processes. The cities of Lakewood and Westlake have lateral transfer entries. If someone is considering a move, as soon as it is posted, they will apply for the position. Lakewood requires experience, full- or part-time, but doesn't require any specific duration. Westlake requires one-year, full-time service. She stated that the Police Department might want to consider not limiting the pool to only candidates with full-time service.

Lt. Valencic asked if the Commission would be opposed to an announcement for the lateral transfer entry being posted three months after the entry-level test on the 15th. Chairman Baker responded that when a test is given for the lateral transfer entry, it will be determined by the Police Department. The exam administered will be an interview process.

Vice Chairman Polinko agreed that offering a lateral process three to four months after the entry-level exam would be acceptable. Then the Police Department can assess their needs and determine if an exam by interview will be administered. The safety of the community is paramount, and the City must obtain the best candidates for a good base for new hires; but if there are lateral transfer candidates in the area that are good and want to come to Avon Lake, the lateral process should be in place. Waiting three to four months after the entry-level exam is reasonable because the results will be available, and the Police Department will know what candidates are on the list.

Chairman Baker stated that he is not opposed to the lateral transfer entry, but he does not agree with having the lists run concurrently at the start of the program. He would like to see how it progresses. If the concurrent list is unsuccessful, then retrieving it is more difficult than starting slow. HR Director Siwierka recommended a concurrent list or concurrent with some time in between.

Chairman Baker stated that he wouldn't mind starting the process to see how many candidates are interested in lateral transfers, and if it was three months it would still offset the list. He voiced his concern with selecting candidates from the list based on "one to one," or "one to five." More departments with lateral transfers have consecutive lists and it is exhausted at some point.

HR Director Siwierka stated that whatever is decided, the application process has to be considered. There is a bit of a risk for candidates to apply. If the City waits three months or so, there is a chance that a supervisor or co-worker will discover they have applied. For this reason, people will be more hesitant especially if the message is not clear on when the City will be hiring and from which list.

Mr. Spaetzel addressed the Commission as the former Police Chief in Bay Village and stated that running a concurrent list makes sense to him. There is a lot of competition for police officers, and other communities are stealing quality police officers. When the entry-level test is given in February, not many experienced officers will apply for the position and take the exam. Ideally, they feel their experience speaks for itself and they should not have to go through a test and that process. Seasoned candidates will not always be the best person for the position. You could start with two entry levels for every lateral transfer, but waiting for an exhausted list and running consecutively will be very difficult to manage. It is easier for the Police Department to manage and choose the best people if the lists run concurrently. Leave the judgment to the Police Department because they will choose the best candidates. Also, concurrently allows comparing two list and lateral transfers don't always mean they will rise above the entry-level candidate.

Mr. Tayek stated that he agreed with Vice Chairman Polinko's approach.

Chairman Baker stated that he could agree with a concurrent process if the ratio was one to 10. When candidates are disqualified, unless the Commission asks why, there is nothing that requires an explanation why they were disqualified. Because of this, he would feel more comfortable knowing that when candidates are disqualified the Commission had valid reasons to support it, i.e., justification. Currently, the Chief informs the Commission the reason why a candidate is removed at the time of the candidate's removal, and he would like to see the process more formalized.

Action: None. Additional information will be gathered and discussed at the next meeting.

8. Exam by Scored Board Interview¹

Chairman Baker reported that he provided HR Director Siwierka with a sample document that could be used in the exam by the interview phase that gives further explanation to the interviewers to better understand the scoring process. Whether this document or another format is used, the Commission and HR Director Siwierka will work together on developing the process. Regarding the number of interviews proposed and to expedite the process with the Commission, he recommended that HR and the Commission conduct a pass/fail on the first round of candidates to ensure they meet the qualifications required and then conduct panel interviews of the candidates who passed the first phase.

HR Director Siwierka stated that she would like to have Law Director Ebert involved in this discussion because he has some strong feelings about the beginning process. She asked if Chairman Baker believed that the initial screening process would include the Commission.

¹ An alternate process for examination of candidates considered for a classified position.

In response, Chairman Baker stated that because the position is classified², a civil service exam is required but Law Director Ebert stated that the City would not conduct a multiple choice written exam and the Commission agreed.

HR Director Siwierka stated she proposed to conduct the first interview with the department head, Mayor, or someone else within the City. Then the second interview would include one member of the Commission and a different interview panel. She has done this type of format in previous interviews. The interviewers would use the same scoring forms, and she would review all feedback to determine the candidates with the highest scores.

Chairman Baker agreed that a similar process could be used with the Exam by Scored Board Interview the Commission wants to implement. However, the Commission is required to administer an examination (whatever terminology is decided to signify this) and create a certified list because this is a classified position³.

HR Director Siwierka stated that this is a legal question for the Law Director to answer. Chairman Baker suggested that this item be postponed for further inquiry.

Vice Chairman Polinko questioned why a Commission member would have to participate in the interview process. In response, Chairman Baker stated that the Commission's presence is to facilitate the examination process.

HR Director Siwierka stated that this position and others will be determined when the classification study is finished and will clarify the testing process. She stated under the Ohio Revised Code, anyone hired by the City without a test (or unclassified) is grandfathered into civil service after six months of employment.

Chairman Baker stated that assertion was made previously, and the Commission requested Law Director Ebert to provide the section and language from the Ohio Revised Code, which Chairman Baker has been unable to locate. If that is correct, then the Commission should understand its role in these positions as well.

HR Director Siwierka confirmed that the code exists but she was unaware of the section. She explained that the City has other positions that need to be fixed, such as employees that are serving at will but are in the union and vice versa.

Chairman Baker responded that there is confusion about exemption versus civil service classification that does not equate to being in the union. HR Director Siwierka agreed that exempt or non-exempt pertains to FSLA (Fair Standards Labor Act).

Chairman Baker stated that typically exempt employees are not in the union and non-exempt employees are. The City has a combination and there are some conflicts with Codified Ordinance Section 278.05. The Commission tried to rectify that with amendments that were reviewed and worked with the Law Director twice. Then it was forwarded to the Human

² Planning & Zoning Manager classified position that will not require written examination.

³ Planning & Zoning Manager

Resources Committee of Council, and then the Law Director redlined the entire document again and placed state terms in the amendment which did not make sense to Chairman Baker.

HR Director Siwierka suggested that the Commission, Law Director Ebert, and she have a work session on this topic.

Action: Postponed. Possible work session between the Commission, HR Director Siwierka, and Law Director Ebert.

9. Planning & Zoning Manager

Chairman Baker asked HR Director Siwierka if she was ready to hire a Planning & Zoning Manager. In response, HR Director Siwierka stated that she thought Director Esborn was ready to move forward.

Chairman Baker stated that the Commission will need to finalize the examination process, and asked if HR Director Siwierka would like the Commission to set a budget for the advertising. HR Director Siwierka responded that she is meeting with Director Esborn tomorrow morning. They are considering advertising with the Ohio American Planning Association, and Director Esborn also has some leads. She questioned why the Commission would handle the advertisement. Chairman Baker stated the reason for the Commission's involvement is because the Planning & Zoning Manager position is classified. Therefore, an examination process will be followed.

HR Director Siwierka stated that she thought the position was unclassified.

Chairman Baker stated that the job description was approved by City Council as classified and the Law Director did not contest that this position is classified but refused to give a multiple-choice exam. For the past three years, the Commission has been trying to work toward a process similar to the federal and state levels that would meet the intent of civil service and allow the Administration to conduct an interview process.

HR Director Siwierka requested the Commission establish a budget and asked if Secretary Rosmarin will advertise the position. Chairman Baker responded that this process is expected to be a collaboration, and Secretary Rosmarin will work with her.

Motion: Chairman Baker moved to approve a budget of \$1,000 to advertise for the position of Planning & Zoning Manager. The motion was seconded by Vice Chairman Polinko. Motion passed 3-0.

10. Candidate E-Sign Off

Chairman Baker reported that the Commission received a request from Lt. Bockelman to develop a process to electronically transmit signoff sheets and has been moving towards having a single form that could be accessed electronically by all department heads. Simvay, the IT contractor, said they could provide the Commission with an encrypted site or cloud

drive for access. Then the Commission will have various documents in the cloud drive that department heads can access and send to candidates. This would require all candidates to supply an email so that the City will be able to communicate with them.

HR Director Siwierka commented that having an encrypted site to accept applications online would help the City in the application process. There have been multiple discussions about accepting applications electronically because the City is trying to make the entire hiring process paperless and protecting an applicant's social security number is vital. It may be helpful for the Commission to have this conversation with Digital Media Director Barb Cagley, who is currently working on new software.

Action: Postponed.

11. 2023 Calendar

The Commission will continue to meet on the first Monday of the month at 4 p.m. unless it falls on a holiday. When that occurs, the Commission will meet on the following Tuesday.

The meeting was adjourned at 5:24 p.m.

Respectfully submitted,

/s/ Valerie E. Rosmarin

Valerie E. Rosmarin, Secretary

