

MINUTES OF THE
CIVIL SERVICE COMMISSION
Council Chamber
March 13, 2024

Present: John Polinko, Chairman
Richard Tayek, Vice Chairman
William Albrecht
Valerie Rosmarin, Secretary

Also Present: Mayor Mark Spaetzel, Police Chief Vince Molnar, Fire Chief Jeremy Betsa, Public Works Director Jon Liskovec, and Public Works Laborer/Local 836 President George Spuckler.

The meeting was called to order at 4:34 p.m.

1. Approval of Minutes

Motion: Vice Chairman Tayek moved to approve the minutes of August 22, October 2, October 23, November 6, December 4, and December 31, 2023. Seconded by Mr. Albrecht. Motion passed 3-0.

2. Police Department

- Sergeant Eligibility List (Expires 4/3/2024)

Chief Molnar reported that Sgt. Ron Cantleberry will retire, and his last day in the Police Department will be April 1, 2024. The next eligible candidate from the Sergeant Eligibility List is Andrew Robinson. Council will approve the promotional appointment of Andrew Robinson on March 18, 2024, effective April 2, 2024.

Motion: Chairman Polinko moved to certify Andrew Robinson to the position of Sergeant in the Police Department. Seconded by Vice Chairman Tayek. Motion passed 3-0.

Chief Molnar recommended the Commission also extend the Sergeant Eligibility List for an additional year since four qualified candidates remain on the list. Vice Chairman Tayek agreed that the one-year extension seemed appropriate.

Motion: Chairman Polinko moved to extend the certified Sergeant Eligibility List in the Police Department with the expiration date of April 3, 2024, for one year, until April 2, 2025. Seconded by Mr. Albrecht. Motion passed 3-0.

- Lieutenant Eligibility List (Expires 4/24/2024)

Chief Molnar recommended the Commission extend the Lieutenant Eligibility List for an additional year due to the retirement of a lieutenant at the end of April. This will ensure that a qualified candidate is available to fill this vacancy. The eligible candidate on the List is the only fully qualified sergeant. If a new exam is administered, then partially qualified sergeants will be

permitted to participate to make the exam competitive (Civil Service Rule 17). So, it is practical to extend this list for an additional year. Vice Chairman Tayek agreed that extending this list is appropriate.

Motion: Chairman Polinko moved to extend the certified Lieutenant Eligibility List in the Police Department with the expiration date of April 24, 2024, for one year, until April 23, 2025. Seconded by Mr. Albrecht. Motion passed 3-0.

- Dispatcher/Records Clerk

Chief Molnar reported that a Conditional Offer of Employment (Conditional Offer) was made to Brenda Girgash, who was selected based on her 20-year experience as a dispatcher with the City of North Ridgeville and her knowledge of the computer system the City currently uses. Ms. Girgash is in the process of fulfilling pre-employment conditions, and the Commission's approval of her appointment can occur at a future meeting. Dispatcher/Records Clerk Patty Schroer has submitted notice of her retirement on May 19, 2024. The anticipated start date for Ms. Girgash will be June 9, 2024, and she will begin training in a part-time capacity in late April or early May.

Action: The certification of Brenda Girgash to the classified service will be placed on next month's agenda or subsequent month based on Chief Molnar's direction.

- Police Officer Eligibility List (Expires 3/14/2024)

Chairman Polinko reported that Police Officer Candidates Courtney Carter, Tyler Myers, and James Schill, requested their removal from the Police Officer Eligibility List.

Chief Molnar stated that the Police Department has worked its way through the Police Officer Eligibility List, and they are getting to the bottom. The List was certified in March of 2023, and it was intended to run concurrently with the Police Officer Lateral Entry Eligibility List, certified in December 2023, according to Civil Service Rule 14 (Rule 14). Rule 14 permits one lateral entry appointment for every two police officer appointments. The Police Department has found the lateral entry candidates to be remarkable in comparison with the police officer candidates. A Conditional Offer was given to lateral entry candidate Joseph Matt, and Chief Molnar would like to give Conditional Offers to three other lateral entry candidates, but the Police Officer Eligibility List expires on March 14, 2024. Four candidates were hired off the police officer List, and Rule 14 permits two lateral entry candidates to be hired. If a new police officer test is given and its list is in effect through next May, four police officer candidates must be hired before the other two lateral entry candidates can be hired. Therefore, Chief Molnar recommended expiring the current Police Officer Eligibility List and requested the Commission administer a new police officer test and affiliate the new list with the existing lateral entry list.

Chief Molnar noted that interviews were conducted with three police officer candidates earlier in the month, but none were viable candidates for consideration, and the City would be compromising its standards to hire any to obtain the candidates from the lateral entry list.

Motion: Chairman Polinko moved to remove Courtney Carter, Tyler Myers, and James Schill, based on their request for removal, from the certified Entry Level Eligibility List. Seconded by Vice Chairman Tayek. Motion passed 3-0.

Action: Based on the recommendation of Chief Molnar, the Commission will allow the Police Officer Eligibility List to expire on March 14, 2024, and Secretary Rosmarin will contact Clancy & Associates to secure an exam date.

Motion: Chairman Polinko moved to authorize funds in the amount of \$1,750 for purposes of Clancy & Associates conducting an examination and advertising in whatever format is deemed appropriate. Seconded by Mr. Albrecht. Motion passed 3-0.

- Police Officer Lateral Entry Eligibility List (Expires 12/3/2024)

Removal of Candidates

Chairman Polinko reported that two candidates requested their removal from the Police Officer Lateral Entry Eligibility List, and he asked Chief Molnar for their reasoning.

Chief Molnar responded that a Conditional Offer was given to candidate Brandon Smith, but his current employer countered with a promotion which led to his signing off. The other candidate, Matthew Sedivy, employed with the Lorain Police Department, said his current work schedule was more favorable, and that led to his signing off.

Chief Molnar asked that the Police Officer Lateral Entry Eligibility List coincide with the expiration of the upcoming Police Officer Eligibility List. Chairman Polinko agreed and stated the Commission would revisit the issue when a date for the exam has been scheduled.

Motion: Chairman Polinko moved to remove Brandon Smith and Matthew Sedivy from the Police Officer Lateral Entry Eligibility List. Seconded by Vice Chairman Tayek. Motion passed 3-0.

Appointment of Joseph Matt

Chairman Polinko reported that Joseph Matt was recommended for an appointment and asked Chief Molnar to provide details of his appointment.

Chief Molnar stated that Mr. Matt's appointment was reviewed by the Human Resource Committee, and he will be appointed by Council on March 25, effective March 31, 2024. Mr. Matt is a 15-year veteran from the City of Cleveland. He is a Level IV Traffic Investigator and Instructor and is a resident of the City of Avon Lake. Currently, the Police Department has 29 police officers and has been authorized to hire up to 32. Since the Department is understaffed, there is an urgency to move forward with hiring lateral entry police officers.

Motion: Chairman Polinko moved to certify the appointment of Joseph Matt as a Lateral Entry Police Officer for the City of Avon Lake subject to completing all pre-employment conditions, effective March 31, 2024. Seconded by Vice Chairman Polinko. Motion passed 3-0.

Mr. Albrecht asked Chief Molnar what his expectations were for hiring within the next ten months to increase the Department's manpower. Chief Molnar stated that the Department experienced the retirement of a sergeant and police officer at the end of last year. A police officer was hired and is currently a Field Training Officer (FTO), and Chief Molnar would like to hire a lateral entry police officer to fill the other vacancy. Those two hires will replace the void created by the retirements, but the Department is still on the low end with 29. Two additional retirements will occur this year leaving the Department with 27. The goal is to hire five before yearend.

Mr. Albrecht asked where the lateral entry police officers fall. If the rule is two for one, then a large volume of new hires is needed to achieve the number of laterals desired. Chief Molnar agreed and stated that he may not be able to hire all four laterals. However, he wants to move forward with some candidates, but Conditional Offers must be made first before psychological testing and other pre-employment tests can be conducted. Two police officers will retire by yearend, and that number could become four since two others are eligible.; another two retirements are expected next spring. There will be at least seven hires within a year. The Department is in the process of a big change.

3. Fire Department

- Physical Agility Test

Chief Betsa asked the Commission to modify the language for the physical agility test which is at the Fire Chief's discretion and is very subjective. The industry standard the City utilizes is Tri-C's Agility Test, and the exact test is not specified. The regional standard to complete the test is 4 ½ minutes, and that is considered a failure in other communities. Tri-C requires a candidate to complete the agility tasks within seven minutes because that is their minimum to enter the Fire Academy. The City has had candidates complete the test within five to six minutes, but he believes that time to be unacceptable. He is considering removing subjectivity and having a cut-off at 4 ½ minutes or less upon hire.

Chairman Polinko stated that the Commission is in the process of conducting a Rules Review and has retained counsel. This item can be added to their discussion.

- Minimum Age of 21

Chief Betsa stated that he believes the City's minimum age of 21 for a Firefighter/Paramedic is appropriate. However, the numbers of interested candidates have dwindled over the years, and the City is looking for ways to attract more candidates. Dropping the paramedic requirement to hire a candidate could be considered, but hiring someone who is not a paramedic is complicated. There are union implications and administrative changes that would be needed, but it would expand the pool of candidates. Currently, candidates must have all their certifications to enter the Department to fully operate. It has been successful over the years, but now the City is seeing candidates with certificates who cannot pass the agility test or good candidates being hired by other departments. Before paramedic school, an individual must complete EMT Basic, which is a two-to three-month process depending on the schooling. Paramedic school is a year and is a full-time commitment. Fire certification can be attained within 6, 12, or 16 weeks, depending on the academy. EMT Basic

is a part-time commitment and can be completed during evenings or over the weekend. If the City allows two certifications as the primary certifications, the pool of candidates may increase.

Chairman Polinko asked if the surrounding communities have stringent requirements like Avon Lake or if they have lesser requirements.

Chief Betsa said Avon Lake is unique, candidates must be both a paramedic and firefighter before they can sit for a test. Some communities do not require both certifications before they can be hired. That leads to complications, too. If a community wants to hire someone and they do not have the certifications, it is a waste of time, energy, and money to process them. He and Mayor Spaetzel have had preliminary discussions and will determine what the next steps will be to move forward with hiring someone without certifications should the Commission agree to change the rules. The union president seemed supportive, and he sees this as a position with an extended probationary period for less pay. If the City pays for schooling and the employee resigns, a policy should be established to reimburse the City for the cost of paramedic school. The current list expires next month, and the City did hire three candidates off the list. Therefore, Chief Betsa recommended the Commission allow the list to expire and then create a new list after modifications are made to the rules.

Chairman Polinko voiced his concern that it will take time to revise the rules, and there may not be a list for some time. In response, Chief Betsa stated that he would consider offering lateral entries. He has not been a proponent of lateral entries because it moves the pool of candidates from one city to another. But at this point, he would not oppose it. The City seeks candidates who will have longevity with the City. There will be one retirement this year and another two to three next year.

Chairman Polinko stated that the Commission will be meeting with outside counsel to task him with specific rules to review and will seek his opinion on these topics since he has experience working with several communities on their civil service rules.

Vice Chairman Tayek asked Chief Betsa to provide the Commission with a document highlighting what he thinks needs to happen and his wishes for the new rule.

Mr. Albrecht asked Chief Betsa if the City removes the paramedic requirement, what kind of burden will that place on training since it will be incumbent upon the Fire Department to train them, and can they be useful before they are certified.

Chief Betsa stated that they are still useful, and it is advantageous to have them retain their EMT status because they can function on an ambulance, but not at the same level as a paramedic. Likewise, if they are certified firefighters, they can function on fire scenes. Since the City partners with local schools, their paramedic ride times qualify toward their on-the-job training certification. There are some positives to opening the pool to EMTs, and he supports the City considering it.

Action: The Commission will allow the list to expire, and discussion on revising rules regarding the Fire Department will occur at a future meeting.

4. Public Works Department

Public Works Director Liskovec introduced himself as the new Director and informed the Commission that retirements will occur in the Public Works Department this year. He wanted to see if the Commission would be willing to discuss the role of civil service in his Department and how it benefits or potentially hinders the City's ability to attract successful and skilled candidates. In his former position with the City of Bay Village, he noticed that it was very challenging to attract skilled labor after COVID. For that reason, he would like to start a dialog on this topic because it will be a timely process that involves actions that govern its process through ordinances and discussions with Union representatives. He acknowledged Mr. Spuckler, President of Local 836, at this meeting, and informed the Commission that they had a brief discussion earlier to see if there is a willingness with the Union to discuss the civil service process and how the City can attract good candidates.

Chairman Polinko stated that the Commission is willing to have a conversation about the process because they serve for the betterment of the City and are willing to listen to ideas that Director Liskovec, the Union, or others in the Department have. He apologized if there was a reason to think the Commission would not be open to such discussion.

Director Liskovec explained that at Bay Village the Civil Service Commission had authority over Police and Fire, and before he pursued this discussion, he wanted to see if the Commission was receptive to such a discussion.

5. Status of 2024 Budget, Rules Review, Payroll Certification

- Budget

Secretary Rosmarin distributed the proposed 2024 budget for the Commission that was prepared by the Finance Director and asked Mayor Spaetzel if he had any other information to share.

Mayor Spaetzel stated that the Administration and Council have been working on the budget that will be up for passage on March 25th. The Commission's budget primarily consists of contractual services, and the amount needed is dependent on the number of tests administered along with the cost of retaining legal services for the Rules Review. He asked if there was a retainer for the legal fees.

Secretary Rosmarin stated that Mayor Zilka signed a contract for the Rules Review with Attorney Dave Matty, and he provided some legal services in 2023. The City was billed and paid his hourly fees, but a purchase order for \$10,000 could not be issued because the budget balance was insufficient.

Mayor Spaetzel asked if the Commission had an estimate of how much the legal services will cost the City in 2024 so that it can be budgeted.

Chairman Polinko stated that the Commission asked for an allocation of \$10,000 in the 2023 budget, but the former Finance Director did not include it. The Commission is seeking Attorney

Matty's assistance for a general review of the rules, and last year concentrated on the Police Department Lateral Entry. There will be more to review, and a budget of \$10,000 should be ample.

Mr. Tayek explained that the Commission's approach to the Rules Review was not an entire review of the rules but a review of the rules issue by issue. It's a matter of how many hours can be funded based on an hourly rate of Attorney Matty.

Chairman Polinko stated that Attorney Matty offers a reasonable price per hour, and he has a lot of experience. Based on conversations the Commission had with him last year, \$10,000 would be enough, and Attorney Matty will keep us informed on the time spent every month.

Secretary Rosmarin reviewed the amounts expended in previous years and noted that in 2021 and 2023 promotional testing occurred, which explains larger expenditures in comparison to the expenditures in 2022 when there weren't any promotions. Promotions are not anticipated in 2024.

- Rules Review

Action: Chairman Polinko will set up a Zoom meeting with Attorney Matty to begin the Rules Review.

- Structured Panel Interview

Secretary Rosmarin stated that after amendments to Rule 14 were adopted in December, former Chairman Baker noted that an amendment should also be made to the Memorandum For the Record (MFR) 2023-001 to change the title from "Examination by Scored Panel Interview" to "Examination by Panel Structured Interview" to align Rule 14 with MFR 2023-001.

Action: Chairman Polinko requested the placement of MFR 2023-001 on the next month's agenda.

- Payroll Certification

Secretary Rosmarin stated that last October the Commission sent a Memorandum via email to Mayor Zilka, Law Director Ebert, and Council regarding the lack of payroll certificates on file of classified employees hired before 2007 (attached). The Commission hasn't received a response to this communication.

Action: Chairman Polinko will follow up with Law Director Ebert and ask for his comments in advance of the Commission's next meeting.

The meeting was adjourned at 5:44 p.m.

Respectfully submitted,

/s/ Valerie E. Rosmarin

Valerie E. Rosmarin, Secretary

