

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – MONDAY, MARCH 25, 2024**

CALL TO ORDER:

The meeting was called to order at 5:00 PM.

ROLL CALL:

Present were Secretary Amie Espinosa-Gonzalez and Chairman Donald Schiffbauer. Also present were Law Director Brian Moriarty and Deputy Clerk of Council Tina Wieber.

Vice-Chairman Sam Spann was excused.

APPROVAL OF MINUTES:

Special Meeting Minutes of March 4, 2024

Chairman Schiffbauer asked if the Commission had any questions or revisions regarding the special meeting minutes of March 4, 2024.

None were given.

Moved by Espinosa-Gonzalez and seconded by Schiffbauer to approve the special meeting minutes March 4, 2024.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

REPORTS:

Status update for Police Sergeant, Lieutenant & Captain Promotional examinations.

Deputy Clerk of Council Wieber stated that the written examination was held on March 15th and that everyone that participated had passed. She said that there were 14 candidates that participated in the Sergeant exam, 3 in the Lieutenant exam and 2 in the Captain exam. She discussed that the score letters would go out Wednesday, March 27th and the protest period would begin on that date and end on Friday, April 10th. She explained that the assessments would begin the week of April 29th, which would be one day of Captain assessments, one day of Lieutenant assessments and three days of Sergeants assessments.

Chairman Schiffbauer congratulated the candidates.

Rule VIII, Appointments of Police and Fire Personnel, Section 1, Number of names to be certified; appointment from other appropriate lists.

Chairman Schiffbauer stated that Law Director Brian Moriarty was present for discussion regarding Rule VIII and adding language to that Rule. He explained that the purpose was to share the information at that meeting and then the Commission would take action on that at the next meeting.

Law Director Moriarty stated that as they were aware, since the Rule of Three had been introduced, issues had come to light that weren't previously considered when they first came up with the idea of the Rule of Three and for that reason, what was before them was one of those things. He explained that normally what happened when one out of the ten on the certified list was selected for appointment, was that everybody would then move up a notch. He discussed that regarding the Rule of Three, the language in the rules really didn't apply to the Rule of Three as it talked about an appointment from the list of ten, he thought they should include language for that as well to make sure that that same process that works for the list of ten, worked for the Rule of Three, too.

Chairman Schiffbauer stated that both Commission members had the legacy language that was used in the current Rule as well and the suggested language. He then read the suggested language "In the event the promotional list of the top three (3) candidates which has been certified by the Commission for appointment from the eligible list at any time falls to a number of less than (3) candidates due to unavailability, disqualification or appointment of candidates, the Commission may certify in order of rank on the eligible list the number of candidates necessary to replenish the list from which appointment shall be made to three (3) candidates". He asked if there was any additional information.

Law Director Moriarty stated that he was going to ask the question regarding a tie but that Deputy Clerk of Council Wieber answered it, that seniority was in the rules and that would dictate who the next person in line would be.

Chairman Schiffbauer asked if there were any questions regarding the language.

None were given.

UNFINISHED BUSINESS:

NEW BUSINESS:

An Oath of Office for Patrolman Israel Portillo dated March 20, 2024.

Chairman Schiffbauer stated that they had an oath of office for Patrolman Israel Portillo dated March 20, 2024 and congratulated Officer Portillo.

Re-certify the Police Patrolman Class D Entrance Eligibility list due to patrolman appointment.

Chairman Schiffbauer stated that because of the oath of office, the Commission would need to re-certify the Police Patrolman Class D Entrance Eligibility list due to patrolman appointment. He stated that they had received a copy of that list and asked if there were any questions.

None were given.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to re-certify the Police Patrolman Class D Entrance Eligibility list due to patrolman appointment.

A voice vote was taken and the motion carried.

Yes – 2

No – 0

Police and Fire Entrance Examinations

- **Review agencies and costs**
- **Calendar of events**
- **Review advertising and costs**

Chairman Schiffbauer stated that the Commission members had received information related to testing agencies that had submitted information and asked Deputy Clerk of Council Wieber for a brief explanation and some follow-up.

Deputy Clerk of Council Wieber explained that after discussion with the Police Sergeant who conducted the hiring, he stated that almost all of the other police departments in Ohio were currently using NTN for the entrance exams. She stated that she provided the Commission with a list of what each city in Ohio was using for police entrance exams and that showed that the majority were using NTN. She explained that if NTN was chosen, additional advertising would need to be done in order to attract a larger candidate pool. She added that for the previous entrance exam NTN stated that they would do all the advertising, which was basically on their website since that was where candidates signed up to view jobs and take the exams, but felt that the additional advertising was now necessary.

Chairman Schiffbauer stated that he understood that the advertising techniques would be based on some of the neighboring municipalities that have had better turnout than they had experienced in the past.

Deputy Clerk of Council Wieber stated that that was correct. She discussed that for the fire entrance exam, the Fire Chief had suggested using the company that Bay Village had just used for their last round of tests which was CPSHR Consulting. She explained that she contacted the clerk for Bay Village and found out that they used CPSHR Consulting but Bay proctored their own exam and did all the additional advertising that she had been given to the Commission to review and they did not charge applicants for that exam. She mentioned that they had a great turnout and pass rate but explained the cost per candidate and that they would not want to proctor it themselves but would want the agency to proctor the exams. She added that they did currently have a contract with NTN that expired in May.

Chairman Schiffbauer stated that he knew they had a storied history with NTN and that they were the agency of choice being used by a number of surrounding municipalities. He mentioned that what he heard in the explanation about Bay Village was that it was maybe not so much the difference in the testing company, but it sounded like Bay Village really went to the mat on advertising.

Deputy Clerk of Council Wieber stated that was correct.

Chairman Schiffbauer stated that his tendency was to continue the City's engagement with NTN for both entrance exams but make adjustments for the advertising. He said that he would ask, and it wasn't something for the Civil Service Commission to pass rule on, but they knew that they had an obligation to reduce as many barriers as possible for applicants. He discussed that in his own course of work he understood that testing fees and licensing fees, sometimes the inability to afford those might be the determining factor for somebody applying with Municipality "A" versus Municipality "B" that might require \$35. He said that he wasn't suggesting that they did anything in particular but asked that the

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Administration and Finance look to see what opportunities they had, if any, to remove as many barriers as possible towards applicants taking the exam. He asked if there were any questions regarding the testing companies.

None were given.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve NTN testing agency to facilitate the police and fire entrance exams.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to amend the agenda to allow for public comment.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

None was given.

Chairman Schiffbauer stated that the next Civil Service Commission meeting was 5:00 pm, April 22, 2024.

ADJOURNMENT:

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

The meeting was adjourned at 5:15 PM.

[Clerks note: An item regarding the status update of the police promotional testing needed to be addressed.]

The meeting reconvened at 5:20 PM.

REPORTS:

Police Promotional Exam right to participate of Patrolman Omar Vazquez

Chairman Schiffbauer stated that there was one item they needed to discuss was regarding Patrolman Vazquez.

Deputy Clerk of Council Wieber stated that one candidate showed up to take the exam but had not turned in his response form.

Chairman Schiffbauer asked for clarification regarding the response form.

Deputy Clerk of Council Wieber explained that it was a form stating that the candidate would participate in the examination and that there was a deadline to turn that form in. She added that the rules stated that if a response form was not received, it was to be taken as a negative and they would not be participating in the exam. She discussed that if they planned on participating, the response form had to be turned in by the deadline. She stated that the candidate showed up assuming that because he had taken the initial test, he could then participate in the retest. She said that he was looking for his name on the sign in sheet and couldn't find it listed. She told him he hadn't turned in his response form. She mentioned that he didn't realize that he had to turn that in and that there was a deadline. She explained that when that happened, she called the Mayor who called the Law Director and it was decided that he could take the exam but it would be up to Civil Service Commission as to whether or not they would waive that rule, in that instance, to allow or not allow him to move forward onto the assessment portion.

Chairman Schiffbauer asked the Law Director if it was a City rule or if it was an ORC that talked about it and if there was, was it the purview of the Commission to be able to make its own decision.

Law Director Moriarty stated that it was the Commission's decision as to whether or not they would waive the rule in that circumstance or not.

Chairman Schiffbauer stated that he thought the officers had afforded the Commission quite a bit of grace regarding that situation and that he could see how Officer Vazquez may have thought that since he showed up for the first one, why wouldn't he show up for the next one. He commented that in the absence of a response form, he didn't see any issue not to allow him to take the test.

Secretary Espinosa-Gonzalez stated that he did take the test and asked if what she had was his score. Deputy Clerk of Council Wieber stated that was correct.

Secretary Espinosa-Gonzalez stated that for the record, he already took the test and that was his score, and asked what they were deciding on.

Deputy Clerk of Council Wieber explained that they were deciding if he should continue on to the assessment portion or that he shouldn't have participated in the written, because he didn't return the response form.

Chairman Schiffbauer stated that he thought they should keep the score and allow Officer Vazquez to continue to participate in the selection process.

Law Director Moriarty stated that the Administration thought that the waiver might be an option and as such, that was why they suggested that he go ahead and take the test, so that he wouldn't have to wait for the next schedule to come around, especially considering the unique facts of what happened in the last round of testing.

Secretary Espinosa Gonzalez stated that she understood that it had been a process and that it might have been a little bit confusing regarding submitting paperwork or thinking your name was automatically on

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the list, but she did think it was important to follow the process and so she would disagree with the Chairman. She commented that she didn't think his score should be included. She explained that with the sensitivity of the position, she thought it was important to follow protocol and meet deadlines and know when to submit paperwork.

Chairman Schiffbauer stated that they only had two members present and he imagined it was going to be a split vote and knew there was a timing issue. He asked Law Director Moriarty that in anticipation of a yea and nay vote, what was their next course of action.

Law Director Moriarty explained that if it was a split, then it would be a nay and would fail. He stated that there had been no motion put forth yet and he didn't know with the timing issues if they had time to have another hearing prior to the assessment portion.

Deputy Clerk of Council stated that the assessment portion would be the week of April 29th and the next Civil Service Commission meeting was April 22nd.

Law Director Moriarty commented that since a motion hadn't been made yet, the Commission might want to consider giving the opportunity to hear from the absent Commission member.

Chairman Schiffbauer stated that he was okay with that.

Secretary Espinosa-Gonzalez stated that she was okay with that and that it would be fair.

Chairman Schiffbauer asked if they could table it to the next regular meeting.

Law Director Moriarty remarked, sure.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to table the inclusion or exclusion of Officer Vazquez testing until the next regular meeting.

A voice vote was taken and the motion carried.

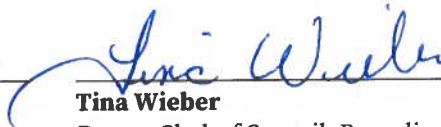
Yes – 2 No – 0

ADJOURNMENT:

The meeting was adjourned at 5:26 PM.



Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, April 22, 2024

Date Approved