

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – MONDAY, JANUARY 22, 2024**

CALL TO ORDER:

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

ROLL CALL:

Present were members Amie Espinosa-Gonzalez and Donald Schiffbauer. Also present were Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

Sam Spann was excused.

ELECTIONS OF OFFICERS

Chairperson

Moved by Espinosa-Gonzalez and seconded by Schiffbauer to nominate Donald Schiffbauer for the position of Chairperson.

Vice Chairperson

Moved by Espinosa-Gonzalez and seconded by Schiffbauer to nominate Sam Spann for the position of Co-Chairperson.

Secretary

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to nominate Amie Espinosa-Gonzalez for the position of Secretary.

A voice vote was taken and the motions carried.

Yes – 2 No – 0

APPROVAL OF MINUTES:

Special Meeting Minutes of January 3, 2024

Chairman Schiffbauer asked if the Commission had any questions or revisions regarding the regular meeting minutes of January 3, 2024.

None were given.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the special meeting minutes January 3, 2024.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

REPORTS:

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to amend the agenda regarding a communication from Police Chief Freeman regarding a temporary appointment.

A voice vote was taken and the motions carried.

Yes – 2 No – 0

Retesting of Police Sergeant, Lieutenant & Captain Promotional written exams.

Deputy Clerk of Council stated that the contract for the retesting had been approved. She added that the tentative date for the examinations was March 15th but was still waiting to hear back from the testing agency to review their projects for availability. She explained that once she had confirmation on the date, she would send out notice and invitations to participate in the examinations. She mentioned that she sent out an email to the Police Department on January 4, 2024 with all of the chosen testing material the Commission had voted on so that they would have that in advance.

UNFINISHED BUSINESS

NEW BUSINESS

Chairman Schiffbauer explained that Chief Gene Rowe was in attendance via zoom and asked if he would share his feedback and experience with the Rule of Three. He added that the Commission had voted on that and put into place back in August of 2023.

Mr. Rowe thanked the Commission for having him. He stated that he could speak on his experience regarding the two agencies he was with as well as other agencies that he was familiar with that he had come across in his twenty years of doing assessment centers. He explained that a lot of people over the years had become dissatisfied with what was traditional in Civil Service tests, which was whoever finished first would be promoted. He stated that over the years what they were learning was that it really wasn't a good measure of somebody's ability to be promoted or their success as a supervisor. He said that one of the things that came about to try and level that playing field a little bit was the introduction of assessment centers to Civil Service exams and combining that with the written examination and coming up with some way to formulate that each would count towards the final score. He commented that the assessment center did measure some behaviors that a written test could not. He explained that in written tests they were providing people with material to study and some of it they would be familiar with from using it on a day-to-day basis and some of it they may not, but they were given a list of materials, given a period of time to study and then given a written test. He stated that that certainly reflected their study habits, measured a person's ability to retain information that they read and studied, but asked how important was that in how important it was relative to being a good supervisor and being a good leader. He added that it was really only measuring that aspect of somebody's ability to study and retain information. He stated that the assessment center would try to measure other abilities but even with the combination of the assessment center and the written and the cities that he was with, Civil Service Commission had adopted a rule that had three people passed or you could say five people passed, if they had that many people pass, the top

three people, the appointing authority could choose one of those three. He stated that if only one person passed, well, there wasn't a choice, that was the person or if only two people passed. He stated that if they didn't have three people pass, that didn't negate the process. He said that they would select from those number of people that actually passed the test. He stated that in the old days it was based on the written exam and even when they added the assessment centers, it was determined by a combination of that. He commented that he thought that the reason that was more valid was because even with a written and an assessment center, there was really nothing in there that spoke to how a person performed on a day-to-day basis within the agency. In other words, what was their attendance, were they reliable, how well did they follow orders, did they complete assignments on time, did they set a good example, did they show self-discipline, did they volunteer for special assignments, did they request additional training, how did they treat their co-workers, did he they have any disciplinary action, did they have any commendations, those were all things he thought were important. He remarked that if those things weren't looked at, they were really missing what the person did most of the time that they were working. He stated that those were things of value and why shouldn't they be of some value in a promotional process. He explained that that was the rationale behind the One of Three Rule. He stated that they always had that rule in Warrensville Heights, which was where he started his career. He discussed that when he went to Richmond Heights, even though they were a charter city and could make certain amendments to their Civil Service Rules, at the time they had stuck with what the State had said, which was if they scored highest and were number one, that was who got promoted. He explained that he tried to get that changed to the One of Three Rule and got a lot of support from the rank and files from the police union in Richmond Heights, especially as they started to hire new officers because they were dissatisfied with the quality of their Sergeants. He explained that they were smart guys but they were not effective leaders and they did not set a good example and had more of a mentality that they wanted to get promoted so that they could tell other people what to do. He stated that if someone really wanted to be promoted, the way it should be looked at was, if they thought their job was going to be easier, they were wrong. He commented that in looking back on his career, the easiest job he had was when he was a patrolman because all he had to worry about was himself and he did a pretty good job of taking care of himself. He stated that he did get the union's support and that was eventually changed in Richmond Heights and they went to the One of the Three Rule. He mentioned that when it was explained and everyone understood that there were other things that were going to be considered like performance evaluations, attendance, how much sick leave did they have, did they have a lot of citizen's complaints, did they have accolades from citizens for doing a good job, had they won any awards, did they volunteer for community events, volunteer for extra duties above and beyond what the normal duties were regardless of the rank, did they seek out additional responsibilities to try to improve their job knowledge on their own if they could, were they team players, did they treat citizenry with respect, did they treat their fellow workers with respect and those things would all be considered, as well as seniority. He stated that even seniority was considered to be a Civil Service and usually there were a certain number of points awarded if an officer had served for a number of years and he thought what the One of Three Rule incorporated was that it was okay to have somebody that had eight or ten years with the department for example, but he thought it was more important to determine what had they done over that period of time. He stated that it wasn't just were they there that long but what had they done during that period of time and that went back into performance evaluations, awards and all of the other aspects that should be considered. He commented that everyone understood that that was the process. He explained that they didn't really have any policy or anything that laid that out, it was kind of understood at the time and everybody agreed with that and thought that would be a good way of doing it. He stated that when that was incorporated in Richmond Heights, he pretty much followed the guidelines he used in Warrensville Heights and that was that he usually wanted to interview somebody. He mentioned that if there were three candidates, he would want to personally talk to those three candidates, himself, and would usually ask for input from the Sergeants and in his case at Richmond

Heights, he just had one Lieutenant, but would also ask for input from them. He stated that even though Richmond Heights was a small agency, when they weren't on the road for a number of years, you did lose touch a little bit with what was going on out on the road sometimes. He explained that he was seeing it through reports and so forth, but he wasn't out there seeing it personally and dealing with it. He stated that the people that saw that up close would be the first line supervisors who were seeing those people perform on a day-to-day basis and knew their habits and tendencies probably better than a Chief would and he thought it was important to get that input as well. He added that after he talked with all of those individuals and made a decision on it, then he would talk to the Mayor, who was the appointing authority and gave him his recommendation. He stated that he would ask some questions and typically went along with what the recommendation was from the department.

Chairman Schiffbauer stated that he appreciated his feedback and hearing him speak to the benefits to it. He thought the written exam was good to have and the assessment portion was good but there was also a component where they needed to make sure that the person was well suited or fitted for the culture of the agency as well, and that was why he supported and voted yes for the Rule of Three back in August. He asked Mr. Rowe if in his experience, there had been a greater success rate in terms of promotions when departments utilized that rule versus the traditional next person up, as it related to scores.

Mr. Rowe commented yes, absolutely. He stated that had there been the Rule of Three prior to him getting there, the Sergeants that he inherited when he went to that organization and seen how they did on a day-to-day basis, he would never have promoted them. He stated that they didn't have any choice at that time so the next person on the list got promoted, but they weren't good leaders, they didn't inspire people, they were not receptive to change and that all impacted what the culture of that agency would end up being. He added that they wanted to have everyone on board as much as they could and they supported that by promoting the people that were positive for the organization and positive for the community. He mentioned that it would be reinforced with training, so that they got bosses that were on the same page. He stated that that didn't mean there was no discussion or no disagreement, but it meant that when there was, it was discussed. He commented that when the supervisors came out with what was going to be the policies and how things were going to be done, everybody came across with the same mind. He said they wouldn't have somebody undercutting the authority of the department that negatively impacted their ability to accomplish the mission of the agency.

Chairman Schiffbauer stated that they focused a lot about being able to identify flaws or people that may not be good leaders, but he thought that also part of that was validating, not only for the applicant but for the agency that, that is the right person for job and that they possessed innate characteristics and not just book smarts but innate characteristics that would allow them not only to achieve but to be innovative and to also inspire their team.

Secretary Espinosa-Gonzalez she commented that she heard Mr. Rowe say that often times he would make a recommendation from the department and asked if there was ever an instance where there wasn't agreement on the recommendation or discussion back and forth.

Mr. Rowe stated not too many times. He discussed that the people that would finish up there, in his experience, everybody knew pretty much how those officers worked, how they performed on a day-to-day basis, how they did their job, if you could go to them for guidance or would they say, go ask somebody else or go look it up or that sort of thing. He stated what was really tough was when they had three people that were really deserving of it and knew they could all do a good job. He mentioned that if it was something where they got a person that ended up being in the top three and were surprised that they even took a

promotional exam because they never really exhibited any desire to get ahead, but they were great test takers, that was great and it was nice that they did that effort but what did they do with their time at the department. He stated that the whole purpose of that was to lead the agency and to be successful. He commented that in order to do that they had to be motivated and asked if they weren't motivated, how did they motivate the people under them to accomplish the tasks that needed to be accomplished. He stated that there would always be different choices. He mentioned that final say always dictated that when there was some that would say "I think this guy instead of this guy" but when they made their recommendation, they were making it based on what they knew. He stated that as the agency administrator that pretty much knew all of the discipline that had been handed out and knew what the personnel files contained, sometimes they were aware of things that a Sergeant wasn't aware of. He added that when someone was corrected or disciplined, it wasn't posted on a bulletin board. He mentioned that the argument always heard against the One of Three Rule and probably historically the reason that Civil Service came up with whoever scores first, was that they wanted to take out the idea of favoritism. He stated that he understood that but if the process was utilized properly, using that proper input that he mentioned to get additional feedback from other supervisory members of the agency, that risk was still less than what they might run into if they promoted somebody because their biggest accomplishment was how they scored on a test and then they would be stuck with them because even though there's a probationary period, unless they strictly enforced that and had pretty good standards as to what was going to be acceptable performance and what wasn't, they could still get somebody that did just enough to get by and asked if they were they the best or if they were the one that was going to be the best. He commented that when he promoted somebody, he wanted to look at them and ask himself if they were somebody that could potentially be the head of the agency.

Chairman Schiffbauer thanked Mr. Rowe for his time and that he was going to spend some additional time working with Tina to review the exam questions to ensure relevancy. He commented that from his standpoint, being in the field that he was in, being in a similar role, relying on a test to decide who they were going to promote wasn't a custom that he was used to using in his work space and he thought what that Rule did was that it helped to bring credibility to the type of culture that agencies, whether it was law enforcement, fire, non-profits or for-profits, that they were trying to cultivate and make sure that they had the right person and that lends to that.

Mr. Rowe said that it was his pleasure and hoped that what he shared was helpful and was only speaking from his experience. He stated that he thought there were more agencies now that had gone to that One of Three Rule and didn't go strictly by what the State standards were. He commented that that was the ability of charter cities to be able to make those kinds of amendments. He added that he looked forward to helping out in any way he could during the entire process.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to insert public comment after New Business.

A voice vote was taken and the motion carried.

Yes – 2

No – 0

Amendments to the Civil Service Commission Rules & Regulations

Chairman Schiffbauer stated that the Commission had a chance to review at the last meeting and over the last couple of weeks the amendments to the Civil Service Commission Rules and Regulations and that the first one was an amendment to Rule VIII, Section 6 regarding promotions that was in the third paragraph that was actually a typo and instead of ORC 124.44 it should be changed to 124.45 regarding Fire.

Rule VIII, Section 6, Promotions, third paragraph, correct typo of ORC 124.44 to 124.45 regarding Fire

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 6, Promotions.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule VIII, Section 6, Promotions, third and fourth paragraphs, add language, "except as otherwise indicated by these Rules and Regulations" after ORC 124.44 and 124.45

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 6, Promotions.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule V, Section 4(c), Promotional examination, third and fourth paragraphs, add language, "except as otherwise indicated by these Rules and Regulations" after ORC 124.44 and 124.45

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule V, Section 4(c), Promotional examination.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule VIII, Section 6, Promotions, adding language regarding less than two candidates willing to take promotional examination

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 6, Promotions.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule VIII, Section 2, One of three (3) certified to be appointed, only two names on the certified eligibility list

Chairman Schiffbauer stated that they had some lengthy discussion regarding that amendment and that it centered around if there were two names on the certified eligibility list, that one of those would be selected. He asked if there were any questions or comments.

None were given.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 2, One of three (3) certified to be appointed.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule VIII, Section 2, One of three (3) certified to be appointed, only one name on the certified eligibility list

Chairman Schiffbauer discussed that the amendment was regarding only one name on the certified eligibility list and that it was at the discretion of the appointing authority to not select that person that makes the eligibility list and asked Assistant Law Director Morgan if that was correct.

Assistant Law Director Morgan stated that that was what they were asking for because it put them right back without the Rule of Three if they didn't get any more than that.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 2, One of three (3) certified to be appointed.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Rule VIII, Section 5, Temporary appointments, first paragraph, omit language "provided, however, that" and second paragraph, omit language, "on the proper list of those"

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the amendment to Rule VIII, Section 5, Temporary appointments.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Correspondence from Police Chief Freeman regarding the temporary appointment of Lieutenant Gregory Petek

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
REGULAR MEETING – MONDAY, JANUARY 22, 2024**

PAGE 8

Deputy Clerk of Council stated that she received a document from Police Chief Freeman regarding the temporary appointment of Lieutenant Gregory Petek to take over the duties of Captain Kevin Jones starting on January 24, 2024 as Captain Jones was retiring on January 23, 2024.

Assistant Law Director Morgan stated that not only was that language giving 120 days for that temporary appointment in Rule VIII, Section 6, but it also coincides with 124.30 in the ORC, so it was in both places.

Chairman Schiffbauer opened up the public comment section and stated that if anybody wished to provide public comment, now was the time to do so.

None was given.

Chairman Schiffbauer stated that the next Civil Service Commission regular meeting was scheduled for 5:00 PM on Monday, February 26, 2024 and that Secretary Espinosa-Gonzalez would not be present at that meeting.

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 5:34 PM.



Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, March 4, 2024

Date Approved