

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – WEDNESDAY, AUGUST 28, 2023**

CALL TO ORDER:

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

ROLL CALL:

Present were members Amie Espinosa-Gonzalez, Co-Chairman Sam Spann and Chairman Donald Schiffbauer. Also present were Assistant Law Director Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairman Schiffbauer stated that the Commission had received the special meeting minutes of August 16, 2023 and asked if there were any questions or comments.

None were given.

Moved by Schiffbauer and seconded by Espinoza-Gonzalez to approve the special meeting minutes of Monday, August 16, 2023 as presented.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Schiffbauer and seconded by Spann to open up public comment regarding any agenda items.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Fire Chief Reese stated that he wanted to talk about the changes to the Civil Service Commission's rules that were talked about at the special meeting. He mentioned that he still had not heard why the sudden change to the appeals rule during the pending litigation that was going on. He asked why the changes were happening when an apparent situation was currently going on. He stated that it appeared punitive and retaliatory to himself and both of his Assistant Chiefs, especially because the new rule specifically listed the employees that would be affected by title. He asked why the current Civil Service Commission was giving up their right to hear an appeal of a suspension of less than three days. He discussed that he could understand having the right to deny or approve the right to appeal after finding out what the situation was. He stated that that was how Elyria's Civil Service rules were written, that they could still hear the appeal if they chose to do so. He asked what if there was an underlying issue that resulted in a series of three-day suspensions of an employee or what if it was a personality issue between him and the employer. He added that he thought there should be some way that they didn't give up their Civil Service rights to be able to

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listen to an appeal. He discussed that the employee would then be forced to take on, what would likely be, an expensive legal bill, just to ask for consideration. He stated that he was asking them to continue to follow 123.34 of the Ohio Revised Code or at least table it until after the pending litigation was over. He added that it had always been his belief that Civil Service was in place to ensure that the hiring, promoting, discipline and dismissal actions of our government were administered in a fair and equitable manner that was free of political involvement and stated that he also tried to follow along with that. He mentioned that changing the rules was taking the authority away from the Civil Service Commission and granting it back to the political entity, whoever that was at any given time. He stated that he believed Civil Service was interested in enhancing the hiring and promotional process and helping to attract as many qualified applicants as possible. He commented that in his opinion, the proposed rules would have the opposite effect and discourage future applicants and applicants promoting from within the City's own ranks. He remarked that just because other municipalities did something, didn't mean that it was being done effectively. He stated that a lot of other municipalities followed a lot of practices that the City of North Ridgeville did not follow. He said that regarding choosing the Fire Chief or Police Chief, he didn't have a problem with that and didn't have a problem with Civil Service or another council taking care of that, as it was an important position and shouldn't just be up to the testing process. He stated that he understood doing that regarding lower management but that there were other ways for them to take care of the department's issues first before going through that.

Chairman Schiffbauer asked if there was anyone else that wanted to speak during public comment regarding items on the agenda.

None were given.

NEW BUSINESS:

A request for withdrawal from the Firefighter/Paramedic Class C Entrance Eligibility List from Fire Chief Reese for Walter Illingworth dated August 22, 2023.

Chairman Schiffbauer stated that the Commission had received a request for withdrawal from the Firefighter/Paramedic Class C Entrance Eligibility List from Chief Reese regarding Walter Illingworth.

Re-certify Firefighter/Paramedic Class C Entrance Eligibility List due to request for withdrawal.

Chairman Schiffbauer explained that because of the request for withdrawal the Commission would have to re-certify the Firefighter/Paramedic Class C Entrance Eligibility List. He asked if there were any questions or comments regarding the list.

None were given.

Moved by Spann and seconded by Espinoza-Gonzalez to re-certify the Firefighter/Paramedic Class C Entrance Eligibility List.

A voice vote was taken and the motion carried.

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Yes – 3 No – 0

Re-certify Firefighter/Paramedic Class C Top 10 Entrance Eligibility List due to request for withdrawal.

Chairman Schiffbauer stated that due to the request for withdrawal the Commission would also need to re-certify the Firefighter/Paramedic Class C Top 10 Entrance Eligibility List. He asked if there were any questions or comments.

None were given.

Moved by Spann and seconded by Espinoza-Gonzalez to re-certify the Firefighter/Paramedic Class C Top 10 Entrance Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Reschedule date for Postponed Police Promotional Exam

Chairman Schiffbauer stated that the dates given to them after discussion with the Police Chief and Police Captain were Monday, October 23, 2023 and Wednesday, October 25, 2023.

Moved by Schiffbauer and seconded by Spann to reschedule the postponed Police Promotional Exam to Wednesday, October 25, 2023.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule V, Section 4, Examinations for Police and Fire (Scope: Subjects weight thereof)

Chairman Schiffbauer read the current rule and proposed amendment.

Member Espinoza-Gonzalez asked where the language was obtained from.

Assistant Law Director Morgan stated that they had looked at other cities rules and how they did it. She stated that Deputy Clerk talked to the testing agencies to see if they could accommodate that with only 100 points and surprisingly it wasn't an issue for them. She added that the very last paragraph was if for some reason the points got taken off of the test during an appeal period or for whatever reason, they could always still have the fall back position of scoring them as was done before. She stated that regarding 100 points for each test, it just made everyone's life easier.

Moved by Spann and seconded by Espinoza-Gonzalez to adopt the amendment to Rule V, Section

4, Examinations for Police and Fire (*Scope: Subjects weight thereof*).

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule VII, Section 3, Eligible Lists for Police and Fire (Priority of rank)

Chairman Schiffbauer read the current rule and proposed amendment.

Assistant Law Director Morgan stated that the changes were just to indicate that for entry level they added those words to make it clear that the timing of filing the application made a difference and for promotional, seniority made the difference if candidates had the same score. She added that seniority for the City of North Ridgeville would take priority over seniority somewhere else. She discussed that they had always calculated seniority from the date of the first test, but didn't actually have those words in the rules and were that just adding the wording to codify what had always been done.

Chairman Schiffbauer asked if there were any questions.

None were given.

Moved by Spann and seconded by Espinoza-Gonzalez to adopt the amendment to Rule VII, Section 3, Eligible Lists for Police and Fire (*Priority of rank*).

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule VIII, Section 2, Appointments of Police and Fire Personnel (One of ten (10) certified to be appointed) and (one of three (3) certified to be appointed)

Chairman Schiffbauer read the current rule and the proposed legislation. He asked why there was a difference between police and fire.

Assistant Law Director Morgan stated that that was what the Ohio Revised Code was, but regarding the why of it, she didn't know.

Fire Chief Reese stated that it was the difference in hours worked.

Chairman Schiffbauer discussed that the Commission received rules from several municipalities that were utilizing that particular selection criteria, and that one of the discussions at the previous meeting was the appointing authority and whether or not some municipalities were utilizing a panel to assist in the selection. He stated that he believed that that resided with the appointing authority to take on the responsibility for appointing that panel.

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Moved by Schiffbauer and seconded by Spann to adopt the amendment to Rule VIII, Section 2, Appointments of Police and Fire Personnel (*One of ten (10) certified to be appointed) and (one of three (3) certified to be appointed).*

Assistant Law Director Morgan stated that there was something that wasn't added to that. She explained that after the word "forthwith" it should've said, "in no event shall it be more than 60 days".

Chairman Schiffbauer asked which forthwith she was referring to.

Assistant Law Director Morgan stated that it should be in both the "one of ten" and "one of three" and there should be a phrase that was added stating, "that in no event shall it be more than 60 days". She added that it was at 180 days previously and she wanted to clarify that it should be "that in no event shall it be more than 60 days" for both the "one in ten" and the "one in three" rule. She asked if his copy reflected that.

Chairman Schiffbauer stated that it did not. He asked how they arrived at 60 days versus the 180 days.

Assistant Law Director Morgan stated that compared to what the Ohio Revised Code had, which was 30 and 10, they wanted something that gave them ample amount of time but 180 days was six months and seemed like too much. She added that it was a practical decision. She stated that the language should be inserted in both the "one of ten" and "one of three" after the sentence "the appointing authority shall fill such position forthwith, but in no event shall it be more than 60 days".

Chairman Schiffbauer asked if there were any questions or comments about the addition of the 60 days from the Commission.

None were given.

A voice vote was taken and the motion carried.

Yes – 3

No – 0

Amendment to Rule X, paragraph 2, Reductions, Suspensions and Removal, regarding days of suspension

Moved by Schiffbauer to enter into Executive Session to discuss the two proposed amendments regarding Rule X, Reductions, Suspensions and Removals, paragraph 2 and Section 1.

Assistant Law Director Morgan explained that there were a very limited number of reasons that they could convene into Executive Session and she didn't know if the discussion of rules would fall into one of those categories.

Chairman Schiffbauer stated that it was for the purpose of pending litigation and its impact on it.

Assistant Law Director Morgan stated that that would definitely fall under Executive Session.

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Moved by Schiffbauer and seconded by Spann to enter into Executive Session to discuss the two proposed amendments regarding Rule X, Reductions, Suspensions and Removals, paragraph 2 and Section 1, for the purpose of pending litigation and its impact on it.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Adjourned into Executive Session at 5:31 PM.

Reconvened into the Regular Commission meeting at 5:37 PM.

Chairman Schiffbauer explained that the executive session discussed the impact of the proposed amendment on existing litigation and the Commission had come to an understanding that any amendments proposed would not have impacted any current litigation. He read the current rule and the proposed amendment.

Moved by Schiffbauer and seconded by Espinoza-Gonzalez to adopt the amendment to Rule X, paragraph 2, Reductions, Suspensions and Removal, regarding days of suspension.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule X, Section 1, Reductions, Suspensions and Removal (Disciplinary suspension)

Chairman Schiffbauer read the current rule and the proposed amendment.

Moved by Schiffbauer and seconded by Spann to adopt the amendment to Rule X, Section 1, Reductions, Suspensions and Removal (*Disciplinary suspension*).

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule XI, Section 1, Hearings, Procedure, (Time of hearing; notification)

Chairman Schiffbauer read the current rule and the proposed amendment.

Moved by Schiffbauer and seconded by Espinoza-Gonzalez to adopt the amendment to Rule XI, Section 1, Hearings, Procedure, (*Time of hearing; notification*).

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Amendment to Rule XI, Section 2, Hearings, Procedure (Amendments to orders)

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Chairman Schiffbauer read the current rule and the proposed amendment.

Moved by Schiffbauer and seconded by Espinoza-Gonzalez to adopt the amendment to Rule XI, Section 2, Hearings, Procedure (*Amendments to orders*).

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer asked if there was any additional business to come before the Commission.

None was given.

Chairman Schiffbauer stated that the next Civil Service Commission meeting was scheduled for 5:00 PM on Monday, September 25, 2023.

ADJOURNMENT:

Moved by Spann seconded by Espinoza-Gonzalez to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

The meeting was adjourned at 5:43 PM.



Donald Schiffbauer
Chairman

Same Spann
Co-Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, September 25, 2023
Date Approved