

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – MONDAY, DECEMBER 11, 2023**

CALL TO ORDER:

The meeting was called to order at 5:20 PM.

ROLL CALL:

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

Co-Chairman Sam Spann was absent.

APPROVAL OF MINUTES:

REPORTS:

UNFINISHED BUSINESS

NEW BUSINESS

Review of protests to the Police Sergeant, Captain & Lieutenant Promotional written exams.

Chairman Schiffbauer stated that he knew some of the candidates in attendance came to the meeting expecting to go through the protest questions for the Sergeant's test, but there had been quite a bit of discussion going on regarding the examination that was provided and before they got into the specific of the questions, he just wanted to go through some information and share with them the conclusion that they came to. He stated that afterwards, they would have a public comment session if anybody wished to provide public comment. He stated that the State Constitution at Article XV, Section 10, required that the Civil Service Commission determine applicants' merit and fitness through the use of competitive examinations. He discussed that that duty was also echoed in the City Charter in Article 10.4 and in Civil Service Commission's own Rules and Regulations. He commented that when a City's actions did not support the use of a competitive examination, based on case law from the Cleveland Firefighters Local versus City of Cleveland in 2017, the City's actions violated the Ohio Constitution and State and Local law and the City's Charter. He stated that a review of the most recent round of promotional testing, as compared with the typical outcomes, was quite different. He mentioned that in 2020, 75% of those taking the Lieutenant's Examination passed and in 2019, 100% of those taking the Captain's examination passed. He went on to say that for the current examinations, only one person out of 21 passed their examination. He discussed that another eye-opening comparison was the number of protested questions. He stated that in 2020 in the Lieutenant's examination, out of 222 questions, only three were protested. He mentioned that in the Captain's 2019 examination there were zero protests for the same number of questions. He commented that clearly the factual information from the outcome of the current round of tests and from the Civil Service Commission's review of the protested questions pointed to a bigger problem. He said that fixing or eliminating individual questions as allowed by the rules, was a very inaccurate and awkward instrument for fixing such a large and overriding problem. He mentioned that in the previous week going through the protested questions and for the current meeting they had 51 questions out of 100 on the Sergeant's exam that were due to be reviewed. He stated that that pointed that the test, itself, in that context, was the real problem. He commented that therefore, based on the reasons, based on the number

and the variety of negative issues surrounding the current round of testing, it was reasonable to conclude that the cumulative effect of those issues eliminated the required competitive nature of the examination and therefore, rendered the test invalid. He stated that as such, if the Civil Service Commission should move to declare the test(s) invalid for the reasons herein and orders a new round of test(s), and that the Administration would support its decision. He explained that the process that they had gone through the previous week, that he appreciated the public comments made by people in attendance, clearly pointed that the examination that was put forth, at least for the Captain's and Lieutenant's and had no doubt for the Sergeant's, was an examination that was not a true measure of their ability or what was required for the position. He mentioned that he had stated at the previous meeting that the Civil Service Commission would have an opportunity to take a much more active role, in not only having an appreciation for the testing material required for that exam, but also ensuring that the exam would be relevant to the positions. He explained that when they received the protest questions, which he assumed they would, that they would go through a process that had a ranking officer within the department that could assist them in determining the relevancy of those questions for that position, and the Civil Service Commission could then take it under consideration as whether or not to follow that officer's recommendation. He stated that he wanted to pause to give Member Amie Espinosa-Gonzalez an opportunity to comment.

Member Espinosa-Gonzalez stated that she was in agreement with the Chairman.

Chairman Schiffbauer asked Assistant Law Director Morgan if she had anything else that she wanted to offer.

Assistant Law Director Morgan stated that there were a few more reasons and a few more case law in the opinion but Chairman Schiffbauer had covered the highlights quite well.

Moved by Schiffbauer seconded by Espinosa-Gonzalez that based on the cumulative effects of those issues that the test and the manner in which it was administered eliminated the competitive nature that was the purpose of the test and declare that the test was invalid for reasons herein and request that they ordered a new round of testing with the assistance of the Administration.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Chairman Schiffbauer opened up the floor for public comments.

None were given.

Chairman Schiffbauer stated that regarding the next steps, they would be working on that with the Administration and would be discussing the next steps at the next Civil Service Commission meeting, whether it was a regular meeting or a special meeting, so that they could make sure that they kept that process moving along. He commented that the next Civil Service Commission regular meeting was scheduled for 5:00 p.m. on Monday, January 22, 2024.

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
REGULAR MEETING – MONDAY, DECEMBER 11, 2023**

PAGE 3

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

A voice vote was taken and the motion carried.

Yes – 2 No – 0

ADJOURNMENT:

The meeting was adjourned at 5:30 PM.



Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Wednesday, January 3, 2024

Date Approved