

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF
REGULAR MEETING FEBRUARY 16, 2016**

To Order: The meeting was called to order at 6:30 P.M.

Roll Call: Present were Members Russ Friedrich and Chairman James Yost.
Absent was Member Zezena.
Also present were Assistant Law Director Toni Morgan and Recording Secretary Donna Tjotjos, Fire Chief John Reese as well as a few members of the Fire Department Staff. Assistant Fire Chief Bement arrived a few minutes after the meeting began.

Election of Officers:

Chairman Yost stated that the Commission will dispense with the Election of Officers and will move this item to next month's agenda since not all members are present.

Minutes:

Chairman Yost asked if Member Russ had a chance to go over the minutes of the last meeting. He stated that he went over them and didn't see anything.

Moved by Friedrich and seconded by Yost to approve the minutes dated January 19, 2016.

MOTION CARRIED

Reports:

Chairman Yost asked Recording Secretary Tjotjos if she had any reports.

Recording Secretary Tjotjos noted that the Commission received after the packets went out, another invitation to the State Personnel Board of Review Academy scheduled to be held March 10, 2016 at the Crowne Plaza in Columbus, Ohio.

Chairman Yost stated that at this time, he has no plans on attending. He addressed Assistant Law Director Morgan and asked if she had any interest in attending.

Assistant Law Director Morgan stated that she looked at the date and she has a trial scheduled on that date and so she will not be going, but it did look interesting.

Unfinished Business:

Chairman Yost moved the meeting on to review and approving a testing agency to provide the Firefighter entrance examination to be held in 2016.

Chairman Yost asked if there was any input received from the Chiefs regarding these agencies.

Recording Secretary stated no, but she could get their input. The only problem would be that because of the time constraints, Civil Service may have to hold a special meeting to decide. She explained that the decision on the agency comes first before any scheduling can take place. She explained that the expiration date of the eligibility list is May 20. She stated that she could get the input from the Chiefs.

Chairman Yost stated that he did review all of the data received and does have a preference. He addressed Member Friedrich and asked if he had any preference in what agency to use.

Member Friedrich stated that he was leaning toward I/O Solutions. They aren't the cheapest, but they also aren't the most expensive.

Chairman Yost stated that one of the items that interested him was having a proctor available to administer the exam. Stanard and Ramsey both provide proctors that are more involved in the testing. He stated that Elyria is using Stanard and North Olmsted is using Ramsey and felt that Ramsey might be their next Clancy only updated more.

Member Friedrich stated that it kind of read that way to him as well. He stated that Westlake is using them also.

Member Yost added for both Police and Fire.

Assistant Law Director Morgan noted that she didn't see where there was a proctor available from Stanard.

Chairman Yost stated that is correct. Ramsey and Ohio Fire Chief's Association provides a proctor. He stated that he would go with Ramsey at this point.

Member Friedrich stated that he had no problem with that after reading over the material. He stated that since Civil Service has been using I/O Solutions over the years and after hearing so much about them, that that is what gave him the edge to think of using them.

Chairman Yost thought that they would give Ramsey a shot to see how it works out this year. The Commission needs to settle in on an agency that will cover everything that they need. He addressed Recording Secretary Tjotjos and asked if they were out of Akron.

Recording Secretary Tjotjos responded yes.

Member Friedrich addressed the Fire Department staff and asked if they had any input on the agency.

Chairman Yost asked if they heard of any of the agencies they were discussing.

One Firefighter indicated that they haven't.

Moved by Friedrich and seconded by Yost to use Ramsey & Associates for the upcoming Firefighter entrance exam.

MOTION CARRIED

New Business:

Chairman Yost moved the meeting on to new business which was to review the scores and Certify the Eligibility List for the Fire Lieutenant Promotional exam.

Firefighter Pocos addressed Chairman Yost and noted his letter of appeal to the second grade that they received which was sent to the Commission and noted that he has yet to receive a response. He stated that it was his belief that this subject was on the last agenda under reports.

Chairman Yost addressed Recording Secretary Tjotjos and asked if she had anything on this correspondence.

Recording Secretary Tjotjos referred to the minutes of the last meeting and noted that his correspondence was acknowledged as received by the Commission.

Firefighter Pocos stated that he brought a copy of his letter if the Commission would want a copy and noted that he did send the letter in certified.

Assistant Law Director Morgan asked what the appeal was for and was it received within the appeal period.

Recording Secretary Tjotjos stated that it was received after the appeal period.

Firefighter Pocos stated it was an appeal to the second grade that they received.

Recording Secretary Tjotjos explained that there is only one appeal period according to the Rules and Regulations.

Firefighter Pocos stated that it was his interpretation of the Rules and Regulations that he could appeal to any grade that they receive.

Assistant Law Director Morgan stated that she didn't believe that to be accurate, but if the Commission would like her to take a copy of that letter, she would provide a legal opinion for them.

Chairman Yost provided his copy of the letter to Assistant Law Director Morgan.

Assistant Law Director Morgan stated she would get that opinion and would get the information needed from Donna. She stated she would do that ASAP.

Chairman Yost stated he thought they were done with it.

Firefighter Pocos explained his concern is that the people who protested the questions received an increase in their grade where the people who didn't protest the questions actually got a decrease. He stated that they received three grades on this examination and the second grading, the calculations were actually off on it and after he sent his appeal letter, the third grade came out with the corrected calculations and his third grade is actually lower than the first grade he received.

Chairman Yost stated that it was Civil Service Commissions belief that they were actually putting everyone on the same level.

Firefighter Pocos stated that the guys who actually protested it, their percentage went up. The guys that didn't protest it actually went below their actual grade.

Recording Secretary Tjotjos addressed Chairman Yost and asked if she could explain.

Chairman Yost asked her to proceed.

Recording Secretary Tjotjos stated that the exam contained so many questions and two were eliminated and so, if a candidate had 30 questions wrong and the two questions that were eliminated were right, he still has 30 questions wrong, but his percentage goes down because the number of questions decreased.

Firefighter Pocos stated mathematically that makes sense. He explained when he was in school; they didn't lose credit for answers you got right, even if it was thrown out. People didn't benefit and other people didn't receive a detriment. He can understand if the questions were thrown out and everyone benefited, but this is not the case. His concern is that his original grade dropped even though he had those questions that were eliminated correct and he didn't protest them.

Chairman Yost stated that it took the question away from everyone. So, it did change the percentages and that couldn't be helped.

Firefighter Pocos stated that if the Commission would have given credit for those questions to everybody, the top guys would have gone up, the guys wouldn't have benefited at the bottom, but they wouldn't have lost points. He asked if the Commission understood what he was saying.

Chairman Yost responded yes.

Firefighter Pocos stated that it wouldn't have changed the percentage to the detriment, only to the positive. He stated he is actually below his first score now. There were a couple of other guys that went down as well.

Chairman Yost stated that the testing agency also agreed that it was a bad question and suggested that it be eliminated completely; it will change the percentages, unless the Commission retested and added a few more questions to replace the bad questions.

Firefighter Pocos stated that he understands that but if everyone would have received credit for it, he wouldn't have lost points, he would have stayed where he was as opposed to being four points below along with two other guys being two points below.

Assistant Law Director Morgan stated she would take all that into consideration, but obviously, legally, the Commission was well within its rights to eliminate those questions. If it changes things, it probably just changes things, but she will provide a legal opinion.

Chairman Yost stated that tonight the Commission is certifying the list. If for some reason the law department decides that if this is something that may change the grades, then the Commission will go accordingly. Everyone will still be on the list that is being certified.

Firefighter Pocos asked what the decision would be as far as the appeal is concerned.

Assistant Law Director Morgan stated she will rule on that firmly for the Firefighter and she would like to review this with the Law Director as well, but she explained that there was an appeal period.

Firefighter Pocos stated it is his belief that he was acting within his rights because according to the Rules and Regulations, they were allowed to appeal after every grade.

Chairman Yost stated that the Commission could hold off on certifying the eligibility list until they receive a directive from the law department.

Firefighter Pocos stated technically, his wasn't a protest to the questions of the test, it was an appeal to the grade he received.

Assistant Law Director Morgan stated she will look at that, but the Commission doesn't need to hold it up, they can always recertify the list. It is the decision of the Commission.

Chairman Yost asked if this is needed now.

Fire Chief Reese stated yes, he needed it yesterday. His guy retired Thursday.

Assistant Law Director Morgan stated that the Commission can go ahead and certify. They haven't done anything inappropriate. She will definitely look at this and she did not anticipate that it will change anything.

Fire Chief Reese asked if the Commission did anything that he is describing, would it have changed anything.

Chairman Yost stated he didn't believe so.

Assistant Law Director Morgan stated that they will look at it both ways and make it crystal clear.

Fire Chief Reese asked if it would have changed the scores and changed the ranking. He stated it would have changed his score obviously, but would it have changed his ranking on the list. He stated he believes the Firefighter deserves an answer, but if it doesn't change the rankings.

Chairman Yost stated that he would have to review to see how the points were given.

Assistant Law Director Morgan stated she would answer that question as to if it would change the score or ranking. Technically, this appeal isn't on the agenda. The Commission could certify the list if they choose to.

Chairman Yost stated he believed that it wouldn't change it enough to make a difference.

Fire Chief Reese explained that it is his understanding that all Firefighter Pocos is trying do here is make sure that it doesn't happen this same way next time or another time where it does affect the rankings on the list.

Chairman Yost stated that is something this Commission can't guarantee. He explained if the questions are bad questions, they will be removed.

Assistant Law Director Morgan stated that if the Commission takes out a question, it could change it at any time and that is always a possibility.

Chairman Yost explained when the questions were reviewed, they didn't make sense and they understood why the guys had different answers and it was no wonder the testing agency had agreed and suggested that the Commission eliminate those questions. Little did the Commission know it would have made a difference in the outcome, but let's see what the law department comes up with. He stated that the Commission can go ahead and certify it then. It won't change the ranking at this point.

Firefighter Pocos stated he wasn't concerned about that and he knew that it wouldn't jump him to the top of the list as he knows where he sits. However, if it is to happen again and whoever gets the Lieutenant position this time will actually be able to apply for Captain if that ever comes up within the next year. He stated he would rather not see it happen that way again.

Chairman Yost stated he appreciated his diligence. It shows the Commission another angle to consider and hopefully this won't come up again.

Moved by Yost and seconded by Friedrich to certify the Fire Lieutenant Promotional eligibility list as presented.

MOTION CARRIED

Member Friedrich addressed the Recording Secretary Tjotjos and asked if she could see if the Commission kept the question, how many candidates would it move up in rank.

Recording Secretary Tjotjos asked if he meant if the two questions were kept.

Member Friedrich stated yes.

Recording Secretary Tjotjos stated that she could show the first scores that went out that included those questions if the Commission wanted to see that.

Assistant Law Director Morgan stated that you can't rewrite history.

Member Friedrich stated that he just wanted to know so that when this is discussed in the future it would help in how this will be set up. He stated one of the things the Commission is not going to do is to allow for an appeal on a grade and then to appeal the one on that. That can't be. It has to be ruled that the grade is set after they have had the protest period.

Assistant Law Director Morgan stated that is already the case.

Member Friedrich addressed the Fire Chief and asked if that helped him.

Fire Chief Reese stated that he could tell by looking at this that it wouldn't have changed anything. He stated yes, it helps.

Chairman Yost moved the meeting on to the certification and eligibility list update and addressed the Recording Secretary to explain.

Recording Secretary Tjotjos explained that the Fire Department hired an individual off that list and so the list has to be recertified removing that hired individual from the eligibility list. She showed the individual's name on that list who was hired.

Moved by Friedrich and seconded by Yost to certify the updated Firefighter eligibility list.

MOTION CARRIED

Chairman Yost moved the meeting on to the review and approval of the firefighter entrance exam date for 2016. He asked for the calendar of events to be reviewed.

Recording Secretary Tjotjos explained that there were two calendars provided based on two different dates to hold the exam for the Commission's review. She explained that the eligibility list expires May 20 and two dates were open prior to that date at the exam facility. Those dates were noted as April 5 and May 3.

Chairman Yost stated that April 5 is open at the school. Fire Chief Reese may need the test sooner.

Fire Chief Reese stated no, he didn't care about that exam date. The Commission will have plenty of time for that one.

Recording Secretary Tjotjos explained that if the test was given on April 5, the calendar shows that a list could be certified as early as April 19 and then if May 3 is chosen, the calendar shows that a list could be certified May 17.

Chairman Yost stated that the sooner the better isn't really necessary this time.

Member Friedrich noted that with the May 3rd date, the Commission would be cutting it all the way up to the end.

Chairman Yost stated he believes that April 5 would allow more time for what will be needed.

Moved by Yost and seconded by Friedrich to approve the April 5 date to hold the Firefighter entrance exam.

MOTION CARRIED

Fire Chief Reese noted that the Commission will be really busy because of the other tests that will be going on. He indicated that there will be an Assistant Chief's test and Captain's test. He stated that a letter was sent to Chairman Yost. The Assistant Chief is still with the department.

Assistant Chief Bement stated that he will be retiring sometime in 2017, so sometime in 2017 the Commission will have to provide promotional tests.

Chairman Yost asked how many.

Assistant Chief Bement stated that it will require a Captain's test and an Assistant Chief's test.

Chairman Yost stated that should give the Commission some time. He moved the meeting on to the next item of business which was to review and approve advertisement, notice, application packets and costs for 2016. He noted that the document states Police entrance exam.

Recording Secretary Tjotjos stated that is an error. It should read Fire and not Police.

Moved by Yost and seconded by Friedrich to request appropriated funds and approve the advertisement, notice, application packets and costs for 2016 firefighter entrance exam as presented.

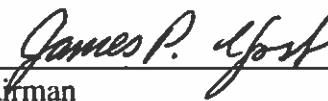
MOTION CARRIED

Adjournment:

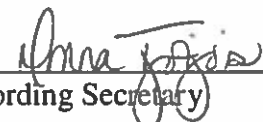
Moved by Yost and seconded by Friedrich to adjourn the meeting.

MOTION CARRIED


The meeting was adjourned at 7:04 P.M.



Chairman



Recording Secretary



Date Approved