

Minutes of a Meeting of  
City of Bay Village Civil Service Commission

Held August 18, 2014

2:30 p.m.

Members Present: James Potter, Marty Krebs, Dr. Dennis Lekan

Also Present: Police Chief Spaetzel  
Fire Chief Lyons  
Law Director Ebert

Chairman Potter called the eleventh meeting of the Civil Service Commission in the year 2014 to order at 2:30 p.m.

**Motion** by Lekan, second by Potter to approve the minutes of the Civil Service Commission meeting held July 28, 2014, with the following amendment by Dr. Lekan: Page 3 of the minutes reading “It was determined that Rule VIII, Section 2, ‘The commission may hold competitive examinations whenever it feels this to be in the best interest of the community’ is adequate in this regard” should be changed to “The commission may hold competitive examinations whenever it **determines** this to be in the best interest of the community’ is adequate in this regard.”

**Roll Call Vote: Yeas – Potter, Lekan. Nays – None. Mrs. Krebs abstained** due to the fact that the attachment to her notice was not able to be opened. **Motion passed- 2 Yeas, 1 Abstention.**

**Preparations for Entry-Level Police Officer Examination**

The Secretary advised that all of the testing agencies she contacted are very competitive in their pricing schedules for conducting entry level examinations. There are many police examinations being conducted at this time throughout the State of Ohio. The Commission discussed a location for the examination, and since there are reservations by the Recreation Department for the Dwyer Memorial Center, the Secretary will inquire as to the availability of the Bay Middle School.

Police Chief Spaetzel commented that his review of sample examinations from testing agencies has revealed that the format of all the agencies is similar. Ramsey and Associates tests locally, they are price competitive, and they performed satisfactorily when they conducted the Police Department Clerk Secretary test last year. Chief Spaetzel recommended that the Commission afford the opportunity to Ramsey and Associates for the entry level police officer examination. Both Westlake and Bay Village have had good success with the company and they are very hands-on during the testing process.

Dr. Lekan suggested a company for the future that he has had experience with in his own business. The Secretary will seek further information. Due to a possible retirement in the Police Department, Chief Spaetzel is contemplating two new hirings early in 2015. Two officers were appointed today, August 28, 2014: Greg Engel, and Ian Moore.

**Motion** by Krebs, second by Lekan, to contract with Ramsey and Associates for the conducting of an Entry Level Police Officer Examination during the month of October, 2014.

**Roll Call Vote:**        **Yeas – Potter, Krebs, Lekan**  
                                 **Nays – None.**

**Motion passed 3-0.**

Chief Spaetzel recommended that the announcement of the examination state that there is a no tobacco policy for hiring in Bay Village, rather than using the words “no smoking policy.” This would cover all methods of using tobacco.

Law Director Ebert joined the Civil Service Commission meeting at 2:40 p.m.

Mr. Ebert noted that the no tobacco policy has not yet been implemented for existing employees. Law Director Ebert agreed that it would be permissible to advertise the policy for new hires.

Regarding the maximum age for hiring of Firefighters, Mr. Ebert informed the Commission that the Ohio Revised Code stipulates the minimum age of 18, at least 120 days prior to the date of appointment, and appointment shall not be made after the 41<sup>st</sup> birthday. For a police officer, the minimum age is 21 years of age and the maximum is 35 years of age. Chief Lyons asked if the City of Bay Village must conform to the Ohio Revised Code standards or be more restrictive. The current maximum age for hiring of firefighters in Bay Village is 32 years of age. Mr. Ebert stated that the City of Bay Village rules can be more restrictive if it does not circumvent the purpose behind the Ohio Revised Code.

The Law Director will ask Mayor Sutherland if she concurs with the proposed change of rule of the Civil Service Commission that she would send notifications to the Civil Service Commission **within thirty days** of any appointments, refusals of certifications or appointments, changes in rank and compensation, transfers, lay-offs, leaves of absence, resignations, suspensions, reductions, removals and cause for removal, creation or abolition of office or positions, and efficiency ratings.

### **Review of Civil Service Rules and Regulations**

Mrs. Krebs stated that Law Director Ebert was asked to review the language of the Ohio Revised Code as it relates to the current sections of the Bay Village Civil Service Commission Rules and Regulations as to time and grade of officers eligible to take promotional examinations. (Rule XII,

Section 4: “ELIGIBILITY. Applicant for promotion in the safety services must be a safety service employee for a minimum of three years from date of hire prior to appointment to the new position.”

In checking the labor union contracts, there was no reference to the time required to be eligible for promotional examinations. Mr. Ebert will conduct further research into the Ohio Revised Code.

The Law Director was excused from the meeting at 3:00 p.m.

#### Rule XII, Section 5 APPLICATION

There will be no change in the language of this section.

#### Rule XII, Section 6 CONTENT OF EXAMINATION

There will be no change in the language of this section

#### Rule XII, Section 7 SENIORITY CREDIT

Dr. Lekan stated that the current provisions for seniority credit are 1 percentage point for the first four years of service. It then drops to .6% for each full year of the next ten years of service. Dr. Lekan suggested that no credit be given for the first three years, and credit begin at four years at one full point for Years 4, 5, 6, 7, 8, and 9.

Mr. Potter stated that some of the candidates that are applying for the Sergeant position have only been with the City for three years. They would have no seniority credit under the formula suggested by Dr. Lekan. Under the current plan, they would have something to compare with those candidates who had been there longer than three years.

Chief Spaetzel commented that most of the candidates with three years of service are probably not ready to be Sergeants because of the complicated nature of the job. A recently appointed officer to the position of Sergeant did only have slightly over three years, but had five years or more at another department. Chief Spaetzel stated that he would be hard-pressed to find someone with three years' experience that would be a seasoned Sergeant. Giving them more points in the beginning gives them more of an even playing field, but having them get their three years in first before giving seniority points is logical thinking because a candidate needs some time and grade before advancing.

Mr. Potter noted that the impact on four years of time would only amount to 2.4 points added to the total score, not amounting to a significant line of demarcation. We are more concerned with the efficiency credit than time and grade.

Chief Lyons stated that his thoughts would be that the efficiency credit is as important, perhaps more important than the seniority credit. The other tool in the labor contracts is that the appointing authority can choose from one of the top three scorers. If we did happen to get a high scoring candidate with only three years on duty with no experience at another department, it would be well within the prevue of the appointing authority to pass the candidate by until he/she had more experience.

Dr. Lekan stated that he believes his suggested proposal demonstrates that there is some time that you have to work here before you start getting extra credit for a promotional examination. It gives more weight to more time.

Further discussion followed. Chief Spaetzel commented that giving the seniority credit later has some merit. Fire Chief Lyons noted that looking at the current demographics of the Fire Department there are many young members of the department. There are very few number of people in the middle ground. Forecasting ahead to the next promotional examination, the Fire Chief would rather not so heavily weigh seniority so that the very few people in the middle who may not be the best leaders are given an undue advantage by seniority credit. It was noted that seniority credit for the Fire Department differs from the seniority credit for the Police Department. Fire Chief Lyons continued, stating that this discussion may also be affected by the language in the Ohio Revised Code being researched by Law Director Ebert regarding time and grade.

Fire Chief Lyons is satisfied with the existing language in the Bay Village Civil Service Rules and Regulations for seniority credit for the Fire Department.

Police Chief Spaetzel would like an opportunity to further review the existing language in the Bay Village Civil Service Rules and Regulations for seniority credit for the Police Department, and for further consideration of Dr. Lekan's proposal.

Chairman Potter stated that the matter of the seniority credit for the Police Department will be reconsidered at a later date.

The notations indicating dates of the last amendments will be removed when the rules are rewritten.

#### Rule XII Section 8. EFFICIENCY CREDIT

Chief Spaetzel noted that prior to the last promotional examination there was an amendment to this rule for the test. The minutes of the meeting of the Civil Service Commission meeting held January 15, 2014 were referenced, reading in part as follows:

“Mr. Ebert discussed the Civil Service Rules and Regulations, and a proposed change to Rule XII, Section 8, Efficiency Credit. He stated that if both Mr. Potter and Mrs. Krebs vote in favor of an amendment to the rule, the rule would officially be changed. Chief Spaetzel recommended that the rule be changed to allow 10% of credit of the average score of two (2) years of evaluations, which are conducted every six months, to the final grade of the promotional examination.”

**“Motion** by Krebs, second by Potter, that the average value of the performance evaluations by the police administration of the last three evaluations be added to the final score of the Police Sergeant Examination in an amount of 10% and not to exceed 10%, of the average of the last three performance evaluations. **Roll Call Vote: Yeas – Potter, Krebs. Nays – None. Motion passed 2-0.”**

Chief Spaetzel stated that evaluations are given every six months by the Police Department. Three annual evaluations would total six evaluations over a three year period. Chief Spaetzel explained the performance evaluation process of his officers to the Civil Service Commission.

Chairman Potter stated that Section 8. EFFICIENCY CREDIT (Police Division Only) language will be changed in the rewriting of the Rules and Regulations to be the same as the credit used for the Police Sergeant Examination held in April, 2014, in accordance with the formula adopted on January 15, 2014, with the exception that the performance evaluations on which the performance credit is based would be for the past two years, comprising four performance evaluations.

Fire Chief Lyons stated that he would propose that very similar language be adopted for the Fire Department performance credit. The Fire Department has an annual evaluation held only once per year. Chief Lyons will submit new language to the Commission for consideration.

The words EFFICIENCY CREDIT will be changed to PERFORMANCE EVALUATION CREDIT. The new language will read as follows for the Police Department only:

“PERFORMANCE EVALUATION CREDIT. In the Police Division only, credit for performance in service shall be added to promotional examination grades in the following manner: The average value of the last four performance evaluations by the Police Administration in an amount of 10%, and not to exceed 10%, will be added to the final score of the police promotional examinations.”

The remainder of Section 8 will be changed to:

“Credit for **performance** shall be added after credit for seniority to provide total score.”

“No credit for **performance** shall be added to an applicant’s grade unless the applicant achieves at least the minimum passing grade on the application.”

Rule XII, Section 9. REVIEW OF EXAM PAPERS

**Motion** by Lekan, second by Krebs, that the language in Section 9 of Rule XII will remain the same as in the current Rules and Regulations of the Civil Service Commission. The notation “3/92” signifying the last amendment will be removed.

**Roll Call Vote: Yeas – Potter, Krebs, Lekan.  
Nays – None**

**Motion carried 3-0.**

Rule XII, Section 10. BREAKING OF TIE SCORES

**Motion** by Potter, second by Lekan, that the language in Section 10 of Rule XII will remain the same as in the current Rules and Regulations of the Civil Service Commission. The notation “3/92” signifying the last amendment will be removed.

**Roll Call Vote:**       **Yeas – Potter, Krebs, Lekan**  
                              **Nays – None.**

**Motion carried 3-0.**

Rule XIII – TRANSFERS, LAY-OFFS, LEAVES OF ABSENCE AND RESIGNATION

Dr. Lekan has asked that Law Director Ebert review this rule as it is in total incongruence with the labor contracts. In addition, a clause should be included in the rules that if the labor contracts change the Commission will review.

The next Civil Service Commission meeting will be held on Tuesday, September 9, 2014 at 2:30 p.m. The Law Director will be asked to Review Rules XIII, XIV, and XV prior to the September 9 meeting and provide his recommendation for verbiage for the Civil Service Rules and Regulations that would be consistent with the union contracts for both Police and Fire, and the Ohio Revised Code.

There being no further business to discuss the meeting adjourned at 3:43 p.m.

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James R. Potter, Chairman

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Joan T. Kemper, Secretary