

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

Held March 16, 2015

3:15 p.m.

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

Also Present: Fire Chief Lyons (arrived at 3:23 p.m.)  
Law Director Ebert (arrived at 3:30 p.m.)

Chairman Potter called the second meeting of the Civil Service Commission in the year 2015 to order at 3:15 p.m.

Mr. Potter **MOVED** for approval of the minutes of the meeting of the Civil Service Commission held January 13, 2015. The motion was seconded by Ms. Krebs. Dr. Lekan noted that there are items in the minutes that are pending for review by the Commission.

Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried. 3-0.**

**Results of Entry Level Firefighter Test Conducted February 28, 2015**

Secretary Kemper discussed the spreadsheet prepared for review by the Civil Service Commissioners, listing the results of the written test, additional points added to those reaching a written score of at least 70%, and final ranking. A total of 47 candidates passed the written examination, out of the 127 applicants who presented themselves for the written test.

Mr. Potter noted that many of the top scoring candidates have their paramedic and firefighter certifications.

**MOTION** by Krebs, second by Lekan, to accept the results of the Firefighter Entry Level Test conducted February 28, 2015, and to prepare an eligibility list for the position of Firefighter which will be in existence for at least two years.

Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried 3-0.**

**Request of Police Chief to remove two candidates from  
Entry Level Police Officer Eligibility List**

Secretary Kemper reported that notifications were sent via certified mail on January 22, 2015 to Mr. Craig Beese, 5325 Middlebury Court, Sheffield Village, OH 44054, and Mr. Anthony Harmon, 192 Prospect Road, Berea, Ohio 44017 that pursuant to City of Bay Village Civil Service Rules, Rule VIII, Section 4 (f), Cause and Removal, of the Bay Village Civil Service Commission, their respective names would be removed from the eligibility list for the position of entry level police officer. Messrs. Beese and Harmon were each given thirty days to appeal to the Commission. Notification has been received from the U.S. Postal Service that the letters were delivered on January 30, 2015. There has been no response from either applicant.

It was **MOVED** by Lekan, second by Krebs, to remove the names of Craig Beese and Anthony Harmon, at the addresses listed above, as eligible candidates for the position of police officer, as so requested by the Chief of Police, in accordance with Rule VIII, Section 4 (f) Cause and Removal, of the Rules and Regulations of the Bay Village Civil Service Commission.

Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried. 3-0.**

**Annual Report 2014 of Civil Service Commission**

Mr. Potter advised that the State Personnel Board of Review requires the completion of a “Report of Activities” from municipal Civil Service Commissions annually. The Report of Activities for Calendar Year 2014 has been completed by the Secretary, with the assistance of the Police and Fire Chiefs in reporting appointments, resignations, and retirements in their respective departments.

**Motion** by Potter, second by Krebs, to accept the Report of Activities for the Year 2014, as prepared, and authorizing the submission of the report to the State Personnel Board of Review.

Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried. 3-0.**

## Miscellaneous

### Antidiscrimination Language and Minimum Requirements for Testing

A memorandum from Gary A. Ebert, Director of Law for the City of Bay Village, dated March 16, 2015 was read by Ms. Krebs regarding Antidiscrimination language and minimum requirements for testing, as follows:

#### “Antidiscrimination language

The City shall provide equal employment opportunities to all applicants for employment without regard to **race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty or status as a covered veteran** in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to, recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Although gay marriage is not permitted under Ohio law, all of the classes that are listed above (in bold) are afforded protections under the law. Accordingly, if an applicant is a member of one of the above protected classes the City may not make any employment decision based solely on the person being a member of that protected class. For example, you cannot refuse to a Muslim male because he is a Muslim.

*Dr. Lekan noted that the words “gay marriage” should be changed to “same sex marriage.”*

### Vision and Hearing Standard

Vision and/or hearing standards may be appropriately set by the Fire and/or Police Department. The Civil Service Commission should appropriately adopt language that relates (to) the Disqualification of Applicants.

Applicants may be rejected from consideration or refused admittance to an examination, and (an) eligible may be disqualified or removed from an eligible or certification list for, but not limited to, the following causes:

- a. The individual is found to lack, any of the established minimum requirements for the position, any requirements set forth by applicable federal or State of Ohio laws, these Rules or the City’s Charter, any other job-related ability, or has failed to provide a transcript, license, certificate or other required documentation within the time limits established by the Commission;

b. The individual's name appears on a promotional list and the individual is no longer an employee of the City;

c. The individual fails to pass the required medical examination for the position;

You may add other disqualifying items to this list, such as making a false statement of material fact in the application or testing process, deception or fraud or the attempt to deceive during the application or examination or testing process, and using or threatening to use political influence in securing employment or promotion.

The specific standard for vision and hearing should be set forth in the job description and application requirements by the Department.”

Law Director Ebert joined the meeting at this point. He stated that the issue of the vision and hearing should be included in the qualifications of the position when a test is announced.

In regard to the paragraph for the Antidiscrimination language, Mr. Ebert stated that in the State of Ohio gender and sexual orientation is still a protected class, but same-sex marriages are not recognized in Ohio. The Supreme Court of the United States is taking up the matter at this time. Rather than to have to change the rules in the future, this language should be included in the rules.

*Mrs. Krebs asked that Paragraph 2 of the memorandum of Mr. Ebert be excluded from the Rules and Regulations of the City of Bay Village Civil Service Commission.*

**Motion** by Krebs, second by Potter, to adopt Paragraph 1, of the Antidiscrimination language outlined by Mr. Ebert in his March 16, 2015 memorandum to the Civil Service Commission, and the entire section of Vision and Hearing Standard. Dr. Lekan and Mrs. Krebs suggested Mr. Ebert reorganize his statement regarding Vision and Hearing Standards to set apart the language for vision and hearing standards from the rules regarding qualifications and disqualifying items.

Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried. 3-0.**

There being no further business to discuss the meeting adjourned at 3:55 p.m. The next meeting of the Civil Service Commission will be held on Wednesday, April 8, 2015 at 2:00 p.m. to review a draft of the Bay Village Civil Service Rules and Regulations.

Minutes of Civil Service Commission Meeting  
Held March 16, 2015

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James R. Potter, Chairman

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Joan T. Kemper, Secretary