

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

Held January 13, 2015

2:00 p.m.

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

Also Present: Law Director Ebert  
Fire Chief Lyons (2:08 p.m.)  
Police Chief Spaetzel  
Jacob Peters, Intern Student from Miami University  
Nancy Trainer

Chairman Potter called the first meeting of the Civil Service Commission in the year 2015 to order at 2:00 p.m.

**Motion** by Krebs, second by Lekan, to approve the minutes of the Civil Service Commission meeting held December 19, 2014. In regard to the following paragraph on Page 3 of the minutes of December 19, Dr. Lekan asked if hearing and vision testing is being done currently.

**“Physical Qualifications for Police Officer**

A memorandum dated December 17, 2014 from Police Chief Mark Spaetzel to the Civil Service Commission was read regarding a clear set of criteria to establish a minimum level of physical qualifications for the position of Police Officer. Chief Spaetzel’s concern is that basic physical requirements for the job, including but not limited to hearing and vision, are not being tested on an individual offered a position as Police Officer.”

Chief Spaetzel stated that according to the Assistant Finance Director who coordinates with the medical testing agency, they do not do vision or hearing tests. Fire Chief Lyons also brought to the attention of the Civil Service Commission that the physical requirements should include the ability to see and hear well.

On the motion to approve the minutes of December 19, 2015, Roll Call Vote:

**Yeas – Potter, Krebs, Lekan**

**Nays - None.**

**Motion carried.**

**Designation of Chairman of the Civil Service Commission for 2015 and 2016**

**Motion by** Krebs, second by Lekan nominating James R. Potter to be Chairman of the Civil Service Commission for the Years 2015 and 2016.

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

**Motion passed 3-0.**

**Discussion of Medical Screening for Police Officer and Firefighter Candidates**

Chief Spaetzel referred to his memorandum of December 17, 2014 to the Civil Service Commission regarding physical qualifications for Police Officer. Chief Spaetzel stated that this topic came to light during the interview of a candidate who disclosed that he was colorblind. The candidate has continued through the selection process, but Chief Spaetzel is seeking further guidance. He noted that the Ohio Police and Fire Pension Board does not require vision and hearing screening for new police officers. Chief Spaetzel stated that when he was hired, there was vision screening, but apparently it is no longer done.

Further discussion followed. Dr. Lekan suggested that if a routine vision tests suggests the possibility of colorblindness, the candidate may have to take a more extensive vision test to determine the extent of disability.

Mr. Potter asked Chief Spaetzel to define the extent that colorblindness would affect the performance of a police officer. Chief Spaetzel stated that the level of colorblindness would have to be determined. Fire Chief Lyons added that vision, hearing and other sensory perceptions are quite important for first responders.

Law Director Ebert stated that this has not been an issue brought forth for discussion in the past. Mr. Ebert suggested the need to identify the requirement of passing a vision test to rule out colorblindness in the initial announcement. Chief Lyons suggested that a test for colorblindness be incorporated into the pre-employment physical. Law Director Ebert was asked to research the matter prior to any action being taken.

**Discussion of Fire Department Entry Level Firefighter Examination Preparations– 2015**

The Secretary advised that the announcements for the entry level Firefighter examination have been prepared. The test will be conducted on Saturday, February 28, 2015, at the Dwyer Memorial Center, at 10:00 a.m. Applications will be taken beginning February 2, 2015 until February 20, 2015. A \$35.00 fee is payable with a notarized application.

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

Chief Spaetzel stated that two candidates for the position of entry level Police Officer have been asked to waive off of the eligibility list in accordance with Rule VIII, Section 4 (f) of the Rules and Regulations of the Civil Service Commission of the City of Bay Village. There has been no response to the letters sent on December 16, 2014 to the candidates from Chief Spaetzel.

Section 5 – Request for Reinstatement, allows the candidate to present to the Commission a request in writing for reinstatement to the list within thirty days from notification.

**Motion** by Krebs, second by Lekan, to remove candidates Anthony Sergei Harmon and Craig Alan Beese, from the eligibility list for the position of entry level Police Officer, as recommended by Police Chief Spaetzel, and without objection from the Director of Law. If contacted by the candidates, the Civil Service Commission will hear an appeal.

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

**Motion carried 3-0.**

**Rules and Regulations of the Bay Village Civil Service Commission**

Mr. Potter noted a recent dismissal of an officer from the City of Cleveland Police Department after learning that the individual had been terminated with cause from the City of Independence. Mr. Potter asked if the Police and Fire Chief consider such circumstances in their hiring process. Both the Police Chief and the Fire Chief do conduct thorough background investigations.

Mr. Potter asked about the two options under consideration for the Anti-Discrimination language in the rewriting of the Civil Service Rules and Regulations.

Law Director Ebert suggested consideration of Option B. Fire Chief Lyons commented that both of the options extend the protected class beyond the federal protected classes. Both options list sexual orientation and genetic information, neither of which are listed under the federal statute. Law Director Ebert will take this under advisement and provide further information to the Commission at their next meeting.

There being no further business to discuss the meeting adjourned at 2:27 p.m. The next meeting of the Civil Service Commission will be held when the results of the February 28 Firefighter examination are received.

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James R. Potter, Chairman

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Joan T. Kemper, Secretary