

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

Held May 15, 2015

2:00 p.m.

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

Also Present: Law Director Ebert

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

Mr. Potter called for approval of the minutes of the meeting of the Civil Service Commission held April 22, 2015. **Motion** by Potter, second by Krebs, to approve the minutes of April 22, 2015 as prepared and distributed.

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

Motion carried. 3-0.

A memorandum dated May 15, 2015 from Gary A. Ebert to the Civil Service Commission was distributed regarding questions of the Civil Service Commission (Copy attached hereto).

In answer to the question “What is the City’s antidiscrimination policy?” Mr. Ebert stated that all City employees, both civil service and non-civil service must adhere to the City’s policies and procedures. As the City is one employer it must establish a consistent set of policies, which adhere to the City’s overall mission. Conflicting policies should not be adopted by boards, commissions or departments as the City is one employer. Notwithstanding that, the departments should be provided the flexibility to establish department procedures for the operations of their department that are in line with the City’s broader policy guidelines.

Mr. Ebert stated that Codified Ordinance Chapter 151 of the City of Bay Village covers Employment Provisions. A copy will be provided to the Civil Service Commissioners.

An issue is coming up in the future regarding promotional examinations. Mr. Ebert stated that the primary question is what the procedure is if you do not have enough applicants in the next lower class to compete in a promotional examination. He read the current rules as follows:

Rule XI, Section 2, which applies to non-police and fire employees stated as follows:

“Promotional Examination. Competition in a promotional examination shall be limited to regular appointees in the next lower rank of the service unless the

commission shall deem it for the interest of the service to admit to the examination regular appointees from other ranks. Examinations for promotion shall be of the same character, held in the same manner, and the papers shall be marked according to the same standards as are prescribed for open competitive examination.”

Rule XII, Section 2, which applies to police and fire employees states as follows:

“Progression. Promotions in the uniformed force of the Police and Fire division shall be from class to class, from the lowest class to the highest within such said forces as duly classified in the rules and regulations governing said divisions respectively.”

Mr. Ebert stated that the current language does not address the situation which the Police Department will be faced with in the upcoming years. This is an issue that may be addressed by including language in Rule XII, Section 2, similar to the language in Section XI, which permits the Civil Service Commission to permit appointments below the next lower rank to sit for a promotional examination where there is not the minimum number of applicants for examination. Accordingly, the following language is suggested:

“Progression. Promotions in the uniformed force of the Police and Fire division shall be from class to class, from the lowest class to the highest within such said forces as duly classified in the rules and regulations governing said divisions respectively. *All promotions shall be by successive ranks insofar as practicable. However, where the Commission determines that there are less than two persons holding positions in the rank next lower than the position to be filled who are eligible and willing to compete, the Commission shall allow persons holding positions in the next lower rank who are eligible to compete with the persons holding positions in the rank lower than the position to be filled.*

Motion by Krebs, second by Lekan, to include the additional suggested language (written in italics above) by the Director of Law, in Rule XI, Section 2, and Rule XII, Section 2 of the Rules and Regulations of the Civil Service Commission.

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

Motion carried 3-0.

The next question referred to Mr. Ebert by the Civil Service Commission at their meeting held April 22, 2015 was “Is there any requirement under the ORC that the Commission use seniority as a basis for a tie-break?”

Mr. Ebert’s reply is that there is no requirement in the ORC that the Civil Service Commission establish a rule or favor a rule, which allows for seniority to be the means of breaking a tie where two or more applicants have the same score. Moreover, there are numerous means of breaking ties utilized by municipalities, which include favoring the applicant who:

- Submitted their application first;
- Has the fastest time on a physical agility test; and
- Chronological age

Accordingly, the Commission has the authority to adopt any neutral rule applying to tie-breaks that it deems appropriate for the City of Bay Village, including the breaking of ties by the use of performance evaluations.

The Commission agreed that they have no problem using the rule as it stands, with seniority as the tie-breaker.

Review of Rules and Regulations of Civil Service Commission

Dr. Lekan presented the following corrections to the current draft:

Page 1 - No Changes

Page 2 - No Changes

Page 3 – No Changes

Page 4 – Under Section 5, Change “from time to time” to “annually.” The Secretary noted that this review is done in conjunction with preparing the annual report.

Motion by Krebs, second by Lekan, to change “from time to time” to “annually.”

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

Motion carried 3-0.

Page 5 – No Change

Page 6 – Change “Council” to the “Bay Village City Council and Civil Service Commission”

Motion by Lekan, second by Krebs, to change “Council” to the “Bay Village City Council and Civil Service Commission” to Section 5 on Page 6.

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

Motion carried 3-0.

Page 7 – No Change

Page 8 – Military Credit Remove (12/83)

Page 9 – No Change

Page 10- Remove comma where it is inappropriately placed

Page 11- First Sentence add the word “that” after “Whenever it is the judgment of the Civil Service Commission”

Page 12 – No Change

Page 13- No Change

Page 14 – No Change

Page 15 – No Change

Page 16 – Under Section 5, Applications, second sentence – change “from” to “form.” In the last line “until all appropriate certifications are submitted.”

Page 17 – No Change

Page 18 – No Change

Page 19 – Dr. Lekan asked if we use seniority in grade rather than overall seniority. He was informed that everything is according to time in grade.

Page 20 – Duplication – Take out “appointing authority” as duplicated

Page 21 – No Change

Page 22 – No Change

Page 23 – No Change

Page 24 – No Change

Page 25 – Section 13 – Section 5. “Magnetic tape recordings may be erased after a final Commission order has been issued and sixty calendar days have passed...

Motion by Lekan, second by Krebs, to change to “may be erased, only with the permission of the Civil Service Commission, after a final Commission order has been issued and sixty calendar days have passed...”

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

Motion carried 3-0.

Page 26 – No Change

Page 27 – No Change

Page 28 – No Change

Page 29 – No Change

Page 30 – No Change

Dr. Lekan asked the procedure for approval of the final draft. Mr. Potter stated that the approval of the newly drafted Rules and Regulations of the Civil Service Commission will require a simple majority, affirmative vote of the Commission.

Meeting adjourned at 2:45 p.m. The next meeting of the Civil Service Commission will be held on May 27, 2015 at 2 p.m.

James R. Potter, Chairman

Joan Kemper, Secretary