

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

Held June 26, 2015

2:00 p.m.

Members Present: Marty Krebs, Dr. Dennis Lekan

Excused: James R. Potter, Chairman

Also Present: Law Director Ebert, Police Chief Spaetzel

Chairman pro tem Krebs called the seventh meeting of the Civil Service Commission in the year 2015 to order at 2:06 p.m.

Mrs. Krebs called for approval of the minutes of the meeting of the Civil Service Commission held May 27, 2015. **Motion** by Lekan, second by Krebs, to approve the minutes of May 27, 2015 as prepared and distributed.

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

Motion carried. 2-0.

Mrs. Krebs advised that the Civil Service Commission is meeting today with Police Chief Spaetzel present to discuss the issue of Civilian Dispatchers for the Police Department. It is Chief Spaetzel's position that the dispatchers to be hired need not be under Civil Service. There will be two full time dispatchers and up to nine part time dispatchers.

Chief Spaetzel stated that typically what happens, and this has been the experience with all the agencies he surveyed, is the dispatchers typically begin as non-unionized and fall under the administrative benefits package. In the City of Bay Village, the employment provisions are covered under Section 151 of the Codified Ordinances of the City of Bay Village. Typically, the dispatchers unionize after they get in place, and generally fall under the Patrolmen's bargaining unit. In Bay Village, the unit is the Ohio Police Officers' Benevolent Association (OPBA). It is anticipated that the two full time that will be hired will eventually be unionized under the OPBA contract. Of the eight agencies surveyed where there are full time dispatchers, all belong to a union. Three of the eight agencies' dispatchers are under Civil Service for full time. None are under Civil Service for part time.

Mr. Potter had asked the Secretary of the Commission to do a survey as well. Ms. Kemper reported the following responses to the questions Mr. Potter had asked: 1) Do you have civilian dispatchers? 2) Are they Civil Service? 3) If yes, has that worked out favorably for you?

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Mayfield Heights	Has Dispatchers	Not Civil Service or Union
Fairlawn	Has Dispatchers	Civil Service – works fine
Avon Lake	Has Dispatchers	Classified Civil Service – works fine
Brunswick	Has Dispatchers	Civil Service – works fine
Kent	Has Dispatchers	Civil Service – works fine
North Ridgeville	Has Dispatchers	Sworn in as Civil Service, but do not test, and Unionized

Chief Spaetzel reported on his survey:

Avon	Dispatchers	Unionized full time; part time not Unionized
Avon Lake	Dispatchers	Full time Civil Service
North Olmsted	Dispatchers	Full time Civil Service
Lakewood	Dispatchers	Unionized; not Civil Service
Metroparks	Dispatchers	Unionized; not Civil Service
North Ridgeville	Dispatchers	Unionized; not Civil Service (Conflicts with report of Secretary)
Westlake	Dispatchers	Unionized, not Civil Service
WestCom	Dispatchers	Not Unionized, not Civil Service

Ms. Krebs stated that if they are sworn in and not tested as in the case of North Ridgeville, there probably would not be a list from which the Chief would be required to select.

Dr. Lekan advised that Rule IV – Classifications, of the City of Bay Village Civil Service Rules and Regulations says that all offices and positions in the service of the City of Bay Village, except those specifically exempted by the Charter, shall be in the Classified Service and subject to the rules of the Commission. Dr. Lekan stated that he believes the Commission does not have the authority to exempt the dispatchers from Civil Service. This would have to be a decision of the City Council. Dr. Lekan suggested a simplified hiring process to create a list, conduct panel interviews, and a rating scale. Then an eligible list is created, and the dispatchers are under Civil Service. There could also be a provision to move part time to full time with simple notification to the Commission. Dr. Lekan noted further that he believes it is going down the wrong path when you bring in a new position and exempt them from Civil Service.

Chief Spaetzel stated that the part time and full time positions are very important. There will be good dispatchers, and some who are not just fitting in as well. It would be advantageous to move a skilled part timer into a full time position.

Discussion followed concerning the necessity of an examination. Mrs. Krebs stated that Civil Service requires an examination. Dr. Lekan stated he feels that a panel interview and a rating system would take the place of an examination.

Chief Spaetzel stated that he has received several phone calls inquiring about the dispatcher position. Most of those people with dispatching experience inquiring have said that if it is going to be Civil Service they would not be interested in having to test again. This would limit the pool of applicants.

Chief Spaetzel stated that he is looking for candidates with excellent customer service skills. It is hard to determine that skill through Civil Service testing. He noted that the dispatcher is the person that will represent the Bay Village Police Department to the public. The right candidate is someone who can talk to people, be empathetic, and handle all situations from crises to dogs-at-large. The Chief is envisioning a process of hiring which includes an aptitude test, which can be done on-line at a modest cost. More importantly, inter-personal communication skills and the ability to deal with irate people need to be determined. It would be difficult to do so with a written test.

Mrs. Krebs stated that the process for hiring a police officer is similar. The written examination is done first, and then the Police Chief goes through his own intensive interview and screening process.

Dr. Lekan stated that there are simulations that can be done and graded. The Civil Service Commission could give that test, and as long as the candidate passes they would be placed on an eligible list, not limiting selection to the top ten.

Mrs. Krebs stated that she does not see the point in simplifying. There is either an examination, or there isn't an examination. Mrs. Krebs reiterated that Civil Service requires a written examination. Dr. Lekan suggested including a written portion with the simulation. Chief Spaetzel stated that there are emergency communication testing agencies that provide a DVD and a written test. Chief Spaetzel noted that he is interest in basic aptitude, attitude and personal communications. They want to get the best employees, picking from a large pool of candidates.

Mrs. Krebs asked how the dispatching system at Bay Village is different than 911. Chief Spaetzel stated that Bay Village is its own 911 system. They handle all 911 calls that come in. The dispatchers would handle these and all other calls. They will also enter citations, watch over the jail when there is no police officer in the station, and handle a multitude of clerical duties. It is a wide-ranging job description that is still being prepared.

Dr. Lekan stated that part time candidates could still be subject to the examination, even though they would not be hired under Civil Service. This would enable them to be moved to a full time position. He suggested testing all the candidates, and picking those that he wants as full time.

Dr. Lekan reiterated his thought that the Civil Service Commission does not have the authority to exempt a new position from Civil Service.

Mrs. Krebs stated that she believes the Civil Service Commission does have the authority to exempt a position, but does not feel inclined to do so. She does not see a reason that this particular position would not be Civil Service. It is not a position that is not testable. Since Chief Spaetzel

has raised questions, it would be advisable to have Law Director Ebert and Chairman Potter present for further discussion.

Chief Spaetzel noted the possibility of including Rocky River in the dispatching services to share expenses. This would give Rocky River some responsibility and input into the hiring process.

Mrs. Krebs noted that all of the municipalities that have their dispatchers under Civil Service probably have a testing procedure.

Chief Spaetzel stated that he is hoping to have people hired by the end of this year. He noted the difficulty in hiring through the Civil Service process, and stated that he is concerned about the time it takes to go through that process. Dr. Lekan and Mrs. Krebs noted the ability to hire provisional employees as stated in the Civil Service Rules and Regulations. Mrs. Krebs noted that this could have been done with the Records Clerk Position when there was extreme urgency communicated to the Civil Service Commission.

Dr. Lekan suggested giving additional points for prior experience and allowing a passing grade on a test to be on the eligibility list in any order other than the top ten for immediate consideration. This would allow the department to proceed in an expeditious manner.

Law Director Ebert joined the meeting at this point.

Dr. Lekan read Section 1, Rule IV of the City of Bay Village Rules and Regulations of the Civil Service Commission: "Classifications." "All Officers and positions in the service of the City of Bay Village except those specifically exempted by the Charter, shall be in the Classified Service and subject to the Rules of the Commission."

Dr. Lekan asked how the Police Dispatchers can be exempted from Civil Service when they are not exempted by the Charter.

Mrs. Krebs asked Law Director Ebert if he recalled when he asked the Civil Service Commission to exempt the Police Records Clerk from Civil Service. The Civil Service Commission ruled that it should remain Civil Service, as it always had been. Mr. Ebert stated that he was asking the Civil Service Commission to exempt the position because of the proprietary nature of information processed. Mrs. Krebs stated that Law Director must have considered that the Civil Service Commission had the ability to forgive that position and not make it Civil Service. The Civil Service Commission did vote to retain the position as Civil Service. Dr. Lekan is saying that everyone not exempted by the City Charter is Civil Service.

Mr. Ebert stated that he would have to review this further.

Dr. Lekan asked Mr. Ebert if the Civil Service Commission could have minimal testing for the position of Police Dispatcher and just allow anyone who passes the test be on the eligibility list

and the Chief would be able to pick from the entire passing list, not limiting it to ten. He stated that we have carve-outs for different police positions already, why not have a carve-out for this? Once they pass the test and are hired, they can be moved from part time to full time just by notifying the Civil Service Commission.

Mr. Ebert stated that the question he has is that you probably would not get some of the candidates with experience and currently employed as a police dispatcher to take the test in Bay Village. Also, someone could not be hired that might be laid off in another city because they are not on the list.

Dr. Lekan stated that if someone wanted to work as a dispatcher in Bay Village in order to get on the list they would merely have to perform the one-hour simulation test. He cannot foresee that anyone would not be agreeable to that requirement.

Mr. Ebert stated that the person would have to wait until the next time a test is given. Chief Spaetzel repeated his previous statement that the people that called to this point to express interest stated that if it is going to be Civil Service they probably would not be interested.

Mrs. Krebs stated that the Police Chief has the ability to hire someone provisionally until they pass the test. If there is a limit of a number of days for that provisional hiring, the Civil Service Commission can allow more time. A person hired with qualifications and experience and on the job would certainly be qualified to pass the test. Chief Spaetzel stated that if they didn't pass the test he had wasted time and money on training. The Chief said some people panic on tests; Dr. Lekan noted that if they panic on tests they are going to panic doing their job. Mrs. Krebs noted that his part of the reason to take the test is to determine the ability to handle the stress.

Dr. Lekan stated that after Mr. Ebert makes his determination, the Civil Service Commission would work with the Chief on trying to come up with something that meets his needs.

Mr. Ebert asked Mrs. Krebs and Dr. Lekan if they are in favor of Civil Service for the position. Mrs. Krebs stated that she thinks it is a Civil Service position. Dr. Lekan stated that he wants to stay within the law and wants to meet the needs of the department to the best degree possible.

Mrs. Krebs stated that putting aside what the test is itself, both Mrs. Krebs and Dr. Lekan are both agreeing that it is a position of Civil Service. Mr. Ebert asked Mrs. Krebs why she feels this way. Mrs. Krebs stated that many times an argument that a position should not be Civil Service is because it is unique, and is one that can't be tested, for example, the maintenance people. Dr. Lekan stated that to exempt anybody that would otherwise be in the Civil Service would be setting a precedent that would put the Civil Service Commission in a political position, which they are not supposed to be in. The Civil Service is here to guard against political influence on hiring people.

Mr. Ebert stated that Civil Service has been eroded because there is more federal and state involvement, and more union contracts. The labor contracts say what you can and cannot do, regardless of Civil Service.

Dr. Lekan stated that the only control the Civil Service Commission has is on the initial hiring process and the promotion process, so that is a protection against political influence.

Law Director Ebert will report back to the Civil Service Commission. Dr. Lekan asked Chief Spaetzel to review the type of test he would like to have for this position.

Police Entry Level Examination

Police Chief Spaetzel stated that the current eligibility list for the position of entry-level Police Officer is almost exhausted. They are down to No. 39 on the list, with an additional number who are waiving off the list. There is one person on the list at this time that is eligible for hiring. There can be no hiring until 2016 due to budgetary restraints. The concern is that the one person that is left may be employed elsewhere. Chief Spaetzel asked consideration of the Commission to conduct an entry-level Police Officer test in the fall.

There being no further discussion or business to be addressed, the meeting adjourned at 3:07 p.m.

Martha Krebs, Chairman pro tem

Joan Kemper, Secretary