

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

Held April 20, 2016

2:00 p.m.

Members Present: James Potter, Chairman, Marty Krebs, Dennis Lekan

Also present: Police Chief Spaetzel, Fire Chief Lyons, Firefighter Steven Kaye, Firefighter Sam Gmetro, Fire Lieutenant

Audience: Nancy Trainer, League of Women Voters

Chairman Potter called the fifth meeting of the Civil Service Commission in the year 2016 to order at 2:00 p.m.

Motion by Krebs, second by Lekan, to approve the minutes of March 23, 2016 as prepared and distributed.

Roll Call Vote: Yeas – Potter, Krebs, Lekan

Motion carried. 3-0

Review of Results of Police Lieutenant Examination held April 9, 2016

Mr. Potter advised that the Ohio Association of Chiefs of Police have submitted a review of the oral assessments indicating the scores of the examination, and accompanied by an assessment of each individual candidate's strengths and areas of needed improvement. Mr. Potter applauded the work of the Ohio Association of Chiefs of Police in their methods of testing promotional candidates, and recommended the use of their services in the future.

Three of the four eligible candidates appeared for the examination on Saturday, April 9, 2016: Sgt. Kathleen Leasure, Sgt. Rob Gillespie, and Sgt. Mark Palmer. Sgt. Elliot Silva had applied to take the examination but did not appear due to illness.

A sealed envelope from the Ohio Association of Chiefs of Police was opened by Chairman Potter, revealing the oral assessment scores as Candidates A, B, and C. A sealed envelope with the photographs of the candidates holding a placard with their candidate letter was also opened. The following results were read, according to highest to lowest assessment scores:

Sgt. Kathleen Leasure	Candidate C	83.47%
Sgt. Rob Gillespie	Candidate B	83.19%
Sgt. Mark Palmer	Candidate A	80.97%

The secretary computed the seniority credit and performance credit for each candidate. (Copies of the worksheets are attached to these minutes as if fully incorporated herein.

The following final results were read:

<u>Name</u>	<u>Score</u>	<u>Seniority Credit</u>	<u>Performance Credit</u>	<u>Total</u>
Sgt. Kathleen Leasure	83.47%	4.17%	8.76%	96.40%
Sgt. Rob Gillespie	83.19%	4.16%	8.31%	95.66%
Sgt. Mark Palmer	80.97%	1.61%	8.76%	91.34%

(The Secretary's computations were later checked and verified by Police Chief Spaetzel). Chief Spaetzel informed the Commission that according to the Police Labor Contract, the appointing authority can choose from the first two candidates on the eligibility list created as a result of the promotional examination by the Civil Service Commission.

Motion by Krebs, second by Lekan, to certify the first two names, Sgt. Kathleen Leasure, and Sgt. Rob Gillespie, of the eligibility list created as a result of the promotional examination for the position of Police Lieutenant on April 9, 2016 to the appointing authority,

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

Annual Report of the City of Bay Village Civil Service Commission for the Year 2015

The Secretary submitted the Annual Report of the City of Bay Village Civil Service Examination for the Year 2015 to the State of Ohio Personnel Board of Review. A copy of the new City of Bay Village Civil Service Rules and Regulations, and legal opinions offered by Law Director Ebert concerning Civil Service matters during the Year 2015 were sent to the Board of Review along with the annual report.

Review of Preparations for Fire Lieutenant Promotional Examination

The written portion of the Fire Lieutenant Promotional Examination will be held Tuesday, May 3, 2016 at 11 a.m. at the Bay Lodge, 492 Bradley Road, Bay Village, Ohio. The candidates who receive a passing grade from the written portion of the test will proceed to the oral assessment portion which will be held the weekend of June 25 and June 26, 2016. The written test will be conducted by Clancy and Associates, and the oral assessment will be conducted by the Ohio Fire Chiefs Association.

Dr. Lekan asked about the discussion that occurred during the March 23, 2016 Civil Service Meeting regarding Fire Department performance evaluations. There were some firefighters evaluated under the old system, and some under a new system of evaluation. Dr. Lekan asked if that will have any effect on the scoring of the upcoming examination.

Mr. Potter stated that the Law Director responded on Tuesday, April 5, 2016 that he has reviewed both the Bay Village Civil Service Rules and Article 39.01 of the Collective Bargaining Agreement currently in existence and determined as follows:

“The Civil Service Rules for promotions under Section 8 provides the additional credit to be given for evaluated performance based on an average of the last 3 years of departmental personal evaluations and the percentage of credit to be added to the final score of the fire promotional examinations for performance credit. These rules were amended by the Civil Service Commission and were posted after amendments were approved by the Civil Service Commission. However, nowhere in the Collective Bargaining Agreement does it provide for anything contrary to the Rules of Civil Service and it specifically indicates that promotions shall be based upon the Civil Service Commission’s administration of Civil Service examination and assessment evaluation.”

“Therefore, concerning the promotional testing procedure for the position of Fire Lieutenant, the Civil Service Rules would prevail and are not in conflict with the CBA (Collective Bargaining Agreement).”

Firefighter Samuel J. Gmetro asked for permission to address the Civil Service Commission.

Firefighter Gmetro stated that he made comments at the last Civil Service Commission meeting (March 23, 2016) but has not yet reviewed the minutes of that meeting. Mr. Gmetro stated that he respects the decision of Law Director Ebert that the evaluations would stay. Mr. Gmetro asked for an opportunity to state his opinion of that decision. Mr. Gmetro noted that he doesn’t necessarily disagree with Mr. Ebert’s opinion, that is not what he is speaking to. He noted that Mr. Ebert is addressing it more from a legal matter, and this is more from a fairness matter, in his opinion.

Mr. Gmetro was given an opportunity to review the minutes of the meeting held March 23, 2016.

In the interim, the Secretary reported receiving three solicitations from testing companies asking for consideration for testing services in the future. The companies that submitted information are Pradco, Ohio Public Safety Exams, LLC, and Ohio Chiefs Consultants Company. The information will be kept on file.

Mr. Gmetro read his statement as follows:

“In my opinion, the unprofessional and inconsistent process and the influence of personal disagreements on the staff reviews not unrelated to the reporting of unethical behavior within the fire department, makes the inclusion of the Efficiency Credit on the upcoming promotional exam wholly unfair and contrary to the purpose and mission of this Civil Service Commission.”

“It should also be noted by the Commission that the statements of Fire Chief Lyons at the Civil Service Commission meeting of August 18, 2014, during the initial consideration of the inclusion of the Efficiency Credit were, in my opinion, unfounded and inaccurate. During that meeting, Lyons stated that the current demographics of the fire department, forecasting ahead to the next promotion, showed that the ‘middle ground’ of the department, in terms of seniority, is a small

group and that they, in his words ‘may not be the best leaders,’ and that there is a potential for these people to receive undue advantage by seniority credit.”

“The inaccuracy of his statement is based on the exceptional competence and likely unprecedented leadership capabilities of the members who fall within his description in terms of seniority. Of this middle ground demographic, 2-3 are business owners with experience that includes record keeping and the management and supervision of multiple employees; another member of the same demographic mentors multiple members of our department on strength and conditioning on his own time to promote a healthy lifestyle and prevent injury; multiple members within the demographic volunteer or work part-time and hold leadership positions on the fire departments in the communities where they live, and one has even been promoted to the Assistant Chief of one of those departments. I, personally, am a member of that middle ground demographic, and I have served my community and the public as a member of multiple nonprofit and faith-based boards of directors and governing councils before and after attaining my law degree and license so that I can now counsel businesses on marketing, advertising, and other legal matters. So I ask that the record show that the seniority-based middle ground demographic of the Bay Village Fire Department will indeed provide the best leaders for promotion to lieutenant on the upcoming exam at a time when our beloved department so desperately needs them.”

“Thank you.”

“Respectfully submitted on April 20, 2016, by Samuel J. Gmetro.”

There being no further business to discuss, the meeting adjourned at 2:22 p.m.

James R. Potter, Chairman

Joan Kemper, Secretary