

Minutes of a Meeting of

City of Bay Village Civil Service Commission

Held May 25, 2016

1:00 p.m.

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

Also present: Police Chief Spaetzel, Fire Chief Lyons, Firefighter Sam Gmetro, Firefighter Jason Goodwin, and Firefighter Tom Garuccio

Chairman Potter called the sixth meeting of the Civil Service Commission in the year 2016 to order at 1:00 p.m.

Motion by Krebs, second by Lekan, to approve the minutes of May 25, 2016 as prepared and distributed.

Roll Call Vote: Yeas – Potter, Krebs, Lekan

Motion carried. 3-0

Civilian Police Dispatchers

Police Chief Spaetzel requested the opportunity to address the Civil Service Commission regarding Civilian Police Dispatchers. Chief Spaetzel stated that as a result of the Civil Service Examination held in 2015 for the position of Police Dispatcher, thirty-seven individuals have been certified to the appointing authority. Chief Spaetzel stated that they have looked at every person on the list, and have given conditional job offers to two individuals for full time dispatchers. Hopefully, within the next two weeks those two individuals will be hired and moved into the training program.

Chief Spaetzel stated that the reason he is before the Civil Service Commission today is to ask the commission to reconsider the position of Part Time Civilian Police Dispatcher being under the Civil Service classification. The Chief stated that they have several individuals who were on the list for part time only, and they will look at them as they move forward, with the idea to get the full time dispatchers trained and then have the full time dispatchers train the part time dispatchers. It will be some time before they start the part time dispatcher hiring process. The Chief estimated that they may have five or six part time dispatch applicants to consider from the list of certified applicants. There are seven to nine positions to fill. It will be required to give another test, or change course on the part time dispatchers to remove them from Civil Service classification. The Chief explained further that part time dispatchers become available at various times for various reasons. If they do not take the Civil Service test when it is offered every two years, they are shut out of the process and may become available to work in another city at any point in time. If a qualified dispatcher that works elsewhere decides they want to make a job change, if they have not taken the test, they are going to be shut out until a new test is offered. That person will move on

and get a job somewhere else. The Chief anticipates that in the late summer or early fall of this year there will be a need for another test for the position, or remove the requirement of Civil Service so that he can advertise, bring in candidates, and conduct interviews without the Civil Service classification.

Mr. Potter stated that when this was discussed previously, approximately four months ago, the Civil Service Commission felt that the hiring of civilian dispatchers was a partnership between the City and the Police Department. The Civil Service Commission, as representatives of the City, determined that they would hire the most qualified testing agency they could find. Mr. Potter interviewed seven different cities as to who was the best testing agency. They all recommended the same agency, the one employed by the City of Bay Village Civil Service Commission. The agency ran the test with thirty-seven successful candidates. For reasons known only by the testing agency, many were found to be non-qualified. Part of the proposal was that you could not become a full time dispatcher unless you had passed the dispatcher test. If the Civil Service Commission takes away that requirement, we do not have a reserve for the full time position. Mr. Potter stated that Chief Spaetzel is asking for two big changes: No. 1) that the Civil Service Commission eliminate the step process to full time, and 2) that we consider people outside without the benefit of testing. If we consider people outside without the testing process, the result is no longer a partnership but a Police Department employment.

Chief Spaetzel stated that the Police Department does the same thing with Deputy Police Officers now. They are not included in Civil Service; they are hired through application, resumes, and the background process. If anyone of them want to be full time, they have to take the Civil Service test. Chief Spaetzel stated that if they have qualified part time employees doing the job and if a full time position comes up, they will have to take the Civil Service test. The Chief stated that it is more likely that he will have more turn-over in his part time population than the full time population. Those part timers will have time to take the test if they choose to, and they will have experience. The Police Department will have a great working knowledge of how qualified they are if they come up within the top ten. Chief Spaetzel stated that he has no qualms with the full time civilian dispatchers, he feels it worked out well, but as far as the testing goes, even for part time, there are certain testing things that they will incorporate into their process, very similar to what Ramsey and Associates did in their testing process. Amherst Police Department has a testing process they have been doing for many years. It involves the same procedure that Ramsey and Associates did as far as their practical aspects of testing. Chief Spaetzel stated that they would incorporate that into the hiring process for part time Civil Service or non-Civil Service. The Chief elaborated further, noting that as they went through the hiring and interview process, there were qualified people but it came down to who fit well within their team. The Police Department prides themselves in being a family, team-oriented process, so they are looking for people that would fit into that and have those people skills necessary to do the job. The final interview revealed those factors, either good or bad. To have the ability to hire part timers at any point in time from those who become available who might not otherwise be available at the time of testing is extremely valuable.

Dr. Lekan asked if the part time dispatchers become members of the police union. Chief Spaetzel stated that they do not. Dr. Lekan stated that his position going back was that in order to be a full time dispatcher you have to pass Civil Service testing. Part time positions are optional. He stated

that it is still his position. Part time people should not have to take the examination, it is optional if they want to become full time. Full time applicants must pass the Civil Service examination. Dr. Lekan noted that many departments are hiring civilian police dispatchers. He would still be of the mindset to allow part time people to be hired without taking the examination. Dr. Lekan stated he would like to see the Civil Service Commission do another examination for dispatchers late this year, and if any part time people come in that door, encourage them to take the examination. If they do not pass they wouldn't be fired, but if successful could be on a list for full time.

Mr. Potter stated that when he interviewed with the Police Chief of Kent, Ohio, she has twenty-two dispatchers and she has less than one turn-over every couple of years. The Chief of Kent was very pleased with the people that she hired.

Chief Spaetzel stated that in his experience that is not necessarily the case. He noted that many of the people on the Bay Village Civil Service list are part time dispatchers at other agencies and they applied to Bay Village, which implies turn-over.

Chief Spaetzel stated that the City of Rocky River is hiring part time dispatchers at this time and they chose to keep theirs out of Civil Service. A couple of the candidates on the Bay Village list were recently hired there part time.

Mrs. Krebs stated that she tends to agree with Dr. Lekan, and always has, that the part time not be required to take the Civil Service examination, and not be Civil Service. It is consistent with the Police Department position with deputy police officers. Mrs. Krebs stated that she can see how much easier it is for Chief Spaetzel to interview and hire qualified persons without the Civil Service process. In the part time situation, it would be much easier. Mrs. Krebs stated that she is not flexible on doing away with Civil Service for the full time employees.

Mr. Potter asked if the part time dispatchers are not Civil Service, will they need a written test in order to be a part time employee. Chief Spaetzel stated that part of the interview process will require a battery of practical tests. Dr. Lekan asked to be given the opportunity to review that test.

Mr. Potter stated that it seems unusual that we would have thirty-seven people that took the test and we were only able to find two people who would qualify for full time positions. There may be five people out there now looking for a job, and it is difficult to image how those people missed the opportunity. Some of the people who are currently employed may have taken the test to see how they would fare in the testing process. Mr. Potter stated that he is not convinced that there are five people out there that were overlooked that are suddenly available and more qualified than the thirty-seven people that were considered.

Chief Spaetzel stated that basically what he is looking for is a rolling application process versus a point-in-time process. Flexibility is needed for the part time position as they come and go. If we do not have a standing test and the department loses three part timers, it would take months to fill those positions whereas if it is a rolling application process he can start bringing people in.

Mrs. Krebs stated that she would like to move along with relinquishing the requirement that part time civilian dispatchers not be required to take the Civil Service examination, and not be Civil Service employees.

Mr. Potter stated that he would like to suggest Mrs. Krebs review what was passed before and come back with a motion to change those sections of the Civil Service rules to exclude those part time civilian dispatchers, and that Dr. Lekan come back with the idea of what he has done in the past with his teaching credentials as to the type of test that would be conducted by the Police Department to the exclusion of the Civil Service Commission.

Chief Spaetzel thanked the Civil Service Commission for their consideration of his request.

Fire Lieutenant Examination conducted on May 3, 2016

Mr. Potter stated that thirteen firefighter applicants took the written examination on May 3, 2016. Following the test, the applicants were given five working days to review the examination and Master Key. The review prompted a number of questions regarding the propriety of the questions and the answers proposed. These challenges were sent to Clancy and Associates, the testing agency, and a response was received on May 24, 2016 from Clancy and Associates.

Mr. Potter stated that because he was aware that there was a change in the administration and ownership of Clancy and Associates, he called them to be sure that the people that the Civil Service Commission had worked with over a twenty-four year period were still available to make their recommendations listed in their response on May 24, 2016. Mr. Potter found that Mr. Clancy, who started the company after he left Case Western Reserve wrote the examination conducted on May 3, 2016. He is also the person who, in conjunction with the new owner, Kevin Nietert, reviewed the challenges to the questions and formulated the response of May 24, 2016. Mr. Potter stated that he personally feels there is great credibility in addressing the questions. The following is the response of Clancy and Associates:

“May 24, 2016

Joan Kemper, Clerk of Council
Secretary to Boards and Commissions
City of Bay Village, Ohio
350 Dover Center Road
Bay Village, Ohio 44140

Dear Ms. Kemper:

The following are the responses and recommendations of Clancy and Associates to the protest challenges to the Fire Lieutenant promotional examination administered on May 3th, 2016:

Question #3: In our opinion question #3 should be removed from consideration. Our

opinion is based on the reasoning set forth in the protest. The question asks for “five” major areas and the correct answer has six major areas.

Question # 10: In our opinion the protest to this question should be denied. The best answer to this question is response C. This question is taken directly from Page 14 of the reference. The firefighter’s ability to recognize a construction type is important because each construction type reacts to fire conditions in a different manner. Response A and B are actually part of and included in response C.

Merely because this question is the same as question #30 does not invalidate this question to justify deleting it from the examination.

Question #27: In our opinion the protest to the question should be granted and response B should be considered the correct answer. Our opinion is based on the reasoning set forth in the protest. Response C is an incorrect response because as a building ages, its general condition deteriorates. Therefore, response E cannot be the correct answer.

Question # 30: In our opinion the protest to this question should be denied. Merely because the question is identical to question # 10 does not invalidate this question to justify deleting it from the examination.

Question # 38: In our opinion the protest to this question should be denied. Examples of a live load on a building are snow and rain. See page 82 of the reference. Response A is the correct answer to this question.

Question # 39: In our opinion the protest to this question should be denied. This question is taken directly from page 340 of the reference. The question is asking for the most obvious fire protection problem based on the height of a high rise building. The most obvious is that exterior means attack and recue are not possible beyond a certain point as stated in Response B and not open stairwells and elevator shafts and the variations of pressure in stand-pipe systems as stated in responses A and C. Response B is the correct answer.

Question # 46: In our opinion the protest to this question should be denied. There is no place in the reference that it is stated in reference to a partial building collapse that the remaining structure will collapse over a period of time. It does state on page 400 that the remaining structure is likely to be weakened. Response B is the correct answer.

Question # 49: In our opinion the protest to this question should be denied. The question is asking the most significant characteristics of steel. According to the statement on page 259 pf the reference, the deterioration of the strength of steel at elevated temperatures is the most significant characterization. Response B is the correct answer to the question.

Question # 70: In our opinion the protest to this question should be denied. Response C is an incorrect statement because proper size-up begins when the alarm is

received and not when arriving at the scene. Response A is the correct answer.

Question #87: In our opinion the protest to this question should be denied. This question is taken directly from page XII of the reference. Training is not one of the primary forces that shapes firefighting tactics. The reference sets forth a number of examples of new technologies that have been developed shaping firefighting tactics. Response A is the correct answer.

Question #91: In our opinion the protest to this question should be denied. Skills and abilities are not the same thing. Skills is an observable competence to perform a learned act, whereas, ability is the competence to actually perform an observable behavior or a behavior that results in an observable product. Only ability is based on experience and work ethic and are developed over time. Response C is the correct answer.

Summary of recommendations:

#3	Grant
#10	Deny
#27	Grant B correct answer
#30	Deny
#38	Deny
#39	Deny
#46	Deny
#49	Deny
#70	Deny
#87	Deny
#91	Deny

It has been a pleasure serving the City of Bay Village. Once the final rulings have been made, by the Civil Service Commission, I will forward the results of the examination.

Sincerely,

Vanessa Nietert
Vice-President"

Mr. Potter opened the meeting for comments from the Fire Department personnel present at the meeting.

Firefighter Sam Gmetro stated that there are two questions that were protested that are not addressed in the report: Question No. 13, and Question No. 58.

Mr. Potter asked the Secretary to contact Clancy and Associates for a determination on the missing response to Question No. 13 and Question No. 58.

Mr. Gmetro stated that the other concern he has is regarding Question No. 10 and Question No. 30. One of the answers for Question No. 10 and Question No. 30, being the same question, is "D, All of

the above are correct.” The Clancy and Associates analysis says response “A” and “B” are included in response “C” which suggests that all three, “A”, “B” and “C” are correct. Mr. Gmetro stated that in his protest he actually put the page numbers where he found “A”, “B” and “C” all being correct.

Mr. Potter reviewed Question No. 10 further with the Commission. Mr. Potter stated that the letter from Clancy and Associates for this question states:

“Question # 10: In our opinion the protest to this question should be denied. The best answer to this question is response C. This question is taken directly from Page 14 of the reference. The firefighter’s ability to recognize a construction type is important because each construction type reacts to fire conditions in a different manner. Response A and B are actually part of and included in response C.”

Mr. Potter asked if the Commission would like to accept the response of Clancy and Associates that “C” is the correct answer or accept “A”, “B” or “D” or disqualify the question entirely.

Mrs. Krebs asked the firefighters if there were instructions included in the beginning of the test that they were to choose the best answer to the questions, as is done with most multiple choice tests.

Dr. Lekan suggested disqualifying the question. Dr. Lekan suggested disqualifying entirely Questions No. 10 and 30, and requesting responses to the protests filed for Questions 13 and 58 from the testing agency. Mr. Potter noted that those that answered correctly to Questions No. 10 and 30 will not receive credit for those questions. It was noted that the same situation will exist when following Clancy’s recommendation to remove Questions No. 3 and No. 27 in response to the protests filed. Dr. Lekan suggested that all of the candidates who took the test be notified of the actions of the Civil Service Commission today.

After further discussion, it was **MOVED** by Lekan, second by Krebs, to seek clarification from Clancy and Associates regarding Questions Nos. 10 and 30, and to request responses to Questions No. 13 and 58.

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

Motion carried 3-0.

The Secretary read the following communications received by the Civil Service Commission since the last meeting on April 20, 2016.

- Monday, April 25, 2016 Email Communication from Sam Gmetro, as follows:

“Ms. Kemper:

I wanted to thank you and the commission once again for your welcomed acceptance of my attendance and informational contribution to the commission’s meeting this past week. While I am very aware that it is an open and public meeting, the demeanor of the commission and their support of my communication of important information was, to say the least, refreshing.

Also, in addition to my comments at the meeting, I wanted to add one more fact for the commission's consideration that was in an earlier draft and was apparently removed accidentally during revision. It goes again to the leadership capabilities of the "middle ground" seniority group I discussed with the commission and it is certainly worth making a specific note: the middle ground seniority group also contains two veterans, one of the U.S. Army and the other of the U.S. Marines; both of whom served in combat areas/situations in Iraq, and one of them (FF Matanick) received the Marine Corps Commendation Medal for his heroism in battle. More on his accomplishment can be found here: <http://www.toledoblade.com/World/2006/07/25/Sylvanian-among-honored-Marines.html> if you would, please share this information with the commission as additional examples of the extensive leadership capabilities of our department.

Thank you and best regards,

Samuel J. Gmetro

Fire Safety Inspector / Fire Investigation Unit

Division of Fire, City of Bay Village

440-871-1214 (office)

440-871-3787 (fax)"

- Monday, April 28, 2016 Email Communication from Sam Gmetro and Fire Chief Lyons

"I noticed that the new promotional announcement did not include information on the inclusion of the department SOPs on the promotional exam. Can we assume the SOPs will still be part of the testing process? Also, it was not clear on the original announcement whether or not the SOPs would be included in the written portion of the exam or just the oral assessment. It would be very helpful to all of the test takers if you help clarify this information."

The Secretary noted that the initial announcement of the Fire Department's SOP's were included on the initial announcement of the Fire Lieutenant Examination, but did not include them on the revision to the announcement to include additional names of qualified candidates.

Fire Chief Lyons commented, in response to a question by Mr. Potter, that there is not a list of reference material for the oral assessment portion of fire promotional examinations.

The Civil Service Commission will meet again on Wednesday, June 1, 2016 at 1 p.m. in the conference room of City Hall. Mr. Potter stated that the response will be back at that time from Clancy and Associates addressing Questions 13 and 58. The Commission will also have an interim report on the effects of the part time dispatchers as it might change the Rules and Regulations of the Bay Village Civil Service Commission as recently adopted.

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There being no further business to discuss, the meeting adjourned at 1:50 p.m.

James R. Potter, Chairman

Joan Kemper, Secretary