

Civil Service Commission Minutes

November 10, 2022

Commission Present: Chairman Frank Bova, John Budi, Jim Griffith

Administration Present: Mayor Gallo, Assistant Director O'Malley and Safety Director Heffernan.

Guests Included: Assistant Chief Steve Clark, Captain Czack and Civil Service Commission Clerk Barbara Allen

Chairman Bova asked for a motion to approve the unapproved minutes.

Jim Griffith made a motion to approve the minutes of September 22, 2022; Seconded by John Budi.

Roll Call: Yes: Budi, Griffith, Bova

Minutes Approved

Reports: None at this time

Unfinished Business: None at this time

New Business: Chairman Bova began the meeting with item 1.) Rule VI, Section 4 "Names not to be certified for appointment" The name of any person appearing on an eligibility list who:

- (A) fails to respond to a notice from the Civil Service Commission to report or arrange for an interview within six (6) days after request (Sundays and holidays excluded), or
- (B) declines an appointment without reasons satisfactory to the Civil Service Commission, or
- (C) who cannot be located by the postal authorities; shall not thereafter, be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect, unless his whereabouts are unknown. His name may again be certified from the eligibility list only in case a thoroughly satisfactory explanation of the circumstances is made to the Commission.

Assistant Director O'Malley: Mr. Chair, the appointing authority difficulty with the last round of entry level hiring, if you recall in another section in the code, we had increase from 10 to 20 names and the NTN experiment was largely successful generated a bigger pool of candidates, more candidates, a larger list. However, perhaps they weren't as motivated or interested as entry level candidates of the past, so they experienced a significant number of no call/no shows and voluntary withdrawals. Although 20 names did increase the pool, the net number of names was less. The appointing authority circles back to disqualifying applicants and seek the release of additional names to try to get the pool up to 20 and by the time that happens sometimes the best candidates are gone. Your clerk did take a survey and hopefully there are some results as to what the other neighboring cities are doing as far as granting access to the entire list so that all the best candidates are seen. The change that's going to be requested in this particular section where it says "fails to respond to a notice from the Commission" we would add or an invitation from the appointing authority. If they don't respond to you or they're a no call, no show or they don't come in for an interview then they could be disqualified on the spot. That would then add a (D) if we had someone voluntarily withdraws their application from consideration. The appointing authority gets a release of a number of names and the candidate says I took a job somewhere else; I'm not interested, and I'd like to add another rule to say that if the appointing authority is confronted with these

circumstances, they can get additional names released immediately. There is a due process consideration, a candidate that is being forcibly removed might be entitled to notice and an opportunity to be heard. That could be fulfilled after the fact, they could be notified if their entitled of a hearing and if they want to take an appeal. The competitive nature of this remains that the appointing authority wants to get viable candidates as soon as possible. Under another section of the rules, what's the right number, is it 10, 20 40, unlimited? State Law, which you're not bound to follow. We don't have an immediate need to have these rules immediately addressed, the entry level process is about to wind down and I think the appointing authority wants to start up another entry level so some of these changes could be put in place before the next window opens. No urgency from what we learned from the last experiment.

Mr. Griffith asked when is the next window?

Captain Czack responded that the police department has found that when somebody puts their name in for one agency, they're putting their name in for several at the same time. As we look down the list of names that have certified, we make a phone call, we try to get a hold of someone, they don't get back to us, that puts us in a stalled mode, how long do you wait, based on the current rules, how many times do we try to call them, how do we get in touch with them, and that is chasing your tail when you only have so much time before you get to the next person. Now I'm down to number 17 out of the 20 that were released to me and I may have had two people may have called back and say no we're not interested and the others are just not responding. They're not answering an e-mail, a phone call, they don't answer anything. Those people were never viable and now I have two or three names to work with who not candidates looking at their personal history questionnaire, who maybe I don't want to call because of prior arrests and they've actually put into the police department after they have arrests and I'm not going to make a phone call to them. Right now, out of the names that we have, we have one person who we are waiting for her to take a physical agility test on Nov. 20th and she is the only name on the list we would use otherwise we are done with that list. NTN is really the only game in town but it is really a game of us trying to get to those candidates first, there are other big fish out here that want the same candidates we want and can offer big money such as Brecksville.

Chairman Bova said he completely understands, all the cities are stealing from each other now. The documentation to protect us, we skip over somebody, which I have no problem with or there's no call back, how are we as a city protecting ourselves? Who's doing the documentation

Captain Czack stated that Captain Brown makes the calls and he keeps the record of who's called, what the response was if any, etc.

Chairman Bova asked but what if we were dragged into a lawsuit or something, we have solid proof that we made the calls.

Mr. Budi asked if they record the calls?

Captain Czack stated he calls them from a taped line.

Chairman Bova said great, I would save those, especially the ones we've skipped over just to protect ourselves. We may need that evidence down the line.

Assistant Director O'Malley stated that he would recommend a motion with supporting explanation and documentation if necessary to move the commission to disqualify candidates' number 3, 7, 10 because and that would be after-the-fact. We can't wait, we can't call you in every week and then they would be

notified their name has been removed from the eligibility list and then they could take an appeal if they wanted to.

Chairman Bova asked that to piggy back off that, if we were to say not to exceed 50 names, we get in our pool we should catch everybody at this point. We can make our own motion, right?

Assistant Director O'Malley added yes, so in the State Law there's 10 or 25% of the list whichever is greater. You could go with a straight flat number and you could also make it a percentage whichever is greater.

Chairman Bova asked could we get that language in there?

Assistant Director O'Malley: Yes

Captain Czack: I think 50 is a great number

Chairman Bova: I figured 0 is a catch all for fire too, right?

Chief Bernard: Of yes, for sure. I was going to say out of the 32 names, I only had 16 out of the 32 that were actually eligible. 8 out of the top 20 automatically disqualified, or not disqualified but not eligible for hire at that time because they didn't have fire or they didn't have their paramedic, I had to skip down to the next candidates because I couldn't hire them. We're not just saddled with everything that Captain Czack said, and I don't want to put restrictions in where they can't test for the position. Perfect example is that we had a medi-class that ended in September, once that medi-class ended and we were still looking for hires they all become eligible and we started the process. That's how we got you, got down to one that we were actually able to hire because he had just graduated.

Chairman Bova said so using your scenario, we go down the list and that class passed now but you're down to number 28. You jump off 28 and start with the current class?

Assistant Director O'Malley stated that under the current system he goes through the 20 names, 21 – 32 aren't available to him unless he gets rid of the dead wood that was certified.

Captain Czack: but what he wants to know if he's able to circle back to the beginning since he's made it down all the way to 20?

Chairman Bova: Yeah, that's what I'm saying. Alright, so sir I just passed my test. Great.

Assistant Director O'Malley added I'm not sure I'm following you, the discretion off the list is very broad.

Chairman Bova: Thank you that's all I need to know. Thank you.

Assistant Director O'Malley mentioned that you don't have to wait for number 1 to turn you down to talk to number 2.

Chairman Bova: I get that but what I was saying is that if I'm on 28, can I jump back to 16 because he passed the test?

Mr. Budi asked how far down on the list do you need to go until you get some good candidates?

Chief Bernard: I don't know about the Police Department but we start processing right down the list, number 1, number 2 and so on. I mean if number 1 is eligible and ready to go and wants to work for us and as long as they pass all the criteria So we started processing number 1 and 2 and about two weeks after they called me up and said Chief, can you remove me from your list I got hired in Akron and that's where we ran into this well alright, I'm really moving down my list quick and we got down to 20 and we have no one else.

Mr. Budi said he understands working through the list but how many do you have to go through to find good working people?

Captain Czack stated that the police is more difficult, the fire has more things that are required, but police is more scrutinized over. I'm not going to take the guy that's been arrested for DV in his background, I'm not even going to look at him. We started from the top, and found out that candidate has some suicidal tendencies, and that is not something, so I went down through 12 people before we got to this girl which was, I believe number 15, and we needed more than 1 person so that's why we asked for more names. Because there was no way we were going to find what you wanted in your police department in the candidates we had left to go through and remember we were still going through the ones that wouldn't call us back, or were no longer interested, etc. We were just chasing our tail all the way down.

Chairman Bova suggested that we go with not to exceed 50, with the team's approval. I think that would solve the problem that everybody's having with the list.

Captain Czack also asked for the commission to set a standard for how many times they have to reach out to the candidates?

Chairman Bova: For me, I would say three strikes and your out, can we do that?

Assistant Director O'Malley added yes, it's already a function in the rules and it's a function of what is reasonable under the circumstances it's not precisely defined. I would add in the event that a candidate is disqualified pursuant to Rule IV, section 4 an additional replacement name shall be immediately released.

Chairman Bova: From the sequential list.

Assistant Director O'Malley: Yes.

Captain Czack: And when you asked about when the next test would be, we were because this list was less than 50 that we had to wait until it was certified which was June 23rd, and we will know if we are hiring this candidate off this list. If she does pass, we're going to give her a conditional offer for her to go to the academy in January. We would like to after the beginning of the year since the Chief is retiring and Sargent Jackson is retiring, we need two maybe three replacements to open it back up after the first of the year. January/February, 2023.

Chairman Bova – Are you going off of the same list?

Captain Czack: No, a new one. A new test because most of this is dead wood then as Mr. O'Malley stated. Start fresh and see who's available and a new academy has just ended. In January we'll have a whole new group of people that can apply.

Chairman Bova – So will you re-write this for us and call us back in?

Assistant Director O'Malley said yes, and I've got some things drafted and there was an additional item for consideration that was listed by number that is that you have these lateral transfers that in the ranks and then you have promotional exams that are coming up where there is a seniority credit up to 10% that's available to the candidates.

Captain Czack – It's not the seniority credit, it's the eligibility to take the test. So not giving them any seniority for credit for working in the City of Parma Heights. There is nothing in the contract about when you are eligible to take the test. There was a question raised about giving them time at another agency and giving them time here at least two years on here before they can take the test, depending on how long they've been on somewhere else.

Chief Bernard: It's in ours, it's 5 years in the Civil Service and 3 years in the contract and they are raising it 5 as we all know 3 years is not enough time, even 5 years is pushing it.

Assistant Director O'Malley said I got an e-mail but I haven't been able to finagle where in the rules it should be inserted. I do think they could affect that seniority credit but I see what you're saying the primary thing is time and eligibility to sit for the promotional. So, when these laterals came in at zero, so are they going to wait 5 years before they can test for Sergeant?

Captain Czack – We have one that came on with 10 years' experience and is an excellent candidate for Supervisor, we want him to have at least 2 years with Parma Heights before he can take it but to hold him off for 5 years now, he's got 15 years on, he'll only have 10 more years before retirement.

Chairman Bova stated that he couldn't answer for his fellow members but he didn't have a problem with that.

Captain Czack – We don't want to change the senior credit; we want the senior credit to be given for the time here in Parma Heights.

Chairman Bova - So when we hire laterals are we bringing them in at top pay too?

Captain Czack – It depends on how much time they have had on. Mostly I think they're at level 2. I don't think that has every been discussed for top pay, mostly they've been coming in at two years. Level 2, step 2. We have 5 levels right now, but they're trying to change that to 3.

Chairman Bova – Yeah, most departments are down to 3 now.

Captain Czack – I think these steps were done back when you were on and I don't think they've been changed since you left.

Mr. Griffith – those steps are probably 15 – 20 years old. I remember the city was hurting for money and we wanted to hire and the only way they said they could hire is if you hire them cheap. I do remember that.

Captain Czack – yup, that's what I remember and so we're trying to get it back to 3 steps but most of them come in at level 2. The seniority should stay the same because that contractual.

Chairman Bova – Rights so you could come in at the top rate, but with no seniority. I agree with that. Right, so in 24 months they can take that test. Somebody has to make that determination if it's a proper amount of time. If you're coming from Cleveland vs Chippewa Lake there's a little bit of a difference.

Captain Czack – Well part time is not; they don't count it.

Chairman Bova – I think that would come up when they did the assessments, I don't think they would have done as well. They need that experience.

Chairman Bova moved on to item number 2 on the agenda.

Assistant Director O'Malley stated that I think you've already covered it.

Chairman Bova – Okay, good.

Captain Czack added that ending the eligibility list on December 28th since the 23rd is a holiday.

Chairman Bova so when do you want to give the test?

Captain Czack said not until January but would like to close out this list by the end of the year.

Chief Bernard – For both Police and Fire.

Chairman Bova – okay. We'll have to have another meeting at the end of December then.

Assistant Director O'Malley stated that you can have a meeting terminating the eligibility list, notice of the new exam and make the rule changes and do you run the promotional before you start the entry level, you're anticipating a series of promotional examinations?

Captain Czack – I'd like to hold off on the promotional examinations until spring of next year. Sergeant Jackson leaves September 24th, and the Chief leaves sometime next year. We want to fill up the patrolman first and then we'll look to the promotional examinations.

Assistant Director O'Malley added that I think the last thing that we wanted to discuss is the subject of having a standing meeting and wanted to see what your thoughts are on that. Of course, if there is no business the meeting would be cancelled. But this way the administration could anticipate and prepare items to put before you.

Mr. Griffith – We sometimes have gone, this has been a little more work than in the past, but we've gone up to 9 months without any business.

Chairman Bova – I think what Brian is saying and I'm just making this up, if we do every Thursday at 6:15 p.m., once a month Thursday is what I meant to say, if there's no business then it's cancelled, if there's business then everybody knows that's the date for the next meeting. Business has to be in within two weeks, not just a couple days before.

Mr. Griffith mentioned that we've gone $\frac{3}{4}$ of a year without any matter before us.

Chairman Bova added to just to clear it up now, if we do every third Thursday, 6:15 p.m., two weeks prior it's either on or off, and if a holiday falls on that day, then what do you guys think we should do?

Mr. Griffith – I don't think we should move it Friday.

Captain Czack added then it's a skip if it falls on a holiday until the next meeting.

Chairman Bova agreed so it's a skip, you won't have us for two months. That works for me.

Assistant Director O'Malley stated that you could call a special meeting if there's something urgent.

Mr. Budi – In regards to the letters, do you send them registered mail?

Chairman Bova – That comes from us, that's registered mail, right?

Clerk Allen – I haven't been sending them registered but going forward I certainly can.

Chairman Bova – Yes, I believe they should be registered to protect us.

Captain Czack – and it says in the contract that they have to be called on a taped line, and filed just to say how they were attempted to be contacted.

Chief Bernard – What I've been doing on my side, I attempt to call them on the phone first, if I get no answer, I send them a follow up e-mail that says I've tried to contact you at time and date, and I'll do that twice if not three times.

Chairman Bova – Okay that's the three I'm looking for. I'm satisfied with that. Is everyone comfortable with three attempts? Yes.

Chairman Bova – Anything further for the good of the order.

Adjournment: Motion to Adjourn by Chairman Bova was made.

Aye: Griffith, Budi, Bova

We are adjourned at 6:34 p.m.



Frank Bova
Chairman, Civil Service Commission



Barbara Allen
Civil Service Commission Clerk