

Minutes of a Meeting of

City of Bay Village Civil Service Commission

held May 18, 2021

10:00 a.m.

The following Civil Service Commission members accessed the meeting via zoo: Dr. Dennis Lekan, Thomas Wynne.

Present in person: Law Director Barbour, Mayor Koomar, Police Lieutenant Palmer, Human Resource Director Demaline, Fire Chief Lyons.

Dr. Lekan called the fifth meeting of the Civil Service Commission in the year 2021 to order at 10:00 a.m. Ohio House Bill 197, amended Ohio Revised Code Section 121.22 to permit teleconference meetings of Boards and Commissions, and other public bodies in the state of Ohio, giving them permission to conduct business in the manner being done today during the course of the pandemic and not to extend past July 31, 2021.

Motion by Mr. Wynne, second by Dr. Lekan, to approve the minutes of the meeting held March 11, 2021.

Motion carried 2-0.

Police Chief Eligibility List

Dr. Lekan advised that Mayor Koomar has requested that the Civil Service Commission meet for discussion of the Police Chief Eligibility List.

Law Director Barbour stated that given the retirement of Chief Leasure and the Civil Service Rules that require that the appointing authority request an eligibility list, a request was sent to the Civil Service Commission. The Civil Service Commission obtained their own legal opinion about what action was needed to be taken. That opinion advised the Commission to just forward the list from September 30, 2019. Under the rules of the Civil Service Commission or the Revised Code or Charter of the City of Bay Village, the Commission would need to have a meeting to take that formal action to forward the list, unless those rules authorize a member of Commission or the Secretary of the Commission to just forward the list. Or, if you had passed a prior motion that authorized a member of the Commission or the Secretary to forward a list upon request. In reviewing all those components, Law Director Barbour noted that it appears the Commission is required to take that action. The law requires that all public bodies create a record of proceedings. The only way to do that would be to have a meeting and go through the formality of sending a list over.

Mr. Wynne stated that the Commission has received a request for the list and after speaking to outside Counsel and reviewing the Rule 8, Section 2, of the Civil Service Commission rules, that an eligibility list created by the Commission remains in force for not longer than two years, and that the names on that list remain in force for not longer than two years, it would seem that the eligibility list from September 30, 2019 remains a valid list.

Motion by Mr. Wynne, second by Dr. Lekan, that in response to the City's request for a list of eligible candidates, the Commission provide the City with a copy of the list that was certified on September 30, 2019, and that the Secretary be requested to send that list to the City.

Motion carried 2-0.

Law Director Barbour suggested that the Commission consider a motion to authorize the Secretary to forward eligibility lists in the future upon request from the appointing authority.

Police Lieutenant Examination

Police Lieutenant Mark Palmer advised that two people have signed up to take the test. Both of these candidates are on the eligibility list for the position of Chief of Police. It was suggested that the test be cancelled, because there is a possibility that one will be promoted to the position of Chief of Police prior to the examination date, which would mean that only one person would be left to take the Lieutenant examination, making it non-competitive. It was suggested that the test not be held until a new Chief of Police is selected and put into place.

Mr. Wynne asked Law Director Barbour if he agrees with this suggestion. Law Director Barbour stated that it is well within the authority of the Civil Service Commission to postpone the upcoming test because both the Civil Service Rules and the Collective Bargaining Agreement both say that if there is only one interested party from the lower rank then the Civil Service Commission shall open it up to the next lower rank. Because the Chief promotion will take place before June 5, 2021, you would not be giving anybody who is in the next lower position the opportunity to determine whether they want to take the test. The Commission is well within their rights to do this and it is the better course of action.

Mr. Wynne asked if the Secretary should move forward with a new test once the Chief of Police has been appointed.

Law Director stated that he does not think the Secretary should do that. This test on June 5 should be postponed and let the Executive Officer and the new Chief determine when it might fit in for them and make a recommendation. Another meeting would have to be held to set the date.

Dr. Lekan stated that the administration will need to provide a list of eligible candidates for a test when it is scheduled.

Motion by **Wynne**, second by Lekan that the promotional examination scheduled for June 5, for the position of Police Lieutenant, be cancelled and revisited at a later date.

Motion carried 2-0.

Fire Lieutenant Promotional Examination

Dr. Lekan stated that the Commission originally set a passing grade of 70% for the written portion of the test before a candidate could move forward to the assessment portion of the test. It was later learned that the Collective Bargaining Agreement dictates that the total score of both parts of the test be 70% or more for passing. Everyone who took the first part of the test is now eligible for the assessment.

Mr. Wynne stated that the Civil Service Rules require a 70% passing grade to be on the eligibility list. The Collective Bargaining Agreement states that the final score be made up of a composite score: 50% comprised of the written examination, 50% comprised of the assessment. A candidate can score less than 70% on the written exam and still achieve over 70% on the composite score. While Mr. Wynne does not believe that the Civil Service Rules and the Collective Bargaining Rules are inconsistent, the way the Commission looked at it previously was wrong based on what the Collective Bargaining Rules state. The Commission will revisit the prior motion and correct it so that everyone who takes the written test also remains eligible to take the assessment, regardless of their score on the written exam, and the two of them together form a composite score, which must be 70% or more to be certified on the eligible list. (Article 39 of the Collective Bargaining Agreement of the City of Bay Village and the International Association of Firefighters)

Motion by Wynne, second by Lekan, that all candidates who take the written examination are also eligible to take the assessment portion of the promotional examination for Fire Lieutenant.

Motion carried 2-0.

Police Lieutenant Palmer advised that two positions for entry level police officer have been offered. Both accepted, but one, a week later, declined.

Law Director Barbour advised that Rule 8, Section 4 (b), declination of appointment is the rule that pertains to this matter. Mr. Barbour read the entire rule to the Commission as follows:

The Commission may, at any time, remove the name of an eligible from any eligibility list for any one or more of the following causes:

(b) Declination of appointment.

Motion by Wynne, second by Lekan, that pursuant to Rule 8, Section 4 (b) Mr. Scott Sherwood, who accepted and then subsequently declined the offer of a position of entry level police officer in the City of Bay Village be removed from the certified eligibility list for the position of entry level police officer.

Motion carried 2-0.

Human Resource Director advised that she sent a request to the Commission on April 28, 2021 for a Sergeant Eligibility List on behalf of the Mayor. The first person on the current list has previously been appointed to Sergeant. The appointing authority would like an updated list.

Motion by Wynne, second by Lekan, that the Civil Service Commission provide a copy of the list that was certified on November 20, 2019, for the position of Sergeant in response to the request of April 28, 2021, and upon any other request received by the City for the list, for the period of time the list is in force, the Secretary of the Civil Service Commission is authorized to provide a Sergeant's Eligibility list upon request of the appointing authority.

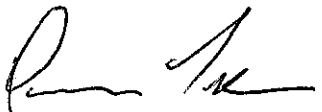
Motion carried 2-0.

Mayor Koomar commented that there are slight differences in the Civil Service Rules and the Collective Bargaining Agreement rules, and the motions do provide clarification. The Mayor has asked the Law Director to gather information concerning the differences for review.

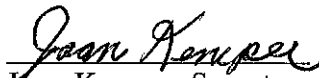
Mr. Wynne requested that the Civil Service Commission be provided with a copy of the Collective Bargaining Agreements for the police and fire employees.

Mr. Barbour noted that meetings may have to be in-person after June 30, 2021. Further information from the State of Ohio is forthcoming.

There being no further discussion, the meeting adjourned at 10:32 a.m.



Dr. Dennis Lekan, Chairman



Joan Kemper, Secretary