

## **SOLON CIVIL SERVICE COMMISSION**

**March 18, 2014 – 4:20 P.M.**

### **WORK SESSION**

The Commission met for the purposes of updating the current Rules and Regulations.

#### **PRESENT**

Commission Members Caplan, Doberstyn and Huml, Human Resources Director Stolarsky, Michael D. Esposito, Director of Client Development for the Vendor Clemans, Nelson & Associates, Inc., Law Director Lobe and Secretary Perry

Mr. Esposito said duties of the Commission are broader under the state rules than in the current city document. Mr. Huml asked if the document could be written so that the Commission's duties are stated as broader. Mr. Esposito said yes, the goal is to fill gaps as they are needed.

With regards to certifying the payroll, Mr. Esposito said the Commission was certifying the accuracy, thereunder. But questioned what happens if they were not accurate. The change to the statute recognizes there are internal controls and protocols and defaults to such. The Rules need to be changed to default to other departments.

With regards to definitions, this section addresses classified or unclassified positions. Law Director Lobe thought the change to this section was too aggressive. Mr. Esposito agreed, however, the new rules were written according to the rules as they are right now, but there are gaps that need to be filled in on some of the positions. The commission decided if a position is not clearly unclassified, it should be viewed as classified. Unclassified status is duty driven unless you meet a statutory exemption.

Mrs. Caplan said her goal for this document is to make sure the language is very clear so that there are not differing interpretations. She wants to minimize the legalese because the people using the document are not going to be lawyers. It has to be understandable but less open to litigation.

Mr. Esposito referred to 260.02 of the Solon Codified Ordinances (SCO) regarding part-time hours as 70 hours per pay period. Mrs. Stolarsky noted it is being revised to 56 hours (28 hours per week) based upon the Affordable Care Act (ACA) requirements. It has gone to Council and is on its second reading.

With regards to Residency Credits, there has been a recent Appellate decision removing this. This will no longer exist in the new document. He suggested that the Civil Service Commission make a procedural order nullifying the residency credit in the current Rules. Law Director Lobe said it has not yet been approved and the Commission should continue to watch this issue.

Law Director Lobe asked if all the positions and their titles will be incorporated in this document. Mr. Esposito said the list will not be excluded. Law Director Lobe said a master list of every employee has been created by Mrs. Stolarsky and should be included. Law Director Lobe wants to ensure all the titles and the positions are captured.

With regards to Seasonal Employees, Mrs. Stolarsky explained if they are permitted to work 40 hours because of Home Days or other large events and then they become a part-time or full-time employee, the look back period is 3-12 months and the City could potentially be required to pay benefits. Revisions are being considered. It cannot be followed as currently written. The period they are off before being hired as a temporary or full-time employee is being studied.

With regards to Temporary Employees, the Rules currently say a position can be filled by a non-competitive examination for a period of no longer than 30 days. This is being amended to 120 days. Mr. Esposito said this period can be extended if the regular employee is out on military leave or sick leave and a temporary employee is needed to fill the vacancy. This section needs to be amended by a vote of Council. Law Director Lobe said the Mayor is anxious to codify the ordinances. This is a good time to get all this information before Council.

Mrs. Stolarsky said in the list she will be supplying there are vacant positions she is including that are unclassified; they want them to remain open even though there are no intentions to fill them at this time.

Mr. Esposito said classification of Provisional Employees has been eliminated by Law.

Rule III in the old Rules (Position Classification) is now Rule 4 in the new document. It breaks down the Commission's obligations and addresses job audits and re-classes which also falls within the Commission's obligation.

With regards to Examinations, it is no longer necessary to advertise in the newspapers. It is also no longer required to give promotional examinations in writing. Assessment Centers, practicals and other methods may be used. The new Rules give complete latitude to use other methods of testing.

With regards to Efficiency Credits, it is optional to give them. The theory behind them was to reward good service within the process of promotions or reductions. The Commission has to decide whether they want to use them or not. Mr. Huml said this remains subjective depending on the personalities making those evaluations.

Law Director Lobe said this City is very diverse. He asked whether the Commission needs to accommodate interpreters.

Mr. Esposito said it is no longer necessary to allow the inspection of examination papers. He said it doesn't mean you cannot allow it but it is no longer necessary. The Commission feels allowing this practice does not benefit the candidate. Most of the issues that have been brought before the Commission have been upheld in favor of the testing company.

The next work session has been scheduled for April 1, 2014 at 4:00 p.m.

There being no further business to discuss, Mr. Huml moved to adjourn the meeting at 5:45 p.m. Mr. Doberstyn seconded the motion.

Roll Call:	Aye:	Caplan, Doberstyn, Huml
	Nay:	None
		The Motion Carried

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