

**SOLON CIVIL SERVICE COMMISSION**  
**August 19, 2014 – 4:41 P.M.**  
**WORK SESSION**

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

**PRESENT**

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

Mr. Esposito explained to the Chiefs that some of the changes cannot be made by the Commission. They can only be changed by approval of Council. Those items will be flagged and dealt with in a group at the end of the review.

Mr. Esposito noted he cannot locate the authority giving permission to use the rule of three for promotions and the rule of ten for entry level exams. State law is top man gets it. This is one item that will need Council approval.

There was discussion with Chief Viland about Ohio Peace Officer Training Academy (OPOTA) certification. A certificate is needed to be a patrolman. And he includes that in the job description. However, he does not want the rules and regulations to prohibit him from hiring a candidate and training them towards obtaining their certification. Mr. Esposito said the Rules and Regulations were structured that way to avoid a candidate being hired who cannot pass the certification phase and wasting city funds that went towards their training. Chief Viland said then he would never have been given the job. He wants to be as inclusive as possible to as many diverse people as possible. Not everyone that is a great candidate has their certification. Chief Viland says if a candidate is brought on without OPOTA certification, they are brought on at 60% of their pay and the City pays to send them to the academy.

The probationary period was discussed. For police and fire, it's a one year period. It can be increased, but it needs an Ordinance. In addition, to accommodate sending a candidate to the academy, the probation period would have to begin either once they enter the academy or once they obtain their certification. Chief Viland said their start day is the day they enter the academy. Mr. Esposito asked how a candidate is hired when they do not have their OPOTA certification. Chief Viland said they have to be sworn in as an officer but their first action is to enter the academy. Mr. Esposito will perform further research to determine what action may be needed.

Chief Shaw said it depends on what the needs are. He explained when they opened a new facility, they needed more experienced firefighters to fill it. But as retirements occur, they can hire less experienced candidates and train them how they choose. Because of all the different factors, the language cannot be limiting. Mrs. Caplan said the goal is to preserve the flexibility within the limitations of the law. Chief Viland said he does not want to unnecessarily restrict his candidate pool. Mr. Esposito said he would add a side note saying "the hiring requirements are dictated by the job description/posting..."

With regards to Auxiliary Firefighters, Chief Shaw said they are not permitted by the Collective Bargaining Agreement and should be removed from the new document. Mr. Esposito said just because the Collective Bargaining Agreement says they cannot be used, does not mean the City cannot make provisions for their use.

Maximum age requirement was discussed. There is a cap on age for original appointment at 35 for Police and 40 for Fire; it does not mean the City of Solon cannot change it, but an ordinance would be needed. Chief Viland explained the excellent experience he has had

hiring one of his police officers who had nine years previous experience before being hired by the City of Solon. He feels that even if an unexperienced older candidate took the test and was still the best and brightest, he would have no problem hiring that candidate for the few good years they could serve. He would not want to lose that candidate by the virtue of the system. Following further discussion, both Chiefs agreed to leave the maximums to be consistent with State Law.

Minimum age requirement was discussed. State statute says 18 for firefighter, the City of Solon Ordinances say 18. Both Chiefs agreed they should be similar for consistency and prefer the limit to be raised to 21. Mr. Esposito noted an Ordinance change would be required.

Additional credits for entry level testing were discussed. Mr. Esposito noted Solon Residency credit is no longer permitted. 5% credit can still be given for OPOTA certificates and Paramedic Licenses. Chief Shaw would like the education credits retained. Chief Viland would like those credits, as well.

Promotional credits for years of service in another political subdivision will be eliminated by virtue of their resignation of their position in the other community to accept the position in the City of Solon.

Efficiency credits were discussed. Both Chiefs felt it should remain in the existing rules but would most likely not use them unless a better evaluation process could be developed.

The terminology on the length of existing lists was discussed. Mr. Esposito said the changes to Ohio Revised Code states the list terminates upon an original appointment but can be used for a full year. The Code was designed to unsaddle municipalities from having lists that you could not get out of. Mr. Esposito said there is also a provision for the removal of candidates.

With regards to probationary periods, Mr. Esposito said the Commission needs authority from Council to expand it. Chief Shaw said he would like to see it increased to two years based upon firefighter schedules. Firefighters only work 122 days per year and after 10 p.m. there is minimal evaluating happening. Therefore, out of a 24 hour shift, an employee is not available for evaluation the entire shift. This item is to be researched further for both Police and Fire.

With regards to probationary periods before being eligible for promotional examinations, Chief Viland prefers the time period be increased to 2 years past probation completion for original appointments, before being promoted to the next rank depending on Council's agreement for original appointment.

For original appointment, Chief Viland prefers an 18 month probation period. Chief Shaw prefers two years.

Chief Viland thanked the Commission for allowing them to be included in these conversations.

With regards to 10:05(C), Chief Shaw asked if this prohibits the City from restructuring departments, eliminating positions or leaving them vacant. Mr. Esposito said under the Civil Service statutes you cannot leave vacancies above police officer and firefighters. All

classified vacancies must be filled above the rank of police officer and firefighter. If you want to abolish a position, the position must be filled and the incumbent demoted. Under Civil Service Laws if you are in a promoted position and there is a demotion, for the next 36 months if a similar position in the same rank opens up, the incumbent would have to be placed back into that position without testing.

With regards to Promotional Testing in the Fire Department, Chief Shaw wants to make sure other methodologies are included in the Rules and Regulations to include Oral Boards and Assessment Centers in the testing process. Mr. Esposito thought it was best to use a written exam for the all eligible candidates and only the top 3 be sent through the Oral Boards and the Assessment Center.

Section 11.02(A) Suspensions were discussed. Mr. Esposito said sections C and D were more specific to Police and Fire with Collective Bargaining Agreements. Those employees not under a Collective Bargaining Agreement fall under the General guidelines.

With regards to Section 14.03(A) Reinstatements, Chief Viland questioned if someone goes out on a disability and the pension board kicks them off disability, does their job have to be held for five years. Mr. Esposito, said just because the pension board kicks them off disability doesn't mean they are fit to return to duty. There are provisions in the Rules to follow for this issue.

Mr. Doberstyn thanked the Chiefs for their opinions and viewpoints. It was a learning curve for the Commission, as well.

There being no further business to discuss, Mrs. Caplan moved to adjourn at 5:59 p.m. Mr. Doberstyn seconded the motion.

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