

SOLON CIVIL SERVICE COMMISSION
March 7, 2012 – 7:09 p.m.

PRESENT: Commission Members Doberstyn, Heckman, Huml, Human Resources Director Cornhoff, Chief Shaw, Local 2079 IAFF President Nix, Firefighter Altshuler, Water Reclamation Operations Manager Smith and Secretary Perry

The Civil Service Commission met at the Solon Community Center where Personnel Selection Services administered entry level firefighter examinations to 91 applicants.

APPROVAL OF MINUTES

This item was tabled.

APPROVAL OF PAYROLL

This item was tabled.

REVIEW OF PAYROLL CHANGE/RATE SHEETS

The Commission reviewed and signed the available payroll change/rate sheets provided by the Payroll Department. No action was taken by the Commission.

CORRESPONDENCE

E-mail dated March 5, 2012 from Chief Viland and Lt. Tonelli confirming the request for removal from the current eligibility list by Candidate #26, Anthony R. Daniels.

E-mail dated March 5, 2012 from Secretary Perry to Chief Viland removing Candidate #26, Anthony Daniels, and releasing Candidate #27, James Swope, for review.

Memo dated March 5, 2012 to Patrolman Petranic from Chief Viland regarding Departmental Charges. No action was taken by the Commission.

Memo dated March 6, 2012 from Director Solanics reporting Cindy Mullins has completed her six month probation period and recommending the continuation of her employment as a Class III Operator at the Water Reclamation Department. No action was taken by the Commission.

E-mail dated March 6, 2012 from Chief Viland and Lt. Tonelli confirming the request for removal from the current eligibility list by Candidate #27, James Swope.

E-mail dated March 6, 2012 to from Secretary Perry to Chief Viland removing Candidate #27, James Swope, from the current eligibility list and releasing Candidate #28, David Coe, for review.

E-mail dated March 7, 2012 from Chief Viland and Lt. Tonelli confirming the request for removal from the current eligibility list by Candidate #22, Marc Karkan.

E-mail dated March 7, 2012 from Secretary Perry to Chief Viland removing Candidate #22, Marc Karkan from the current eligibility list and releasing Candidate #29, Anthony Konieczka for review.

E-mail dated March 7, 2012 from Lt. Scott Stevenor with questions relating to the currently scheduled promotional examination. This e-mail will be answered within the regular business portion of the meeting.

REGULAR BUSINESS

Water Reclamation

Director Cornhoff addressed the Commission regarding the temporary appointment of

Joseph Popely as Operator in the Water Reclamation Department. He spoke with Chris Pavone of the Teamsters and received their approval. If approved through the Non Competitive Examination process, Mr. Popely would be hired for a period of 30 days. If needed, Director Cornhoff will request an extension of his temporary appointment. Mr. Popely was one of three candidates considered for the position.

Mr. Huml explained the process to Mr. Popely and the examination was administered. Based upon the recommendation of Director Solanics and the fact that Mr. Popely has successfully demonstrated his knowledge and ability to perform the tasks required for the position, Mr. Huml moved to approve the hiring of Joseph Popely for the temporary position of Operator in the Water Reclamation Department. Mr. Doberstyn seconded the motion.

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

Fire Department

The Commission reviewed the questions presented in an e-mail by Lt. Scott Stevenor relating to the promotional examination.

With regards to the due date of the invitation, the Commission noted when there is no set time frame, it generally means by the end of the work day. Following discussion, the Commission asked Secretary Perry to send an e-mail to Chief Shaw noting invitations would be accepted up to 3:30 p.m. on Friday (**the end of Ms. Perry's work day**) and he would forward to his department using the e-mail system as well as having it posted in multiple places throughout each station. Chief Shaw will then follow up at noon on Friday with a phone call or text message to make sure the e-mails and postings were viewed by each staff member eligible to take the examinations.

Lt. Stevenor asked when the current promotional lists expire. Secretary Perry noted the Lieutenant list expires March 17, 2012 and the Battalion Chief list expires April 5, 2012. Lt. Stevenor asked if no one signs up for the Battalion Chief promotional exam what procedure is used to establish a list. Mr. Doberstyn responded this situation was encountered in the Police Department and the Civil Service Rules and Regulations say one person cannot take the test. If one person takes the test it is not competitive and the Rules and Regulations distinctly say the tests must be competitive in nature. If one person or zero people sign up to take the test, it becomes open to anyone within the ranks of Firefighter. The test would have to be reposted but the Firefighters could conceivably jump a level from Firefighter to Battalion Chief. The Lieutenants who were originally eligible to take the Battalion Chief test would not be invited to participate. The test would not be opened up to persons outside of the department. Mr. Altshuler said to take the Lieutenants exam a firefighter has to be on the job for a set period of time; would that apply to this situation. **Mr. Doberstyn said no. The Firefighters who signed up to take the Lieutenant's exam would also be eligible to take the Battalion Chief's exam when it is reposted and could conceivably be on both lists.** Mr. Cornhoff said if nobody within the ranks of Firefighter signs up to take the exam, the Civil Service Commission may have to consider opening it up to persons outside of the City. Mr. Huml said if that were to be the case, he would recommend obtaining a statement in writing from each eligible Firefighter indicating they do not want to take the test and their understanding of the possibility of opening it up to persons outside the City.

Chief Shaw reported he had an opportunity to meet with the Union. There was a lot of discussion and various offers but no consensus was reached. He has had time to speak with

other members of the Department and believes they are in a no win situation. Whatever decision is made there will be some members who will not agree. Chief Shaw said he still feels simply eliminating the errant book is the best and safest resolution. There were objections to extending the testing date because some had already read for 60 days and have missed events and family functions; it was not fair to allow another opportunity to those who did not manage their time correctly. **It was told to him "if you want the job you buy the books and read the material. Nobody does well by reading a book every third day when they come into the station."** There is some validity to that statement. As in anything in life, you have to work with the consequences of your decisions. He doesn't see where the Civil Service Commission should be held responsible for a personal choice.

Mr. Doberstyn asked what the objections were to removing the book from the reading list. Local 2079 IAFF President Nix said there were two parts. When you are provided with a study list and it's altered, it affects time lines and the way people study. It has major implications with the test. Based on some personal financial situations, some could not afford the book. He said he did not object to removing the book and reposting the test, but he explained that the contract says the books must be at the station 60 days before the test and he would have to speak with the membership before any changes could be made. He said he made sure he visited every member of the department eligible to take the exams that he humanly could to obtain signatures to extend the current list. It may have not been technically by the rules, but the effort was put forth.

Mr. Huml asked Local 2079 IAFF President Nix how he determines when a grievance should be filed. Local 2079 IAFF President Nix said when someone has a complaint they meet with the Executive Board and a decision will be made. He said there are 60 members of the Fire Department with all different personalities. The Executive Board will speak with each person who has a complaint. But more issues are pushed away than actually filed. However, they have a right to file a grievance if they choose. The grievant and one member of the Executive Board will discuss the grievance.

With regards to the extension, Local 2079 IAFF President Nix said he did not have an opportunity to speak with everyone in the organization. There is a contract and a change in the contract generally requires everyone on board. The time was not available to do that. He said he is not saying that he disagrees with Chief Shaw or Mayor Drucker. He just did not have the right to change the contract without more of the membership or there would have been grievances against him.

Based upon comments at the last meeting regarding the white space on the invitation, Firefighter Altshuler said he spoke with an attorney who advised him as part of the qualifier to have someone with knowledge of the issue witness his statement prior to turning in the invitation. Mr. Huml suggested the best person to do that would be the Union President and or the Chief. It would also assure the Civil Service Commission your concern has been acknowledged.

Mr. Huml considered all the comments made by Chief Shaw, Local 2079 IAFF President Nix and Firefighter Altshuler and sees no problems with eliminating the fifth book. Mr. Doberstyn agreed; there is no logical harm to be done to anyone by eliminating the book. Director Cornhoff said it then complies with the contract. The part that is disappointing to him is that it should have been brought forward sooner. Mr. Heckman said the only problem he sees is if someone took the initiative and purchased all the books.

Mr. Huml moved to accept the recommendation of Chief Shaw to remove Book #5, *Structural Firefighting: Initial Strategy and Tactics*, from the list of reading material for the **Lieutenant's promotional examination**. Mr. Heckman seconded the motion.

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

Director Cornhoff thanked the Commission for their assistance. He feels comfortable with this decision and feels good faith efforts were made to accommodate this matter in every way. Director Cornhoff said he would discuss with Finance Director Kennedy and Mayor Drucker whether reimbursement of the eliminated book would be an option.

In closing, Director Cornhoff reminded the Commission of the hundreds of payroll forms that will be arriving for seasonal positions. An opinion had been asked of the Law Director, but not yet received, as to whether it is required for the Commission to sign off on the seasonal employees. He believes there is a benefit to the Commission signing off on the part-time employees. Director Cornhoff will bring the matter back to the attention of Law Director Lobe.

The next meeting is scheduled for Monday, March 19, 2012 at 7:00 p.m. at Grantwood Golf Course where promotional exams will be administered for the position of Lieutenant in the Fire Department.

There being no further business to discuss, Mr. Huml moved to adjourn at 8:14 p.m. Mr. Doberstyn seconded the motion.

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