

CIVIL SERVICE COMMISSION SPECIAL MEETING MINUTES

Thursday June 16, 2016

5:15 p.m. – City-Service Building – Front Conference Room

Present: CSC Members: Chairman S. Korhn, L. Myers, N. Walker, And Clerk A. Scribner
Guests: T. Schroeder, HR Manager, M. McCann, Mayor, Police Chief Tim Tobias, Law
Director D. Williams, Sgt. George Moser, Crescent News Report Todd Helberg

CALL TO ORDER

The meeting was called to order at 5:15 pm in the front conference room at City Hall, 631 Perry Street by Chairman S. Korhn. Clerk Scribner reported that all Sunshine Law notices have been complied with.

1. **Approval of May 16, 2016 Civil Service Commission Meeting Minutes.**

Motion: The motion was made by L. Myers, seconded by N. Walker to approve the Civil Service Commission (CSC) meeting minutes of May 16, 2016. All members voted aye, the motion carried.

NEW BUSINESS

2. Proposed Amended Local Rule Section 60.17 Reinstatement (Other than Police and Fire). Chairman Korhn noted that at the May 16, 2016 there was discussion of a non-bargaining employee who is eligible to retire and would like to rehire at his current position. The discussion is outlined thoroughly in the CSC minutes of May 16, 2016. Local Rule Section 60.17 addresses these issues by saying the retire – rehire must be approved by the Civil Service Commission. D. Williams has argued that the State comparable statute does not require consent by the equivalent to the local Civil Service Commission to rehire individuals who have retired; the Local Rule is more restrictive. S. Korhn shared ORC 124.32 (B) Transfers – reinstatement which states “ Any person...may be re-instated within one year...only with the consent of the director of Administrative Services. “ In this context, S. Korhn stated that the “director of administrative services” consent is similar to the local Civil Service Commission consent. D. Williams stated that he feels the reference to the director of administrative services approval is strictly for State retirees and does apply to municipal employees. He further stated that the proposed amended rule change will bring the Civil Service Commission into compliance with ORC 124.32.

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D. Williams noted that in the Canton case, the employees appealed to their Civil Service Commission to get their jobs re-instated when they had not first sought their re-hire from their City Administrator. The Canton City Administrator was never informed of their retiring status when it occurred. It was brought to his attention at a later date. In our instance, the employee eligible to retire has discussed the matter fully with the Defiance City Administrator and already indicated his desire to rehire. The Defiance City Administrator is willing to rehire the individual if he retires.

S. Korhn restated that he does not feel that the local rule is more restrictive than the comparable statute and that the ORC 124.32 (B) statutory reference to the director of administrative services consent is the same as the Civil Service Commission consent in this case. D. Williams countered that the Local Rules stated that the employee can only be reinstated with the CSC approval; which is not required by State Statute (in his opinion).

N. Walker stated that he would like to see the Local rule amended so that the Civil Service Commission would not be involved in the retire/rehire. Members present reviewed the proposed amendment to the Local Rules as follows:

New text is in **bold**, deleted text is strike through.

Section 60.17 – Reinstatement (Other than Police and Fire Departments): An Appointing Authority may, **without** the ~~with the~~ approval of the Commission, reinstate any permanent employee who resigns without fault or delinquency within one (1) year from the date of such separation to a vacancy in the same or similar position in the same department or a similar position in another department.

Reinstatement shall originate only upon departmental request and after approval by the Appointing Authority. ~~Reinstated employees may be required to pass such examination as determined by the Commission.~~

Reinstated employees shall be credited for continuous service prior to resignation for purposes of seniority credit on promotional examinations provided that reinstatement occurs within thirty-one (31) days of separation.

Motion: The motion was made by S. Korhn, seconded by N. Walker and unanimously approved to amend Local Rule 60.17 as noted above. The amendment will require a public hearing as outlined in Rule 100.00; Section 100.01 and advertisement as outlined in Section 100.02. Clerk Scribner was asked to make the necessary arrangements to comply with the requirements. All agreed that the public hearing would be scheduled just prior to the next meeting of the Civil Service Commission.

3. Determine Procedure for Appointment of Police Chief: Discussion was held on the procedure for appointment of the next Chief of Police. The following bullet points summarize the discussion held:

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- The current job description created in 1999 for the Police Chief was distributed and reviewed. T. Schroeder noted that when positions are filled; job descriptions are reviewed at the City and CSC to determine if the qualifications are still relevant or require modification. The CSC said doing that now would cause unnecessary delays.
- Qualifications for the position from the job description were reviewed. It was noted that if the position is filled via original appointment; this may allow for more current members of the police department to apply for the position as well as individuals from the outside. Discussion was held on the qualifications that would be needed for the position. In response to the question, Chief Tobias estimated a dozen current members of the police force that have their bachelor's degree meet that qualification. The Commission too has the right to set additional or stricter minimum qualifications as well. N. Walker stated that if the decision is made that the testing will be by original appointment; he would like to open the testing up to as many current members of the police department as possible. It was stated that if the supervisory level of sergeant were used; this would open up eligibility testing to 7-8 internal candidates.
- The question was raised as to the reason City officials would prefer to open the testing up to the outside. J. Leonard stated that the Chief's position is not an entitlement; the City wants the best possible candidate and the City Charter allows the position to be filled from the outside. J. Leonard stated that the Civil Service Commission would be disenfranchising the voters who approved the Charter change in 1994 if the Civil Service Commission did not fill the position by original appointment. J. Leonard encouraged the Civil Service Commission members to review the minutes of the 1994 Charter Review Commission which recommended the Charter change to allow for appointment of police chiefs and assistants, fire chief and assistants from both inside and outside those respective divisions. He noted that the City has a history of promoting from within from the Water Department, Waste Water Department, Director of Service and others. J. Leonard stated that it is the City's desire to hire the best possible candidate and it could be an internal person or there may be an outside candidate that is a shining star.
- N. Walker stated that he is willing to let the testing be opened to the outside but would like to open it up to more individuals currently within the department. S. Korhn suggested modifying the criteria to allow sergeants with at least one year of experience to participate in the testing.
- L. Myers indicated that he is willing to let the testing be opened to the outside but is concerned with the cost of the testing.
- In response to the Mayor's question, if the selection project is by original appointment; the City is given the names of the top three candidates (from the tests).

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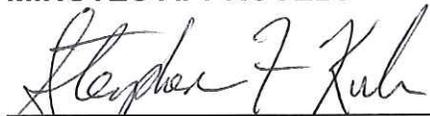
- A promotional test limited to internal candidates only would have a very limited number of "eligible" according to the terms of the Union contract. It is a case by case basis determined by the Civil Service Commission as to whether eligibility be limited to just internal candidates or not.
- The testing process was discussed noting that the Commission hires an outside agency to conduct written testing and an assessment center. Written test scores are combined with the assessment center scores with the scores ranked highest to lowest.
- S. Korhn stated that he is willing to go along with filling this position by original appointment; opening up the testing to the outside. He restated this sets no precedent. He too likes the idea of modifying the qualification criteria so that more internal candidates are eligible to take the test. N. Walker agreed that this is a one time basis unless a change is made to the Charter requiring external testing.
- Discussion continued on the intent of the charter change in 1994 which some felt was to give the Civil Service Commission the option of going to the outside for candidates; but not always required to go to the outside if there are internal candidates interested. Some felt the language was ambiguous and open for interpretation.

Motion: The motion was made by S. Korhn, seconded by L. Myers to fill the approaching vacancy of police chief by original appointment. Individuals eligible for the testing must be at a sergeant's level with one year prior experience on a department substantially equivalent to the size of the City of Defiance. All members voted aye, the motion carried.

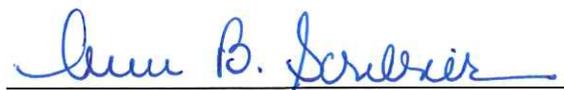
Brief discussion was held on advertising for the position. Chief Tobias noted that the website of the International Association of Police Chiefs has career opportunities and suggested advertising there for the position. Other web-based career advancement websites will also be explored by T. Schroeder when the Chief's retirement is announced.

There being no further business, the meeting adjourned at 6:15 pm.

MINUTES APPROVED:



S. Korhn, Chairman



Ann B. Scribner, Commission Clerk

THE ABOVE MINUTES REPRESENT OUR UNDERSTANDING OF THAT WHICH SHOULD BE RECORDED. IF CHANGES SHOULD BE MADE, PLEASE FORWARD PROMPTLY SO THAT AN ACCURATE RECORD CAN BE MAINTAINED FOR THE BENEFIT OF ALL.

Cc: Mayor Mike McCann, Jeff Leonard, David Williams, Tracey Schroeder, Council Members, Division Heads.