

CIVIL SERVICE COMMISSION MEETING MINUTES

May 19, 2020

5:15 pm – Community Room/Council Chambers – 631 Perry Street

Present: CSC Members: Chairman S. Korhn, N. Walker, J. Fitzenrider and Clerk C. Homan
Guests: T. Shafer—Defiance Police Chief, T. Schroeder—City HR Manager

CALL TO ORDER

Clerk C. Homan assured the Civil Service Commission is in compliance with all Sunshine Law notices. The meeting was called to order at 5:15pm in the Community Room/Council Chambers located at 631 Perry Street by Chairman S. Korhn.

1. Approval of Minutes from the February 11, 2020 Meeting

Motion: The motion was made by J. Fitzenrider to approve the minutes of the February 11, 2020. The motion was seconded by Chairman S. Korhn. All members voted aye and the motion carried.

2. NEW BUSINESS

A. Entry Level Police Officer Testing

Chief Shafer said the Entry Level Police Officer Certification List will be expiring in the next couple of months. Since the current list was already renewed for the additional year in August 2019, his suggestion would be to retest to establish a new list. Chief Shafer spoke with Chief Wilkins, having used the Work Attitude Questionnaire (WAQ) in the last round of Entry Level Firefighter testing, who reported he found it beneficial; so, Chief Shafer would like to add the WAQ as criteria for passing the Entry Level Police Officer test as well. It was mentioned that National Testing Network (NTN) is now offering virtual testing as a result of COVID-19, so there is some hope this may increase the number of applicants since someone can test at home instead of going to a testing facility.

Chief Shafer mentioned the idea of allowing lateral transfers, as Napoleon and Bryan now allow them. Chairman S. Korhn believes it could be under their City Charters that those locations can do lateral transfers, but he would like to see the Civil Service Rules

and speak to the Law Directors of those locations to confirm, as he still questions how it is legal for a city to allow these transfers. He stated certainly a lateral transfer could not result in any position higher than a patrolman.

Chairman S. Korhn reminded those in attendance that Chief Shafer said in May 2018 that a lateral transfer would allow the city to hire an experienced patrolman who exceeds the CSC age requirements. Chairman S. Korhn went on to inform those in attendance the Ohio Revised Code (ORC) provides you cannot hire a patrolman who is 35 years or older but by Ordinance the City has increased the maximum hiring age to 37 for police and fire and in doing so preempted any possible "right" of the CSC to increase the age in Defiance.

Chairman S Korhn stated under ORC and Local Rules there is nothing allowing a lateral transfer. He went on to explain Local Rule 10 Paragraph 36 defines a transfer, but that relates to an existing city employee moving from one class to another class within the city without a pay increase, but no provision from outside employment to a position within the city without going through a customary entry level exam. He also explained City Charter 6.05 specifically permits Chiefs and Assistant Chiefs, both Police and Fire, to be from inside and outside the departments; so, by implication, no other outside employments are permissible under the Charter. Chairman S. Korhn believes it would take a Charter amendment to allow a lateral transfer. He explained the only thing close to a lateral transfer is Local Rule 6.02, based on ORC 124.30, which allows for non-competitive qualifying examinations. In that case, a temporary exceptional appointment could be made under ORC and also Local Rule 6.02, but under the ORC to have such an appointment requires someone with unique qualifications—so a patrolman level position doesn't apply. Chairman S. Korhn went on to explain another case where a temporary exceptional appointment would be supported is if a true emergency exists—not an emergency that is imagined—and if a non-competitive appointment is done, that person still has to pass some sort of test.

All were in agreement someone coming in as a result of a lateral transfer could only come in as a patrolman. N. Walker stated if at all possible and legal to do, he believes lateral transfers could help bring in some experienced people who could help the department out.

Chairman S. Korhn said the Commission has always tried to accommodate the city and he would like to talk to the Law Directors of Napoleon and Bryan to see how they have done it. He stated our City Council has put an Age Ordinance in place taking that power away from CSC. He went on to say perhaps this change may need to go through a Charter Committee amendment.

Chief Shafer mentioned lateral transfers are becoming more common and about 90% of job postings seem to allow them. Chairman S. Korhn wonders if these cities are saying it's an emergency in order to do the lateral transfers.

Chief Shafer went on to explain some cities allowing lateral transfers still have a Top 10 list from the test and anyone applying as a lateral transfer is automatically placed with an interview. Furthermore, he stated other locations still require someone wishing to do a lateral transfer to take the written exam, but that individual is exempt from a physical agility test. He went on to explain either way that person still has to go through an interview and is not automatically hired.

The previous round of entry level testing was reviewed. N. Walker questioned whether or not it is worth it to advertise in the Toledo Blade and Crescent News for open positions. T. Schroder explained advertising in the Crescent News does benefit local applications but the Blade may not be worth it due to the cost. After discussion, it was decided due to the current state of the city budget due to COVID-19 and the high cost to advertise with Toledo Blade, the posting for this position would not be listed with them.

Motion: Chairman S. Korhn made a motion to schedule entry level testing for police officers with the National Testing Network (NTN). This posting should run for sixty days. Candidates passing the written testing with a minimum score of 70% in all three sections (reading, writing and video) will need to complete an agility test conducted in Defiance to complete the testing process. It will also be required that candidates complete the Work Attitude Questionnaire, with a passing score being 60% on that section. Ranking of the candidates on the certification list will be based on the video score. Anyone who does not achieve 70% on all three sections will be notified and encouraged to retake the test to improve their score before the application deadline.

The local agility test will be conducted using the standard agility guidelines used in the past. To be excused from the local agility test, a candidate will need to provide the CSC with a certificate dated within a year prior to the local agility testing date showing successful completion of OPOTA training by having met their physical fitness requirement. Any candidate who has not passed the OPOTA physical fitness requirement in the last year will need to complete the local agility testing.

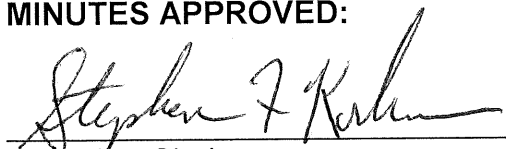
Advertising for the testing will be posted in the Crescent-News, Ohio Municipal League, City of Defiance website, local colleges and utilization of NTN advertising. Applicants will be required to submit any DD214 information to the city prior to the testing deadline in order to receive military credit. The Personal History Questionnaire (PHQ) will also need to be completed on the NTN website

Civil Service Commission Meeting
May 19, 2020

prior to the deadline. The motion was seconded by J. Fitzenrider. All members voted aye and the motion carried.

There being no other business, the meeting adjourned at 5:45pm.

MINUTES APPROVED:



S. Korhn, Chairman



C. Homan, 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, Sean O'Donnell, Tracey Schroeder, Division Heads.