

STEPHEN F. KORHN, Esq., *Chairman*  
NORM WALKER, *Member*  
JULIE FITZENRIDER, *Member*  
CARRIN HOMAN, *Clerk*

# CIVIL SERVICE COMMISSION MEETING MINUTES

November 15, 2021

5:15 pm – Front Conference Room – 631 Perry Street

Present: CSC Members: Chairman S. Korhn, N. Walker, J. Fitzenrider and Clerk C. Homan  
Guests: J. Leonard—City Administrator and T. Schroeder—Human Resources Manager

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## CALL TO ORDER

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

## 1. Approval of Minutes from the October 18, 2021 Meeting

Discussion took place among the group regarding eligibility for the Fire Department Battalion Chief of Safety position. It was determined no changes were needed to the meeting minutes.

**Motion:** N. Walker made a motion to approve the minutes of the October 18, 2021 meeting as presented. The motion was seconded by J. Fitzenrider. All members voted aye, and the motion carried.

## 2. NEW BUSINESS

### A. Amendment to Local Rules Section 50.13

Chairman S. Korhn stated the CSC originally talked about the amendment to Local Rules Section 50.13 in August 2021. The minutes from that meeting included the wording of what the rule would be after the adoption of this amendment. The CSC has since gone through the process of publishing a Public Notice and holding a Public Meeting and is now ready to adopt the amendment.

**Motion:** Chairman S. Korhn made a motion to amend the Local Rules Section 50.13 concerning promotions in the Fire Division and adopt the changes as presented in the materials. In summary, it pertains to additional testing/classes to be required in order to be eligible for Promotional Examinations in the Fire Division. The motion was seconded by J. Fitzenrider. All members voted aye, and the motion carried.

**B. Rules and Civil Service Protection**

J. Leonard said he is in attendance conducting a fact-finding mission to get the CSC opinion on the retire/rehire process and possible changes. He went on to say in most public governmental agencies, you can find the retire/rehire process is done in a number of different ways. J. Leonard said the City is one of those places which allows an employee to retire/rehire. He stated one of the reasons for allowing this is with certain positions, the City wants to retain the experience. Another reason is, especially within the Police Department, there has been trouble getting good candidates for positions. He went on to say in the past, there have never been any issues with retire/rehire. However, the City is currently dealing with something that has come up in the Police Department and a grievance that was filed.

N. Walker questioned how the state handles their retire/rehire process, and S. Korhn suggested the City talk to the state to find out their process.

J. Leonard said the City can negotiate with any of the bargaining units, so he is thinking more along the lines of non-bargaining employees. For non-bargaining employees, he would like the CSC to look at whether or not the City can tell an employee they can go through the retire/rehire process but as a result the employee has to do certain things, one of which is giving up their classified status. J. Leonard said there seem to be more and more people who are baby boomers that come into the workforce and don't necessarily want to leave. They retire/rehire because financially it is in their best interest, and the City has no problem allowing someone to do that for the employees personal gain and increased income or because of insurance coverage but would be saying here is the provision and you have to go into an unclassified status if you are going to retire/rehire. This would only apply to people going forward as a new rule—it wouldn't retroactively apply to anyone. If this is something the employee wants to do, they should have to give something up also. Ultimately, it should be a win-win for both the employee and the City.

Chairman S. Korhn said he doesn't think the City can ask the employee to do this because he feels it violates state and federal age discrimination laws. He went on to say, if you have a charter, you can do whatever you want to do, as long as it is not against state or federal law. J. Leonard questioned how it is discrimination if it is someone's choice. T. Schroeder pointed out the Municipal Court has unclassified employees. J. Fitzenrider informed the group that is a statute by the state indicating the judge hires the clerk and the clerk hires the deputy clerks, so it is a special situation that warrants court employees to be unclassified.

N. Walker questioned why anyone would want to lose their Civil Service protection because the City could then essentially fire someone for any reason. J. Leonard said a

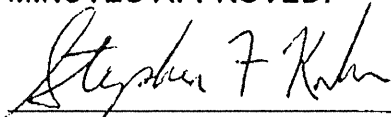
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similar discussion regarding retire/rehire was had with City Council. In that meeting, it was discussed you want somebody to stay as long as they are productive. The position of a manager would be if someone is not doing their job, then they would need to be written up and take the necessary disciplinary steps. J. Leonard said an employee should be confident in their abilities because that employee already would have 25 or 30 years of service here, and they should be comfortable and confident they can continue to do their job.

J. Leonard said really the only question he had for CSC was an employee losing their classification if they chose to retire/rehire. It is nothing more than creating an at-will employee, because it is more convenient for the city than anything else. It is much easier to ask someone to leave when they are no longer performing their job if they are an at-will employee. He went on to say if CSC doesn't believe they can do that because it violates state law, then that is understood.

There being no other business, the meeting adjourned at 5:57pm.

**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 AN ACCURATE RECORD CAN BE MAINTAINED FOR THE BENEFIT OF ALL.

Cc: Mayor Mike McCann, Jeff Leonard, Sean O'Donnell, Tracey Schroeder, Division Heads.