

## VERMILION CIVIL SERVICE COMMISSION MEETING

Minutes of August 13, 2020

8:00 AM ★ City Hall – 5511 Liberty Avenue (Lower Conference Room), Vermilion, Ohio

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**ROLL CALL:** Jeff Lucas, Dave Deucher, Dan Kernell

**GUESTS:** Mayor Forthofer, Captain Graham, Sergeant Scott Holmes

Jeff Lucas, Chairman called the Monday, August 13, 2020 meeting to order.

### Approval of Minutes:

**J. Lucas MOVED**, D. Deucher seconded to approve the meeting minutes of July 28, 2020. Vote 3 YEAS. **MOTION CARRIED.**

### New Business:

#### Review the clarity of the rule stating qualifications for applicants taking the sergeant's exam

J. Lucas referred to the minutes of July 28, page 1 – paragraph 2, which is recommended language from the law department as follows:

Rule IV (c)(iv): Members of the Vermilion Police Department shall not be eligible to compete in a promotional examination until they have served a minimum of at least thirty-six (36) months (1,095 days) **by the date of the written examination** in the next lower rank in the **Vermilion Police Department as a full-time police officer.**

He also addressed an email from Attorney Susan Anderson on July 27, 2020 with considerations as follows:

That said, if the new commission wants to change the rule, they should consider what they want to require in the new rule, such as:

- Do they want to require 36 months of continuous service or is intermittent service that equals 36 months preceding the test okay?
- Do they want to require the prior service to be only as a full-time police officer, and not part-time?
- Do they want to require it be 36 months of service in VPD only or is full-time service in other departments permissible?

D. Deucher said Sergeant Holmes had previously mentioned lateral transfers that might be handled slightly different as they had talked about 36 months in the Vermilion Police Department. He said if somebody transferred in, they would have to wait the three years even though they had might have had prior experience. He asked if there is a one-year probationary period. Captain Graham said yes. D. Deucher said after the one-year lateral transfer from other

police departments if they have three years of prior service after the one year, would they be eligible to take the test. Captain Graham said this would have to be full time. G. Fisher said full time is classified civil service. She said before the rule was changed to 36 months it was one year, and she believed it was amended in 2002. She said she had heard conversation at one point that people don't feel one year experience is fair because you have officers that have been in the department for three or four years, and they don't want somebody with less experience to be a Sergeant. S. Holmes said as the union rep for the department, this would be beneficial for them as they have talked about how difficult it is to recruit people into the police department. As stated previously, they got lateral transfers authorized to the department, so they can come in at their pay rate and benefit level in sync with where they were leaving. If they do the 36 months with the full-time experience with their police department specifically, he thinks this will be a hindrance to those laterals coming in. He explained that when you get hired on full time there is a one-year probationary period where you're not a member of the union until you pass the probationary period to make sure somebody is a good fit for the department. He said as a union they have talked, and it would be beneficial for them to have the three years full time experience which is verifiable through the state. The state keeps a DD214 for police officers, which keeps track of every department you work for, your length of service in those departments, and the Chief and Administration has access to those and they check them when they hire somebody in. It is easy for them to verify how much service they have had in a full-time capacity prior to being hired with Vermilion as a lateral transfer. As far as calculating how long they have been a full-timer is a very simple thing to do. As far as the three-year threshold he has not heard any negative feedback. Captain Graham said the reason for the three-year is because you have a guy with one year and he still does not know anything, and it could be a safety concern. S. Holmes said they hire intelligent officers, but you could get somebody that is good in test taking, but not necessarily at the level of job knowledge, so with three years you have a good base of on the job knowledge to supervise.

J. Lucas said as an example you have somebody that is in Atlanta, Georgia with five years' experience that wants to laterally transfer to Vermilion, what is the feeling with having officers with three or four years, so would this be a concern. S. Holmes said seniority does not come into play with civil service testing. You must have the three years and after that it is a fair field for everyone. J. Lucas asked if they felt the 36 months should be continuous – reason being with COVID 19 and potential economic impact to communities there may be some opportunities where there is a break in service. S. Holmes said sure especially with a lateral that could be – somebody that transfers in from another state and is looking for a job here. Captain Graham said experience is experience. S. Holmes agreed.

G. Fisher asked for clarification from S. Holmes that in speaking about leaving this at 36 months in the next lower rank – are they suggesting to take out the language “within the department” so if they have experience in other departments this is accounted for. S. Holmes said yes as this is his opinion. Mayor Forthofer believed some of the discussion in the previous group was the part time, not so much which agency they were with. G. Fisher said discussion did come into play about their prior experience. Mayor Forthofer thought the concern was with part time people coming in to take the test. D. Kernell asked if they wanted the wording to be changed to a rank within a police department. G. Fisher thought the suggestion was to leave ‘within the department’ out of the rule. Captain Graham did not know if they wanted to say rank because what if that person was a sergeant somewhere and now, he wants to come to Vermilion. G. Fisher asked if they should then leave out the wording ‘the next lower rank within the Vermilion Police Department. J. Lucas is hesitant for making it continuous if there is a break in service. S. Holmes said it wouldn't need to be continuous, but they would have to be out of the one-year

probationary period. G. Fisher asked if that need to be included in the language. S. Holmes said he would stipulate this. G. Fisher asked if it should read, they must have one-year probationary period with the Vermilion Police Department. J. Lucas said this would show their loyalty and commitment. Captain Graham said the one year is really an extended job interview because they evaluate within that year. S. Holmes said within that one year they do not have the union coverage, so if there must be a termination it is easier for the administration to do if it was not working.

D. Kernell said if someone comes in from another police department and if their pay scale when they came in is higher than what the Vermilion's pay scale is, do they get the higher pay scale. S. Holmes said no. Captain Graham explained they get the equivalent pay scale. If they have three years' experience it would pay what Vermilion pays at three years. Regardless of what they made at their other department does not matter, but they are getting some credit for the time they served. D. Kernell said his concern is that they have a city budget and they would need to know this up front. S. Holmes explained the tier process to the members. He said the lateral transfers are beneficial for their department because they already know how to be cops and they know they are good cops, and the time of training is greatly reduced, so it's a whole bunch of benefits.

J. Lucas had a question relative to the term of police officer, as in the court documents there was talk of the metro ranger – is this a blanket law enforcement experience. Captain Graham said rangers are certified. S. Holmes said rangers, deputy sheriff's, and constables are considered certified.

S. Holmes suggested changing the rule as follows: *“Members of the Vermilion Police Department shall not be eligible to compete in a promotional examination until they have served a minimum of at least thirty-six (36) months (1,095 days) of full time law enforcement experience and after completing a one year probationary period with the Vermilion Police Department **by the date of the written examination.**”*

**J. Lucas MOVED**, D. Kernell seconded to recommend a proposed change to Rule IV(c)(iv) as stated above and to run it through the law director for review. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

G. Fisher said the commission can meet again once the law director comes back with an opinion. They can officially schedule a public hearing at that time on what the proposed rule amendment is. D. Kernell asked how the public review process works. G. Fisher said she will prepare a 30-day Public Hearing notice and will list the proposed rule change and it will be advertised in the Vermilion Photojournal.

### **Protest Periods – Entrance Examinations**

G. Fisher explained that Clancy & Associates administers the civil service testing for the city and hundreds of other municipalities. They brought the issue of protest periods before the former Commission as many municipalities are eliminating their protest periods because they are finding that the protest period process takes too long, and they are losing eligible candidates from the lists right from the start. She said 95% of their clients have eliminated the protest periods from their rules so they can be effective as possible. She said from hundreds of examinations they have administer, they have only received one protest which was four years ago. She said the former commission was in favor of discussing the elimination of the protest periods, so she would like this commission to think about doing the same. She said by eliminating the protest periods, then Clancy can finalize the scores and the Commission can proceed immediately with the final scores, so they can certify the list to the Mayor in a timely

fashion.

J. Lucas asked for an explanation of the two protest periods. G. Fisher explained that participants in any examination may inspect the examination questions together with the rating key for the questions for a period of not more than five (5) days after the date of examination. Any protest by a participant as to the questions asked or the rating key answers must be filed in writing with the five-day period. Immediately following this period, the Commission shall carefully consider all objections and make such changes in the tentative rating key as are warranted, after which the rating key adopted shall be used in the actual scoring of the examination papers. The examination papers of each contestant shall then be graded, and each contestant shall be notified by mail as to his grade. After the notice of grade has been received, each participant shall have the right to inspect his examination papers together with the rating key within 10 days of the postal date stamped on the mailed notice of his grade. Any protest as to the grading must be filed in writing by the participant with the 10-day period. She said Clancy said many communities have eliminated the protest periods and then they can turn around and grade the tests immediately and then the Commission meets and assigns the extra credit and can give the mayor the eligible list to start hiring. Captain Graham said from experience he contested two questions and won, so it does happen. He thought the second protest period is ridiculous. J. Lucas asked if there is an appeal process after this is done. G. Fisher said the commission decides whether to grant the protest or not and then the decision goes to Clancy and the exams are graded. She said the commission could always just do a three-day protest period and be done. S. Holmes thought they would be on track with just having a three (3) day protest period.

**J. Lucas MOVED**, D. Deucher seconded to recommend a proposed change to Rule IV Examinations 11. (a) Inspection of examination papers by changing the five (5) day protest period to three (3) days, and to eliminate (b), which is the 10- day protest period and changing (c) Public Inspection to (b). Roll Call Vote 3 YEAS. **MOTION CARRIED.**

### **Establishment of a Procedure for reviewing applicants' qualifications before the testing process begins**

Mayor Forthofer said it seems like common sense to do this before the examination. G. Fisher explained there is no rule indicating this. J. Lucas suggested they put a procedure in place to review these. G. Fisher said they would need to figure out where to insert language into the rules. J. Lucas asked for the language pertaining to the DD214 form. He said they need to ensure these examinees meet the requirements. G. Fisher asked if the law director could figure out where they should insert this and to gather the terminology. Mayor Forthofer said he could ask the law director to assist with terminology. S. Holmes said the Chief could also communicate with the law director on how they verify the 36 months of full-time law service experience.

**J. Lucas MOVED**, D. Deucher seconded to have the law department establish a rule identifying a procedure for verifying the 36 months of full-time law service experience prior to the test commencing. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

### **NEW BUSINESS:**

D. Deucher said S. Holmes had previously brought up the issue about the extra credit for part

time officers and he would like this discussed at the next meeting. He said this might encourage the part timers to continue in Vermilion especially with today's culture. S. Holmes said this would be beneficial for the department for the entry level exam for part timers off probation. He suggested 5% or 10%, but said it was up to the commission to weigh this experience.

**J. Lucas MOVED**, D. Kernell seconded to adjourn the meeting. Vote 3 YEAS. **MOTION CARRIED**.

Transcribed by Gwen Fisher, Certified Municipal Clerk