

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

Regular meeting called to order at 8:00 AM on Tuesday, September 12, 2017

Present: Dave Morris, Ray Farcas, Mike Mogg

Absent: Marianne Hallapy, Lou Carsone, Dan Livingston

Others Present: Mayor John Darko, Officer Mike Banic, Officer Josh Knebel, Office Ted Thirion

Notation #1: Morris recapped that the fulltime police officer agility test and written test will be given, with Sergeant Thompson supervising the agility test in Niles and the written exam being given in the Senior Center with Clancey & Associates.

Morris then discussed the promotional sergeant assessment, which was requested by Police Chief Jim Taafe and Safety Director Lou Carsone. Letters were sent to each candidate within the Hubbard Police Department. Morris also noted that the civil service commission was responsible for determining the percentage split between the assessment and the written portion of the testing process. Morris then allowed each officer present to express their concerns:

Officer Thirion: Asked why the promotional process was changed. Morris answered that the Ohio collaborative was seeking to increase professionalism by having a more well-rounded approach of selecting candidates for a promotional position that wasn't solely based on a written exam. Thirion didn't understand why the testing changed, noting it was always the best score won the position and there was never an issue with it. He questioned if there was a problem with someone and Morris replied that there wasn't. Thirion was against the testing, adding that in seven hours the test administrator can't select who the best supervisor would be. He doesn't understand why it's changed when there's never been a problem with it in the past, saying that it isn't legitimate. The officers also received the letter explaining the process after a decision was made with the civil service commission. Morris stated that it's a reputable process and group that many departments are using. He suggested that the officers ask the chief and safety director why they requested to change the promotional process. The commission was asked, do we want to pick who the lead assessor is or do we want the OACP to randomly pick so we, as the City of Hubbard officials, have no say whatsoever. Morris stated that the commission's request was that they randomly pick, since they (commission) want no part of it. Morris didn't know who the assessors will be and further that they don't even know the candidates' names.

Officer Banic: Stated that part of their concerns stem from the history of past civil service tests, for example, he noted that he passed the test and another candidate didn't, but the other candidate got hired (he gave more examples, showing that people were hired outside the scope of the test). Banic stated that he just wants the process to be fair, with transparency, without a specific person being picked. He noted that the letter they received was outside the control of the civil service board and that is part of the reason that he's saying that someone

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

may have abused the board's trust. Banic asked that all communications come directly from the civil service board, so it will take any other influence out of it. Banic said everyone heard about the letter and he spoke to Chief Taafe on August 22nd, who was confused and didn't remember about the letter, so he asked Safety Director Carsone about it. Taafe emailed Banic back, stating that the letter was handed off physically to Chris Moffitt around June 13. On August 24, Moffitt called our union rep and notified him of this letter, which was around 2-1/2 months after the letter was handed to him. Banic stated that he spoke to Moffitt on September 11th, who said that he took the letter to the June FOP meeting. No one showed up but him and one other person, so there wasn't a quorum to hold the meeting, so he put the letter on his desk for the next meeting but never made copies to distribute the letter to the five officers (candidates for the promotional test). Moffitt never gave an explanation as to why he didn't distribute the letters. This prevented him or the other officers to give input before the civil service commission decided on the new assessment testing process. Banic questioned why Moffitt was given the letter when all communication we've received about this promotion always came through Chief Taafe. He doesn't know why there was a change in protocol – he said it's not for him to say, but for them (Taafe, Carsone, Moffitt) to speak for their own actions. For him (Banic), it starts to look different from an honest process, it doesn't look right. Banic questions if they have any information to give anyone a head start and pass everyone else or any inclination as to what the test entails and if they're passing it off – at this point he says that he just doesn't know and questions it.

Morris stated that he can't answer his questions as far as who they communicated with or how they communicated. He added that he believes he was "cc'd" on most communications with the OACP. He stated that there is a process that the OACP does as far as the assessment. There is a representative who will speak with all existing sergeants as far as what role they play and job descriptions. They will collect data concerning the city as far as demographics, population, crime rate, etc. so the test is geared for Hubbard and not another city. The OACP has a reputation of fairness and is used by a lot of departments. A higher-up union official outside of Hubbard stated that they have never had a problem with any unfairness.

The information Morris received with regard to the promotional exam in July 2010 was before any current civil service board members were active on the commission. In addition, he stated that the Chief of Police is not on the civil service commission, so he can put out whatever he wants; however, the civil service commission has to follow the rules – they cannot just go by what the Chief puts out.

Banic noted that this was his concern and that all communication should come directly from the civil service commission to alleviate any problems.

Morris stated that the applications should have been distributed by Marianne Hallapy. Banic replied that they came from Sergeant Thompson one day after he went out-of-town. Banic

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

brought up the deciding factor for a tie-breaker. Morris noted that he looked into this, stating that a tie-breaker for an original appointment (or patrol officer) is veteran preference first and then “recorded time” of when the application was turned in. With promotional exams, there’s nothing that directly addresses tie-breaking that he could find. The only thing he did see was that if seniority and efficiency credit is permitted, it can be used; however, he couldn’t find anything that broke down points for seniority the way theirs was broken down, adding that civil service law from the time of SB 5 until now has been changed so much, that he doesn’t see where you can get additional points per se. However he does agree that for promotional exams it does make sense that seniority is what would make the tie-breaker. The reason efficiency can’t be used is that it’s based on human opinion – the law does allow this, but it can’t be last minute, it should have been continually done, basically since you’ve each been hired and then turned over to the civil service commission. Since this was not done, it would not be considered in this promotional exam.

Morris noted that the civil service commission will determine what breaks a tie, along with the percentages of value. The commission has already contracted with the OACP, so scrapping the assessment is not an option – not without a lot of expense. The test needs to be given within a certain amount of days after Sergeant Oaks’ retirement. There would be no legal reason to scrap going with the OACP just because they are a legitimate, independent group conducting the assessment. In the future, the commission will attempt to invite for discussion those affected by the promotion.

Upon learning that the FOP membership never received the letter stating that an assessment test would be given for the promotional exam, Mayor Darko stated that the City’s civil service commission passed the letter on. He had no comment as to why they hadn’t received the letter. Darko did note that the eligible applicants had received the packets, which included the testing procedure; however, Banic noted that it was after the commission contracted with the OACP, so they didn’t have an opportunity to discuss the assessment beforehand. Officer Thirion stated that since they didn’t receive the letter, they didn’t speak against the new assessment, so it was assumed that the applicants were okay with the change. In reality, they didn’t know, so they lost their opportunity to discuss the change. Morris noted that the lack of communication is something that the applicants will have to take up with the FOP since the commission had nothing to do with the letter. Officer Thirion interjected noting that in the past, when the previous promotional exam was given with then Chief of Police Marty Kanetsky, the final percentages were given after the test was completed by the then members of the civil service commission. “That was the main issue to that. Everyone believed that was it because nothing else was ever said. The test scores came out and then civil service interjected with what the standards were going to be,” said Thirion. He noted that’s why they question things now because of what happened in the past.

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

Morris stated that he believes no one presently in the Hubbard Administration or Civil Service was involved here when that happened in 2010. Thirion assured that no one is being accused, but the applicants just want it to be known where their issues lie presently because of what happened in the past. Morris agreed and understood. He also mentioned his appreciation for them bringing this to the attention of the commission. Morris stated that members of the commission thought the rules were laid out, fair and square, but obviously things were missed. Morris added that whatever testing group the commission uses, their job is to be referees so that it's fair amongst the candidates and protects all through the process.

Officer Knebel: Noted that the format has changed from the former written test, which focused on Hubbard's ordinances, the Ohio Revised Code and things that matter within the City. Now the test is based on a book that the candidates are required to read about some guy's theory on leadership. He acknowledged that there's some good points in the book, but it has nothing to do with Hubbard. Knebel asked, "How does reading this book and taking a test on it am I going to best serve you in the City of Hubbard?" He stated that they changed the whole process, now there's just this book. Officer Thirion interjected, stating that several chapters in the book are terrible. He noted that he probably couldn't tell you what they were even about. He did say that there was also a lot of useful information as well, like budgeting, scheduling, morale, etc. Morris noted that the Ohio law allows the commission to use a laundry list of different methods. Our goal is to make it so that when everyone leaves they say "I got the promotion" or "I didn't get the promotion", "but it was fair." Morris apologized that things got "clouded". He assured them from the civil service perspective, the commission's intent was not to ever make it appear unfair. Morris further stated that commission member Ray Farcas was not sold on the idea of using the assessment, so voting on it was delayed to give everyone more time to research and evaluate its use. He noted that the candidates could have attended and expressed concern before the vote. When no one attended, the commission assumed that everyone was okay with it. He noted that the next promotional exam for the City will most likely be for Police Chief. He asked the candidates to attend the next meeting in October to share their opinion of the assessment process, which would be helpful for the commission to evaluate its use with respect to its cost.

Thirion asked if the candidates will know their score after the assessment. Morris replied that he wasn't sure, but felt that results would be sent directly to him after the entire process of assessment and written as a combined score. He added that a written report would be given after completion as well. Morris noted that the scores would probably be released at the October Commission meeting.

Morris assured the candidates that when the assessment was suggested, the commission insisted that it would be an outside group with training, including no locals, to keep it fair. He noted that prior to the current members on the commission, there were some questionable civil service practices – most notably in 2010. None of the current members can answer for past

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

commission members' actions. Banic replied that he didn't want answers, he just wanted the commission to understand why the candidates are naturally suspicious. He added that it seems like anytime there's a test, something's not right about it. Banic explained that the problem is the path that the letter took – it's what the candidates are questioning. Morris reiterated that they need to take up that problem with the FOP.

The Mayor noted that with five great candidates, the City was willing to spend more to find the most qualified candidate with a fair assessment, using an outside testing group. Morris added that the cost is extremely higher at about \$6,300, as compared to the \$900 cost of just a written exam. He ending by stating that the only things left with the total assessment/exam are the percentages and the tie-breaker. Morris stated that he and Farcas were leaning towards a 50/50 split for the assessment and the written exam, while Mogg thought 75/25 with 75% relying on the written. Officers were asked with the following suggestions:

Thirion- 75 written/25 assessment * wanted more on the written because it doesn't include the human factor;

Knebel- 50/50 * felt that it's a better balance for finding a well-rounded candidate because it averages one that's a better test taker with another that's a better assessment taker;

Banic- (he stated that Pagano & Marando verbally agreed as well) 70 written/ 30 assessment * stated that the book is 630 pages long of material that needs to be read and learned, so he feels that it's more important- said a lot deals with supervision, like budgets, scheduling, morale, and things we need to learn, so it should carry more weight on the percentage;

Mogg- 75 written/25 assessment * feels that the promotion for sergeant is primarily more of an administrative role, so the candidate should have knowledge of supervisory skills;

Farcas- 75 written/25 assessment * has seen a lot of interview processes where someone interviews very well, but doesn't work out well on the job, so he doesn't put a lot of weight in an interview process; wants to rely more on the written for candidate to be knowledgeable;

Morris- 50/50 * didn't really have an opinion; understands the 75/25 because of the newness of the assessment;

Darko- 50/50 * felt that the assessment will be beneficial since it will ask the candidates to make decisions in a very short period of time, which is an important part of the sergeant position; he added that having knowledge is good, but showing that you're able to make decisions is where the assessment will be a great evaluation – feels that the assessment should have as much weight as the written.

Motion #1: A motion was made by Mike Mogg and seconded by Ray Farcas to assign a percentage value for the promotional sergeant assessment/written examination as follows:

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

75% weight assigned to the written examination and 25% weight assigned to the assessment. Motion carried 3-0.

Officers present, along with members of the commission, unanimously agreed to use seniority as the tie-breaker for the promotional sergeant examination.

Motion #2: A motion was made by Dave Morris and seconded by Mike Mogg to assign seniority as the tie-breaker for the promotional sergeant assessment/written examination. Motion carried 3-0.

Morris asked for questions:

Knebel- an email was sent asking how candidates were supposed to take off to be able to take the test - Chief Jim Taafe replied that candidates needed to use vacation or comp time to take the promotional sergeant examination; he stated that he asked Chuck if it was the City making them do this- so Knebel felt like if the City was making them do this, then the candidates should be paid to take the test; "Why should I have to use time off to take the test," he asked. Both he and Thirion agreed that the written test (2 hours) wasn't that bad, but it was the assessment on the Saturday (7 hours) that concerned them. Darko asked if this was in their contract and they stated that it was not. Morris replied that the commission would have nothing to do with their concern, but noted that in his opinion, if it were the candidate's day off, he didn't feel that the City should have to pay them overtime to come in and take the test. Morris did state that if a candidate was on duty, he doesn't believe that the City can deny them from taking off to be there for the exam. Knebel stated that the email said "All time off is to be granted". Morris told them that this is something that they need to go to their union rep for to discuss during their collective bargaining. Morris also suggested that the candidates approach Police Chief Taafe or Safety Director Lou Carsone with regard to the change of testing process. He noted that they did not contact the commission to express any problems with current sergeants that would prompt a change in testing, so the candidates should direct all questions with regard to the new assessment to them.

Notation #2: With regard to the lineman testing, Morris announced that test results showed that all candidates passed (13 signed up, but 12 showed up for the test) with very reasonable scores. The top ten candidates list was passed on to Service Director Dan Livingston and Marianne Hallapy has all the documents for the testing. The public list with test numbers and scores was posted.

Notation #3: Morris announced that Thursday, September 14, 2017 is the scheduled physical agility test for the patrolman test in Niles at 10:00 AM, with Sergeant Bob Thompson. He reported 12 applicants for the test. Farcas reported that he would be there, assuring that each candidate has a doctor's waiver form and marking driver's license number on their application to identify each candidate. Morris reminded that if a candidate fails any portion of the physical

City of Hubbard, Ohio Civil Service Commission

220 West Liberty Street, Hubbard, Ohio 44425 – (330) 534-5719

agility test, they should be told that they don't qualify to take the written exam. He also told Farcas to collect all agility test results from Thompson for the commission's records and to let Clancey & Associates know the count for the written exam, which will be held on September 28, 2017 in the City's Senior Citizen Center at 6:00 PM.

Notation #4: Morris did announce for the record that he was disappointed that the letter for candidates of the promotional sergeant exam got "messed up". He suggested that in the future, the commission can acquire all city emails and have Hallapy responsible for all distribution of anything the commission does, in particularly, all candidates by their city emails. Darko did note that the City did send out the letter to the FOP President, so the problem lies with the FOP.

Motion #3: A motion was made by Dave Morris and seconded by Ray Farcas to adjourn the meeting at 9:04 AM. Motion carried 3-0.

Respectfully submitted,

Marianne Hallapy, Secretary

David Morris, Chairman

Ray Farcas, Vice Chairman

Mike Mogg, Member