



## SHAKER HEIGHTS

### **Civil Service Commission Agenda Shaker Heights City Hall, Conference Room B Monday, March 2, 2020, 3:00 PM**

1. Approval of January 13, 2020 meeting minutes.

Documents:

[MINUTES011320.PDF](#)

2. Discussion of Fire Lieutenant Promotional Examination results.
3. Review Certification of Eligibility list for Fire Lieutenant.
4. Discussion of Fire Battalion Chief Process.
5. Recommendation and Approval of Testing Company for Battalion Chief Examination.

Documents:

[EXHIBIT A.PDF](#)  
[EXHIBIT B.PDF](#)

6. Recommendation and Approval of Weights for Fire Battalion Chief Exam.

Documents:

[EXHIBIT C.PDF](#)

7. Recommendation and Approval to Limit the number of Candidates that advance to Battalion Chief Assessment Center.
8. First Reading of Proposed new Civil Service Rule 6.10 - Appointments.

Documents:

[EXHIBIT D.PDF](#)

9. Schedule next meeting date and time.

To request an accommodation for a person with a disability, call the City's ADA Coordinator at 216-491-1440, or Ohio Relay Service at 711 for TTY users.



**Civil Service Commission Minutes  
Monday, January 13, 2020 at 3:00 P.M.  
Conference Room B**

**Members Present:** Sandra I. Kiely, Chairperson  
Ronald G. Fountain, Commissioner  
Jeri E. Chaikin, Secretary

**Others Present:** William Ondrey Gruber, Director of Law  
Jeffrey DeMuth, Chief of Police  
Patrick Sweeney, Chief of Fire  
James Heath, Assistant Chief of Fire  
Laura Clague, Sergeant  
Sandra Middleton, Human Resources Manager

The meeting was called to order by Chairperson Sandra Kiely at 3:06 p.m.

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**Approval of the September 23, 2019 Meeting Minutes**

Chairperson Kiely asked if there was a motion to approve September 23, 2019 meeting minutes, it was moved by Commissioner Fountain and second by Commissioner Kiely and minutes were approved.

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**Designate Commission Chair**

The first order of business was motion to designate Commission Chairperson. Commissioner Kiely was re-elected as Chairperson.

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**Update on Police entry-level hiring**

Police Chief Jeffrey DeMuth shared 5 (five) final offers were extended and 7 (seven) conditional offers were extended. One person who is presently a police officers for the State of New York informed Ms. Sandra Middleton, Human Resources Manager that he was not ready to commit due to a project/assignment and asked if he could be added in the next round. Chief DeMuth mentioned another individual received a conditional offer, didn't meet the physiological requirements. Chief DeMuth mentioned that the individual need to work on some issues and it is a good possibility to bring him back in the next round. Ms. Middleton asked when will the swearing in be. Chief DeMuth replied at the City Council meeting on January 27<sup>th</sup> at 7:30 p.m. Ms. Middleton stated this process is different. CAO, Jeri

**CITY OF SHAKER HEIGHTS**

Chaikin stated that the Civil Service Commissioners will receive an official invitation. Chief DeMuth stated that we have 9 (nine) eligible candidates to put through backgrounds, and have 2 (two) official opening and will be going through those backgrounds and that will exhaust the eligibility list.

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**Recommendation to remove the following candidates from the eligibility list**

Ms. Middleton asked to withdraw this from the agenda, both candidates have submitted request to withdraw their names. Moved by Commissioner Kiely and second by Commissioner Fountain and approved.

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**Resolution of Fire Lieutenant written test examination protest (EXHIBIT L1 – through L8)**

Commissioner Kiely mentioned there are 8 (eight) questions that were protested. Ms. Middleton replied that is correct. Commissioner Kiely asked who would like to discuss. The candidates took exceptions with 8 (eight) questions. The process is to complete a protest form and then Ms. Middleton will submit them to the Ohio Firefighter Chiefs Association. The author of the exam would review the protest and responded to each protest and provide recommendations. Chief Sweeney mentioned he reviewed all exceptions and agreed with the author's responses. Ms. Middleton shared the process after you go through each questions. You either deny the protest or accept the protest, re-key and to accept additional answer without the questions, or change the right answer to another one or accept two answers or threw out the entire question. The company made recommendation for each.

Commissioner Kiely asked to go through the questions and if the Chief is in agreement. Chief Sweeney replied yes! Commissioner Kiely addressed the first question **#51** the writer believed that the protest be denied. Chief Sweeney replied agreed. Commissioner Fountain asked do we have to vote on each one. Ms. Middleton replied you can vote on each one at the end or after each one. That is up to the Commissioners on how they want to do it. Commissioners agreed to do it as they go along. Commissioner Fountain recommend that we accept the denial and Commissioner Kiely concurred. Chief Sweeney stated that the author of the report is very protective of the test questions. Commissioner Kiely stated the test will be returned because it is private property. Commissioner Kiely addressed question **#60** after review recommended to be denied. Chief Sweeney replied agreed. Commissioner Fountain recommended that we accept the recommendation for denial and Commissioner Kiely concurred. Commissioner Kiely addressed question **#79** after review and recommended that the protest be denied. Chief Sweeney replied agreed. Commissioner Fountain replied that he moved that we accept the recommendation for denial and Commissioner Kiely concurred. Commissioner Kiely addressed **#80** after review this protest be denied as a recommendation. Chief Sweeney replied agreed. Commissioner Fountain moved to accept the recommendation that the protest be denied and Commissioner Kiely concurred. Commissioner Kiely addressed question **#103** the candidate is correct the answer key is incorrectly marked and the answer key will be adjusted to reflex the correct answer prior to grading the exam. Chief Sweeney replied agreed. Commissioner Fountain moved to accept the recommendation for correction to be made to the question and answer key and Commissioner Kiely concurred. Chief Sweeney mentioned for the record that the author of the test was impressed with the amount of time and thoughtfulness of the protested questions and the amount of time that the individuals put into it. Commissioner Kiely replied that she was impressed and it took a lot of thought. Ms. Middleton mentioned one person stayed for about six hours. Commissioner Kiely mentioned that they are clearly very knowledgeable and not from lack of commitment or training. Commissioner Kiely addressed

question #117 after review recommended that this protest be denied. Chief Sweeney replied agreed. Commissioner Fountain moved that we accept the recommendation for denial and Commissioner Kiely concur. Commissioner Kiely addressed question #139 and recommended that both answers be allowed to be considered correct based on what the candidates had studied. Chief Sweeney replied agreed. This would allow both C&D to be graded as correct answers. Commissioner Fountain moved to accept recommendation and Commissioner Kiely concurred. Commissioner Kiely addressed question #145 and recommended that the protest be denied. Chief Sweeney replied agreed. Commissioner Fountain moved that the recommendation for denial. Commissioner Kiely concurred and mentioned she was very impressed.

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### **Review next steps in Fire Lieutenant promotional Process.**

Chief Sweeney explained the next step on February 6<sup>th</sup> and 7<sup>th</sup> there will be 12 (twelve) candidates to participate in an Assessment test at the Corporate College by the Ohio Fire Chiefs' Assessment Group. On the 6<sup>th</sup> there will be a total of 8 (eight) candidates and will start at 8:00am in the morning and ending around 3:00pm. They will be asked to participate in a series of questions for fire service scenarios, personnel exercises, qualification exercises, tactical firefighting scenarios and a host of things that are expected of a first line Lieutenant supervisor on a fire truck for the February 6<sup>th</sup> and 7<sup>th</sup> and on the 5<sup>th</sup> at 4:00 p.m. there will be an orientation where all of the candidates are invited to participate to sit down and talk to the lead assessor and outline what is going and what is to be expected of them over the next 2 days and any questions they might have. Commissioner Kiely asked if they have had the session in the past. Chief Sweeney replied yes! Chief Sweeney mentioned the assessment will wrap up on the 7<sup>th</sup> and the lead assessor will submit the scores to Ms. Middleton.

Ms. Middleton stated prior to the Assessment Center and according to the Civil Service Rules we have to open up another protest period of 10 days because we are re-keying the test due to your vote today 2 (two) questions will be changed so people will have an opportunity to come back and look at those 2 (two) questions only, they can't protest any additional questions, they have only 10 days to do that and will have that binding exception. We don't think we will have any and we are good to go to the Assessment Center on the 6<sup>th</sup> and 7<sup>th</sup>. Chief Sweeney mentioned that he met with Assistant Chief Jim Heath and Battalion Chief along with the Lead Assessor to discuss what we are looking for in a Lieutenant and the scenarios they would expect to encounter in Shaker Heights and our surrounding area. A scenario that they'll see will probably be residential structure in the City here, so when you get into the next level as a Battalion Chief you might see something bigger and exercise that requires managing a much larger response. The first exercise for a Lieutenant is a scenario where they are the first on the scene before everybody else and they are running the show until the Battalion Chief gets there. Commissioner Fountain asked will the Battalion Chief's assessment include management of other departments who provided work. Chief Sweeney replied without a question. Commissioner Fountain mentioned it is a whole site management with all its complexities. Chief Sweeney replied Fernway School, yes! Chief said when they march through this assessment the notes will not be out before this assessment. Ms. Middleton replied the notes will go out tomorrow morning. The Chief Battalion would manage a much larger response to Cleveland Heights, University Heights and Warrensville Heights. A Lieutenant is expected to manage the first response because he is the first on site.

Commissioner Kiely asked after the February dates when will this be wrapped up. Ms. Middleton replied once Civil Service Commission approve the list at our next Civil Service meeting in the first week in March.

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### **Discussion of Fire Battalion Chief Promotional Process**

Chief Sweeney apologized that he did not provide their organizational flowchart to reflect some vacancies that will occur over the next year in the Fire Department. There will be 1 (one) Battalion Chief position expected to be vacant next 1<sup>st</sup> quarter in 2021 and would like to identify that individual before the beginning of the 4<sup>th</sup> quarter so in January we can position that person on the shift where the vacancy will occur. Chief Sweeney mentioned he asked CAO, Jeri Chaikin and Ms. Middleton if he could put this on the agenda today, a list of books that would like the Battalion Chiefs to start preparing for the written exam and would like to follow the exact same process that we did for the Lieutenant exam. There would be more advance questions and exercises that the candidates would be subjected to. Chief Sweeney mentioned there is always a need for the individuals to be strong and understanding of building construction, especially in the area where you are responding to incidents where we have older buildings here in Shaker Heights and other communities where there are newer construction. Shaker has a wide variety of construction when you look at the period of time when the city was built. The construction on the west end is completely different than what it is on east of Warrensville Center Rd. CAO, Jeri Chaikin mentioned that Chairperson Trotter suggested that we add Leadership Information. Chief Sweeney mentioned this is a good book and he had talked to the author of the exam and other fire chiefs in the Cleveland area about different management books. Ms. Middleton asked the name of the book. Chief Sweeney replied Effective Leadership. There is another book call the Firefighter Officer Handbook of Tactics and we had this on a lot of promotional exams and on Lieutenant exams. Chief Sweeney provided an overview of each book on the suggested reading list.

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### **Recommendation and Approval of the Reading list for Fire Battalion Chief Promotional test (Exhibit 1)**

Chairperson Kiely motion the recommendation and approval of the Reading List for Fire Battalion Chief Promotional test. Moved by Commissioner Fountain and second by Commissioner Kiely and approved.

Commissioner Kiely asked how many will be taking this exam. Chief Sweeney replied 8 to 10. Commissioner Kiely asked if there will be a position open a year from now. Chief Sweeney replied yes! This would allow the person to be assigned to the shift and the new Battalion Chief an opportunity to work with the outgoing Battalion Chief for about 4 months.

Commissioner Kiely asked Ms. Middleton is there anything else that we don't have on the agenda to discuss. Ms. Middleton provided a preview of what to expect at the next meeting. The results from the Fire Lieutenant Promotional will be available, and requesting changes to the Civil Service Rules which require 2 (two) meetings.

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There being no further business, the meeting was adjourned. The next meeting will be March 2<sup>nd</sup> at 3:00 p.m.

The meeting was adjourn at 3:35 p.m.

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Jeri E. Chaikin, Secretary  
Civil Service Commission

**2020 FIRE BATTALION CHIEF PROMOTIONAL - WRITTEN EXAM COSTS**

	<b>OHIO FIRE CHIEFS' ASSOCIATION</b>	<b>IPMA</b>	<b>I/O SOLUTIONS</b>
Written Test	\$1800 Plus \$20 For each candidates	\$395 Fee plus \$10 per question	\$95 per candidate
Misc. Fees	\$5 per department question	Includes 20 test booklets. Each additional booklet is \$26.	
Review of Appeals	Included	Not Included	Included
Total Written Test	\$2,020	\$1,395	\$1,045
*BASED ON 11 APPLICANTS			
** BASED ON 100 QUESTIONS			

**EXHIBIT A**

2020 BATTALION CHIEF PROMOTIONAL ASSESSMENT CENTER COST ESTIMATES		
	OHIO FIRE CHIEFS' ASSOCIATION	RAMSEY & ASSOC.
<b>Assessment Center</b>	up to 6 candidates= \$6100	\$860 per candidate for 5 or fewer
	7 candidats (1 day) \$7100	\$760 per candidate for 6-7
	8-12 candidates (2 days) \$12,200	\$710 per candidate for 8-9
		\$610 per candidate for 10-20
<b>Misc. Fees</b>		
<b>GRAND TOTAL</b>	<b>\$12,200</b>	<b>\$6,710.00</b>
<b>Based on 11 CANDIDATES</b>		

EXHIBIT B

Promotional Examination test weights with 2020 Recommendation

	2019 Proposed Weights (Battalion Chief)	2015 Weights (Battalion Chief & Lieutenant)	2011 (Battalion Chief)
Written Exam	40%	40%	40%
Assessment Center	60%	60%	60%

EXHIBIT C

**Section 6.9 Request for Waiver**

A candidate desiring to file a request for waiver of certification and appointment or reinstatement, specifying reasons for such request must file same with the Commission within three (3) days after the eligible individual had been notified of his or her certification to the Appointing Authority. A certification is not charged if the waiver is approved.

**Section 6.10 Appointments**

(a) The Appointing Authority shall appoint one of the persons certified within thirty (30) days after receipt of certification. The Secretary and Administrator of the Commission may grant additional time if justified.

(b) Any permanent employee eligible for a service retirement under the Ohio Police and Fire Pension Fund may request consideration for a post-retirement rehiring to the position he or she held at the time of retirement, if rehiring is permitted in the employee's bargaining agreement. If all the conditions required in the Retire/Rehire Article of the applicable bargaining agreement are met, the Appointing Authority may approve the rehiring after retirement at its discretion, and shall implement the rehiring pursuant to the conditions listed in the bargaining agreement.

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**Section 6.11 Temporary Employment**

The acceptance or declination of a temporary appointment shall not affect the right of the eligible to certification for permanent employment.

Appointments may be made for temporary employment without examination without the consent of the Commission for a period not to exceed one hundred twenty (120) days. Extensions in increments of thirty (30) days, may be granted by the Secretary and Administrator.

Temporary appointments may not be made to fill regularly authorized vacant positions.

**Section 6.12 Emergency Appointments**

When an emergency arises such that in order to prevent the loss of public property, serious inconvenience to the public or damaging delay to the public service, the usual procedure of requisition and certification is not suitable, an Appointing Authority may immediately appoint a qualified person or persons for service during the existence of such emergency, but not to exceed one hundred twenty (120) days, except by consent of the Commission.

**Section 6.13 Reinstatement**

Any permanent employee who resigns without fault or delinquency and who, at the time of resignation, has been declared suitable for reappointment by the Appointing Authority may, with the approval of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar position in the same department or placed in a similar position in another department. If a vacancy does not exist, a reinstated employee shall be placed on a reinstatement list considered most appropriate by the Commission. Persons placed on reinstatement lists may at the discretion of the Commission, be reappointed before certifications are made from regular eligible lists. Previous total continuous service shall determine order of placement on reinstatement lists.

Reinstatement action shall originate only upon departmental request and after approval by the Appointing Authority. All reinstated employees must pass physical, medical and/or mental examinations as determined by the Commission.

Reinstated employees shall be credited for continuous service prior to resignation for purposes of seniority credit.

**Section 6.14 Probationary Period**

All original appointments to the police and fire departments shall be for a probationary period of two (2) years and the probationary period for the positions of police sergeant and lieutenant shall be for a period of two (2) years, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his or her probationary period. For cause the Appointing Authority may remove or reduce the probationary employee at any time during said probationary period. At the end of the probationary period, the Appointing Authority shall transmit to the Commission a record of the employee's service.

evidence usually applied by the courts in civil cases. Where the subject matter of the hearing is an appeal from a demotion, suspension or removal, the following procedure shall be followed:

- (a) Hearings shall be public unless the Commission determines otherwise.
- (b) Each party may call witnesses to testify in his or her behalf. The Commission on its own initiative may call witnesses other than those called by either party if in its judgment the merits of the case so require. Subpoenas shall be issued by the Secretary and Administrator for witnesses when requested by either party or by the Commission.
- (c) Hearings shall commence with a reading of the written statement of charges certified to the Commission. If the appellant has replied in writing to the charges, such reply shall next be read. If the appellant has not made a reply to the charges, the appellant or the appellant's counsel may next make an oral statement of the objections to the charges. The removing officer shall begin the introduction of evidence and shall have the final rebuttal. Closing arguments will be permitted only with the permission of the Commission.
- (d) After notice of appeal is filed with the Commission, no material amendment may be made to the statement of the charges made at the time of demotion, suspension or dismissal. If the appellant files with the removing officer a written reply to the charges, such reply may not be materially amended. In all cases, the issues involved shall be confined to the truth or falsity of the allegations in the statement of charges.
- (e) In appeals from the order of the Appointing Authority demoting, suspending or removing any classified employee, the complete transcript of testimony and other evidence taken at the hearing before the Appointing Authority shall constitute the record. The record shall be filed with the Commission. Upon oral hearing, the Commission shall consider the record and may hear additional testimony and other evidence. In lieu of an oral hearing, an appeal may be submitted on the record before the Appointing Authority.
- (f) Upon the completion of all evidence introduced, the Commission may render its decision immediately, or may take the matter under advisement and render its decision within a reasonable time thereafter.
- (g) A copy of the decision shall be transmitted to the Appointing Authority and the appellant.
- (h) If the appellant shall fail to appear at the time fixed for the hearing, the Commission may hear the evidence and render judgment thereon. If the Appointing Authority (or authorized representative) fails to appear at the time fixed for the hearing, and if no evidence is offered in support of the charges, the Commission may render judgment as by default or may hear evidence offered by the appellant and render judgment thereon.

#### **RULE 11 - AMENDMENTS TO THE RULES**

##### **Section 11.1 Procedure**

Proposed amendments to the Rules shall be recorded in the minutes of the Commission at least one (1) week prior to adoption. A majority vote shall be required for adoption.

##### **Section 11.2 Publication**

The foregoing rules and all amendments thereto shall be published and released to all classified employees. All rules and amendments shall become effective on publication unless a different date is fixed in the resolution approving the amendment.

##### **Section 11.3 Previous Rules Repealed**

All previous rules of the Commission are hereby repealed.

#### **RULE 12 - SEVERABILITY / CONFLICT**

##### **Section 12.1 Severability**