



City of Willowick
CIVIL SERVICE MEETING

Thursday, May 19, 2022 at 10:00 AM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

MINUTES

CALL TO ORDER

The meeting was called to order by Chairman Tobin at 10:00 a.m.

New commission member Bill Wittlinger was introduced.

PRESENT

Chairman Tobin, Commission Member Mike Lazor, Commission Member Bill Wittlinger

MINUTES

1. Motion made by Mr. Lazor, seconded by Mr. Tobin to approve the civil service minutes of the April 20, 2022 meeting.

Discussion: None.

Vote: All ayes. Motion carried.

OLD BUSINESS

2. Chief Turner discussed several cities' civil service commission rules, including the City of Euclid, City of Willoughby, City of Wickliffe, and City of North Olmsted. Chief Turner discussed his recommended modifications to the Willowick Civil Service Rules to address the ongoing concerns of the police department with regard to eligibility lists and disqualifiers. Chief Turner recommends the adoption of a rule similar to Euclid's that provides the commission with discretion to terminate a list sooner than 1-2 years, provided the public interest is served by the termination. Chief Turner additionally suggested the Commission incorporate additional disqualification standards to enable the PD to disqualify a candidate for failing a background check, etc. Law Director Landgraf suggested the addition of a provision requiring a candidate to be notified of the disqualification reason and providing a hearing to the disqualified candidate.

Chief Tennyson stated this would have no adverse impact on hiring in the FD.

Motion made by Mr. Lazor, seconded by Mr. Tobin to modify Section 5, Rule 5 of the Civil Service Rules to adopt the material terms of the Euclid Civil Service Rule regarding the duration of eligibility lists.

Discussion: None.

Vote: All ayes. Motion carried.

Motion Made by Mr. Lazor, seconded by Mr. Wittlinger to modify Section 6, Rule 5 of the Civil Service Rules to adopt the Disqualification standards and hearing procedures from the City of North Olmsted Civil Service Rules.

Discussion: None.

Vote: All ayes. Motion carried.

Motion made by Mr. Lazor, seconded by Mr. Wittlinger to set a civil service examination test date for the position of Patrolman in the Police Department for Wednesday, July 13, 2022.

Discussion: None.

Vote: All ayes. Motion carried.

NEW BUSINESS

3. Chief Tennyson advised that he recently received the notice of retirement of Captain Bynane, effective June 1, 2022. He requested the Commission appoint a temporary Captain in the FD as a result of the retirement of Capt. Bynane, as it has in the past. Law Director Landgraf and Mayor Regovich stated their opposition to the temporary appointment. Law Director Landgraf stated that the last temporary appointments were not appointed or approved by the Commission. She stated that temporary appointments are permitted to the lowest grade only if an emergency or exceptional reason necessitated the temporary appointment. Chief Tennyson advised Capt. Bynane was the captain responsible for fleet maintenance and that no other captain would be permitted to assume this role under their job descriptions. Chief Tennyson advised there are 8 other captains, and a captain is not always working on each shift. Law Director Landgraf and Mayor Regovich indicated temporary appointments have become an issue in the FD due to the Union's position and interpretation that a temporary appointment equates to a permanent appointment based thereon. A grievance was filed by the last individual who was appointed to a temporary position that has still not been resolved. Law Director Landgraf stated that the existence of a vacancy in a position does not equate to an urgent reason to fill the position by temporary appointment under Ohio law, a real and emergency reason to fill the position is required to trigger the Commission's authority to make temporary appointments. Mayor Regovich does not wish to schedule a promotional examination for the position until the Union's grievance has been resolved as to vacancies in positions.

A discussion was held concerning the modification of Rule 7 to expressly provide there is no seniority to be gained or retained by virtue of a temporary appointment, and that successive appointments to a temporary position are prohibited.

Chief Tennyson indicated that he can wait until the rules are modified to seek appointment to the position as Capt. Bynane is not retiring until June 1, 2022.

Motion made by Mr. Lazor, seconded by Mr. Wittlinger to modify Rule 7 of the Civil Service Rules by adding "Section 3" to prohibit the accrual or award of seniority for temporary appointments, and to prohibit successive appointments to a temporary position.

Discussion: None.

Vote: All ayes. Motion carried.

MISCELLANEOUS

The next Civil Service Meeting will be on May 31, 2022 at 10:00 a.m.

ADJOURNMENT

Motion made by Mr. Lazor, seconded by Mr. Wittlinger to adjourn.

Discussion: None.

Vote: All ayes. Motion carried.

Meeting adjourned at 11:42 a.m.

ATTEST:

Jim Tobin, Chairman

Angela Trend, Secretary