

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, June 29, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:08 p.m.

Roll Call:

Members Present:

Chairman Andy Gardner, Mrs. Joyce Grady, Mrs. Jennifer Greer, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, Vice Chairman Jim Walsh and Mr. Jerry Wolanin

Members Absent:

Dr. Stephen Atkins

Eight members are present for a quorum.

Approval of Minutes:

Approval of Charter Review Commission minutes of 06/15/15, as amended:

Motion to approve the minutes by Joyce Grady

Seconded by Sandy Taddeo

Vote: 7 AYES/0 NAYS/1 ABSTENTION (Greer).

MOTION PASSES to approve 06/15/15 CRC minutes.

Public Portion #1:

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills: (a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion. Pursuant to a Resolution of the Commission adopted on February 17, 2015, Public Portion is limited to 3 minutes per speaker and will occur at the Beginning and End of Commission meetings.

Public Portion opened at 7:11 p.m.

- 1) Christopher Hallum, 2937 Lamplight Lane, Willoughby Hills, OH 44094
Councilman Hallum spoke on the issue of part-time Police and Fire Dept. members being “Classified.” He thinks it should remain with Administration, not in the Charter. He said, “It is harder to get things out of the Charter once they are in.”
CRC member Judy Shrefler asked him about “vetting job descriptions” in the Charter; however, he still felt that it can be done administratively.

Public Portion closed at 7:13 p.m.

Old Business:

Chairman Gardner then recapped the issues we need to finalize for the Prioritization List:

Item #39 9.1 ***“Should Section 9.1 be revised to state that volunteer Board/Commission members are not City Officers? Should these volunteers be covered by prohibitions against immediate family members being employed by the City? Should they be excluded from Conflict of Interest/Nepotism policies (except Statutory requirements of the Ohio Ethics Commission, etc.)?”***

Chairman Gardner asked, “Should they be officers?”

Item #42 ***“There is no prohibition against a member of the City’s Civil Service Commission being related to a candidate for a Classified Civil Service position. Would such a prohibition be appropriate or could a Civil Service Commission member recuse themselves with respect to matters related to a relative?”***

Chairman Gardner recapped that this was the item addressing a possible Conflict of Interest with Civil Service members and a potential candidate. This item was marked as “no action to be taken” since the Civil Service Commission’s Internal Policy prevails on this item.

Item #43 9.22 ***Review and examine whether a nepotism/conflict of interest policy be included in the Charter or required by the Charter to be created by the Mayor or Council Ordinance? Any nepotism policy/conflict of interest policy should consider the size of the City and the potential issues in obtaining volunteers for City Commissions and other positions.***

Chairman Gardner reported that we look forward to Jennifer Greer’s input on this item.

Item #51 ***“Should a provision be added to Section 9.41 to make clear that any amendments to 9.4 will not affect any employee currently on “probationary status?”***

Chairman Gardner reported that this item has already been reviewed as “not necessary” and reviewed as “no action to be taken.”

Item #52 through Item #54 and #56 “Civil Service related items” 9.41, 9.42 ***“Should a provision be added to Section 9.41 to make clear that any amendments to 9.4 will not affect any employee currently on “probationary” status?” “Should part-time members of the Police Department and Fire Department be Classified Civil Service?” “Should a provision be added to Section 9.42 that the “assistants” to the Fire Chief and Police Chief will not be Classified Civil Service positions?”***

Vice Chairman Jim Walsh will make a presentation on these items following research he has done since the last meeting.

At this point of the meeting, Chairman Gardner asked Joyce Grady and Vice Chairman Jim Walsh to report on their assignment findings since the last meeting:

Joyce Grady reported that she had spoken with Law Director Lobe at length regarding Classified and Unclassified. He verified that ALL government employees are covered under Civil Service, either in a Classified or Unclassified status. State Law mandates a Civil Service Commission, but it is up to the municipality as to what they want to do with it. Often times, the labor unions take over Civil Service rulings. In larger cities, Unclassified positions are not as prevalent.

Vice Chairman Jim Walsh began his presentation with his belief that he views "the Charter as a framework." He presented CRC with a 9.4 draft for review. He added the following points:

- The definition of "Classified" is highly tied to fiduciary responsibilities of the position.
- Civil Service Commission is a political appointment.
- One of Civil Service Commission's tasks is to make a "Classification Plan" by reviewing all job descriptions.

Vice Chairman Jim Walsh then called upon Civil Service Commission members Tom Kicher and Tom Majeski to further explain their role and request for the four changes to the Charter previously presented by Mr. Kicher. The following are points of their discussions:

- Tom Kicher stated that the State mandates the Classification Plan and not giving Civil Service Commission the job descriptions hampers this obligation.
- Tom Majeski stated that the Classified status provides for "due process. Most employers adopt Rules and Regulations and Civil Service is Step 1 of that. You will have three sets of eyes in the heat of the moment to see if something is reasonable or unreasonable, particularly in the case of getting rid of an employee." "Lastly, there seems to be a hangup between Classified and Unclassified as related to Union membership. Any group of employees (except those required by State who prohibit that), can unionize. Civil Service starts with fair hiring, making sure that the job description matches the duties and then, at the far end, encompasses disciplinary hearings. SERB wants local resolution first."
Vice Chairman Jim Walsh interjected that the State already has specific positions outlined in ORC 124.11.
- Tom Kicher added that it is his belief that perhaps someone in the past took some language from State regulations and put it in our Charter.

Tanya Taylor-Draper asked if there was "another side" to the Civil Service issue. Vice Chairman Walsh offered the following:

- "The fear of getting rid of unqualified employees"
- "The inability to change"
- "Confusion about Classified/Unclassified and Unions."

Tom Majeski cited the history of a Maintenance Mechanic Job Description for a Fire Department employee and that you need a "good reason to not follow State code."

Tom Kicher added that the reason why some people want to retain the "Unclassified" status for WH city employees is that if the employee is not performing, they are easier to get rid of. "It is the obligation of the supervisor to document that. Due process is owed our employees, full and part-time." "Police and Fire are asked to do their job, the same job, yet a distinction is made between the number of hours worked, why?"

Judy Shrefler stated that she had researched many Lake County departments, most of whom have Classified status for full-time Police and Fire. The State mandates full time, not part-time. She is concerned about drawing responsible candidates and that "procedures give rights."

Tom Kicher stated that approximately 76% of firefighters in WH are part-time, not by choice but by budget and job availability.

Vice Chairman Jim Walsh stated that "candidates may be flushed out with testing." Jennifer Greer added that we "are not turning away bad candidates, instead, we tend to train them and then they accept a full-time job elsewhere." Tom Majeski agreed that we are certainly creating desirable candidates. Jennifer Greer agrees that we are following State mandates and there are no rules about part-time to follow.

Chairman Gardner asked the Civil Service Commission members if we have a Classification Plan at this time. Tom Majeski responded that "it is in the works" and "we have done all that we can do to date." He added that he feels that "the full-time Police Department Dispatchers should be in Classified service." He is not sure why that never occurred but many of them went from part-time to full-time and were never considered to be changed from Unclassified to Classified. Chairman Gardner added that it possibly could have been legislation at that time that made them remain Unclassified. Section 9.41 states that if you are already Classified, you won't be changed to Unclassified. Tom Majeski agreed that State regulations state that you cannot bounce back and forth.

Chairman Gardner asked about the time frame in completing a Classification Plan. Tom Majeski indicated "a few months" after receiving the job descriptions.

Chairman Gardner commented on Vice Chairman Walsh's proposed draft and said that he would like to have Law Director Lobe review it. Also, he said we may consider assigning it "9.45" so we can have something left if Council does

not approve, as indicated in the proposal. He wants to give everyone time to think about this.

Jerry Wolanin asked if he could get a "Pros and Cons Analysis" from Vice Chairman Walsh. Chairman Gardner instead asked everyone to consider it on their own.

Sandy Taddeo verified with Chairman Gardner that there is still a proposal for Civil Service to just "vet the positions". Chairman Gardner agreed that the proposal Sandy referred to is definitely still an option for consideration.

Jerry Wolanin pointed out that the Civil Service Commission is using this review procedure at the request of this Administration, but that is not guaranteed in the future.

Jennifer Greer questioned about part-time firefighters not being permitted to be in the Union. Gloria Majeski will get her a copy of that State mandate.

Chairman Gardner wrapped up the discussion by asking all members to give the Civil Service Commission items some thought for the next meeting. The next meeting, however, he would truly like to wrap up the Nepotism and Conflict of Interest issues. Jennifer Greer said she had a Columbus meeting for work on that date and was not sure if she would be attending the CRC meeting. Chairman Gardner indicated that the group is anxious to hear her thoughts on Nepotism prior to preparing this item for ballot language. He encouraged her to give us her input in writing prior to the meeting, if she is unable to reschedule her work commitment and would not be present at the 7/13/15 meeting. Jennifer said she would try to make the meeting, but will comply with his request if unable to do so.

New Business:

Sandy Taddeo asked Jennifer Greer to comment on the proposed Nepotism document when she is preparing the other information regarding her opinion on this issue.

Public Portion #2: opened at 8:38 p.m.

1) Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094

Mr. Cihula gave the total number of full and part-time employees as stated on the January 2015 City roster.

2) Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092

Ms. Fulton asked about the advantages of being Classified or Unclassified.

Chairman Gardner said that Classified employees are subject to rules of hiring and firing; gives the employee greater rights.

Vice Chairman Jim Walsh added that the City has "at will" employees and Classified status gives framework for employees.

Ms. Fulton asked if it was the object to "get everyone Classified? Does Civil Service Commission have more clout?"

Jerry Wolanin said that it gives Civil Service Commission more involvement by reviewing credentials for hiring and termination data for firing. (They still refer all data accumulated to the Mayor who is the hiring and firing authority).

Ms. Fulton said that her opinion would be to "let Administration be the major department to facilitate these grievances."

Frank Cihula asked if the Civil Service Commission is advocating making all employees "Classified. Chairman Gardner said that they are advocating making an overall "Classification Plan." Mr. Cihula's concern was that it "may be good for today with good Civil Service Commission members, but may not be in the future. It would be nice to put that in our Charter."

3) Cheryl Ota, 2960 Marcum Blvd., Willoughby Hills, OH 44092

Ms. Ota asked if the City was more apt to be sued than an outside employer. "Are things documented?" She related her experience in the business environment.

Judy Shrefler said that a President of a company is worried about making a profit, but cities are not like that. "Sometimes we need different rules."

4) Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094

Ms. Majeski gave a history of various events with hiring and firing in the City since she has been an employee since 2008 in an attempt to shed some light on the processes of Classified and Unclassified employees. From Mayor to Mayor, it would be nice to have some continuity and the fairness of firing by instituting "Classified" employees would offer that to the citizens of the City of Willoughby Hills. "We need to look at what is best for the residents" and put aside how it helps an employee. "Before Mayor Weger took over, employees quit, perhaps not wanting to work with a new Administration, but leaving a void in what they knew or where things were. This was a challenge to a new Administration which may have been avoided with continuity." She added that CRC has a tough job because this issue may be looked at two ways. Hopefully, the CRC will do what is best for the residents.

Public Portion #2 closed at 9:00 p.m.

For the Good of the Order

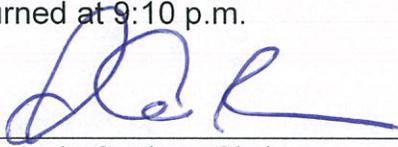
Fall Corn Fest Free Concert on Wednesday, July 15, 2015, from 7 to 9pm

YMCA Dream House on Lilly Lane in Concord now open! The value of the house is estimated at approximately \$500,000 or the winner can take a \$250,000 cash option

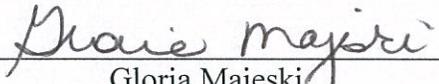
Ohio Naturalization Ceremony, Friday, July 10, 10:00 a.m. at Garfield's Home, Mentor, Ohio

Adjournment

Motion to adjourn made by Joyce Grady.
Seconded by Vice Chairman Jim Walsh
Vote: 8 AYES/0 NAYS; MOTION PASSES to adjourn the meeting.
Meeting adjourned at 9:10 p.m.

APPROVED: 
Andy Gardner, Chairman

7/13/15
Date

ATTEST: 
Gloria Majeski