

12/11/2023 | 6:00 PM

**MUNICIPAL SERVICES CENTER, CENTENNIAL MEETING ROOM  
3600 TREMONT ROAD**

If you are joining through Zoom, please click the link below to join the meeting:

*Note:* Guests may view the meeting via zoom; however, Commission Members and participating staff must attend in person.

<https://us06web.zoom.us/j/82281900421?pwd=kASF0fejiY4oABEU6RB3VPCUu2Wkc7.1>

Meeting ID: 822 8190 0421 Passcode: 994205

• 888 475 4499 US Toll-free or • 877 853 5257 US Toll-free

1. **Call to Order/Roll Call**
2. **Approval of Minutes**
  - a. Approve Special Civil Service Commission Meeting Minutes - 11/7/2023
  - b. Approve Civil Service Commission Meeting Minutes - 2/15/2023
3. **Old Business**
  - a. None
4. **New Business**
  - a. Battalion Chief Written Examination Protest
5. **Updates & Reports**
  - a. None
6. **Adjournment**

November 7, 2023 | 6:00pm  
Special Meeting

**Members Present**

<b>Lisa Burleson</b>	<b>Commission President</b>
<b>Dave Campbell</b>	<b>Commission Member</b>

**Also Present**

<b>Abby Cochran</b>	<b>HR Director</b>
<b>Darlene Pettit</b>	<b>Assistant City Attorney</b>
<b>Chris Zimmer</b>	<b>Fire Chief</b>
<b>Michael Bell</b>	<b>Assistant Fire Chief</b>
<b>Jason Amweg</b>	<b>Police Sergeant</b>
<b>Keith Hall</b>	<b>Police Lieutenant</b>

**MINUTES**

The meeting was brought to order at 6:08pm

1. Roll Call
2. Approval of February 15, 2023 meeting minutes (Rule 4 G)  
Approval of meeting minutes tabled until a quorum is present at next meeting.
3. New Business
  - a. Introduction of new Civil Service Commission Member Dave Campbell
  - b. Civil Service Rules & Regulations Requested Changes (Rule 8)  
HR Director Cochran provided an updated version of changes being proposed. This rule relates to Police and Fire recruitment processes. Rule 8A4 states that the Commission is sent an eligibility list and they have 14 days to review, the proposed change is for a conditional offer to be extended after 7 days with the condition that there are no objections from the Commission. Sergeant Amweg explained that it is getting more competitive with other Central Ohio agencies and the ability to make an offer more quickly allows the City to be more competitive. President Burleson asked



if they have looked at other entities to see what their timeframes are. HR Director Cochran replied that it varies, there is no standard.

HR Director Cochran discussed changing Rule 8A2, the Fire Department's oral panel is not scored so they are able to put together their eligibility list before that. They are looking to remove that section of the rule so it could apply to both Police and Fire. The last proposed change is a reordering of some things related to seniority because it has been confusing for some. Fire Chief Zimmer supports that changes proposed. President Burleson had a question with how the proposed change of rule 8A4 was worded and asked if the intent was that a conditional offer is able to be made during that 7-day period before making a formal offer. HR Director Cochran explained that the intent is that they could make an offer and it would be conditioned upon there being no objections from the Commission. President Burleson asked the City Attorney's Office if they could see any issues arising from an applicant misunderstanding a conditional offer. Assistant City Attorney Pettit explained that we extend a lot of conditional offers in order to start a background process on someone and that we just need to make sure the wording of the conditions of the offer are extremely clear. HR Director Cochran said that most people do not feel comfortable turning in notice with their current employer until a formal offer is made so she doesn't foresee issues with conditional offers. Committee Member Campbell asked how it works in other municipalities that do not have an objection period and HR Director explained that other municipalities that do not have an objection period will have other conditions built in at other stages of their process.

Commissioner Campbell motioned to approve Civil Service Rules & Regulations Requested Changes to Rule 8.

Seconded: President Burleson seconded the motion.

Motion passed.

c. 2024 Civil Service Commission Meeting Schedule (Rule 4A)

2024 Civil Service Commission Meeting will be held quarterly on the second Tuesday at 6pm. This first Commission meeting of 2024 will be held on January 9, 2024 at 6pm.

Fire Chief Zimmer introduced Assistant Fire Chief Bell who began in his position in August 2023.

Motion: Commissioner Campbell motioned to adjourn.

Seconded: President Burleson seconded the motion.

Motion passed.

Adjourned at 6:26pm.

## ADJOURNMENT



February 15, 2023 | 6:30pm  
Special Meeting

**Members Present**

<b>Lisa Burleson</b>	<b>Commission President</b>
<b>Steve Ball</b>	<b>Commission Vice President</b>

**Also Present**

<b>Abby Cochran</b>	<b>HR Director</b>
<b>Darlene Pettit</b>	<b>Assistant City Attorney</b>
<b>Lyn Nofziger</b>	<b>Fire Chief</b>
<b>Jon Hamilton</b>	<b>Firefighter/Paramedic</b>
<b>Jason Amweg</b>	<b>Police Sergeant</b>

**MINUTES**

The meeting was brought to order at 6:30pm

1. Roll Call

City staff introduced themselves.

2. Designation of Officers

Steve Ball motioned for Lisa Burleson to remain as President and for himself to be Vice President.

Motion passed.

3. Approval of December 14, 2022 meeting minutes (Rule 4 G)

Motioned: Vice President Ball motions to approve.

Seconded: President Burleson seconded the motion.

Motion passed.

4. Hearing of Promotional Examination Protest (Rule 7G)

Firefighter Jon Hamilton brought forth his protest to question #74 in the Fire Lieutenant promotional written exam that was held on January 25, 2023. Firefighter Hamilton read



question #74: “Fire lanes designated for two-way travel must be at least \_\_\_\_\_ wide. This allows vehicles to pass an aerial with the outriggers deployed.” Firefighter Hamilton explained that the code enforcement 8<sup>th</sup> edition that was used for this test has the correct answer as 20 feet. He pointed out the code enforcement 7<sup>th</sup> edition that was used for the 2018 Fire Lieutenant promotional written exam stated that the answer was 24 feet for two-way travel. He believes that with the change in wording, the answer of 24 feet should also be accepted. President Burleson noted that the 2023 Lieutenant testing schedule listed the 8<sup>th</sup> edition on the reading list and not the 7<sup>th</sup> edition but appreciated the merit of his protest. She asked if we knew how many others answered the question the same as Firefighter Hamilton. HR Director Abby Cochran replied that if this protest is upheld that all candidates that answered with 24 feet would also be given credit for that question. Fire Chief Lyn Nofziger said that the test administrator Chief Talcott has not graded the tests yet and would not until the protest is finalized. President Burleson asked if a decision had to be made at the meeting and HR Director Cochran responded that making a decision at the meeting was up to the Commission but any delay in a decision would likely result in a delay of the promotional process. President Burleson asked if there was a way of knowing how the question was worded in the written exam from the 2020 process and Fire Chief Nofziger explained that they do not have a copy of that test and test questions are changed from process to process and that question may not have been included on the 2020 test. Assistant City Attorney Pettit outline the City’s civil service rules regarding protests – candidates have 5 days to file a protest and are notified of their results after the protest filings. President Burleson asked how soon they could get the test results and Chief Nofziger said normally within a week of the administrator starting to grade. Firefighter Hamilton explained he studied a lot and is invested and brought the protest forward because the way question #74 was worded being slightly different in the 8<sup>th</sup> edition from the 7<sup>th</sup> edition, he personally felt like was a catch them question. President Burleson was hesitant to rule on the protest at the meeting without knowing if or how the question was asked on the 2020 exam because that could impact the scoring from that exam. HR Director Cochran said that would not have an impact on the 2020 test because a protest was not file and Chief Nofziger added that there were no protests during the 2020 exam process. Vice President Ball said that he did not think our process of not hearing protests after the exams are graded is not right. He does not feel it is fair to other candidates who answered correctly that we would then accept an additional answer as correct. The Commission would like to discuss the grading/protest process at the next meeting. Vice President Ball moved to accept the protest because it is understandable that there were 2 different answers given between the 7<sup>th</sup> and the 8<sup>th</sup> editions but also noted that in the future we should go by the answers that the vendors have as correct unless there is a valid reason to dispute it, we should rely on their answers. President Burleson supports the protest only because the Chief Talcott felt comfortable with granting the protest.

Vice President Ball motioned to grant the protest.  
Seconded: President Burleson seconded the motion.  
Motion passed unanimously.

5. Public Safety Competitive Processes with changes made since the amended 8A section of the Civil Service Rules and Regulations  
Sergeant Amweg discussed the Police hiring process and how they are continuously looking at their process to see where improvements can be made. They have had success



recently by using the new lateral hiring process. President Burleson asked about the awareness about our new lateral process and Sergeant Amweg explained the job description was recently rewritten outlining the process. The new process makes the City a more competitive employer and catches us up with other entities.

Chief Nofziger said that the Fire Division is in support of the new process but still sees value in having the NTN scores for their process. HR Director Cochran explained that they have not seen the written test be as much of a barrier for the Fire Department like they have seen in the Police Department.

6. Set 2023 Civil Service Commission Regular Meeting (Rule 4A)  
Meeting will be held quarterly on the 2<sup>nd</sup> Tuesday at 6pm  
The 2023 schedule is April 11th, July 11<sup>th</sup> and October 10<sup>th</sup>.

Motion: Vice President Ball motioned to adjourn.

Seconded: President Burleson seconded the motion.

Motion passed.

## **ADJOURNMENT**





Author(s): Abby Cochran, Human Resources Director

Meeting Date: December 11, 2023

Subject: Battalion Chief Written Examination Protest

On November 6, 2023, the City conducted a promotional written examination for the position of Battalion Chief for the Fire Division. A candidate submitted a protest on November 13, 2023, which is within the protest window. You can refer to the 2023 Battalion Chief Testing Schedule for the timeline of the Battalion Chief promotional process.

The candidate and the City will not know how the protest will impact any candidate's score until after a decision is made by this Commission. This ensures objectivity of the decision is based solely upon the validity of the question.

**The question protested is #198:**

One of your shift Firefighters is serving jury duty on a duty day. The court case concludes and she is released at 1930. Which of the following is correct, based on the CBA? (21.5C)

- a. The firefighter must return to duty for the balance of the shift.
- b. The firefighter is granted the balance of the shift off duty.

Correct Answer: A

**The reason for the protest as documented by the candidate on the Protest Form:**

While the question states the court case concludes, this does not necessarily mean that person's jury duty is over. The person may still need to report for jury duty the following day. The question doesn't clearly identify whether the firefighter needs to report the following day.

**Rule 7G – Inspection of Promotional Examinations:**

After a written promotional examination has been held, each participant in a police or fire promotional examination shall have a period of five (5) business days to file any protest. The protests shall be in writing. The Commission will ordinarily consider protests at the next regular Commission meeting, but the Commission may advance or delay consideration. All protests shall be considered by the Commission and its decisions shall be final. If an error in the rating key or answers is found, then all candidates will be electronically notified of the revised rating key within five (5) business days of its finding. No additional protests may be filed.

**Attachments:**

2023 Battalion Chief Testing Schedule

Protest Form

Excerpt from Reading List document: IAFF Collective Bargaining Unit Agreement (Article 21)



**UPPER ARLINGTON FIRE DEPARTMENT  
BATTALION CHIEF EXAMINATION  
NOVEMBER 6, 2023**

**PROTEST FORM**

**USE A SEPARATE FORM FOR EACH QUESTION PROTESTED**

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**PROTESTED QUESTION:** # 198

**REFERENCE SOURCE:** Collective Bargaining Agreement

**REASON FOR PROTEST:** While the question states the

court case concludes, this does not necessarily mean

the person's jury duty is over. The person may

still need to report for jury duty the following

day. The question doesn't clearly identify

whether the firefighter needs to report the

following day.

**REQUESTED ADJUSTMENT:** I request the question

be thrown out for ambiguity.

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**TEXT MUST BE LEGIBLE; PLEASE TYPE, PRINT, OR WRITE CLEARLY.**

## 2023 Battalion Chief Testing Schedule

Post the Official Reading List and Announce Test Via Email	Wednesday August 30, 2023
Candidate Sign-up	Monday, October 23-30, 2023
Written Test (Date & Time)	Monday, November 6, 2023 – Station 72
Protest Filing and Test Review	November 7-14, 2023
Protests (if any) sent to Ohio Fire Chief's Association	November 15, 2023
Ohio Fire Chief's Association recommendations to Human Resources	By 12/4/2023
Civil Service Commission(CSC) hears any protests	December 2023 Civil Service Meeting – date TBD (would be a Special Meeting no later than December 13, 2023)
Results to Ohio Fire Chief's Association	December 2023 post Civil Service Meeting
Graded Test results to Human Resources	No later than December 20, 2023
Results/admission notices to candidates *Candidates must pass to move on, 60% of raw score	No later than December 22, 2023
Assessment Center – 40% of raw score Orientation (optional) Testing	January 4, 2024, 08:00 – Station 72 January 5, 2024 <b>time TBD</b> – Station 72
Results of Assessment Center to Human Resources.	By January 19, 2024
Seniority Points added, Results Finalized, List Certified by Human Resources and sent to CSC for review.	By January 26, 2024
CSC Review	Two weeks from notification

**Please be advised: Test dates and times may be changed due to unforeseen circumstances. This process is dictated by the IAFF bargaining unit agreement, specifically section 12.3 Promotions and the City's Civil Service Rules & Regulations.**

### **Battalion Chief Reading List:**

1. The Fire Chief's Handbook 7th Edition, Marinucci (ISBN 978-1-59370-262-5): Chapters 1-9, 15-16, 20-21, 24-28
2. Fire Department Incident Safety Officer 3rd Edition, Dodson (ISBN 978-1-284-04195-8)
3. Fireground Strategies 3rd Edition, Avillo (ISBN-13: 978-1-59370-353-0)
4. Step Up and Lead, Viscuso (ISBN 978-1-59370-308-0)
5. IAFF Local 1521 current Collective Bargaining Agreement, January 1, 2023 through December 31, 2025 (22-MED-09-0890 43113)

*Excerpt from IAFF Collective Bargaining Unit Agreement:*

**Section 21.5. Jury Duty Leave.** A member, while serving upon a jury in any court of record, will be paid his/her regular salary for each of his/her workdays during the time so served. Jury duty fees paid to the member by the court shall be returned to the City for regular working days only. The member shall keep his/her supervisor apprised on a daily basis as to the expected duration of the jury service. A copy will be made of the notice and filed and recorded in the employee's personnel file:

- A. When notified by the court to report for jury duty on a certain day, report shall be completed and signed by the assignment commissioner or appropriate court official for each day during jury service setting for the time and arrival and departure from the court. Such records shall be presented by the employee to his/her supervisor upon return to work.
- B. When a 40 hour member is not required to be in court for jury duty for two (2) or more hours of his/her regular shift, he/she shall report work. The supervisor in each individual case shall determine the time the employee shall be released from work to report for jury duty or return to work after being released from jury duty, taking into account a reasonable allowance for travel time. Other than travel time the total hours worked when added to the time required on jury duty will not be outside of the regular scheduled hours of the member. Alternatively, the employee, at his/her option, may charge such duty time at the beginning or end of his shift as vacation leave or compensatory time.
- C. When a 56 hour member is required to report for jury duty on a day following his/her regular shift, he/she will be relieved of duty with pay at approximately 2200 hours the night before. If a 56 hour member is excused from jury duty before 1600 hours on his/her regular duty he/she shall return to duty for the remainder of his/her shift, or until 2200 hours if required to report for jury duty again the following day. If the employee is excused from jury duty after 1600 on his/her regular duty day and is required to report for jury duty again the following morning, he/she shall be relieved of duty for the entire shift. When a 56 hour member is released from jury duty after 1600 hours on a regular duty day and their jury duty obligation has concluded, the member shall report to work for the remainder of their shift.
- D. All time while serving on jury duty by the member shall be marked as EW.
- E. Members will be ineligible for OT for any part of the nine and one-half (9½) hours preceding a day when the member is to report to jury duty. Refusing OT during this time and the time spent on jury duty shall not be counted against the member.