



# City of Gahanna

## Meeting Minutes

### Civil Service Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Paul L. Bittner, Chair*  
*Stephen A. Patterson, Vice Chair*  
*Paul Leithart*  
*Beryl Piccolantonio*  
*Mark Foster*

*Kimberly Banning, Clerk of Council*

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Tuesday, June 21, 2016

6:30 PM

City Hall

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#### **A. CALL TO ORDER AND ROLL CALL**

Chair Bittner called the meeting to order at 6:30 p.m.

ADDITIONAL ATTENDEES: Mark Thomas, Chief Dennis Murphy,  
Abby Cochran, Mayor Tom Kneeland, Shane Ewald, Kayla Holbrook.

**Present** 5 - Paul Leithart, Stephen A. Patterson, Beryl Piccolantonio, Mark Foster, and  
Paul L. Bittner

#### **B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

None.

#### **C. HEARING OF VISITORS**

None.

#### **D. APPEAL/GRIEVANCE HEARINGS: None**

#### **E. UNFINISHED BUSINESS: None**

#### **F. NEW BUSINESS**

#### **1. Rules & Regulations - Amend & Recommend to Council for Adoption**

Bittner said will go through the attachment provided for the amended Rules and Regulations; does not believe anyone expected the situation we were in previously with the option of only one candidate being recommended to the safety director and that selected person turning down the position; Abby Cochran, Human Resources (HR) Director, gave an overview of the amendments; said the changes you will find are in rules 4 and 6; changes are related to the deputy chief

process; want to provide a fair process; on page 17 you notice rule 6 has been struck in its entirety; rule 6 created a review board; identified several issues through that this last round; want to give leadership the ability to have a voice in the hiring process; want to have HR have oversight of the process and remove some of the obstacles that were found by the review board, such as open meetings and executive session; page 7 reviews rule 4 which excludes rule 13 and 14 discussing the police officers and dispatchers; does include rule 15 which touches on lieutenants and sergeants; in 4.01 removed language talking about if no written or practical test is available; wanted to be open to those things; eligibility list section was only moved, not removed; under part (d.) we added language to give that section clarity; believe you should get military credit but you should not get that credit again if you move to a supervisor or command level position; next section has been moved although it appears it was removed, it was not; the next section referenced rejecting an application because of a felony, that was struck due to new laws; next section discusses the kind of examinations there are; before there were three listed; entrance and original appointment are essentially the same for us; may be a need for a large city; renamed opened examinations; can have internal and external candidates; for promotional, added internal behind it; only talking about when you have internal candidates; added language on page 10 for what you would do in the case of the position of the chief or deputy chief how you will go through ranks; reiterated other types of testing you can look at; section 4.05 and 4.06 is simply cleaning up language; 4.07 is a whole new section; is something that has been our current practice; usually communicated in an application packet; thought this was appropriate to add; 4.08, explains what happens when there is a multi-sectional test; that matches the way it currently is but now clearly communicated; on page 14, added language to make it clear why a department head could remove someone from the list; was a collaborative effort from Human Resources, the City Attorney, the Mayor and the Safety Director; took time to look through this and to make sure it is a fair process; would like to have the deputy chief position open to both internal and external candidates; interested in using an organization, like International Association of Chiefs of Police (IACP) to assist us and use a tool such as an assessment center; looking for a motion for approval to take this to Council next week; not requesting a waiver or emergency; would then be authorized to start recruiting on August 18.

Bittner asked if there are any other comments to add; said to review, under the old process, we had a review board; did initial go-around with tests; made sure people passed the test to move forward; from that process there was a background check; this was then submitted to the review board; they would then interview these folks; the review

board could invite others to attend the interview; asked if Chief sat on any interviews; Chief Murphy said no; Ewald said no one was in the meeting but the board and candidates; Bittner said they could rank up to six people; last time they selected one name; the process we have proposed is a hybrid; is objective with civil service entrance with a lot of discretionary input from HR, Chief, and other stakeholders so the process at the end of the day, holds a lot of discretion; similar to private sector hiring; hold over of civil service; that is my take on it; invite the Commission on any discussion; Piccolantonio asked on page 12, 4.08, the word should, passing score should be set and should be communicated; would be more comfortable with shall than should; is there a reason to leave it open; Cochran said not intentional to leave it open; want to make sure the candidate knows what will be expected of them before they take the exam; Ewald said does not see a problem with that; Bittner confirmed default is 70% but using an outside testing network, which may vary that threshold; the language here is clarifying this; Piccolantonio said on page 14, letter (g), believes it is still non-specific; could be intentional; seems broad; how would you know if they failed to demonstrate the ability; Cochran said that is referencing the eligibility list; use structured interviews; know what responses they are looking for; if they demonstrate they cannot perform their job, that would come into play; Foster asked if there is a feeling on how important the review board may have been to the community; not sure how I would feel if not involved in the civil service process; but are they the best to make that decision; would bring outside people in to make a decision with an organization if necessary; Bittner asked if anyone knows the origin of the review board process; remember changes going from a village to a city and the growing pains from that; trying to ensure there was no favoritism in hiring; a review board can help prevent that from happening but cannot eliminate that from happening; they make look at criteria not good for the selection; Cochran said that predates the city having an HR department; Foster asked if the bargaining unit member would have the experience; Thomas said yes, two out of the five would; Foster said would it be an option to add a member of the police department to the list of five; Thomas said would reiterate we were looking at what seems to be the best practice; will take any favoritism out of the process; Patterson asked what other municipalities use an organization like the IACP organization; Thomas said would be over 50% but that is just a guess; Bittner suggested walking through the process as proposed; Cochran said would post the position, look at applications to see how meets minimum qualifications, would then work with IACP and give them the candidates and they would find an appropriate measurement tool; if we use an assessment center, they would do that process; from there we would create an eligibility list;

Bittner said the selection of the testing, is there a potential spot where that could be an issue; like someone saying "last time you did a different process"; Cochran said if we are able to show the test we are using is related to the position, would be appropriate; Bittner asked what can we do to ensure that this process in 4.01 would be structured in a way that there is some objectivity in this jump; Cochran said we say "appropriate" examination; someone would still have the appeal option if there was an issue; Bittner asked if there is something that specifies when the testing process is determined; Cochran said that would all be assigned prior to the posting; next stage would be a structured interview process; would envision that would include HR, Chief of Police, subordinates, would usually include the Mayor in final interviews and perhaps the City Administrator; a conditional offer would then be made, and then they would go through a background check through an outside agency; Bittner asked if we should add to 4.01 the examination process would be determined prior to the posting; Piccolantonio said this is not just for the chief and deputy chief; is there a way to add those specifics but applicable to those other positions; Bittner confirmed would always know testing before promotional; Cochran said hesitant to use always but will know basics but likely not all details like dates and times, etc.; Bittner said push back for an appeal would be the last time you did it this way, or you posted this process, or selected an assessment that you thought a certain individual would be good at; Foster said it seems with the freedom to run the process as you want to, there is not a lot to argue that something is done wrong; this lays out the City to hire as they would like; whatever they see fit at that time; Bittner said hybrid between a private sector process and initial objective criteria; you have to meet the paper qualifications and then there is some testing qualifications; there is some discretion, counting on HR; will not make a decision based on unlawful criteria; then it is relying on stakeholders to make the decision based on their choice and not the scores; Cochran said would want them to be as objective as possible; is a certain fit we are looking for; try to lay out as much of that as possible in the job description; Foster said likes the ability for HR to hire and do the process, struggle with identifying if the review board has any importance; Cochran said the feedback that was heard was surprise in the process; the person that position reports to does not have a say in the process; said they do in the proposed changes; Ewald said it is an expectation, but not in the rules; which can happen now under the current review board; Piccolantonio said not seeing that process on paper here; Ewald said was referring to the safety director; said the safety director is the department head; under our Charter; that person would then pull in their second hand person, in this case that would be the chief; could happen today; did not happen during this last process;

is referred to in the eligibility list section and when that list is presented to the department head; these have to be generically applied; these rules cover the entire civil service process; have always advocated for the chief having input on these meetings; discussed that with the safety director; Leithart said in 8.01, it discusses appointments; whatever is decided on, the safety director is the department head; Ewald said that occurred in rule 6; Leithart said believes there was a time when the chief and deputy chief had to be selected internally; Chief Murphy said will he will retire in 18 months; this is about the organization; have some concerns; said you have to understand the history; in 1996 there was a charter change; there was a frustration level with the current police chief; there was a lack of responsiveness; change was to go to external candidates; at that time, you could only be selected chief if internal; Leithart said if remembers correctly, the deputy chief would then become chief; Chief Murphy said that is correct; people from inside could compete with people from the outside; said how the board came about, I am not sure; they all competed for the position; did a written test, the review board brought a lot from the community as for the direction you wanted the city to see; was not about police job, was about leading the organization; looking for a certain direction that a small number of people wanted to see the City go; said he was chosen; said based on experience, if you rely on other chiefs to make a decision for your department, they may or may have not been successful at being chief; get paid to make the hard decisions; questioned why you would want to have someone from another organization steering your organization; personally, not a member of the IACP; it's just a good-old-boys-club; have to do your time for that organization; most chiefs who go that route are not there long; those chiefs like calm water before they retire; that was the issue McGregor had in the late 90's; wanted a change in the way we recruited people and how we treated citizens of Gahanna; relying on another organization is wrong; this is blocking that ability to do that; most change-agent chiefs do their time and move onto another department; there is nothing wrong with our police department; if you do internal only, it is bad for the department; need someone with leadership experience, not just police experience; Cochran said if we wanted to do internal only, would have to ask for approval from this Commission; Bittner said likes the Chief's point that you cannot have it only be internal; would have to be an exceptional circumstance; asked Chief, the former process with the review board, what was the overall feeling, we followed the rule but did not produce the intended result; we as a Commission cannot do anything; Chief Murphy said that process worked three times; there was a lot of behind the door wheeling-and-dealing; process was compromised from the inside; Bittner said where could this risk be cut if we changed the language in

the rule; Chief Murphy said HR should have been involved in the entire process; someone who knows the law and what you can and cannot say; when you turn a group of people loose, it falls off; Mayor Kneeland said was on Council when the two previous Chiefs came in and left; did not have an HR process; we now have a very active HR department; that was desperately needed; cannot speak to the process last year; question the process completely on both sides; having HR involved, it will help satisfy the issue of fairness and having the process work like it should; safety director has ultimate decision; as long as we get viable candidates, we make a choice; Bittner said had there been more than one candidate, probably would not have this discussion; the appeal we just had, odd that only one person was selected when you can have up to six; knows ranking is not mandatory or binding, at the very risk of losing that one person; invest a lot in that decision; heard that Chief was okay with review board; Chief Murphy said yes, if it was allowed to go on with supervision; Patterson said maybe the rule should have specified a list of more than just one candidate being required to be submitted; personally, questioned the whole process when we got the scores; wondering if now, looking at this, if it was specified, maybe up to three; if wording was changed to be specific on the number of people; getting comprehensive feedback from a number of people; Thomas said disagree with the Chief on the assessment board; they review all policies; they adapt the process to fit your department; give you a work exercise; very well run, organized process; officers who have went through the process feel it is very professional; there is a difference between a military police officer and civilian; Bittner said in proposed draft there is an assessment tool; Cochran said that is an option, but there are alternatives; Bittner confirmed Mayor would have direct input in examination choice; Cochran said it would go through the Council process because Mayor would sign it; Piccolantonio said previously there was nothing preventing HR from using IACP; we have eliminated input from the community; that is the big change; that piece is being proposed to go; someone thought there was something special about hiring a deputy chief and a chief and getting input from the community; want to go back to that question; Bittner said if he remembers correctly, there was a succession of family lines in the police department; there were a few names in the police command that were generational; might have been concern about how people were getting into command; Chief Murphy said believes there were some racial issues; Cochran said thinking about history of Gahanna, there is no other time than now that we have gotten input from the community; we are getting feedback in so many ways; decision makers in this hiring process have those things in mind; Ewald said there is no requirement that the you cannot appoint yourself; you may have three elected officials in our current

rules, you are injecting politics into it; could be that they are friends with them; when I appointed my person, found someone not connected to the City at all; did a fantastic job; they were highly qualified; even though that happened, did not get to the end result we wanted with an appointment; unless you change that language, you are getting political appointments; would rather have law enforcement and experience choosing our police chief; Piccolantonio said that is the safety director; Ewald said you can cut the candidates; like one in last case; safety director then gets no choice; Foster said we do not require a board in the proposed process; Ewald confirmed; Mayor Kneeland said they could bring 5-6 people and they say, we don't want any of them; can reject all six names; years ago, we did not have HR; this occurs in all departments, with directors; not unique to the police department; we don't have any of these review boards for any other director; we have a safety director required to make that choice and the public gives the Mayor lots of input; Foster said one thing with the review board; parks director doesn't have the authority that the chief of police does; having community input is valuable piece of this; Chief Murphy said charter change proposal coming to November, chief will not be civil service protected, will be directly appointed by the Mayor; bad thing for the City; have to do things sometimes that does not fit with the Mayor's agenda; should be civil service protected working for the safety director; Piccolantonio asked about how this is impacted if the charter change goes through; Cochran said if that goes through, will need to make more revisions; Bittner said mayor fired police chief and council reinstated the next day; chief refused to arrest someone the mayor demanded; would agree with the chief there, not for this discussion today; heard good input today; input may not be in the form of a review board, but there is still plenty of ultimate input in the process; asked if there is a satisfactory answer; Foster said does not like eliminating the review board; believes there needs to be changes, but not eliminated; Bittner said Patterson's concern was that the review board had only one name submitted; creates a risk of this problem reoccurring; Patterson said agree with Foster; if there was more detail in the rules, would not be here; the process would likely have worked had that happened; Piccolantonio said have a lot of curiosity in how this is handled in other communities; would like to know that before making a decision; not sure we have enough information; Leithart said not sure it is important to look at other communities, personally; rule 6 should be improved but do not like the idea of removing; rule 4.04, is it now entitled promotional internal; Cochran confirmed; believes that is confusing, indicates those chief and deputy chief are only internal; Bittner said seems that the internal posting must be approved by the Commission; otherwise, how would you objectively put one before the other; Cochran said would need to

have at least two applicants; Bittner said it says from next lower rank; Cochran said that is moving down in rank until you get two applicants; should make that a shall instead of a may; Leithart said under rule 6, if the conclusion is it ought to be made, the mayor or other elected officials should not be able to appoint themselves; Bittner said concern was expressed about political appointments; human nature would not be to put someone on the opposite side; would put a like-minded person as the designee; not sure there is a way to eliminate someone putting a skill in there; Piccolantonio said that is addressed by the fact that it is not just appointees; Bittner said the review board process, the chief would feel it is an enhancement if HR is involved; Chief Murphy agreed; Bittner asked if it would be better that HR is a voting member or ad-hoc member; Chief Murphy said not a voting member, just someone who is a subject matter expert; Bittner said HR would vote in the event of a tie; asked Thomas if IACP organization providing input, they bring outside input, is that process protected enough under the existing rule; Thomas said could be part of the process if we wanted to make it that way; some of these chiefs have been there for many years; knows Whitehall went to this process, officers enjoy it; feels it is fair and impartial process; somehow would like to see us have that built in; will support whatever HR feels is a proper procedure; Mayor Kneeland said last year the process was tainted; whatever direction that this goes, it needs to be tightened up; needs to be fair, impartial and objective; have my position on the review board itself, sees pluses and minuses; had similar discussion about elected positions and the city's structure; is just the person in the job; who is that person in the job and are they the right person; Piccolantonio said we have a good sense there were weaknesses in the review board process; asked if there were other weaknesses; Mayor Kneeland said having one candidate, question that; if you go with the review board, the selection process would have to be something of the nature of something no more than and no less than; do believe anything in there inhibiting making a choice, needs addressed; could end up with bad candidates that you really do not want; Bittner said currently, if you have a vacancy in a civil service position, and there is an eligibility list and there is a vacancy, do you have to hire off the list or can you defer it; Cochran said would go through the entire eligibility list; Bittner said this is not a vacancy subject to any financial hold, this is a position needed, you get a list and that list is certified; can you say to all of those candidates that none of them are selected; Cochran said they would exhaust the list; would go through the process to reject all candidates; once that list is exhausted, would start over; reject because they did not meet requirements and qualifications; sometimes someone may pass a test but could fail the interview; Bittner said if they did not fail the interview, that person could come

and appeal; Ewald said could but would not go through at discretion of department head; Bittner said would not want a list of three people, one person who cannot communicate, one who barely passed, and one did poor in interview; but you have to pick one of those people; if you reject all three, have to start the process all over again; mayor answers the public; Mayor Kneeland said the safety director would have an interview process also; if he is the hiring authority, he should have; Patterson said currently he is not involved in the review board process; Mayor Kneeland said if he doesn't pick someone, will he be liable; Leithart asked if you feel the safety director is compelled to hire; Bittner said rule 6 does not address that currently; Ewald said that is eligibility list; Bittner said need to clarify how the process works and situations for if review board process fails; candidates go to the review board and input is given, would feel uncomfortable with saying you have to pick one of the three; everyone will have to answer to someone, the Mayor will answer to the media and the residents; said the members need to all make this decision; have a couple options tonight; we make a motion to modify rule 6 in some way, with those enhancements and improvements and 4.11(g) so the safety director would not be stuck with one; would that address the concerns; Leithart said when we met for the procedures for review board, if we like those procedures, why not adopt those procedures so we do not have to create this process all over again each time; Cochran said one concern is still the transparency; maybe just a concern personally; feels like the process of the appeal, were not able to give information about a problem; was an appointed board; did not have any public record documents able to rely on; Ewald said it was decision by the Commission to protect confidential information of the police officers; Leithart said if safety director wants a follow-up interview; is that public record; Cochran said yes, all interviews are public record currently; these were not as they were in executive session due to an open meeting; Foster asked why they were in executive session; Cochran said it was an open meeting because it was a sub-board of the Commission and they did not want public attendees during such an interview; Foster asked, when you have a public board, you have an open meeting; Cochran confirmed, is a publicized meeting; Bittner said a HR designee would assure someone would not make a decision based on the wrong reasons; Ewald said would add legal representation in the executive session; would not make them a voting member but they should be present; the board acted within the rules; Leithart suggested tabling the issue and looking at a draft of rule 6 and conduct a follow-up meeting; Bittner said tonight we could motion to charge HR to amend changes in rule 6; Cochran confirmed we have what we need to make changes based on discussion tonight; Foster said the interviews that the board conducts, there is no criteria for

what they consider a good versus poor response; only so much you can do; sees an issue there; Bittner said that is trying to legislate individual judgement; hard to get that on paper; ask those questions a lot; Piccolantonio said there was no record of the questions or answers; Ewald said there was a record of the questions, but no recorded answers; said the questions were in the packet for the appeal; Bittner asked for a motion to leave this as unfinished business.

[2015-0417](#)

Civil Service Commission Rules & Regulations

**A motion was made by Leithart, seconded by Patterson, to table the item and to bring back under Unfinished Business at the next meeting. The motion carried by the following vote:**

Yes: 5 - Leithart, Patterson, Piccolantonio, Foster and Bittner

**G. CORRESPONDENCE AND ACTIONS**

None.

**H. OFFICIAL REPORTS**

**a. Director of Human Resources**

None.

**b. Chairman**

None.

**I. POLL COMMISSION FOR COMMENT**

None.

**J. ADJOURNMENT**

The Commission agreed to meet on July 7 at 6:30 p.m.

Adjourned at 8:19 p.m.