

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 118

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF STRONGSVILLE AND THE STRONGSVILLE FIREFIGHTERS ASSOCIATION, IAFF LOCAL 2882, TO MODIFY CERTAIN PROMOTIONAL PROCEDURES FOR FIRE DEPARTMENT PERSONNEL, AND DECLARING AN EMERGENCY.

WHEREAS, an arbitrator issued a decision to which both the City and the Strongsville Firefighters Association, IAFF Local 2882 had agreed to be bound; and

WHEREAS, both the City and Union have now agreed to modify the promotional procedures for the positions of Assistant Chief, Captain, and Lieutenant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

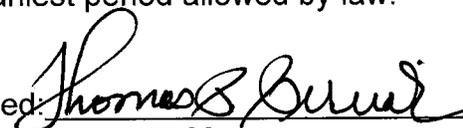
Section 1. That the Mayor be and is hereby authorized to enter into a Memorandum of Understanding by and between the City of Strongsville and the Strongsville Firefighters Association, IAFF Local 2882, in the form attached hereto as Exhibit A and which in all respects is hereby approved.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to modify the promotional procedures for the Fire Department personnel in a timely manner due to the need to make various promotions, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council

Approved: 

Mayor

Date Passed: June 15, 2015

Date Approved: June 16, 2015

CITY OF STRONGSVILLE, OHIO

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	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Daymut	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Dooner	<input checked="" type="checkbox"/>	_____
Maloney	<input checked="" type="checkbox"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Southworth	<input checked="" type="checkbox"/>	_____

Attest: Aimee Perotko
Clerk of Council

ORD. No. 2015-118. Amended: _____
1st Rdg. 06/15/15 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 06/15/15 Defeated: _____

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the City of Strongsville (Employer) and the Strongsville Firefighters Association, IAFF Local 2882 (Union) and sets forth the following acknowledgments, understandings and agreements:

The Employer and Union had agreed to be bound by the promotional procedures arbitration decision issued by Dr. Dennis Byrne. The Employer and the Union have now agreed to modify the promotional process for Assistant Chief, Captain, and Lieutenant positions. Accordingly, the parties acknowledge and agree the Promotional Procedures for Assistant Chief, Captain, and Lieutenant positions are hereby modified to include in the Civil Service Rules and Regulations the following:

RULE VI

FIRE DEPARTMENT

2. Promotions – Fire Department – Lieutenant. Vacancies in the position of Lieutenant shall be filled as follows:
 - a. A vacancy in the position of Lieutenant shall be filled by promotion from the rank of First Class Firefighter/Paramedics.
 - b. A book list of up to ten (10) books shall be recommended by the Fire Chief and approved by the Civil Service Commission as potential texts to be used on the written examination. The current book list shall be maintained by the Fire Chief. The Civil Service Commission may periodically add or subtract from the ten (10) books, however, any book added or subtracted must be announced no later than one hundred twenty (120) days before the date of any written test. Not less than thirty (30) days before the written test the Civil Service Commission shall announce up to five (5) of the books from the ten (10) maintained to be utilized to develop the written test. In addition the Strongsville Standard Operating Procedures (SOPs), EMS protocols, and current collective bargaining agreement (CBA) may be utilized in developing the test. These documents will be those in place at the close of business on the date that the announcement for the test is made.
 - c. The promotional test will be announced a minimum of thirty (30) days in advance of the testing date and sixty (60) days where practical.
 - d. A written test will be held as close as reasonable to the fourth Wednesday of February of each even number year in order to maintain a current eligibility list. Each eligibility list will be good for a two (2) year period or until the next eligibility list is established. The Civil Service Commission may vary the examination dates based on the availability of the Commission members and any testing company or companies chosen. Examinations may be held on other dates if a vacancy occurs and there is no current eligibility list. "Lead Man" lists shall be based upon the eligibility list. The "Lead Man" list will remain in effect even if an eligibility list expires until the Commission approves a new eligibility list.

- e. The promotional process shall be based on a 100 point system and extra credits with the following items and weights for Lieutenant candidates:

i)	Written examination	60 points
ii)	Oral examination and/or assessment	40 points
iii)	Seniority	up to 5 points of extra credit
iv)	Education	up to 5 points of extra credit

- f. Written Examination. Candidates must obtain a score of at least eighty percent (80%) on the written examination without adding in any extra credit to continue the promotional process.

The objective of the written examination is to test for knowledge about situations a fire department member is likely to face in Strongsville or its mutual aid cities.

The written examination will be available for review/challenge to the Civil Service Commission as set out in this Rule VI and Rule IV Section 12 prior to the administration of the oral examination and/or assessment.

- g. Oral Examination and/or Assessment. The oral examination and/or assessment will be administered as soon as practicable after the completion of the written examination and challenge process.

The Civil Service Commission and/or the Testing Company will attempt to utilize approximately fifty percent (50%) all hazards tactical questions and approximately fifty percent (50%) personnel and/or administrative questions or scenarios in the oral examination and/or assessment portion of the examination. The Civil Service Commission and/or Testing Company will attempt to use questions or scenarios that a candidate may face in Strongsville or its mutual aid cities.

- h. Review of Examinations. For the period of time as defined in the protest period contained in these Rules and Regulations after the administration of that portion of the examination (protest period), written examination, oral examination and/or assessment results or scores shall be open to review only by the candidates taking the test for the applicable position. At the end of the protest period, all originals and copies of the written exam, oral exam, and/or assessment exercises, other than the final grades, shall be returned to the testing company and will not be retained by the City. "Review" does not include copying any of the testing materials or cross referencing the questions to reference material. All reviews by candidates will be done in the presence of the Civil Service Commission, its secretary or an individual(s) designated by the Civil Service Commission.

- i. Seniority. For the position of Lieutenant, each candidate shall receive extra credit for seniority as follows:

- i) One quarter ($\frac{1}{4}$) point per year of completed service with the City of Strongsville Fire Department.

Seniority is based on date of hire with the City of Strongsville. To be entitled to seniority extra credit, the year must be completed by the date of the written examination.

A candidate may receive a maximum of five (5) points of extra credit for seniority.

- j. Education. For the position of Lieutenant, each candidate shall receive extra credit for education as follows:
- i) 1 point for an Associate degree in any discipline other than Fire Technology or Allied Science in Emergency Medical Technology
 - ii) 2 points for a Bachelor degree in any discipline other than in Fire Science, Emergency Management, Business Management, or Public Administration
 - iii) 3 points for an Associate degree in Fire Technology, or Allied Science in Emergency Medical Technology
 - iv) 5 points for a Bachelor degree in Fire Science, Emergency Management, Business Management, or Public Administration

Any such degree must be from an accredited institution as determined by the Civil Service Commission based on the United States Department of Education (USDE) Recognition Data Base (<http://ope.ed.gov/accreditation/search>) or similar Data Base if this Data Base is not available and must be attained before the date of the written examination for the position of Lieutenant. The applicant is required to submit a copy of the applicable diploma(s) as proof of the degree(s) at the time the applicant signs up for the examination. A candidate may receive a maximum of five (5) points of extra credit for education.

- k. Training. For the position of Lieutenant, training is recognized as an integral part of the firefighter and fire officer's education and experience. Training is a continual process and employees are encouraged to stay engaged in their training throughout their careers. All training classes and certifications can be highlighted on the employee's resume' and presented to the appointing authority during the final interview.

- l. Interview and Appointment. After the examination an eligibility list is established and the Commission shall, upon request from the Mayor indicating that a vacancy exists, forthwith certify to the Mayor the names of the top three (3) candidates on the eligibility list. Before making an appointment, the top three (3) candidates shall be interviewed by a panel consisting of the Mayor, the Safety Director, the Human Resources Director, the Fire Chief and the Assistant Chief or Chiefs. The candidate's entire employee files maintained by the Fire Department and the Director of Human Resources may be reviewed by the Mayor and any of the interviewers. Each candidate may prepare and submit to the interviewers a resume' stating, among other things, the reasons that candidate should be appointed to the position. The other panel members may make suggestions and recommendations to the Mayor; however, the Mayor's decision is final. The Mayor shall state in general terms the reason for the selection.

Candidates passed over for appointment shall remain in the same position on the eligibility list for the duration of that eligibility list.

- m. Probationary Period. Officers promoted to the position of Lieutenant shall serve a promotional probationary period of one (1) year. During the promotional probationary period the Mayor shall have the sole right to revert back the promoted officer to his/her previous rank without such reversion being subject to any grievance or arbitration procedure, appeal to the Civil Service Commission, or in any other manner.

3. Promotions – Fire Department – Captain. Vacancies in the position of Captain shall be filled as follows:

- a. A vacancy in the position of Captain shall be filled by promotion from the rank of Lieutenant. Lieutenant applicants must have completed the one (1) year probationary period by the time of the written examination.

If there are not at least three (3) candidates who sign up to take the examination then the eligibility will also be extended to all Lieutenants, whether or not the Lieutenant has completed the probationary period. If there are still not at least three (3) candidates who sign up to take the examination then the eligibility will also be extended to include First Class Firefighters and First Class Firefighters/Paramedics who have completed at least ten (10) years of service with the Strongsville Fire Department before the date of the written examination.

- b. A book list of up to ten (10) books shall be recommended by the Fire Chief and approved by the Civil Service Commission as potential texts to be used on the written examination. The current book list shall be maintained by the Fire Chief. The Civil Service Commission may periodically add or subtract from the ten (10) books, however, any book added or subtracted must be announced no later than one hundred twenty (120) days before the date of any written test. Not less than thirty (30) days before the written test the Civil Service Commission shall announce up to five (5) of the books from the ten (10) maintained to be utilized to develop the written test. In addition the Strongsville Standard Operating Procedures (SOPs), EMS protocols, and current collective bargaining agreement (CBA) may be utilized in developing the test. These documents will be those in place at the close of business on the date that the announcement for the test is made.
- c. The promotional test will be announced a minimum of thirty (30) days in advance of the testing date and sixty (60) days where practical.
- d. A written test will be held as close as reasonable to the fourth Friday of February of each odd number year in order to maintain a current eligibility list. Each eligibility list will be good for a two (2) year period or until the next eligibility list is established. The Civil Service Commission may vary the examination dates based on the availability of the Commission members and any testing company or companies chosen. Examinations may be held on other dates if a vacancy occurs and there is no current eligibility list. In the absence of a Captain, the assignment of acting "Shift Commander" shall be based on the current Captain eligibility list.

e. The promotional process shall be based on a 100 point system and extra credits with the following items and weights for Captain candidates:

- | | | |
|------|------------------------------------|--------------------------------|
| i) | Written examination | 60 points |
| ii) | Oral examination and/or assessment | 40 points |
| iii) | Seniority | up to 5 points of extra credit |
| iv) | Education | up to 5 points of extra credit |

f. Written Examination. Candidates must obtain a score of at least eighty percent (80%) on the written examination without adding in extra credit to continue the promotional process.

The objective of the written examination is to test for knowledge about situations a fire department member is likely to face in Strongsville or its mutual aid cities.

The written examination will be available for review/challenge to the Civil Service Commission as set out in this Rule VI and Rule IV Section 12 prior to the administration of the oral examination and/or assessment.

g. Oral Examination and/or Assessment. The oral examination and/or assessment will be administered as soon as practicable after the completion of the written examination and challenge process.

The Civil Service Commission and/or the Testing Company will attempt to utilize approximately fifty percent (50%) all hazards tactical questions and approximately fifty percent (50%) personnel and/or administrative questions or scenarios in the oral examination and/or assessment portion of the examination. The Civil Service Commission and/or Testing Company will attempt to use questions or scenarios that a candidate may face in Strongsville or its mutual aid cities.

h. Review of Examinations. For the period of time as defined in the protest period contained in these Rules and Regulations after the administration of that portion of the examination (protest period), assessment results or scores shall be open to review only by the candidates taking the test for the applicable position. At the end of the protest period, all originals and copies of the written examination, oral examination, and/or assessment exercises, other than the final grades, shall be returned to the testing company and will not be retained by the City. "Review" does not include copying any of the testing materials or cross referencing the questions to reference material. All reviews by candidates will be done in the presence of the Civil Service Commission, its secretary or an individual(s) designated by the Civil Service Commission.

i. Seniority. For the position of Captain, each candidate shall receive extra credit for seniority as follows:

- i) One quarter ($\frac{1}{4}$) point per year of completed service as a Lieutenant.

Seniority is based on date of appointment as a Lieutenant with the City of Strongsville. To be entitled to seniority extra credit, the year must be completed by the date of the written examination.

A candidate may receive a maximum of five (5) points of extra credit for seniority.

j. Education. For the position of Captain, each candidate shall receive extra credit for education as follows:

- v) 1 point for an Associate degree in any discipline other than Fire Technology, or Allied Science in Emergency Medical Technology
- vi) 2 points for a Bachelor degree in any discipline other than in Fire Science, Emergency Management, Business Management, or Public Administration
- vii) 3 points for an Associate degree in Fire Technology, or Allied Science in Emergency Medical Technology
- viii) 5 points for a Bachelor degree in Fire Science, Emergency Management, Business Management, or Public Administration

Any such degree must be from an accredited institution as determined by the Civil Service Commission based on the United States Department of Education (USDE) Recognition Data Base (<http://ope.ed.gov/accreditation/search>); or similar Data Base if that Data Base is unavailable and must be attained before the date of the written examination for the position of Captain. The applicant is required to submit a copy of the applicable diploma(s) as proof of the degree(s) at the time the applicant signs up for the examination. A candidate may receive a maximum of five (5) points of extra credit for education.

k. Training. For the position of Captain, training is recognized as an integral part of the firefighter and fire officer's education and experience. Training is a continual process and employees are encouraged to stay engaged in their training throughout their careers. All training classes and certifications can be highlighted on the employee's resume' and presented to the appointing authority during the final interview.

l. Interview and Appointment. After the examination an eligibility list is established and the Commission shall, upon request from the Mayor indicating that a vacancy exists, forthwith certify to the Mayor the names of the top three (3) candidates on the eligibility list. Before making an appointment, the top three (3) candidates shall be interviewed by a panel consisting of the Mayor, the Safety Director, the Human Resources Director, the Fire Chief and the Assistant Chief or Chiefs. The candidate's entire employee files maintained by the Fire Department and the Director of Human Resources may be reviewed by the Mayor and any of the interviewers. Each candidate may prepare and submit to the interviewers a resume' stating, among other things, the reasons that candidate should be appointed to the position. The other panel members may make suggestions and recommendations to the Mayor; however, the Mayor's decision is final. The Mayor shall state in general terms the reason for the selection.

Candidates passed over for appointment shall remain in the same position on the eligibility list for the duration of that eligibility list.

m. Probationary Period. Officers promoted to the position of Captain shall serve a promotional probationary period of one (1) year. During the promotional probationary period the Mayor shall have the sole right to revert back the

promoted officer to his/her previous rank without such reversion being subject to any grievance or arbitration procedure, appeal to the Civil Service Commission, or in any other manner.

4. Promotions – Fire Department - Assistant Chief. Vacancies in the position of Fire Department Assistant Chief shall be filled as follows:

Vacancies shall be filled by promotion from the rank of Captain and Lieutenant. Lieutenant applicants must have completed the one (1) year probationary period by the time of the written examination.

When the Appointing Authority determines that a vacancy exists, the Appointing Authority will select one out of the top three (3) candidates on the promotional eligibility list. The Appointing Authority will make his/her selection in accordance with Civil Service Commission Rules unless otherwise specifically set out to the contrary in the Collective Bargaining Agreement. When the Appointing Authority determines a vacancy exists, the Appointing Authority agrees to fill the vacancy in a timely manner. The promotional test will be announced a minimum of thirty (30) days in advance of the testing date and sixty (60) days in advance where practical. The Appointing Authority shall state in general terms the reason for the selection.

Eligibility lists will be created based upon written promotional examinations, oral examinations, oral assessments, and/or evaluations administered by or at the direction of the Strongsville Civil Service Commission. Such eligibility lists shall also be based upon the factors listed in this Section.

A book list will be recommended by the Fire Chief to the Civil Service Commission. The Civil Service Commission shall make the final determination on any and all books to be utilized. A book list of up to five (5) books designated by the Civil Service Commission shall be maintained by the Fire Chief as potential texts to be used on the written examination. The Commission shall determine the texts to be utilized on the specific written examination. Any book added or subtracted from the book list must be announced no later than one hundred twenty (120) days before the date of any written examination. Not less than thirty (30) days before the written test the Civil Service Commission shall announce up to three (3) of the books from the five (5) books maintained to be utilized to develop the written examination. In addition to the texts, the Commission may also include the standard operating procedures (SOP's), the current collective bargaining agreement (CBA), and EMS protocols as part of the examination. These documents will be those in place at the close of business on the date that the announcement for the examination is made.

The promotional process shall be based on a 100 point system on the following items and weights and with the extra credit shown for Assistant Chief candidates:

- | | |
|---|---------------------------------|
| a. Written Examination | 40 points |
| b. Oral Examination, Assessment or Evaluation | 60 points |
| c. Seniority | up to 5 points of extra credit |
| d. Education | up to 15 points of extra credit |

Any candidate interested in taking the Assistant Chief promotional examination must hold a Bachelor's Degree from an accredited institution by the date the written examination is administered. For the position of Assistant Chief, if there are less than three (3) eligible and

willing candidates to compete for the position, then those candidates who otherwise meet the qualifications for appointment who hold an Associate's Degree from an accredited institution as determined by the Civil Service Commission by the date of the written examination shall also be eligible to take the examination.

Written Examination

Candidates must attain a score of at least eighty percent (80%) on the written examination, before any extra credit is given, in order to continue the promotional process.

The written examination will be available for review/challenge to the Civil Service Commission as set out in Rule VI and in Rule IV Section 12 prior to the administration of the oral assessment, evaluation, or examination.

Oral Assessment, Evaluation, or Examination

The oral assessment, evaluation, and/or examination will be administered as soon as practicable after the completion of the written examination and challenge process.

Challenge Period

For the period of time as defined in the protest period contained in these Rules and Regulations after the administration of that portion of the examination (protest period), assessment and evaluation results or scores shall be open to review only by the candidates taking the test for the applicable position. At the end of the protest period, all originals and copies of the written examination, oral examination, assessment and/or evaluation exercises, other than the final grades, shall be returned to the testing company and will not be retained by the City. "Review" does not include copying any of the testing materials or cross referencing the questions to reference material. All reviews will be done in the presence of the Civil Service Commission, its secretary or an individual designated by the Civil Service Commission.

Seniority

Seniority shall be worth a maximum of five (5) extra points to an Assistant Chief's total score.

For the position of Assistant Chief, each candidate shall receive seniority extra credit of one-half ($\frac{1}{2}$) point for each completed year of service before the date of the written examination as a Captain and one-quarter ($\frac{1}{4}$) point for each completed year of service before the date of the written examination as a Lieutenant with the City of Strongsville Fire Department. An applicant for Assistant Chief can earn a maximum of five (5) seniority extra credit points for both positions together.

Education

Education extra credit points shall be applied in the following manner:

- (i) Five (5) points extra credit for an Associate's Degree of Fire Science or Allied Health Science in Emergency Medical Technology or a Bachelor's Degree in any discipline.

- (ii) Ten (10) points extra credit for a Bachelor's Degree in Fire Science, Emergency Management, Business Management or Public Administration.
- (iii) Fifteen (15) points extra credit for a Master's Degree in Public Administration, Emergency Management, or other business or management related field of study as determined by the Civil Service Commission. Completion of the Executive Fire Officer curriculum through either the National Fire Academy or the Ohio Fire Chief's Association shall also qualify as a Master's Degree.

Any such degree must be from an accredited institution as determined by the Civil Service Commission based on the United States Department of Education (USDE) Recognition Data Base (<http://ope.ed.gov/accreditation/search>) or similar Data Base if this Data Base is not available; and it must be attained before the date of the written examination for the position of Assistant Chief. The applicant is required to submit a copy of the applicable diploma(s) as proof of the degree(s) at the time the applicant signs up for the examination.

An applicant for Assistant Chief can earn a maximum of fifteen (15) points of extra credit for education.

Training

For the position of Assistant Chief, training is recognized as an integral part of the firefighter and fire officer's education and experience. Training is a continual process and employees are encouraged to stay engaged in training throughout their careers. All training classes and certifications can be highlighted on the employee's resume and presented to the appointing authority during the final interview.

Interview and Appointment

After the examination an eligibility list is established and the Commission shall, upon request from the Appointing Authority indicating that a vacancy exists, forthwith certify to the Appointing Authority the names of the top three (3) candidates on the eligibility list. Before making an appointment, the top three (3) candidates shall be interviewed by a panel consisting of the Mayor, the Safety Director, the Human Resources Director, and the Fire Chief. The candidate's entire employee files maintained by the Fire Department and the Director of Human Resources may be reviewed by the Mayor and any of the interviewers. Each candidate may prepare and submit to the interviewers a resume stating, among other things, the reasons that candidate should be appointed to the position. The other panel members may make suggestions and recommendations, but the final decision rests with the Appointing Authority.

Eligibility List

Eligibility lists created from the promotional process shall be valid for a period of two (2) years.

Probationary Period

Officers promoted to the position of Assistant Chief shall serve a promotional probationary period of one (1) year. During the promotional probationary period the Appointing Authority shall have the sole right to revert the promoted officer to his/her previous rank without such reversion being subject to any grievance or arbitration procedure or appealable to the Civil Service Commission.

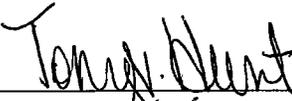
In addition, for the first tests being given in 2015 for Lieutenant and Captain positions the Union agrees and waives the following newly adopted procedure:

- a) The 120 day time period to designate the books to be utilized for the tests;
- b) The 60 day announcement period for the tests;
- c) Agrees that the initial Captain eligibility list will be in place until the fourth Friday of February 2017; and that the initial Lieutenant eligibility list will be in place until the fourth Wednesday in February 2018 notwithstanding anything in the newly adopted promotional process to the contrary.

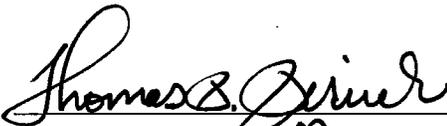
This Memorandum of Understanding is entered into by and between the parties this 10th day of June, 2015.

FOR THE STRONGSVILLE
FIREFIGHTERS, IAFF LOCAL 2882

FOR THE CITY OF
STRONGSVILLE







Mayor