

AURORA CIVIL SERVICE COMMISSION
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10/21/2008

REGULAR MEETING of October 14, 2008

Commissioners Present: Richard Brown, Chair
Jeannine Zimmerman, Vice Chair
EXCUSED: Bob Brewer, Commissioner
Dave Williams, Commissioner
Bernard Celestin, Commissioner

Staff Present: Terry Kulbe, Administrator
Matt Cain, Senior Test Development Analyst
Emily Jackson, Senior Test Development Analyst
Heather Dearman, Civil Service Assistant

Others Present: Deputy Chief Mark Ricard, Aurora Fire Department
Battalion Chief Mark Turley, Aurora Fire Department
Engineer Randy Rester, Aurora Fire Department
Engineer John Hamam, Aurora Fire Department
Lieutenant Caine Hills, Aurora Fire Department
Captain Kevin Flynn, Aurora Police Department
Lieutenant Paul O'Keefe, Aurora Police Department
Lieutenant Troy Edwards, Aurora Police Department
Stacie Evans, Assistant City Attorney
Dave Lathers, Assistant City Attorney

- 1) Chair Brown called the Regular Meeting to order at 1:00 p.m. in the Fitzsimmons room.
- 2) On a motion by Williams, seconded by Celestin the minutes for the Regular Commission Meeting of September 30, 2008 were approved unanimously as written.
- 3) Brown called for Public Comment. There was none. He stated that he had something he wanted to bring up.

Brown read the following memo from Kulbe:

At the beginning of the business day on Monday, October 13, 2008, Renie Peterson called me and asked if I would come up to her office to discuss a few things. I went right up and she showed me into her office and told me that several things had come to her attention and she was extremely concerned over them. She said she had planned on being at the commission's Tuesday meeting to present these concerns, but has a conflicting Governor's meeting and wanted me to convey her concerns to the commissioners.

The following is the closest to verbatim of that meeting that I can recall, but put in the third person unless I actually quote her.

"It has come to my attention that there was an Engineer test on October 4, or thereabouts, and no Commissioners were present. I find this extremely disturbing. I know Brown and Brewer were out of town, but where were the others? I think the Charter requires two or three to be present for each test." She went on to state that all Commissioners know that this is part of their responsibilities and they need to participate when they are needed. She added that she intends to bring this up at Monday night's council study session along with her other concerns. I informed her that there was no requirement in the Charter that specified a Commissioner be present at testing—that the Charter told the Commission what must be done and the Commission's Rules and Regulation state how that will be done.

She then moved on to working weekends: "And this same thing applies to working on weekends. If I hear one more time that someone didn't want to work on a testing weekend, or for a scheduled test on a weekday, I am going to suggest that the Commissioner resign or that council remove them. All of them were told before they were appointed that their time would be required, including weekends. That's their job; that's what they are here to do."

Her final concern was that she had heard of the commission buying a table at a Rotary luncheon. "This is a direct conflict of interest. When council members are invited to these types of functions and they are free we go; if they are not free we pay for them ourselves. We never ask for City money, per diem or mileage to go. Why should the Commission do it any differently than council members? I think whoever attends this should reimburse the city for their part. I know \$350 is not a lot of money. But, your budget is miniscule and it is the idea of it." She stated she was going to take this up with Tom Nicholas and Ron Miller also. She also asked me about our budget and I told her we were already broke this month. She then asked me to send up a brief discussion of where the money is going and she would like to read that to council when she talks about the Rotary luncheon. I sent her an email that talked about the cost of doing all this testing for so many candidates, the majority of which fail.

She again reiterated that she was going to bring these concerns up at council study session when they started talking about reappointing Brewer. The meeting lasted about 20 minutes and she thanked me for coming up to talk to her and wanted reassurance that her concerns would be brought to the Commission's attention.

Brown called for comments. Ricard stated the Chief of the department, the executive staff and the local disagree with the interpretation that no Commissioner should be present at the time of the practical and he stated that he gave that information to the local and the candidate that took the test is going to be filing a grievance. He said that the Commission would be hearing more about that from the President of the local. Kulbe noted that he said that the *charter* doesn't specify a Commissioner be present at any testing. Brown stated that when they get the complaint they will look into it at that time and that this was not the time to discuss it until they get the complaint. Bernard asked why there needed to be a Commissioner there. Ricard said that there was no secure control over the testing grounds and that with no Commissioner there, it was a violation of the Commission's rules and regulations. Ricard said "We feel that he has reason to grieve." Williams stated that comments should be withheld until the grievance is received. Brown stated that when the grievance is received they would ask for whatever comments and give whatever explanations at that time.

Brown stated that he was concerned about the buy on the Rotary table and that it was something City Council doesn't even do. Williams stated City Council members usually attend events for free, as someone's guest.

4) The Agenda for October 14, 2008 was approved as written.

5) COMMISSIONER REPORTS:

Engineer Practicals-Kulbe stated he was there and 2 candidates participated. One candidate failed the aerial and the other one passed the test. Celestin stated he knew they were going to wait until the grievance is filed but he had asked before that if no one could attend does it cancel the whole thing and he was told that 'no' it would not. Kulbe stated that the question will end up with Evans. Kulbe asked Evans to stick around after the meeting. Ricard stated that they anticipated promoting the individual and they did not anticipate needing another practical until late spring or early summer.

STAFF REPORTS: Kulbe went over the October calendar:

- Police fit test were completed October 14th and written exams are being given now.
- Oral Boards for entry level police on the 15th and 16th 17th
- Fire Lateral combat test on the 16th
- Regular Commission meeting on the 28th

6) OLD AGENDA ITEMS:

- (1) Police Entry-Level Fitness and Written Testing Results-Kulbe noted that over 600 candidates were scheduled for a fitness test and less than half showed up and about 160 passed the fit. He also noted that so far only 15 people have failed the written. He noted that the majority of the written scores were in the 70's.
- (2) Police Oral Board Schedule-Kulbe said that breakfast for the 15th will be at 7:30 AM and that the training class for the evaluators would be at 8:00 AM to go over individual questions and examples from officers that they would give and a little bit about the evaluating, and should be done around 9. Kulbe explained the schedule for the 16th and 17th as well.

7) NEW AGENDA ITEMS FOR COMMISSION DISCUSSION:

- (1) Scheduling Fitness Testing on Weekends-Zimmerman stated that for entry level Fire and Police, a lot of them have jobs and the weekend is the only way to accommodate that. Brown noted that he felt that the weekend is something that should be done so that there are no artificial barriers to candidates. Dave requested that tests be scheduled during the week whenever possible, but he understands the necessity of weekends when needed. Flynn stated that staff and academy availability are other reasons why there needs to be testing on the weekend. Ricard stated that they have a lot of candidates come in from out of state and the weekend is the only time they can get out here. Flynn reminded everyone that the Police are 24/7 so they might as well get used to it now.
- (2) CCA Essay Written Examination Update-Kulbe distributed an outline of CCA's test for literacy and the Essay Candidate Screen Instructions. He stated that CCA wants a memorandum of understanding between the City and CCA for confidentiality and until that is done, the test can not be used. He said the other issue is where in the process it will fit in and for this process there is no time to fit it in. Kulbe suggested a beta test of the test. He said that the current academy recruits could take the test and it could be measured against their actual academic performance. There was discussion about when and where the 12 recruits could take the test. Brown agreed that there are still things to be ironed out concerning the test and how it would weigh in the process etc.

- 8) LEGAL ITEMS:** Brown asked Evans about the Rotary table. She had talked to the finance attorney who told her that it depended upon the budget, but the best way to handle it would be to say "It was done and don't do it again." She stated she could not find anything that clearly prohibits it but she

advised that it not be done again. Kulbe said "It's a first responder's luncheon, its not like it's a dog show". Evans stated that was why it did not strike her the wrong way.

9) INFORMATION ITEMS: (all information put in Commissioner's individual folders)

- Continue "Swearing In Ceremony" Survey –The Commissioners voted unanimously to vote "YES" on continuing the swearing in ceremony.
- Ricard invited any Commissioners interested in sitting in on a lateral's interview to come in.
- Ricard noted the lateral combat test on the 16th
- Ricard requested opening up the applications for Fire in February because they have recruitment opportunities.
- Rester stated his view on the Engineer Practical's as being in conjunction with councilwomen Peterson. He said he hoped it was an anomaly. He said that in past years there has been not only 1 but as many as 3 Commissioners present during the test. He stated that even if it is not spelled out in the rules & regs, it is of clear intent that there be a surveyor to maintain the test. He expressed their disappointment in the Commission and hopes there will be a remedy for this type of situation.

10) EXAMINATION NOTICES: (all information put in Commissioner's individual folders)

11) CALL FOR QUESTIONS AND CLARIFICATIONS:

12) Regular meeting adjourned at 2:00p.m.

ATTEST: _____
Richard Brown, Chair

Heather Dearman, Civil Service Assistant