

Personnel Committee Minutes

Honorable Council
City of Newark, Ohio
January 27, 2015

There was a meeting of the Personnel Committee in Council Chambers on Monday January 26, 2015 following the Capital Improvement Committee with these members in attendance:

Carol Floyd, Chair	Marc Guthrie
Ryan Bubb	Alex Rolletta
Doug Marmie	

We wish to Report:

1. **Ordinance No. 15-05** amending the position authorization tables of the City of Newark Department of Public Safety, Division of Police, reducing the position of Captain by one (1) through attrition resulting in a strength authorization of three (3).

Director Spurgeon- the piece before you tonight is asking Council's permission to rearrange how we are deploying our staff within the Police Department. We currently have an authorization of 4 Captains; I would like to reduce that by one with the intention of having another street officer.

Mr. Guthrie- you stated with the intention of adding a street officer can you talk to us about a time table and is adding the street officer going to simply replace the slot of a Captain or is it going to replace the vacancies created by retirements last year or any other pending retirements for 2015?

Director Spurgeon- my intention can only be to add an officer. Speaking of who has left, who is going to leave those will have budget restrictions. What I would like to do is to free up salary money so I can attempt to add some more people.

Mr. Guthrie- I believe and you can expand on this, I believe Council appropriated funds for officers this year. It seems to me that the appropriation went beyond the current level of strength. Can you comment on that?

Director Spurgeon- for details I have asked Chief Sarver to be here but what I can tell you Marc is that we have given a test, we are processing candidates and there is one this month that the Chief would offer me to consider.

Mr. Guthrie- what I am trying to get at here, because we do these personnel issues during the year and we appropriate X amount of dollars to cover X number of slots. In the appropriation for 2015 were there only funds to cover the slots that are currently filled or were there some funds in there for vacancies that resulted last year?

Director Spurgeon- I would defer to our Chief I don't have those numbers memorized.

Mr. Guthrie- when Council appropriates funds for the departments the request is usually for filling X number of slots. I would like to know if the funds that were appropriated for 2015, if all of the slots that those funds were appropriated for are currently filled or if there are currently some vacancies for the funds that we appropriated for 2015?

Chief Sarver- we started 2015 off with money allocated for 70 sworn positions we are currently sitting on 69. We gave a test and we are in the background investigation stage now of selecting who it is we would like to be our 70th Police Officer. We only have 7 candidates that are in the running some of them already have OPOTA certifications, some don't so that will make a difference somewhat in who we select as to whether they will have to go to an academy or not. None the less we are actively looking for that 70th person. In either mid-March or early April of 2015 Sgt. Davis has indicated that he plans to retire. That will put us right back to 69 again. By March 6th of this year whether Council is aware of it or not I will retire from the Police Division. That will put us at 68 people so we are still trying to fill those two positions, three total to get up to 70. Realizing that money today, 2015 hasn't been what it has been for the last couple of years and looking towards 2016 the goal that the Safety Director is trying to achieve is and I am certainly not putting words in his mouth, is if we eliminate a Captains' position that may not be deemed as necessary and to be able to use those of salary and benefits that go with it to be able to ensure that we continue with 70 Police Officers or perhaps even 71 in 2016. That is the purpose of that money. What the Union will tell you is that there is no guarantee that the say \$100,000.00 would be used for a Police Officer and the Safety Director has confided in me that as long as the funds are the same in 2016 that they are in 2015 that money would be used for an additional police spot. Should the Mayor or the Auditor's office, the power to be if you will, says we have to take another \$100,000.00 from you then that money is not going to be there for that extra Police Officer but now we are still going to have a Captain sitting there pulling in about \$100,000.00. I am here prepared to tell you this Police Division in losing a number of people that we have we are at the level that the fourth Captain's position is not that important. Let me give you a little historical overview if I may without going too far into this. Back in 1970 this Police Division had 1 Chief, 4 Captains and X amount of Sergeants. In December of 2007 I was hired, there was 1 Chief, 4 Captains and 11 Sergeants. In 2015 we have lost 12 people that we had in 2010. We went from 81 Officers down to 69. We still have 1 Chief, 4 Captains and 11 Sergeants. We have 12 less Police Officers. What the Safety Director is trying to do is take some of the administrative, and I will call it the "fat" and put that on the street where we really believe that the citizens of Newark are going to get the best bang for their buck. That is the purpose of this. Of the 4 Captains we have a Patrol Captain, that bureau does about 75% of the work, that is police cars on the street, responding to call for service. We have a Detective Bureau Commander that oversees the Detective Bureau they follow up investigating serious crimes reported. The other two bureaus, one is the Administrative Bureau who oversees the budget, the day to day paying of bills and fleet maintenance. That is one Captain, 1 Sergeant

and one mechanic in an entire Bureau. The fourth bureau is a support bureau that is a Captain with two Sergeants that oversees training, accreditation, records and communication service, a decent amount of work. If this Police Division were reduced from 4 Captains to 3 Captains the work that the Administrative Captain does such as the annual budget could be shifted to the Police Chief. When I took over in 2007 Darrell Pennington reviewed the budget and certainly had input but his Administrative Captain was really the workhorse that really put all the pieces in place then the Chief reviewed it and approved it. That position could be combined with the Support Services Bureau Commander with a little bit of those tasks given off to other people. The goal here being that the \$100,000.00 freed up from the Captains position would be put at the line level so we continue to have as many Police Officers on the street as possible. If the budget goes any more downhill in 2016 this department will go down to 69, 68 maybe even 66 Police Officers and I am here to tell you that, that can't happen. This City is busy enough and has enough crime, you have heard me say before at this podium before this is a very safe city and I thoroughly believe that but we do have crime and we do have services that we provide to the citizens that have to continue and we can't keep losing the boots on the street.

Mr. Guthrie- it sounds to me Bill that when you make a commitment to add an Officer basically all you are doing is filling a slot that this Council appropriated for an Officer because we are down to 69 and we appropriated to 70 so the result of this action that is being requested is not going to result in an extra two boots on the street because we appropriated to get to 70, am I wrong?

Director Spurgeon- I would tend to disagree sir. You heard both the Chief and myself say that we are processing applicants and this action that we are asking permission for is to enhance our ability to provide Police Officers.

Mr. Guthrie- but you just said that you wanted to hire an additional Officer correct?

Director Spurgeon- I said it is my intention to use that money to hire an officer, absolutely.

Mr. Guthrie- ok but what about the money we appropriated? If we have appropriated for 70 Officers and you have 69 what about that slot that we appropriated money for?

Director Spurgeon- we have testified that we are attempting to fill that.

Mr. Guthrie- so your commitment then is to hire two Officers or one Officer because if your commitment is to only hire one all you are doing is fulfilling Council's appropriation but if you are going to hire two then you are going a step further and you are hiring an Officer as a result of Council eliminating that Captain's position.

Director Spurgeon- I won't debate the numbers with you, what I will do is publicly tell you that my intention is to use those salaries for a Captain to provide an Officer, a street Officer.

Mr. Guthrie- I respect that but that is not good enough for me. I am tired of sitting up here and voting for changes and tables of organization and then the end result is we don't see more boots on the street. I respect everybody else's opinion on it but that is mine.

Mr. Bubb- Director and Chief, if I hear you correctly there is one in the pipeline which the salary is already allocated for. By eliminating this tonight that is going to give us or the city the ability to hire one maybe two additional down the road, correct? After retirement occurs this spring.

Director Spurgeon- my answer to that Ryan would be, I can't forecast on the future budgetary allotments and rising expenses but as I stand here today in front of this Council that is the intent of this permission we seek. To use that money to put more badges on the ground.

Motion by Mr. Bubb to send to full Council, second by Mr. Marmie

Mr. Guthrie- I would like to know Bill do we have some other vacancies for instance do we have a chemist position vacant, do we have a Public Safety Officer position vacant?

Director Spurgeon- we do

Mr. Guthrie- are those going to be filled?

Director Spurgeon- we are reviewing that internally at this time

Mr. Guthrie- and we appropriated funds for those positions.

Director Spurgeon- you did, we've lost the Chemist and the manner in which we lost the Chemist that we had trained brings me some questions before we go down that road again. The Public Safety Officer, again I would defer to Chief Sarver but I believe there is a commitment on it I believe someone has been awarded but I don't want to testify to that because he knows better than I.

Jay McDonald- I am President of the Fraternal Order of Police of Ohio, I am a Marion Police Officer, I am honored to stand before you today madam chair. I am here today to ask you to slow down. This is an issue that deserves debate and study. Nobody wants more Officers on the ground more than the Officers you already have but this is an issue that the administration told the Officers that you have that they want to talk to them about it but after the budget. That talk still has not happened. There is no reason to rush. The question would have been better phrased for the Safety Director as would this get you from 70 to 71? The answer that I understand from the back of the room is no. The allocation of the Offices you currently have no matter what their rank is the job of the administration. So to say that you have too many Chiefs and not enough Indians, well maybe they could be deployed differently to accomplish the goals that you want to accomplish. I would also argue the fact that you have the right number of Chiefs you just don't have enough Indians. In 1993 you had less Officers than you have now and you had a Chief and 4 Captains. All this time later you have a Chief and 4 Captains, the Chief testified in 1972 you had a Chief and 4 Captains, obviously there has been a need for a Chief and 4 Captains since 1972 otherwise this move, this discussion, this debate would have happened much, much earlier. You have allocated the resources for 70 Officers. Listen to what they didn't tell you, they didn't tell you were going to 71 if you do this. They said we are going to hire somebody that gets you to 70 what you already paid for. I think the most prudent action is to slow down and wait. What could not be improved through discussion amongst the interested parties? A solution could be reached that is mutually beneficial to the Mayor, the Safety Director and the Officers

who swore an oath to protect this community. Let's have a discussion. I commit to you that the Officers who serve you right now are willing to have that discussion. They are waiting to have that discussion. They deserve to have that discussion. This is the reason that you have committees at Council, it is the reason you have committees at the state legislature and in Congress, to debate important issues. This is an issue that deserves more than 5 minutes at one committee.

Mr. Marmie- the last time that we waited it was with the Fire Department and we were criticized and condemned that we didn't act sooner because we waited until the actual retirement took place. You indicated that we do have enough Chiefs but not enough Indians, how would you propose that this City in the budget crisis we are in pay for more Indians?

Jay McDonald- I have actually had that discussion with the Mayor. I am not an expert in your finances. What I am is a 22 year law enforcement veteran who knows what kind of people you need to deliver the services you then deliver. As budgets shrink through cuts of local government funding and other factors that come down from Columbus that impact you and everybody else in the state I understand what those have done to local budgets but I will also tell you that the allocation of resources is a management issue. I am a Major which would be the equivalent to a Captain in this Police Department in Marion. I answer calls, I write reports, I investigate calls, it happens all over the state it could happen here as well.

Mr. Marmie- so what is your solution for additional funds, I didn't hear it?

Jay McDonald- the first solution is to stand up and fight against cuts in local government funding, not just some of us but all of us. Now is the time when the state is contemplated a budget. It is time for all of us regardless of what letter comes after our name because the most essential services are the ones that are provided locally. As far as what you could do and how you could better spend your resources you know that better than I do.

Mr. Marmie- the other comment, the Safety Director has indicated that it is his intention to get more badges on the street basically. We have the positions available so what is it that you want? He is actually doing a good job of saying we don't know what is going to come about in 2016 so if I sit here and guarantee something that I can't deliver on than I am not a truly responsible leader and all I am trying to do is get to where there are more Police Officers. If we don't act upon this and then the funding shrinks even further we are going to end up with even less badges on the street because if there are layoffs or anything of that magnitude it comes from the lower ranks or we have to demote if we remove a position then and that depletes moral. So what is the harm in moving forward with this when we know that there is someone who is retiring and we are trying to do this through attrition and not only that this Council is the only body that can move those personnel costs into any other item other than personnel costs as far as salary and benefits. As far as checks and balances and checking the Safety Director this Council has the checks and balances on that and ensuring those funds go towards personnel costs.

Jay McDonald- there is no one who can stand up here and predict 2016. But the question was by the elimination of the Captain's job what are you going to do with

the money and the answer was never given that we are going to get to 71. The answer is we are going to try to hire somebody. You have already put money in the budget you have already said we are going to get to 70 so if with this move you are going to get to 71 than the Officers would like to hear that because they have gotten the answer "can't promise you anything" when they have asked. That is easy to say, I can't promise you anything. If every business in town closed up you wouldn't have 70. If Whirlpool leaves Marion we wouldn't have what we have but you can't run a city like that. What you have to do is you have budgeted for 70 this Council has said you want 70; you have the apparatus in front of you right now to go with 70. Doing this move doesn't get you to 70 you already paid for that.

Mr. Marmie- ok then let me follow up, Director Spurgeon is it your goal to get the Police force to a higher number than it currently stands?

Director Spurgeon- yes it is and as a matter of record and I can appreciate our friends in labor passion, it's not lost on me, it is going to affect some Sergeants, some good Sergeants and I am not lost on that but I did sit down with our friends in labor and I am giving you my assurance that this is the intent of this but I won't begrudge you with all the dynamics of the ACA, rising costs. I can't just sit here and say 71 is the number, vote for this and I will give it to you, I would not be responsible. Our friend in labor has said we can't predict the future but what I can tell you is it is my intent to put more badges on the ground and that is what this piece seeks to do.

Mr. Marmie- if we don't go this way and the things that you just indicated happen what could be the result, how many then would we have?

Director Spurgeon- if we don't go this direction then when we have some retirements and the Chief has now publicly stated his intention I will be required to fill those positions. Then I am at the mercy of an uncertain economy and I don't know what staffing will look like next year but you have heard our Chief's testimony, we can't take another cut so I have to get creative. I do think it is a way to manage a city. I think it is a way to look forward at what the threats are out there. Our threat is financial. I am trying to free up some bucks to put some badges on the ground because that today is where they are needed. Our people are getting run ragged.

Mr. Guthrie- if I could Bill, it has only been a month since this Council did the appropriation for 2015. That appropriation of 70 Officers was brought to us in essence by the administration. Basically what I am asking is fulfill that good faith commitment that Council made to get to 70 because that is what we appropriated for and then give us one more Officer as a result of Council agreeing to eliminate the Captain. That is all I am asking for.

Director Spurgeon- and that is my intent. What would you have me do if seven people on this list are unqualified to be hired here and I can't process another list this year. It is on contingency so I am not going to come up here with this number. All I can tell you is I can look you in the eye and tell you what my intention is to add an additional Officer with these monies but there are things out there that I can't possibly put my word on and I won't.

Mr. Guthrie- so Bill are you saying the only thing holding you back to going to 71 if we approve this legislation is having two viable people on that list, is that the only thing holding you back?

Director Spurgeon- today that is what I am telling you and our Chief is processing that list as we speak.

Mr. Guthrie- if there are two viable people on that list and we approve this legislation tonight you are going to hire two Officers?

Director Spurgeon- that would be my intention I would ask Chief Sarver if he can make that happen. There is a process but that would be my intention. We are spending X number of dollars in fiscal year 2015 for this management position let's take those and get another Officer at the street level that is my intention.

Mr. Bubb- if I could follow up with a question to the Chief on a statement he made. You stated that one of the Captain's duties could be absorbed by the Police Chief was that correct?

Chief Sarver- one of the functions of the Administrative Bureau Commander is preparation for the annual budget. All four Captains run an accredited agency. Part of accreditation requires that all four Bureau Commanders have input on the budget. We review all of that, the Administrative Bureau Captain gives me his recommendations then ultimately the Police Chief makes that final decision. The budget preparation itself could be done 100% by the Police Chief and not by a Bureau Commander.

Mr. Guthrie-Chief, I think that Director Spurgeon sort of passed the ball there to you and I would like to know your opinion on if we have two viable candidates on the list is it your recommendation to the administration to get to 71 Officers this year?

Chief Sarver- yes, now please keep in mind what we, when I say we the administration and command staff and myself, our biggest fear is Council approves to do away with the Captain position. We have two viable candidates, one to fill the current vacancy and one that would use the Captains money and then in 2016 the Mayor with the approval of Council says we have to give you \$100,000.00 less. If nobody retires in that time period we would have to lay somebody off. Having said that, if you don't appropriate the money for a Police Officer versus a Captain and the budget stays the same we are not going to be able to hire that person to even get there and then the money is less in 2016, now you are talking about people getting pulled away. We all know through attrition generally speaking it sometimes balances out that we don't have to lay anybody off because people retired. In 2014 we lost one Police Officer through retirement and one through resignation. In 2015 looking forward myself and Paul Davis are the only ones who have stated publicly that we are planning on going. You may lose two people and if those two people aren't replaced this year than in 2016 if the money is less it will balance out and you won't have to lay anyone off. The goal being as the Safety Director said is to take this \$100,000, we will just use that figure for salary plus benefits, to fill the current position Council has authorized and then add that 71st position minus one Captain's position. Keep in mind you aren't really getting a 71st person because that Captain is being removed from the equation and you are replacing it with a Police Officer. It

does increase the number of people you are getting on the street. We are at 70, Council approves the removal of a Captain we are at 69. We hire somebody with the money from the Captain's salary we are back at 70. You are not really gaining the 71. Theatrically you can say we are adding another body which we are but it doesn't increase the numbers because you have one Captain less. What it does is put more people on the street. This is no slam in the face towards Mr. McDonald's, I don't know what they do in Marion, in the City of Newark our Police Captains are not going to be answering calls for service they have administrative duties to do.

Mr. Blake- Chief we are throwing around this number of 70 sworn Officers, how many are Patrol Officers?

Chief Sarver- as of today we have 69 sworn Officers, the Patrol Bureau has 7 Sergeants and 42 sworn Officers. The Detective Bureau has 1 Sergeant, the Captain and 10 Detectives who are sworn Officers. The Support Bureau has 2 Sergeants along with the Captain, one Officer and the Administrative Bureau has a Captain, a Sergeant and a civilian employee. So if you take away the Chief, 4 Captains and 11 Sergeants that is 16 people. We have 69 sworn Officers total. That is 53 that are either Detective or Police Officer rank and that is what we call the boots on the street.

Mrs. Floyd- could you email those numbers to the members of City Council? I think that would be beneficial.

Chief Sarver- sure, absolutely

Motion to forward Ordinance 15-05 to full Council passed by a vote of 4-1(Mr. Guthrie)

Carol Floyd, Chair