

**MINUTES OF A SPECIAL MEETING OF THE
CITY OF BROOKLYN CIVIL SERVICE COMMISSION
TUESDAY, OCTOBER 4, 2011 7:00 PM**

Meeting called to order at 7:00 p.m.

MEMBERS PRESENT: Chairperson Dan Enovitch, Commissioner Deborah Gamble and Commissioner Sonia Brown.

MEMBERS ABSENT: None.

Chairman Enovitch gave a brief review of the request for hearing and the progress the Commission has made. The Commission does not have the experience in conducting hearings. The Civil Service Rules allow them to appoint a hearing officer. After calling the State Personnel Board of Review for some recommendations and finding they do not make recommendations. Chairman Enovitch spoke with Mike Esposito of Clemens Nelson and he said he could not sit in as the Commission's hearing officer because he is on retain with the City. Chairman Enovitch then spoke to Ed Presley who is on the Westlake Civil Service Commission. They have conducted hearings in the past and have hired Mr. Gary Ebert to be their hearing officer. Mr. Ebert is also the Law Director for the City of Bay Village. Chairman Enovitch asked Mr. Ebert to give a brief overview of what he would do as the Commission's hearing officer.

Mr. Ebert noted that the Commission can accept, reject or ask for more evidence after he has presented them with his summary and recommendation of his findings after the hearing has been conducted. Even after the hearing is conducted the employee had the right to appeal to the Common Pleas Court if they want to. Mr. Ebert noted that he has been the Law Director of Bay Village for 26 years and is a partner in the law firm Seeley, Savidge, Ebert & Gourash. After the hearing is conducted Mr. Ebert would prepare a written report and recommendation to the Commission. At the hearing the City and the employee present their positions and may present witnesses. Witnesses can be cross examined and statements from both the employee and the City are taken into consideration. The hearing is not conducted as rigidly as a formal court hearing. The hearing usually consists of the employee and attorney, a legal representative of the City and other necessary representatives of the City and hearing officer. This is a requirement for the employee to exhaust all administrative remedies prior to appealing to the Common Pleas Court.

Commissioner Gamble asked if there would be a transcript of the hearing. Mr. Ebert explained that either party may have a court reporter. If there is a court reporter there will be a transcript if there is not there won't be, there would only be the report from the hearing officer. All parties must be given ten days notice prior to hearing. Each party is asked for a summary of their position, witnesses are introduced and cross examined. After the hearing is concluded the hearing officer prepares a written report that is then turned over to the Commission to accept, reject or amend. The Commission may also ask

for additional evidence. It is not necessary for Commission members to be present at hearing.

After further discussion, **MOTION** by Enovitch to hire Gary Ebert from the law firm of Seeley, Savidge, Ebert & Gourash as hearing officer for the appeal filed with the Civil Service Commission on September 12, 2011 by Mr. Dane Hammond, second by Brown.

VOTE RESULTED: Yeas – Enovitch, Brown, Gamble. Nays – None.

There being no other business to come before the Commission, meeting adjourned.