

Officer Owczarzak agreed and added he has submitted the appropriate documentation. He added he is currently receiving disability compensation from the Department of Veteran's Affairs.

Commissioner Cannon understands Officer Owczarzak is suggesting the Michigan Department of Civil Service rules regarding Veterans' preference points serves as a model and is not suggesting it is mandated on the part of the City of Troy.

Officer Owczarzak understands the City of Troy follows a clear plan that allows for preference points. Because it is the practice of the Michigan State Police to apply Veterans' preference points for the position of Sergeant and other positions, he believes that any examination that a veteran is eligible for would also be entitled to receive Veterans' preference points.

Peggy Clifton, Director of Human Resources understands what Officer Owczarzak is saying, she believes this additional argument does not change the arguments presented in the attorney's opinions and therefore, she maintained that he is still not eligible to receive the points.

Lori Bluhm, Counsel for the City of Troy, indicated the City Attorney's office has conducted extensive research and advised that the application of preference points applies only to Civil Service positions at state and federal levels and is not binding on the City of Troy. She added Veterans' preference points are provided for in the rules by the City of Troy in the event of a tie for entry-level positions or for promotional situations. She added that is all that is required under state, federal, and local law.

Officer Owczarzak interjected that he has not received any information regarding the city attorney's opinion on this matter and that he is only responding to questions that were raised at their last meeting. He added that he does not believe the argument that the City has not applied Veterans' preference points in the past is a valid argument.

Chairman McGinnis asked for the current status of the Sergeant's List.

Chief Craft indicated they currently have one vacancy that has been open for approximately three months and expect that there will be another vacancy within the next couple of weeks.

Chairman McGinnis believes the central question is whether the law mandates that these points be applied and he understands that because it is not mandated that the City of Troy has not historically applied these points. Chairman McGinnis believes if they are mandated by the federal government to apply them, then they have no choice.

Officer Owczarzak recalled arguing that point at their last meeting under Federal Statute 38 USC, Sub-section 4302, Paragraph B.

Commissioner Sirotti referred to Federal Statute 3309 and understands that ten Veterans' preference points are applied on a Civil Service examination in the event of a reduction in force but does not apply to in-service placement actions such as promotions.

Officer Owczarzak believes that section is referring to merit promotions; not for promotions for which an applicant has tested. He then noted his case is not a merit promotion situation.

Commissioner Sirotti asked whether preference points are applied for entrance exam.

Ms. Clifton advised they have a provision to apply the points for ties, but have not had a need to use that provision.

The Commissioners held a brief off the record discussion.

Chairman McGinnis asked that they move forward to the next agenda item to give Officer Owczarzak an opportunity to review the legal opinions presented by counsel.

(b) Minimum Educational Requirements

Roxanne Ostrowski, Police Service Aide, presented her case to the Commission in regard to the notification she received advising her that she did not have the minimum requirements to apply for a Police Officer position with the City of Troy.

Chairman McGinnis understands Ms. Ostrowski would like to transfer her PSA service in lieu of an Associates Degree in Criminal Justice.

Ms. Ostrowski agreed and noted she has 3-½ years on the job experience but does not currently hold a Criminal Justice degree.

Ms. Clifton advised it is the City's policy that only sworn police officer experience may be substituted for the degree requirements. She added that they specifically exclude experience in the military police, private security, campus security, and reserve programs.

Chairman McGinnis understands the problem is that the posting has certain minimum requirements and that the Commission has no legal authority to modify those requirements.

Ms. Ostrowski advised she currently has almost 15 credit hours in Law Enforcement, but only one class in Criminal Justice.

Chairman McGinnis restated that the Commission must adhere to the City's minimum requirements as outlined in the posting and noted that a Criminal Justice degree is required.

Moved by Cannon
Seconded by Sirotti

RESOLVED, To deny the request to transfer Police Service Aide service in lieu of Minimum Educational Requirements for a Police Officer position with the City of Troy.

Yes: All-3

(a) Approval of Eligibility Lists – Police Sergeant’s – Continued

Officer Owczarzak advised he has yet to see the City’s policy or standard regarding Veterans’ preference points. Further, he considers Mr. Lange’s opinion as more of a rebuttal to information he provided at the previous hearing than as an opinion. Officer Owczarzak continued by stating that he had only recently become aware of preference points and believes this matter clearly lies in the hands of the Commission. He added that as a Veteran, he believes is eligible to receive preference points and is only asking the Commission to follow the State’s Civil Service rules.

Chairman McGinnis referred to Article 5 – Section 5 of the Commission’s Hearing Rules and noted it is the only place referencing preference points. He restated preference points are applied during the initial hiring process and for promotional purposes in the event of a tie. He continued by stating in order to consider preference points in the future they must first amend their rules and according to legal opinion, that would have to take place prior to the exam.

Commissioner Cannon stated it appears that the statute and the law does not require the application of Veterans’ preference points. Further, he noted that there is no precedent in the City of Troy. Although he understands that the Commission could force this issue on a future exam, he does not believe they can apply them for this examination. Therefore, Commissioner Cannon advised that he cannot vote to support the request.

Commissioner Sirotti believes the law is clear on this matter.

Commissioner Cannon further believes they should look for a neutral time to amend the rules.

Moved by Sirotti
Seconded by Cannon

RESOLVED, That the request to apply Veterans’ Preference Points for Eligibility Lists for Police Sergeant and Police Lieutenant be denied.

Yes: All-3

New Business: None

Old Business:

Moved by Cannon
Seconded by Sirotti

RESOLVED, That the Eligibility List for Police Sergeant, be approved.

Yes: All-3

Adjournment: The meeting was adjourned at 8:16 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk