

**GREEN CIVIL SERVICE COMMISSION  
MEETING MINUTES  
SEPTEMBER 10, 2025**

Mr. Clark “Chip” Westfall called the meeting to order at 6:00pm and noted that both Mrs. Baer and Mr. Calderone were in attendance. Pam Serina and Melinda Svenson from HR were also in attendance along with both Student Municipal reps, Maggie McKee and Colin Trochowski.

**MINUTES**

Commission reviewed the August 13, 2025 meeting minutes. Mrs. Baer made a motion to adopt the minutes, and Mr. Calderone seconded the motion.

**CORRESPONDENCE**

- The Commission reviewed the expense report ending August 31, 2025. Pam informed the Commission there were no changes from the July 31, 2025 report.
- DocuSign Documents (Commission reviewed the below forms previously signed in DocuSign):
  - Staffing Requisitions
    - Fire Medic (to hold an examination and create a list) – Signed 9/10/2025

**NEW BUSINESS**

- Commission reviewed the eight letters of interest submitted by fire lieutenants for the upcoming Captain exam and confirmed that all eight employees are qualified to test. Commission signed the qualified letters.

**OLD BUSINESS**

- Civil Service Rule Review
  - Pam distributed a letter to the Commission from the city Law Director Lisa Carey Dean in response to a letter Mr. Westfall gave to the Mayor regarding the nondiscrimination language in the revised CSC rules (see attached letters).
  - Commission accepted all the proposed Civil Service Rule change updates provided by the administration with the exception of wanting to add clarity to Section 4.7, Accommodations for Disabilities. See below:
    - Applicants may request reasonable accommodation for their disabilities. The request for accommodation must be made in writing and submitted (or and provided) no later than the time of application submittal to Human Resources.
  - Correction to the final rule proposal also needs made in Section 4.1, Applications. An original revision was changed which would have correctly removed “in their own handwriting”. See below corrected revision:
    - All applications must be completed using the form prescribed or provided by the City of Green. All applicants must sign the applications ~~in their own handwriting~~. All applications must be received within the time prescribed by the Commission.
  - The commission was informed there may be additional wordsmithing in sections 5.5 and 9.12 that cover examination scoring in order to clarify the language.

- Eligibility List/Requisition Status:
  - Pam talked to commission regarding the fire lieutenant requisition and stated it will most likely need extended based on the date of the captain exam. Commission requested Pam ask Chief Funai for the date he is requesting this requisition be extended to.
  - Melinda shared an email from Chief Funai with the Commission requesting the current fire medic eligibility list be able to expire and a new exam be given (see attached email).

<b>Active Eligibility Lists:</b>	<b>Open Requisitions:</b>
Fire Medic Eligibility List Expires 10/12/2025	Fire Captain (to hold an examination and create a list) Signed by CSC 8/04/2025
Engineering Technician Expires 11/1/2025	Fire Lieutenant (to certify names and promote 1) Signed by CSC 8/12/2025
Code Inspector Expires 12/30/2025	Fire Medic (to hold an examination and create a list) Signed by CSC: 9/10/2025
Secretary Expires 2/07/2026	
Service Worker I Expires 3/17/2026	
Service Worker II Expires 3/17/2026	
Account Clerk Expires: 4/21/2026	
Fire Lieutenant Expires: 4/21/2026	

**NEXT MEETING:**

The next scheduled Civil Service Commission meeting will be October 8, 2025.

There being no further business, Mr. Calderone motioned for the meeting to adjourn, and Mrs. Baer seconded this motion. The meeting adjourned at 6:54pm.

Respectfully submitted,

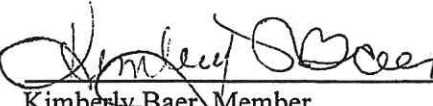
Melinda Svenson

  
Clark Westfall, Chair

10-8-25  
Date

  
Robert Calderone, Co-Chair

10-08-25  
Date

  
Kimberly Baer, Member

10-8-2025  
Date

9/9/2025

Melinda,

Dannielle Owens advised that Lisa Carey Dean wants me to distribute a copy of this letter to CSC members at the September 10 meeting.

I have the copies made. The attached is your copy for the civil service minutes.

Thank you,

Pam



*Lisa Carey Dean*  
*Director of Law*

Law Department

1755 Town Park Boulevard  
P.O. Box 278  
Green, Ohio 44232-0278  
Phone: (330) 896-6615  
Fax: (330) 896-6606  
Email: [law@cityofgreen.org](mailto:law@cityofgreen.org)

September 9, 2025

Civil Service Commission

via hand-delivery

Dear Members:

I write in response to your letter dated July 9, 2025 in which you rejected the Administration's suggested changes to Rule 1.3 of the Civil Service Commission Rules.

Please be mindful that your letter is a public record of the City of Green. As such, I will be attaching this letter from the Law Department to your letter for future reference, and in protection of the City.

I have spoken with our retained legal counsel, Stephanie Olivera Mittica, of Roetzel to confirm my interpretation of the *Bostock v. Clayton County* case you reference. Understand that the City's lawyers, which would include Attorney Mittica in this instance, do not agree with your misunderstanding of the case.

This case is the seminal case that found that sexual orientation and gender identity are subcategories of "sex" to be included in the protected class of which the government may not discriminate against.

Please be clear, although we may not be including these specific subcategories in the definitions in Rule 1.3, **the Commission may not discriminate against these subcategories of sex just the same as if specifically written into Rule 1.3, in accordance with the law.**

Sincerely,

  
Lisa Carey Dean  
Director of Law

LCD

cc: Mayor , HR Manager

An Equal Opportunity Employer

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RECEIVED  
JUL 10 1968

BY: .....

LISA DEAN

July 9, 2025

Honorable Mayor Rocco P. Yeargin  
1755 Town Park Blvd.  
Green, Ohio 44685

Re: Rejecting changes to Civil Service rule 1.3

Dear Mayor,

As President of the Civil Service Commission, I have outlined in the attached pages as to why unanimously the Civil Service Commission has rejected the proposed change to include sexual orientation and gender identity from Section 1.3 Nondiscrimination section of the rules.

Civil Service is designed to be impartial and operate with neutrality and equal treatment for all. Adding identity specific categories to it's rules may open the door to favoring certain groups thus inviting political ideological interpretations. Adding sexual orientation and gender identity protections explicitly to Civil Service is not only redundant but could introduce unintended liability and operational complexities.

The commission has reviewed several proposals to the civil service rules from the administration and the law department, some of which we modified and some of which we agreed. However, the suggested proposal to Section 1.3 Nondiscrimination, we believe that it creates a potential greater risk for liability for the City of Green, when the proposed change is already covered under the Federal Law of Title VII as outlined but the Supreme Court ruling in Bostack v. Clayton County, thus the change is unnecessary.

Respectfully Submitted,



Clark E. Westfall

cc:

Babara Babbitt  
Christopher Meager  
Rick Miller  
Jeff Noble  
Clark Anthony DeVitis  
Gerard Neugebauer  
Justin Speight

LISA DEAN ✓

## DO WE NEED MORE THAN TITLE VII?

### POINTS FOR CONSIDERATION

#### **Redundancy with Federal Law**

Since *Bostock* establishes that federal law already prohibits such discrimination, a city might view a local amendment as legally unnecessary.

The city is already bound by federal employment law as a public employer. Therefore, Title VII preempts the need for duplicative local provisions.

#### **Desire to Avoid Political Controversy**

In more conservative jurisdictions, adding explicit protections for sexual orientation may spark political backlash or divide the community.

City leaders might prefer to rely on federal protections quietly rather than take a public stance that could become a flashpoint in local elections or civic discourse.

#### **Concerns About Legal or Policy Scope**

Some cities may worry that adding sexual orientation to local ordinances could trigger broader obligations, such as changes to contracting policies, public accommodations, or enforcement mechanisms.

There may also be uncertainty about how to define or enforce such protections locally. Even though *Bostock v. Clayton County* clarified that “sex” under Title VII includes sexual orientation and gender identity, local governments drafting or amending their own non-discrimination policies may still face definitional challenges. Despite the best efforts of a local government body to define sexual orientation and gender identity, it nonetheless opens the door to ambiguity about the scope of “Sexual Orientation” and ambiguity opens the door to lawsuits that permit judges to interpret what the “ambiguity” means. Ambiguity can lead to inconsistent enforcement or legal challenges.

#### **Intersection with Gender Identity or Expression**

Some policies lump “sexual orientation” and “gender identity” together, while others treat them separately.

If a policy only references “sexual orientation,” it may be unclear whether it protects transgender or nonbinary individuals—despite *Bostock* covering both under “sex.”

This can create confusion for HR departments, investigators, and employees trying to understand their rights.

#### **Recommendation**

##### **Sample Policy Language (Bostock-Based)**

“This city prohibits employment discrimination on the basis of sex, consistent with Title VII of the Civil Rights Act of 1964, as interpreted by the United States Supreme Court in *Bostock v. Clayton County* (2020), to include sexual orientation and gender identity.”

##### **This approach protects the city**

**Legal Sufficiency:** It aligns the city’s policy with binding federal precedent without expanding beyond it.

**Minimalist Clarity:** It avoids definitional debates by deferring to federal interpretation.

**Political Neutrality:** It may be more palatable in politically divided communities, as it doesn't appear to "go beyond" federal law.

In short, a *Bostock*-only policy is like citing the Constitution without writing your own city charter—it works. If it isn't broken, don't fix it.

**Bostock-Based Policy: Lower Legal Exposure**

**Alignment with Federal Law:** By mirroring Title VII and the *Bostock* ruling, you're standing on well-established legal ground. Courts have already upheld this interpretation, so the risk of successful legal challenge is low.

**No New Local Enforcement Burden:** Since enforcement defaults to the EEOC or federal courts, the city avoids potential liability for mishandling complaints, inconsistent enforcement, or due process violations at the local level.

**Fewer Procedural Vulnerabilities:** You sidestep risks tied to drafting errors, vague definitions, or conflicts with state law—all of which can open the door to litigation.

What strategic or legal rationale justifies exposing the community to potential legal liability through an amendment to the non-discrimination policy?

**Sample 1 Query:**

Gender identity and sexual orientation are already protected at the highest level. Title VII is a federal law that was enacted by Congress (the legislative branch), signed into law by the President (the executive branch), and affirmed / clarified by the U.S. Supreme Court in *Bostock v. Clayton County* (the judicial branch).

Are the trustees constituents complaining to their elected representatives that this federal protection is insufficient? That an amendment is necessary? Are the citizens of Green, Ohio Council suggesting that these federal protections are insufficient, or that it possesses better insight into how such protections should be implemented? Given that gender identity and sexual orientation are already protected under Title VII of the Civil Rights Act—what does this proposed policy change seek to accomplish?

**Sample 2 Revised Query:**

Gender identity and sexual orientation are already protected under federal law—specifically, Title VII of the Civil Rights Act, which was enacted by Congress, signed by the President, and affirmed by the U.S. Supreme Court in *Bostock v. Clayton County*.

Are the trustees receiving concerns from constituents that these federal protections are inadequate? Is there a call for new legislation or an amendment? Are members of the Green, Ohio Council suggesting that the existing federal protections are insufficient—or that the Council has greater insight into how such protections should be defined or enforced?

Given that gender identity and sexual orientation are already protected under Title VII, what specific issue is this proposed policy change intended to address?

**Sample 3 Assertive Revision:**

Gender identity and sexual orientation are already protected under federal law through Title VII of the Civil Rights Act—legislation enacted by Congress, signed by the President, and affirmed by the U.S. Supreme Court in *Bostock v. Clayton County*.

Are the trustees responding to specific complaints from constituents who believe these comprehensive federal protections are somehow inadequate? Is there a serious claim that a local amendment is necessary to improve upon what has already been established at the highest levels of government? Is the Green, Ohio Council suggesting that it has greater authority or insight than Congress, the President, and the Supreme Court in determining how such rights should be protected?

Given that gender identity and sexual orientation are explicitly protected under federal law, what exactly does this proposed policy change aim to accomplish—and why is it being pursued?

/// NOTHING FOLLOWS ///

# **CITY OF GREEN**

## **CIVIL SERVICE COMMISSION RULES**



**EFFECTIVE: December 3, 1994**

**AMENDED: March 27, 2019**

**CSC Revisions in color "blue" from May 14, 2025 and June 11, 2025 meetings**

**(Note: Table of Contents will need to be updated for final version)**

**Red color from Administration version submitted 12/202/24**

**Purple color from final marked up version 9/9/25 by LCD**

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## **RULE 1 - AUTHORITY/PURPOSE**

### **Section 1.1 – Authority**

By Ordinance of the Green City Council, in accordance with the Charter of the City of Green, the following Rules of the Civil Service Commission governing the classified service of the City of Green are hereby adopted.

Effective Date: 12/03/1994

Amended: 5/22/2003

Amended: 09/21/2006

Amended: 06/27/2013

Amended: 03/27/2019

Amended:

### **Section 1.2 – Purpose**

The Civil Service Commission has been established to provide a merit system for appointments and promotions without regard for political patronage, promote standards for job performance and professional conduct and to safeguard classified employees from unwarranted charges of misconduct, discrimination or removal from the public service.

### **Section 1.3 – Nondiscrimination**

The Civil Service Commission of the City of Green provides equal employment opportunity without regard to race, color, ~~ered~~ religion, national origin, sex, age, veteran status, disability, ~~sexual orientation, gender identity,~~ or other conditions protected by applicable federal or state laws. This applies to all employees, applicants and candidates in connection with any action taken or administered by the Commission.

## **RULE 2 - ORGANIZATION/STAFF**

### **Section 2.1 – Organization**

The Green Civil Service Commission will be composed of three (3) members who will be appointed and serve in the manner specified under Section 7.3 of the Green City Charter. Regular meetings of the Commission will be set by the Chairperson or by any two (2) members of the Commission. Whenever possible, the meetings will be held at the Green City Administration Offices.

At its first meeting in each calendar year, the Commission will elect a Chairperson and Co-chairperson in the manner specified under Section 7.2 of the Green City Charter.

### **Section 2.2 – Chairperson**

The Chairperson will call all meetings as required, preside at Commission meetings, sign meeting minutes and authorize all warrants or orders for payment of monies. The Chairperson may call a special meeting with 48 hours prior notice.

### **Section 2.3 –Co-chairperson**

The Commission will elect a Co-chairperson who will serve as Chairperson in the absence of the Chairperson and perform other duties as from time to time may be assigned by the Chairperson.

### **Section 2.4 – Secretary**

The Commission will appoint a Secretary. The Secretary need not be a member of the Commission and may hold other municipal office or appointment. The Secretary will record the activities of the Commission, file and maintain copies of such minutes and other official business of the Commission, provide notification of Commission meetings, receive and disburse correspondence, sign all warrants or orders for payment of monies as authorized and distribute to applicable parties the official business, requests and motions of the Commission.

### **Section 2.5 – Quorum**

Two members of the Commission are required to constitute a quorum. Any motion or resolution of the Commission requires a minimum affirmative vote of two members for adoption.

### **Section 2.6 – Official Records**

The Commission will include in its minutes a record of the official actions of the Commission with regard to:

- a) appointments
- b) transfer, suspensions, removals and reinstatements
- c) all examinations, with dates
- d) results of all requests for re-gradings
- e) decisions on all appeals and reasons for each
- f) position classifications and changes in classifications
- g) appointments of special examiners
- h) any other official business of the Commission

### **Section 2.7– Classified Employees – Master Listing**

A master listing of all classified employees will be kept in the City of Green Human Resources Department. This master listing will include:

- a) employee name
- b) address
- c) position/rank, full-time or part-time
- d) date of each appointment and subsequent change in position/classification

### **Section 2.8 – Status Change**

The Civil Service Commission shall be informed of all appointments, promotions, removals, transfers, layoffs, suspensions, reductions, reinstatements and retirements involving classified positions/ employees.

### **Section 2.9 – Retention of Documents**

All applications, examination information and results, notices, certificates, etc. are the property of the Commission. All such documents will be kept for the times specified by the State retention

requirements for Human Resources or Green Civil Service Commission. Other documents, not so covered, will be kept no less than two (2) years.

### **RULE 3 - CLASSIFIED SERVICE**

#### **Section 3.1 – Establishment of Classified Service**

The classified service has been established by the Green City Charter, Section 7.3, Subsection C.

#### **Section 3.2 – Classification Specifications**

The Mayor, in conjunction with the applicable City Directors and Human Resources Department will supply the Commission with a classification specification of each position in the classified service. All classification specification revisions and updates will be provided to the Commission. Each classification specification will contain at least the following:

- a) statement of duties
- b) description of typical activities
- c) supervisory responsibilities
- d) qualifications required, special skills/licenses
- e) essential job functions
- f) equipment used
- g) physical requirements

#### **Section 3.3 – Political Activity**

No employee in the classified service of the City will directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or candidate.

Nor will any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any employee in the classified service of the City nor will any employee in the classified service of the City be an officer in any partisan political organization or take part in politics other than to vote as they please and to express freely their political opinions.

### **RULE 4 - APPLICATIONS/APPLICANTS**

#### **Section 4.1 – Applications**

All applications must be completed using the form prescribed or provided by the City of Green. All applicants must sign the applications in their own handwriting. All applications must be received within the time prescribed by the Commission.

#### **Section 4.2 – Specific Qualifications**

The Commission will indicate in the announcement of each examination whether specific qualifications and/or restrictions exist for the candidates for the position.

#### **Section 4.3 – Proof of Education and/or Experience**

Copies of official college transcripts and/or high school diplomas are required. Copies of special certificates and/or licenses, where applicable, will be required.

#### Section 4.4 – Application Fees

Each applicant for a position in the classified service may be required to pay a non-refundable fee upon filing an application for examination. Such a fee, if any, is to be determined by the Commission.

#### Section 4.5 – Qualifications to Test

Qualifications for testing will be established by the City Administration as set forth in the “minimum qualifications” of the job description. These minimum qualifications will be used by the Commission in determining an applicant’s eligibility to test.

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#### Section 4.56 – Disqualification

Any applicant who does not meet the minimum qualifications for the position will be notified in writing and will be disqualified from taking the examination.

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#### Section 4.67 – Accommodations for Disabilities

Applicants may request reasonable accommodation for their disabilities. The request for accommodation must be made in writing and no later than the time of application submittal to Human Resources.

The Civil Service Commission reserves the right to verify the need for the accommodation.

### RULE 5 - ENTRY LEVEL EXAMINATIONS

#### Section 5.1 – Examination Composition

~~As determined by the Commission, examinations may be written and/or performance based; and will assess the candidate's ability to meet the essential job functions of the position, with the department director's input, e~~Entrance examinations shall be practical and impartial and shall relate to matters which will test, measure, and assess the relative capacity or potential of the person examined to discharge the duties and responsibilities of the position. Examinations may include, but are not limited to written tests, oral tests, performance tests, essays, physical tests, assessment centers, rating of training and experience, and such others tests as the Commission finds relevant to the position, as determined by the Commission, with the department director's input. The Commission may seek the Department Director's input on examination composition.

#### Section 5.2– Notice of Vacancy

The Mayor or designated representative will determine when a vacancy or potential vacancy exists and will notify the Commission. The Commission will schedule an examination if an eligibility list does not exist. Notice of the time and place of the examination will be given at least 14 calendar days prior to date of the examination.

Examinations may be conducted in anticipation of vacant positions. The request for an examination or the actual administration of an examination shall not obligate the Mayor or

designated representative to appoint an applicant to the position for which the examination is being held.

### Section 5.3 – Supervision of Examinations

Examinations will be conducted under the supervision of the Commission. Special examiners may be designated to conduct such testing.

### Section 5.4 – Applicant Confidentiality

To assure objectivity and confidentiality, names of all applicants will remain anonymous to testing consultants throughout the entire examination process until the eligibility list is established.

### Section 5.5 – Examination Scoring

All examination scoring will be in accordance with the weights assigned to each of the areas tested. The examination will be rated on a scale of 100% as the maximum possible attainment. A minimum score of 70% will be required for a passing score.

It is the objective of the Civil Service Commission to provide a minimum of twelve (12) ranks for the hiring Director's consideration for one (1) job opening when enough job applicants test. Therefore, given sufficient candidate numbers, the testing service will adjust testing scores after a civil service exam, such that at least twelve (12) ranks are issued a passing score. If twelve (12) ranks can be provided without a scoring curve, the minimum score of 70% will apply with no test score adjustment. This same rule will apply to any type of internal testing the city administration may conduct with the Commission's approval. The minimum number of twelve (12) is referenced on the Certification Chart in Appendix A.

- ~~Written exam scores of seventy percent (70%) or greater will be considered passing (unless the scale is unique and then the passing score will be determined by the Department Director with approval of the Commission). The Department Director may adjust the minimum passing or qualifying score when an assessment of the examination results indicates such action is appropriate and in the best interest of the City of Green with the approval of the Commission.~~
- ~~The Department Director shall determine the appropriate value and weight for each segment or phase of an examination, the means of evaluating examination results and determining the passing level with approval from the Commission.~~
- ~~Examinations may be scored according to point values or evaluated on a pass/fail basis.~~
- ~~Minimum passing points may be established for the entire examination process or for some or all of the segments or phases of the examination process by the Department Director with approval from the Commission. The Department Director may, but is not required to, eliminate a candidate who fails to maintain a minimum qualifying score in one part of the examination from participation in subsequent phases of the testing process.~~

(Below is Bob Calderone's suggested replacement for the above to be considered by the CSC.)

A Director may request that the Commission establish a scale for passing in lieu of the 70% passing score requirements when the assessment of examination results indicate this is

**Commented [LC1]:** This suggested language is accepted by the Administration, but will need a little bit of wordsmithing by the lawyers for interpretation and enforcement purposes.

~~appropriate and in the best interest of the City.~~

~~Requests to modify the passing grade requirements must be submitted to the Commission in writing a minimum of seven (7) days after the test results are provided to the hiring Director.~~

~~Included in the written request submitted by the Director will be a justification for the request, the suggested value and weight for each segment or phase of the examination, and the anticipated impact on applicants who may fail or pass one or more segments or phases of testing.~~

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### Section 5.6 – Bonus Point Adjustments

An applicant for an entry level position must achieve a minimum passing score of 70% or higher to be awarded bonus points. A maximum of seven (7) bonus points will added to the score for the following qualifiers:

- a) Two (2) points for current City of Green employees, including seasonal employees as defined by City job classifications who have worked within the previous 12 months from the examination date and with good standing.
- b) Two (2) points if the applicant has been a resident of the City of Green for two continuous years immediately prior to the date of the examination.
- c) Three (3) points if the applicant has been honorably discharged from military service. Proof of honorable discharge shall be supported by Form DD-214.

### Section 5.7 – Notification of Score

All applicants will be informed of their score by US mail. Applicants will be informed of their final score following the expiration of the appeal period.

### Section 5.8 – Examination Appeal Periods

Any applicant upon making a written request with the Commission, will have the right to review examination questions and answers. A written request must be made to the Commission within three (3) workdays following the exam.

An appropriate time and place for the review will be scheduled. A review will be by visual examination only. The applicant may not copy or obtain copies of the examination questions and/or answers.

### Section 5.9 – Final Score Appeal Period

After notification of the Final Score and rank, the applicant will have the right to review the examination answers for scoring accuracy. Written notice must be made within seven (7) calendar

days from the date of notification. Name certification from the eligibility list will occur only after the seven (7) day appeal period or upon the Commission's final determination when an objection has been filed.

The Commission will schedule an appropriate time and place for this review. Such review will be by visual examination only. The applicant may not copy or obtain copies of the examination questions and/or answers.

#### **Section 5.10 – Objections to Exam and/or Score**

At the time of review, an applicant may make an objection to the exam answers or the score. Objections must be made in writing and state the reasons for the objection and the corrective action requested. After receipt of the objection ~~and within fourteen (14) calendar days~~, the Commission will timely issue its decision and specify the action to be taken. The findings and action of the Commission will be final.

### **RULE 6 - ENTRY LEVEL ELIGIBILITY LIST**

#### **Section 6.1 – List and Duration of Eligible Candidates**

The Commission will maintain an eligibility list of applicants who received a passing score on the examination. The eligibility list will contain the candidate's name and/or identification number and rank.

The eligibility list will be valid for one year from the date it is established. The Commission may, at its discretion, and in the best interest of the City, reduce the time the eligibility list is valid. The Commission may, at its discretion, extend the list for up to a maximum of one (1) additional year.

Once an eligibility list has expired, no additional hiring can be made from the list unless the requisition for the position(s) was signed prior to the list expiring. Any positions needing filled after a list has expired will require a new entry level exam to be held and a new eligibility list established.

#### **Section 6.2 – Tie Scores**

~~When two or more candidates have the same final score, the tie will be broken using the candidate's social security number starting with the last two digits with the higher value will be given the same rank on the eligibility list and certified as one (1) first consideration on the list. Should a tie exist after applying this rule, the last 3 digits will be used and so on until the tie is broken.~~

#### **Section 6.3 – Eligibility List Removal**

Candidates may be removed from the eligibility list by the Civil Service Commission for the following reasons (not all inclusive):

- a) proof of unfit moral character
- b) failure to meet agility requirements

- c) conviction of a felony
  - d) false statements or fraudulent conduct
  - e) cheating on the examination
  - f) failure to meet medical requirements
  - g) failure to report for any tests or interviews specified by the Commission and/or to respond to contact initiated by the Administration including requests for an interview
  - h) failure to notify the Commission of any change of circumstances relevant to job qualifications, availability or eligibility, such as change of address, medical condition or revocation of required license or certification
  - i) after having been certified for appointment three (3) times and a lower ranked candidate is appointed
  - j) no longer meets minimum qualifications for position
  - k) seasonal workers with ~~documented~~ poor performance, poor work ethic, and/or poor attendance that has been documented by the Administration with the City of Green having documented.
- ~~Suggestion: seasonal workers with poor performance and/or poor attendance as documented by the City of Green.~~

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#### **Section 6.4 – Notification of Removal**

When a candidate is removed from the eligibility list, the Commission will notify that person at the address specified by the candidate.

#### **Section 6.5 – Reinstatement to Eligibility List**

A candidate may be reinstated to the eligibility list upon proof of good cause to the Commission. The ruling by the Commission will be final.

#### **Section 6.6 – Posting of Eligibility List**

The eligibility list will be posted for a period of thirty (30) calendar days from the list establishment date.

### **RULE 7 – ENTRY LEVEL CERTIFICATION PROCESS**

#### **Section 7.1 – Name Certification**

Upon notice to the Civil Service Commission by the Mayor or designated representative that a vacancy or potential vacancy exists the Commission will certify the names of the highest scoring candidates (see Appendix A – Certification Chart).

The Mayor will appoint candidate(s) to fill the vacancy(s) within sixty (60) calendar days unless the position is no longer vacant, or an extension is granted by the Commission.

#### **Section 7.2 – Temporary Appointment**

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If an eligibility list cannot be provided in time to fill a vacancy, the Civil Service Commission will notify the Mayor who will consider a temporary appointment pursuant to City of Green Charter Section 7.3C (5).

#### **Section 7.3 – Candidates Remaining on Eligibility List**

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After an individual has been certified for appointment three (3) times and a lower ranked candidate is appointed, the individual's name will be removed from the eligibility list.

### **RULE 8 – ENTRY LEVEL APPOINTMENT**

#### **Section 8.1 – Notification of Appointment**

Once appointed, the candidate's name will be removed from the eligibility list from which they were hired.

#### **Section 8.2 – Failure to Respond**

If the candidate fails to respond within ~~seven (7) calendar days~~ three (3) workdays from the date of the job offer, he/she will be considered as declining the appointment and their name will be removed from the eligibility list by the Civil Service Commission. The candidate may, however, petition the Commission and show cause why their name should not be removed from the eligibility list. This petition must be received by the Commission within seven (7) calendar days of receipt of notice of removal and must show good cause regarding the candidate's failure to respond to the notification of appointment.

#### **Section 8.3 – Declination of Appointment**

When a candidate declines an appointment, the Mayor or designated representative may request the name of another candidate from the eligibility list. When a candidate declines an appointment, the candidate's name will be removed from the eligibility list.

#### **Section 8.4 – Probationary Period**

All new hires in the classified service will serve a probationary period of 180 calendar days from the date of hire (365 calendar days for firemedics.)

#### **Section 8.5 – Evaluation During Probationary Period**

During the probationary period, employees are subject to removal by the Mayor without appeal to the Civil Service Commission. If the employee's performance is not acceptable, the employee will be dismissed prior to the end of the probationary period.

### **RULE 9 - PROMOTIONAL OPPORTUNITIES**

### Section 9.1 – Definition of Promotion

A promotion is the act of placing an employee into a job classification with a higher pay than the position currently held. Pay refers to the entry level/base pay for the classification.

### Section 9.2 – Promotional Policy

Vacancies in the classified service must be filled by promotion whenever there are a sufficient number of qualified internal candidates as defined in Rule 9.

### Section 9.3 – Notice of Promotional Vacancy

The Mayor or designated representative will determine when a promotional vacancy exists and will notify the Commission. The Commission will then determine how many employees are available who have completed the applicable probationary period and are eligible, qualified, and willing to fill such a vacancy.

### Section 9.4 – Three-Five or More Eligible Employees

When the Commission, with the department director's input, finds there are ~~three~~-five or more employees eligible, qualified and willing to fill such a vacancy, a promotional examination will be conducted and an eligibility list established.

**Commented [LC2]:** Note that changes to 9.4 and 9.5 and 9.6 have been rejected by the Administration

### Section 9.5 – Less than Three Five Eligible Employees

When the Commission, with the department director's input, finds there are less than ~~three~~ five persons eligible, qualified and willing to compete for the vacancy, the Commission may conduct an examination pursuant to the provisions of Rule 5 for entry level exams.

The Mayor shall have the right to make an appointment from those who are eligible and qualified and have indicated an interest in the position.

### Section 9.6 – Promotional Examination Composition

~~As determined by the Commission, the examination may be written and/or performance based. As determined by the Commission, p~~As determined by the Commission with department director's input, Promotional examinations shall be practical and impartial and shall relate to matters which will test, measure, and assess the relative capacity or potential of the person examined to discharge the duties and responsibilities of the position. Examinations may include, but are not limited to written tests, oral tests, performance tests, essays, physical tests, assessment centers, rating of training and experience, and such others tests as the Commission finds relevant to the position. The Commission may seek the Department Director's input on examination composition.

### Section 9.7 – Notice of Promotional Opportunities

Notice of the time and place of the examination will be given at least fourteen (14) calendar days prior to date of the examination.

#### **Section 9.8 – Applying for Vacancy**

Employees interested and qualified will submit a Letter of Interest to the Commission within the time period specified on the posting.

#### **Section 9.9 – Supervision of Examinations**

Examinations will be conducted under the supervision of the Commission. Testing consultants may be engaged to proctor the examination.

#### **Section 9.10 – Applicant Confidentiality**

To assure objectivity and confidentiality, names of all applicants will remain anonymous to testing consultants throughout the entire examination process until the eligibility list is established.

#### **Section 9.11 – Examination Appeal Period**

Any applicant upon making a written request to the Commission, will have the right to review examination questions and answers within ~~seven (7) calendar~~ three (3) workdays following the examination.

An appropriate time and place for the review will be scheduled. A review will be by visual examination only. The applicant may not copy or obtain copies of the examination questions and/or answers.

#### **Section 9.12 – Examination Scoring**

All examination scoring will be in accordance with the weights assigned to each of the areas tested. The examination will be rated on a scale of 100% as the maximum possible attainment. A minimum score of 70% will be required for a passing score.

- ~~• Written exam scores of seventy percent (70%) or greater will be considered passing (unless the scale is unique and then the passing score will be determined by the Department Director with approval of the Commission).~~
- ~~• The Department Director shall determine the appropriate value and weight for each segment or phase of an examination, the means of evaluating examination results and determining the passing level with approval from the Commission.~~
- ~~• Examinations may be scored according to point values or evaluated on a pass/fail basis.~~
- ~~• Minimum passing points may be established for the entire examination process or for some or all of the segments or phases of the examination process by the Department Director~~

**Commented [LC3]:** These changes are accepted by the Administration, subject to wordsmithing by the lawyers to define where there are 2 or more segments of a test that 70% refers to the average score of all segments.

with approval from the Commission. The Department Director may, but is not required to, eliminate a candidate who fails to maintain a minimum qualifying score in one part of the examination from participation in subsequent phases of the testing process.

~~(Below is Bob Calderone's suggested replacement for the above to be considered by the CSC.)~~

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- ~~• A Director may request that the Commission establish a scale for passing in lieu of the 70% passing score requirements when the assessment of examination results indicate this is appropriate and in the best interest of the City.~~
- ~~• Requests to modify the passing grade requirements must be submitted to the Commission in writing a minimum of seven (7) days after the test results are provided to the hiring Director.~~
- ~~• Included in the written request submitted by the Director will be a justification for the request, the suggested value and weight for each segment or phase of the examination, and the anticipated impact on applicants who may fail or pass one or more segments or phases of testing.~~

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### Section 9.13 – Final Score Appeal Period

After notification of the Final Score and Rank and upon written notice to the Commission, the applicant will have the right to review their examination answers for scoring accuracy. Written notice must be made within seven (7) calendar days from the date of the notification. Certification of the eligibility list will occur after the seven (7) day appeal period or following the Commission's resolution on any appeal.

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The Commission will schedule an appropriate time and place for this review. Such review will be by visual examination only. The applicant may not copy or obtain copies of the examination questions and/or answers.

### Section 9.14 – Objections to Exam and/or Score

At the time of review, an applicant may make an objection to the examination answers or the score. Objections must be made in writing and state the reasons for the objection and the corrective action requested.

After receipt of the objection and within fourteen (14) calendar days, the Commission will timely issue its decision and specify the action to be taken. The findings and action of the Commission will be final.

### Section 9.15 – Promotional Eligibility List

The Commission will maintain an eligibility list of applicants who received a passing score on the examination. All names will appear on the list in descending order by score and those candidates are eligible for appointment. The eligibility list will contain the candidate's name and/or

identification number and rank.

The eligibility list will be valid for one (1) year from the date it is established. The Commission, with the department director's input, may, at its discretion, and in the best interest of the City, reduce the time the eligibility list is valid. The Commission may, at its discretion, extend the list for up to a maximum of one (1) additional year.

Once an eligibility list has expired, no additional hiring can be made from the list unless the requisition for the position(s) was signed prior to the list expiring. Any positions needing filled after a list has expired will require a new exam to be held and a new eligibility list established.

#### **Section 9.16 – Tie Scores**

When two or more candidates have the same final score, the candidates will be given the same rank on the eligibility list and certified as one (1).

#### **Section 9.17 – Eligibility List Removal**

Candidates may be removed from the eligibility list by the Civil Service Commission for the following reasons (not all inclusive):

- a) proof of unfit moral character
- b) failure to meet agility requirements
- c) conviction of a felony
- d) false statements or fraudulent conduct
- e) cheating on the examination
- f) failure to meet medical requirements
- g) failure to report for any tests specified by the Commission and/or to respond to contact initiated by the Administration including requests for an interview
- h) failure to notify the Commission of any change of circumstances relevant to job qualifications, availability or eligibility, such as change of address, medical condition or revocation of required license or certification
- i) after having been certified for appointment three (3) times and a lower ranked candidate is appointed
- j) no longer meets minimum qualifications for position

#### **Section 9.18 – Certification and Posting of Eligibility List**

After the examination process has been completed, the Commission shall certify the names of ~~the persons with the top three (3) scores on the examination~~ all who passed the test to the Mayor.

The Mayor will appoint candidate(s) to fill the vacancy(s) within sixty (60) calendar days unless the position is no longer vacant, or an extension is granted by the Commission.

### **RULE 10 - TRANSFERS**

#### **Section 10.1 – Incapacitation**

When an employee becomes physically incapacitated and unable to perform the duties of the job as determined by a licensed physician, the Mayor may transfer the employee to a vacant position in an equal or lower pay grade for which the employee has the ability to fill.

The position to which the incapacitated employee is transferred must be a position which already exists in the classified service, or one which is established prior to such a transfer.

The transfer of an incapacitated employee may be permanent or temporary; however, the Mayor will notify the Commission in writing of the initial status of the incapacitated employee, and whenever the status of the employee changes.

#### **Section 10.2 – Transfers**

An employee may transfer to a vacant position of equal or lesser classification provided the employee meets the qualifications of the vacant position. Any such transfer must be approved by the Mayor with the consent of the Civil Service Commission.

### **RULE 11 - LAYOFFS**

#### **Section 11.1 – Order of Layoff**

Layoffs are made when it becomes necessary to reduce the number of employees in the City service. The Mayor shall determine the classifications and the department or division to be reduced. Those employees who have been appointed last will be the first to be laid off within each department or division determined to have surplus employees.

#### **Section 11.2 – Layoff List**

When layoffs become necessary, a layoff list by department/division seniority will be provided to the Commission by the City's Human Resource Department. The first person to be laid off will be placed at the top of that list.

#### **Section 11.3 – Bumping Rights**

Any employee subject to layoff under the provisions of this Rule will have the right to bump (displace) a less senior employee in the same or lower job classification within the department or division.

The employee utilizing their bumping rights must have exhibited previous satisfactory job performance and must meet the minimum qualifications of that position.

#### **Section 11.4 – Recall from Layoff**

When the conditions necessitating a layoff have changed and rehires are authorized, positions will be filled from the layoff list in order of department/division seniority.

### **Section 11.5 – Duration of Recall Eligibility**

An employee who is laid-off under these Rules will be entitled to reappointment as provided above. The duration of the recall eligibility shall be the lesser of service at the time of layoff or for a period of two (2) years from the effective date of the layoff.

## **RULE 12 - DISCIPLINARY ACTION**

### **Section 12.1 – Cause for Discipline/Suspension/Termination**

An employee may be disciplined/suspended/terminated by the Mayor for cause. Such examples of cause include but are not limited to the following:

- a) unsatisfactory job performance
- b) dishonesty (including falsification of records, reports, etc.)
- c) intoxication, addiction or possession of an illegal substance
- d) immoral conduct
- e) insubordination
- f) discourtesy to others
- g) violation of City Employee Safety Rules and Procedures Manual or a department safety rule or procedure
- h) violation of Ohio State Civil Service Laws, Standards of Performance in the ~~Employment~~ ~~Guide~~ Employee Handbook for the City of Green, Department Rules, or Rules of the Green Civil Service Commission
- i) felony conviction
- j) theft (including unauthorized removal of City property/assets)
- k) excessive absenteeism, tardiness
- l) unauthorized possession of firearms or weapons
- m) unauthorized use of city property
- n) engaging in any form of harassment
- o) any other act of misfeasance, malfeasance or nonfeasance in office

### **Section 12.2 – Disciplinary Action for up to Twenty-four (24) hours**

The Mayor or a designated representative may suspend an employee without pay for up to twenty-four (24) hours without the right of appeal to the Commission. The Mayor will file in a timely manner a written report to the Commission stating the reason(s) for the suspension, the beginning date and the duration of the suspension. The report will be placed in the employee's file.

### **Section 12.3 – Disciplinary Action in Excess of Twenty-four (24) scheduled work hours**

Any disciplinary action in excess of twenty-four (24) scheduled work hours requires notification

of the right to appeal. This does not apply to temporary or emergency appointments.

A written order of discipline will be served to the employee with a copy to the applicable City Director and the Commission for disciplinary actions in excess of twenty-four (24) scheduled work hours.

The written order will contain (a) the reason for the discipline and (b) a sufficient statement of the facts to enable the employee to understand the charge and to provide an explanation.

### **RULE 13 - APPEAL OF DISCIPLINARY ACTION**

#### **Section 13.1 – Appeal of Disciplinary Action in Excess of Twenty-four (24) scheduled work hours**

Any employee who has completed the probationary period and who is subject to a reduction in pay or position, suspended, discharged or otherwise disciplined for a period in excess of twenty-four (24) scheduled work hours, may appeal the Mayor's decision to the Civil Service Commission.

The appeal must be made to the Commission in writing within seven (7) calendar days from receipt of the Mayor's notice of disciplinary action. The Commission will schedule a hearing on the matter within thirty (30) calendar days after the filing by the employee.

The Commission will notify the Mayor and the employee in writing within seven (7) calendar days prior to the scheduled hearing date.

#### **Section 13.2 – Disciplinary Action Appeal Procedure**

In a hearing regarding disciplinary action in excess of twenty-four (24) scheduled work hours, the Commission will consider the charges and explanation(s) offered by the employee.

The order of business at such a hearing will be as follows:

1. Any stipulations regarding presentation of evidence will be entered into the minutes. (See Section 13.3)
2. The Mayor or a designated representative will make a brief opening statement in support of the facts and charges regarding the disciplinary action.
3. The employee or representative will make a brief statement of explanation in support of the appeal.
4. The Mayor or designated representative will present evidence in support of the action.
5. The employee will present evidence in support of the appeal.
6. The Mayor or designated representative will present any rebuttal evidence.
7. The employee will present any rebuttal evidence.

Any further discussion will be permitted only when requested by the Commission.

#### **Section 13.3 – Evidence**

In any hearing regarding the appeal of a disciplinary action, any stipulations regarding rules for the admission and exclusion of evidence will be raised prior to the start of the hearing; and if all parties agree, such stipulations will be made part of the record of the proceedings.

#### **Section 13.4 – Commission Decision**

The Commission will, after due consideration, render its decision to affirm, disaffirm, or modify the action which was the subject of the appeal. If the decision is to affirm, the previous action will be sustained. If the decision is to disaffirm or modify, the employee will be treated in a manner consistent with the judgment.

The decision and rationale of the Commission will be forwarded in writing to the Mayor or designated representative and the employee.

#### **Section 13.5 – Failure to Appear – Employee**

If the employee or the employee's designated representative fails to appear for the appeal hearing, the appeal will be dismissed by the Commission and the previous actions will be sustained.

#### **Section 13.6 – Failure to Appear – Mayor**

If the Mayor or designated representative fails to appear for the appeal hearing, or if the City fails to offer evidence in support of the charges, the Commission may hear evidence offered by the employee and render its decision on the merits of that evidence.

#### **Section 13.7 – Resignation Prior to Judgment**

The acceptance of the employee's resignation by the Mayor or designated representative, prior to a judgment by the Commission, will be considered a withdrawal of the appeal. The appeal will then be dismissed.

The Commission will note only the employee's resignation and the disposition of the appeal, which will then become part of the employee's file.

#### **Section 13.8 – Appeal Rights of Collective Bargaining Employees**

Notwithstanding the disciplinary action appeals procedure outlined in Rule 13, employees covered by a collective bargaining agreement that includes grievance/arbitration provisions as the exclusive remedy for the resolution of bargaining unit, employment-related matters; may not also appeal to the Civil Service Commission to address discipline or discharge decisions pursuant to Chapter 4117 of the Ohio Revised Code.

In instances where there is a question as to whether the Civil Service Commission has jurisdiction over the issue at hand, a jurisdictional determination may be made prior to any further course of action. In this instance, the sole function of the Commission is confined to the issue of jurisdiction.

first, and not the merits of the case.

## **RULE 14 - AMENDMENTS**

### **Section 14.1 – Amendments Procedure**

The Commission may recommend amendment, revocation or modification of these Rules, or any part thereof, by a two-thirds vote of the Commission. Any proposed amendment, revocation, or modification to the Rules will be noted in the minutes of the Commission meetings.

Changes to the Rules recommended by the Commission pursuant to Rule 14 will be sent in writing by the chairman of the Commission to the Clerk of Green City Council. The notification to the Clerk of Council will be treated as correspondence to Green City Council and will be acted upon by Green City Council in accordance with its adopted rules and procedures.

### **Section 14.2 – Posting**

Proposed amendments to the Rules will be posted on the bulletin board at the Green Administrative Offices for a minimum of seven (7) calendar days. The City will also post copies in other City buildings and on bulletin boards normally used to disseminate information to employees.

### **Section 14.3 – Public Hearing**

A public hearing will be held on all proposed amendments to the Rules. Notice of the public hearing and the amendments will be posted on the bulletin board at the Green Administrative Offices. The public hearing will take place as soon as possible after the seven (7) calendar day posting period and prior to the effective date of the amendments.

### **Section 14.4 – Green City Council Amendment Authority**

Nothing in this Rule will serve to limit the statutory authority of the Green City Council to amend these Rules in accordance with the Green City Charter and the enabling ordinance, Green City Ordinance 94-7.

### **Section 14.5 – Effective Date**

Amendments to these Rules will be effective upon approval by a simple majority of Green City Council.

## **RULE 15 - SEVERABILITY**

### **Section 15.1 – Severability**

If any Rule, section, part or amendments thereto are found to be invalid by a court of competent jurisdiction, such judgment will not affect the validity of any other Rule, section, part or amendment.

**APPENDIX A –  
Certification Chart**

Multiple Certification Chart Maximum Ranks to Be Certified (Based on number of positions to fill)	
# of Openings	New-HiresRanks
<u>1</u>	<u>1215 or 25%, whichever is greater0</u>
<u>2</u>	<u>151111 20</u>
<u>3</u>	<u>1812 1225</u>
<u>4</u>	<u>2118 1830</u>
<u>5</u>	<u>2419 1935</u>
<u>6</u>	<u>2720 2040</u>
<u>7</u>	<u>3023 2345</u>
<u>8</u>	<u>3324 2450</u>
<u>9</u>	<u>3625 255</u>
<u>10</u>	<u>3928 2860</u>