

ORDINANCE NO.: 2019-03
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: FEBRUARY 26, 2019

RULES & PERSONNEL

ASSIGNED TO: _____

AN ORDINANCE AMENDING RULES OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Green is a Charter Municipality under the laws of Ohio; and

WHEREAS, the Green City Council previously adopted amendments to the Civil Service Commission Rules by Ordinance 2003-04, Ordinance 2006-18, and Ordinance 2013-05; and

WHEREAS, Green subsequently determined that, despite the City's Home rule authority under Article 18, section 7, of the Ohio Constitution, Ohio Law did not permit the City of Green to vary its Civil Service Commission Rules from those in the Ohio Revised Code unless the City's Charter specifically grants that authority; and

WHEREAS, the City of Green submitted a Charter Amendment to the voters at the November 6, 2012 General Election; and

WHEREAS, the Citizens of Green approved an Amendment to the City of Green Charter which permits the City to adopt Civil Service Commission Rules that vary and differ from those in the Ohio Revised Code; and

WHEREAS, the Civil Service Commission has recommended amendments to the Rules of the Civil Service.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council approves the Civil Service Commission Rules and authorizes the City of Green to implement the Rules on the effective date of the Ordinance.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall

Page 2
Resolution 2019-03

take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: MARCH 26, 2019

Molly Kapelner
Nichole Baldinger, Clerk of Council, ~~Interim~~
Molly KAPELNER

Bob Young
Bob Young, Council President

APPROVED: March 27, 2019

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

COPIED				
MAY	<u>FIN</u>	LAW	PLAN	ENG
SVCE	FIRE	PARK	ZONE	<u>HR</u>

ENACTED EFFECTIVE: MARCH 27, 2019

ON ROLL CALL: Babbitt - AYE Dyer - Absent Humphrey - AYE Shaughnessy - AYE
Speight - AYE Yeargin - AYE Young - AYE Adopted 6-0

Suburbanite publication on MARCH 29 and April 5, 2019

Molly Kapelner
Nichole Baldinger, Clerk of Council, ~~Interim~~
Molly KAPELNER

02/21/2019 Approved as to form and content by William Chis, Director of Law, Interim

William Chis

CITY OF GREEN

CIVIL SERVICE COMMISSION RULES



20187 REVISION DRAFT
876/1215/172018

Formatted: Font: Bold, Font color: Red

Formatted: Centered

Formatted: Font: Bold, Font color: Red

Formatted: Font: Bold, Font color: Red

Formatted: Font: Bold, Font color: Red

Formatted: Font: Bold, Font color: Red

EFFECTIVE: December 3, 1994
AMENDED: May 22, 2003
AMENDED: September 21, 2006
AMENDED: June 27, 2013
AMENDED: , **2017**

Formatted: Font: 11 pt

TABLE OF CONTENTS

RULE	PAGE
Rule 1 – Authority/Purpose	
Rule 2 – Organization/Staff	
Rule 3 – Classified Service	
Rule 4 – Applications/Applicants	
Rule 5 – Entry Level Examinations	
Rule 6 – Entry Level Eligibility List	

Rule 7 – Entry Level Certification Process	
Rule 8 – Entry Level Appointment	
Rule 9 – Promotional Opportunities	
Rule 10 – Transfers	
Rule 11 – Layoffs	
Rule 12 – Disciplinary Action	
Rule 13 – Appeal of Disciplinary Action	
Rule 14 – Amendments	
Rule 15 – Severability	
Ordinance No.: 2013-05	

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:	<u>12/03</u> , 1994
Amended:	<u>05/22</u> , 2003
Amended:	<u>09/21</u> , 2006
Amended:	<u>06/27</u> , 2013
Amended	<u> </u> / <u> </u> /2017

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, creed, national origin, sex, age, veteran status, disability 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 ~~and Secretary~~ 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 **elect 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.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Section 2.89 – 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 – 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.

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.

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.

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 be added to the score for the following qualifiers:

- a) Two (2) points for current City of Green employees, including seasonal employees who have worked the previous 12 months from the examination date.
- 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 within seven (7) calendar days 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 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 ~~following information:~~

~~a) candidate's name and/or identification number and rank.~~

Formatted: Strikethrough

Formatted: Indent: First line: 0"

The eligibility list will be valid for one year from the date it is established. 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 candidates will be given the same rank on the eligibility list and certified as one (1).~~

Formatted: Strikethrough

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 given 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.

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Section 6.3 – Eligibility List Removal

Candidates may be removed from the eligibility list 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
- 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 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 exists, the Commission will certify the names of the persons with the top ten (10) scores on the examination to the Mayor. The Mayor or designated representative will appoint one of these candidates to fill the vacancy within 60 calendar days unless an~~

Formatted: Strikethrough

~~extension is requested and granted by the Commission. If the Mayor is attempting to fill more than one vacancy, additional names will be provided upon request in accordance with established Commission procedure.~~

~~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, as follows: (see Appendix A – Certification Chart).~~

~~For 1 vacancy, the top ten (10) candidates~~

~~For 2 to 4 vacancies, the top fifteen (15) candidates~~

~~For 5 to 8 vacancies, the top twenty (20) candidates~~

~~For 9 to 12 vacancies, the top twenty-five (25) candidates~~

~~For 13 to 16 vacancies, the top thirty (30) candidates~~

Formatted: Indent: Left: -0.03", Right: -0", Line spacing: Multiple 0.9 li

~~The Mayor will appoint candidate(s) to fill the vacancy(s) within sixty (60) calendar days unless the position is no longer no longer not vacant, or an extension is granted by the Commission.~~

Section 7.2 –Temporary Appointment

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

~~After the appointment of a candidate, the names of the persons with the next top ten (10) scores on the eligibility list now become eligible for appointment.~~

Formatted: Strikethrough

~~After the appointment of a candidate, the remaining top ten (10) candidates on the eligibility list become eligible for appointment.~~

After an individual has been certified for appointment three (3) times and a lower ranked candidate is appointed ~~at least one time~~, the individuals name ~~may~~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 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. 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 specific job classification which is assigned a higher pay grade than the position previously held by the employee. A higher pay grade means the starting wage of the formerly held position. 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.~~

Formatted: Strikethrough

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 and willing to fill such a vacancy.

Section 9.4 – Three or More Eligible Employees

When the Commission finds there are three or more employees eligible, qualified and willing to fill such a vacancy, a promotional examination will be conducted and an eligibility list established.

Section 9.5 – Less than Three Eligible Employees

When the Commission finds there are less than three 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.

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 days 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

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.

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 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 (Reference 6.1)

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 following information:

- a) candidate's name and/or identification number **and rank**.
- b) ~~final score and bonus points~~
- c) ~~rank~~

The eligibility list will be valid for one (1) year from the date it is established. 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.

Formatted: Justified, Indent: First line: 0"

Formatted: Strikethrough

Formatted: Justified, Indent: First line: 0"

Formatted: Justified

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).

~~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 given 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.~~

Commented [MS1]: Changed this section back to original wording per Chief Funai and Valeria Carr's request to leave a tie score between internal candidates ranked the same.

Section 9.17 – Eligibility List Removal

Candidates may be removed from the eligibility list 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
- 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.

Formatted: Indent: Left: 0.5"

Section 9.178 – 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 to the Mayor. ~~The Mayor or his designated City Director shall promote one of the certified candidates within sixty (60) days unless an extension is granted by the Commission.~~

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.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Justified

Formatted: Font: Not Bold

Formatted: Indent: First line: 0"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

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 ~~grade~~ 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.

Formatted: Strikethrough

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 Safety Rules and Procedures
- h) violation of Ohio State Civil Service Laws, Standards of Performance in the Employment Guide 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 ~~Three Work~~
Twenty-four (24) scheduled work hours Shifts**

Formatted: Strikethrough

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 ~~Three Work Shifts~~ 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~~three (3) work shifts~~, 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 –hoursthree (3) work shifts, 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 Hires
<u>2</u>	<u>11</u>
<u>3</u>	<u>12</u>
<u>4</u>	<u>18</u>
<u>5</u>	<u>19</u>
<u>6</u>	<u>20</u>
<u>7</u>	<u>23</u>
<u>8</u>	<u>24</u>
<u>9</u>	<u>25</u>
<u>10</u>	<u>28</u>

- Formatted Table
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered
- Formatted: Centered

	Current Language:	Proposed Changes:	Rationale:
Section 2.1 - Organization	At its first meeting in each calendar year the Commission will elect a Chairperson, Co-Chairperson and Secretary in the manner specified under Section 7.2 of the Green City Charter.	At its first meeting in each calendar year the Commission will elect a Chairperson and Co-chairperson and Secretary in the manner specified under Section 7.2 of the Green City Charter.	The secretary is an appointed position by the Commission.
Section 2.4 - Secretary	The Commission will elect a secretary.	The Commission will appoint a secretary.	Per Section 7.2 in the city charter, the secretary position is appointed.
Section 2.8 - Status Change	Added Section (Current 2.8 moved to Section 2.9 - Retention of Documents).	The Civil Service Commission shall be informed of all appointments, promotions, removals, transfers, layoffs, suspensions, reductions, reinstatements and retirements involving classified positions/employees.	This is to ensure Civil Service is informed of all movement of classified employees while they are employed with the city.
Section 4.3 - Proof of Education and/or experience	Copies of official transcripts and/or diplomas are required. Copies of special certificates and/or licenses, where applicable, will be required.	Copies of official college transcripts and/or high school diplomas are required. Copies of special certificates and/or licenses, where applicable, will be required.	The proposed language clarifies the documents Civil Service will require for proof of education.
Section 5.2 - Notice of Vacancy	The Mayor or designated representative will determine when a vacancy exists, and will notify the Commission.	The Mayor or designated representative will determine when a vacancy or potential vacancy exists, and will notify the Commission.	This language added to allow the Mayor to request a civil service exam if there is a possibility of a vacancy in addition to a known vacancy (i.e. anticipated retirements, etc.).
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 following information: a) Candidate's name and/or identification number b) Final score including bonus points c) Rank	The Commission will maintain an eligibility list of applicants who received a passing score on the examination. The eligibility list will contain the following information: candidate's name and/or identification number and rank .	Commission no longer wants to include the "final score including bonus points" on the CSC eligibility lists.

Section 6.2 – 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).	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 given first consideration on the list. Should a tie exist after applying this rule, the last 3 digits will be used and so on until this tie is broken.	The current practice places more than the intended candidates on the eligibility list and increases the potential for candidates to be removed from the list as a result of CSC Rules, Section 7.3 - "Candidates Remaining on Eligibility List". The new language eliminates tied scores.
Section 6.3 – Eligibility List Removal	Candidates may be removed from the eligibility list 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 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	(Add Letter "i" and "j" to existing list) i. After having been certified for appointment three (3) times j. No longer meets minimum qualifications for position	This language is added to be consistent with Section 7.3 and to add language clarifying a candidate can be removed from the list if they no longer meet the qualifications.

Section 7.1 – Name Certification	Upon notice to the Civil Service Commission by the Mayor or designated representative that a vacancy exists, the Commission will certify the names of the persons with the top ten (10) scores on the examination to the Mayor. The Mayor or designated representative will appoint one of these candidates to fill the vacancy within 60 calendar days unless an extension is requested and granted by the Commission. If the Mayor is attempting to fill more than one vacancy, additional names will be provided upon request in accordance with established Commission procedure.	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 persons with the top ten (10) scores on the examination to the Mayor. The Mayor or designated representative will appoint one of these candidates to fill the vacancy within 60 calendar days unless an extension is requested and granted by the Commission. If the Mayor is attempting to fill more than one vacancy, additional names will be provided upon request in accordance with established Commission procedure. 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.	This language clarifies to the department heads how many names will be certified. Appendix added to specify number certified versus number of open positions. Language also added to allow the Mayor to not fill a position that is not vacant (i.e. staffing numbers change, employee decides not to retire, etc.).
Section 7.3 – Candidates Remaining on the Eligibility List	After the appointment of a candidate, the names of the persons with the next top ten (10) scores on the eligibility list now become eligible for appointment. After an individual has been certified for appointment three (3) times and a lower ranked candidate is appointed at least one time, the individual's name may be removed from the eligibility list.	After the appointment of a candidate, the names of the persons with the next top ten (10) scores on the eligibility list now become eligible for appointment. After an individual has been certified for appointment three (3) times and a lower ranked candidate is appointed at least one time, the individual's name may be removed from the eligibility list. 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.	Current language is confusing. Clarified that an employee “will” be removed once certified three times to avoid potential issues of having this optional.

Section 9.1 – Definition of Promotion	A promotion is the act of placing an employee into a specific job classification which is assigned a higher pay grade than the position previously held by the employee. A higher pay grade means the starting wage of the formerly held position. 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.	A promotion is the act of placing an employee into a specific job classification which is assigned a higher pay grade than the position previously held by the employee. A higher pay grade means the starting wage of the formerly held position. 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.	The City has established pay grades. The starting pay is irrelevant, current language needed clarified.
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 following information: candidate's name and/or identification number and rank. b) final score and bonus points c) rank	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 following information: candidate's name and/or identification number and rank. b) final score and bonus points c) rank	The current practice places more than the intended number of candidates on the eligibility list and increases the potential for candidates to be removed from the list as a result of CSC Rules, Section 7.3 - "Candidates Remaining on Eligibility List". The new language eliminates tied scores. Also, removed final score and bonus points from the promotion eligibility list to stay consistent with modified Section 6.1.
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).	NO CHANGE TO ORIGINAL LANGUAGE	Tie scores for promotional employees will be handled differently than entry level employees per administration request. This will allow potential for administration to look at additional internal candidates who may be qualified to promote.

9.17 Eligibility List Removal (NEW)	–	Candidates may be removed from the eligibility list 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 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 appointments three (3) times j) No longer meets minimum qualifications for position	Language added to mirror the eligibility list removal section for entry level eligibility list.
Section 9.178 – 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 to the Mayor. The Mayor or his designated City Director shall promote one of the certified candidates within sixty (60) days unless an extension is granted by the Commission.	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 to the Mayor. The Mayor or his designated City Director shall promote one of the certified candidates within sixty (60) days unless an extension is granted by the Commission. 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 moved from 9.17 to 9.18 in order to add eligibility removal language to the promotion section of rules (see above). Language modified to allow the Mayor to not fill a position that is not vacant (i.e. staffing numbers change, employee decides not to retire, etc.).
Section 10.2 – Transfers	An employee may transfer to a vacant position of equal or lesser grade 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.	An employee may transfer to a vacant position of equal or lesser grade 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.	Clarified wording. Not all city employees are in a “grade” for classification purposes.

Section 12.2 Disciplinary Action for up to Three Work Shifts	The Mayor or a designated representative may suspend an employee without pay for up to three (3) work shifts 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.	New Title of Section to read: Disciplinary Action for up to Twenty-four (24) hours The Mayor or a designated representative may suspend an employee without pay for up to three (3) work shifts 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.	This change is to eliminate the disparity between an employee assigned an eight (8) hour work day and those assigned to ten (10), twelve (12), twenty-four (24) hour shifts, etc..
Section 12.3 -	Any disciplinary action in excess of three (3) work shifts requires notification of the right to appeal. This does not apply to temporary or emergency appointments. For disciplinary action in excess of three (3) work shifts, the following procedure will be followed: A written order of discipline will be served to the employee with a copy to the applicable City Director and the Commission. The written order will contain: - the reason for the discipline - a sufficient statement of the facts to enable the employee to understand the charge and to provide an explanation	New Title of Section to read: Disciplinary Action in Excess of Twenty-four (24) Hours Any disciplinary action in excess of three (3) work shifts twenty-four scheduled work hours requires notification of the right to appeal. This does not apply to temporary or emergency appointments. For disciplinary action in excess of three (3) work shifts twenty-four scheduled work hours, the following procedure will be followed: A written order of discipline will be served to the employee with a copy to the applicable City Director and the Commission. The written order will contain: - the reason for the discipline - a sufficient statement of the facts to enable the employee to understand the charge and to provide an explanation	This change is to eliminate the disparity between an employee assigned an eight (8) hour work day and those assigned to ten (10), twelve (12), twenty-four (24) hour shifts, etc..

Section 13.1 – Appeal of Disciplinary Action in Excess of Three Work Shifts	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 three (3) work shifts, may appeal the Mayor's decision to the Civil Service Commission.	New Title of Section to read: 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 three (3) work shifts , may appeal the Mayor's decision to the Civil Service Commission.	This change is to eliminate the disparity between an employee assigned an eight (8) hour work day and those assigned to ten (10), twelve (12), twenty-four (24) hour shifts, etc..
Section 13.2 – Disciplinary Action Appeal Procedure	In a hearing regarding disciplinary action in excess of three (3) work shifts, the Commission will consider the charges and explanation(s) offered by the employee. New Section.	In a hearing regarding disciplinary action in excess of three (3) work shifts twenty-four (24) scheduled work hours , the Commission will consider the charges and explanation(s) offered by the employee.	This change is to eliminate the disparity between an employee assigned an eight (8) hour work day and those assigned to ten (10), twelve (12), twenty-four (24) hour shifts, etc..
Section 13.8 – Rights of Appeal 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.	This rule addition clarifies the appeal process of collective bargaining employees who are also classified employees.
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.	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.	Commission members felt it would be prudent to specify other city locations where the amendments should be posted.

NEW
APPENDIX
A
Certification
Chart

Multiple Certification Chart Maximum Ranks to Be Certified (Based on number of positions to fill)	
# of Openings	New Hires
2	11
3	12
4	18
5	19
6	20
7	23
8	24
9	25
10	28

Appendix added to clarify number of certifications based on number of openings for position.