

CITY OF GREEN

CIVIL SERVICE COMMISSION RULES



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

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, 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 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 regradings
- 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 – 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 transcripts and/or 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 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 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
- b) final score including bonus points
- c) rank

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.

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).

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

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 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.

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.

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.

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.

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 and those candidates are eligible for appointment. The eligibility list will contain the following information:

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

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 – 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.

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 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 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 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.

Section 12.3 – Disciplinary Action in Excess of Three Work Shifts

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:

- a) the reason for the discipline
- 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

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.

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 three (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.

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.

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.