

**ORDINANCE NO.:** 08-O-05  
**SPONSOR:** MAYOR BOLLAS  
**INTRODUCED:** NOVEMBER 5, 2008

**A ORDINANCE ADOPTING THE RULES FOR THE NEW FRANKLIN CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.**

WHEREAS, the City of New Franklin Charter has established the New Franklin Civil Service Commission; and

WHEREAS, the appointed members of the New Franklin Civil Service Commission have prepared and adopted proposed rules for the operation of the New Franklin Civil Service Commission; and

WHEREAS, New Franklin City Council, wishes to adopt the proposed rules of the New Franklin Civil Service Commission by Ordinance.

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

**SECTION ONE:**

New Franklin City Council hereby adopts the rules of the New Franklin Civil Service Commission as attached hereto as Exhibit "A". The rules of the Civil Service Commission provide for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of City of New Franklin and provide for appeals from actions of transfer, reduction, or removal of classified personnel under Civil Service provisions.

**SECTION TWO:**

Any future amendments to the rules of the New Franklin Civil Service Commission shall be proposed by the New Franklin Civil Service Commission and shall be effective upon adoption through an ordinance passed by the New Franklin City Council.

**SECTION THREE:**

Any rule of the New Franklin Civil Service Commission set forth in Exhibit "A", or later amended by ordinance, that is different from, but not in conflict with, the civil service laws of the State of Ohio, are hereby adopted by the City of New Franklin under its constitutional home rule authority and its charter.


**SECTION FOUR:**

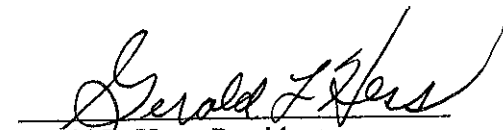
The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION FIVE:**

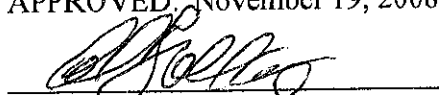
Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take 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: November 19, 2008

  
Kathy A. Witwer, Clerk

  
Gerald L. Hess, President

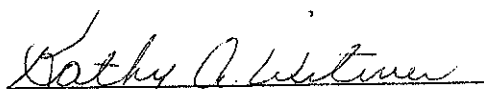
APPROVED: November 19, 2008

  
Al Bollas, Mayor

ENACTED EFFECTIVE: November 19, 2008

ON ROLL CALL:	Adamson, Yes.	Hess, Yes.	Jones, Yes.
	Kalapodis, Yes.	Parsons, Yes.	Stock, Yes.
			Tallman, Yes.

Suburbanite Publications on November 23, 2008 and November 30, 2008

  
Kathy A. Witwer, Clerk

# **CITY OF NEW FRANKLIN**

## **CIVIL SERVICE COMMISSION RULES**



**EFFECTIVE: November 19, 2008**

## TABLE OF CONTENTS

<b>RULE</b>	<b>PAGE</b>
Rule 1 - Authority/Purpose .....	2
Rule 2 - Organization/Staff .....	2
Rule 3 - Classified Service .....	4
Rule 4 - Application/Applicants .....	4
Rule 5 - Examinations .....	5
Rule 6 - Eligibility List .....	7
Rule 7 - Certification Process .....	8
Rule 8 - Appointment .....	8
Rule 9 - Promotional Opportunities .....	9
Rule 10 - Transfers .....	12
Rule 11 - Layoffs .....	13
Rule 12 - Disciplinary Action .....	14
Rule 13 - Appeal of Disciplinary Action .....	15
Rule 14 - Amendments .....	16
Rule 15 - Severability .....	17
 Ordinance No.: <u>08-O-05</u>	

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

### **Section 1.1 Authority**

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

Effective Date: **November 19, 2008**

### **Section 1.2 Purpose**

The Civil Service Commission shall provide by written rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality, and for appeals from actions of transfer, disciplinary action, reduction, or removal of classified personnel under the civil service provisions.

### **Section 1.3 Nondiscrimination**

The Civil Service Commission of the City of New Franklin 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 New Franklin Civil Service Commission will be composed of three (3) members, who will be appointed for staggered terms of six (6) years, or until their successors have been appointed.

The members of the Civil Service Commission shall be appointed by the Mayor with majority approval of Council.

Regular meetings of the Commission will be set by the Chairman or by any two (2) members of the Commission. Whenever possible, the meetings will be held at the New Franklin City Administration Offices.

### **Section 2.2 Chairman**

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

### **Section 2.3 Co-chairman**

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

### **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 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 Signatures**

Official records and documents will be signed by all Commission members.

### **Section 2.7 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, removal 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 2.8 Classified Employees - Master Listing**

A master listing of all classified employees will be kept in the City of New Franklin 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
- e) change in position/classification

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

All applications, examination information and results, notices, certificates, etc. are the property of the Commission. All such documents will be kept for the times specified by the State retention requirements for Human Resources or New Franklin 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 New Franklin City Charter, Section 7.03©.

### **Section 3.2 Classification Specifications**

The Mayor, in conjunction with the applicable City Directors, 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

### **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. No employee will participate in partisan political activity while on paid or unpaid City time or when representing the City in any manner. No city employee may participate in any partisan political activity while wearing any identification indicating City employment.

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.

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

### **Section 4.1 Applications**

All applications must be made on the form prescribed or provided by the City of New Franklin. 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 for educational credit. 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 - EXAMINATIONS**

### **Section 5.1 Examination Composition**

As determined by the Commission, examinations may be written and/or performance based; and will assess the ability of the persons being examined to fulfill the essential job functions of the position to which they seek appointment.



## **Section 5.2 Additional Testing Options**

A job-related agility/performance test may be administered to candidates on a pass/fail basis to determine the ability of the candidates to fulfill the physical requirements of the job. These tests may be factored into the final score.

## **Section 5.3 Notice of Vacancy**

The Mayor or designated representative will give notice that a vacancy exists. If there is not a current eligibility list, the Commission will schedule an examination. Notice of the time and place of the examination will be given at least fourteen (14) calendar days prior to the date of the examination. The notice will be posted on the bulletin board at the New Franklin City Administrative Offices and will be published in newspapers of general circulation in the area; or other appropriate means.

## **Section 5.4 Supervision of Examinations**

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

## **Section 5.5 Applicant Confidentiality**

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

## **Section 5.6 Examination Scoring**

All examination scoring will be in accordance with the weights assigned to each of the areas being tested and will be based on generally accepted scientific examination methods.

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 on the examination.

## **Section 5.7 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 ten (10) bonus points will be added to the score for the following qualifiers:

- a 1) One (1) point for each 1,000 hours of completed service with the City of New Franklin, or

- 2) Two (2) points for each 1,000 hours of completed service in that position with the City of New Franklin for which the applicant is applying, and
  - b) Three (3) points, if the applicant has been a resident of the City of New Franklin for two continuous years immediately prior to the date of the examination.
  - c) Two (2) points, if the applicant has been honorably discharged from military service. Proof of honorable discharge shall be supported by Form DD-214.

### **Section 5.8 Notification of Score**

All applicants will be informed of their score by first class US mail. Such notification will be sent to the address specified by the applicant.

### **Section 5.9 Examination Appeal Period**

Any applicant, upon making an appointment with the Commission, will have the right to review examination questions and answers within seven (7) calendar days following the exam.

The Commission will schedule an appropriate time and place for test review. A Review will be by visual examination only. Copies of the examination, answers or questions will not be provided or allowed.

### **Section 5.10 Final Score Appeal Period**

After the final scores and ranks have been mailed and upon written notice to the Commission, any applicant will have the right to review their examination answers for scoring accuracy. Such written notice must be made within seven (7) calendar days from the date on the letter 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. Copies of the examination, answers or questions will not be provided or allowed.

### **Section 5.11 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 render its decision and specify the action to be taken. The findings and action of the Commission will be final.

## **RULE 6 - 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. All names will appear on the list in descending order and those candidates are eligible for appointment to the classified service.

The eligibility list will contain the following information:

- a) candidates' name and address
- b) rank
- c) examination score(s)
- d) final score including bonus points

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 will be removed from the eligibility list for the following reasons (not exclusive):

- 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.

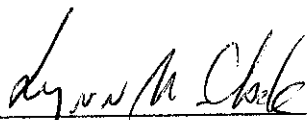
### **Section 6.4 Notification of Removal**

When a candidate is removed from the eligibility list, the Commission will notify that person by certified U.S. mail to the address specified by the candidate.

We, the Civil Service Commission for the City of New Franklin does hereby approve and adopt Ordinance Number: 08-O-05 for the City of New Franklin Civil Service Commission Rules.

ADPOTED: November 19, 2008

APPROVED: November 19, 2008



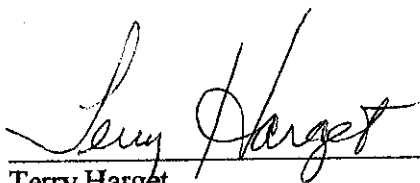
---

Lynn Clark  
Civil Service Commission Member



---

Robert E. Lee  
Civil Service Commission Member



---

Terry Harget  
Civil Service Commission Member