

ORDINANCE NO. 42-2020

TITLE: AMENDMENT OF CIVIL SERVICE RULES

AN ORDINANCE AMENDING ORDINANCE NO. 89-2018 TO GIVE THE BARBERTON CIVIL SERVICE COMMISSION AN ABILITY TO WAIVE, ADD OR MODIFY RULES, BY OFFICIAL VOTE OF THE COMMISSION DURING A STATE OF EMERGENCY AS DECLARED BY THE PRESIDENT, GOVERNOR, COUNTY EXECUTIVE OR MAYOR, AND DECLARING AN EMERGENCY.

WHEREAS, rules amended shall not be entirely inconsistent with the City of Barberton Civil Service Rules or the State Civil Service Rules, where applicable.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council hereby amends Ordinance No. 89-2018, by showing said amendment with a ~~strike through~~ for any deletions and **bold** for any additions.

RULE III – POWERS AND DUTIES OF THE COMMISSION

6. State of Emergency Notice of Amendments to Civil Service Rules

During a State of Emergency as declared by the President, Governor, County Executive or Mayor; No amendment of these rules shall be made by the Civil Service Commission nor shall any rule be repealed nor any new rule be adopted at the same meeting at which it is proposed. No final action to amend, repeal, or supplement rules shall be less than seven days after its proposal and until notice of the proposed amendments. The Public Notice shall contain the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission. The Public Notice shall be posted upon the bulletin board, on the Civil Service Bulletin Board currently located on the first floor of the Municipal Building not later than one week before the date of said meeting, and such meeting hall be open to the public.

Waivers, additions and modifications to the Civil Service Rules shall be added to the Minutes of the CSC Meeting on the date they are approved by CSC vote and added to the official Rules as adopted. Civil Service Rules will be updated and emailed (pdf) to all classified employees once yearly prior to December 31st of each year beginning prior to December 31, 2020.

- 7. Power to Subpoena.** To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has authority to investigate, inquire into or hear in the same manner.
- 8. Integrity of Examinations.** To assure that all competitive and non-competitive examinations are prepared, conducted and graded in the prescribed manner for Positions in the Classified Service.
- 9. Review Eligible Lists.** To review and approve Eligible Lists containing the names of persons qualified for appointment to Positions in the Classified Service.
- 10. Review Classification Specifications.** To review and approve Position descriptions of the various classifications of Positions in the City.

11. Classification Journal. To maintain a journal in which it shall keep a record of final decisions pertaining to the classification or reclassification of positions in the Classified Service, assignment or reassignment of employees in the Classified Service to specific position classification.
12. Investigations. To investigate matters regarding the enforcement and effect of Chapter 124 of the Ohio Revised Code, and these Rules of the Commission as prescribed. In the course of such investigations, the Commission or its designee may administer oaths and affirmation and take testimony relative to any matter which the Commission has authority to investigate.
13. Report. The Commission shall furnish any reports to the Mayor when requested. Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or commissioners.
14. Hearing Officer. The Commission, in hearing appeals pursuant to paragraphs 1 and 2 above, may act through a Hearing Officer, who it has empowered by these Rules to conduct the hearing on its behalf. The designated Hearing Officer shall have all power and authority otherwise granted the Commission for such purpose.

RULE VI – ENTRANCE EXAMINATION PROCEDURE

2. Notice of Examination

~~The Director of Public Safety and Human Resources shall write the Notice of Examination and application for the Position and submit it to the Commission for approval. If changes are made by the Commission, copies of the amended notice will be sent to the Director of Public Safety and Human Resources and the Director of Law for approval. When the Notice of Examination is satisfactory to all parties, the Secretary will be responsible for publication and distribution. The purpose of the Notice of Examination is to reach the highest number of qualified applicants.~~

2. Entrance Examination

The purpose of the entrance examination shall be set forth in the Notice of Examination and shall be publicly posted through local newspapers, the City's website and other social media outlets, and by posting notices conspicuously on the City Hall bulletin boards, in the office of the Commission, and in such other places as may be deemed effective, not less than ~~three (3)~~ **two (2)** weeks prior to the last day on which applicants will be accepted for such examinations.

3. Application

Application may be obtained in person in the office of the Commission, or through the City's website. Application forms shall be completed in ink or electronically. Applicants with a disability as defined by the Americans with Disabilities Act may, upon request, receive assistance in completing applications from the office of the Commission. Applications shall be signed and may be returned in person to the Commission with application fee or may be returned via U.S. Mail ~~with the application fee if applicant is out of the State of Ohio or the United States (i.e. Military Service), or emailed to the Civil Service Secretary.~~ **Applicants may pay online (if available) through the City's website at www.cityofbarberfton.com. Supporting extra credit documentation must be submitted with the application if mailed or emailed.** All applications must be received in the office of the Commission on or before the deadline set forth in the posting and without regard for the postmarked date. The application when received shall be mechanically time stamped with a proper receipt executed to the applicant. Upon the date following the application deadline, all returned applications shall be transferred to the Commission.

RULE VII – CERTIFICATION AND POSTING OF ELEGIBLE LISTS

1. **Certification of Eligible List**

D. ~~The Director of Public Safety and Human Resources shall present the Eligible List to the Commission for approval and Certification.~~ **Civil Service Chair or Civil Service Commission designee (1) person may certify an Eligibility List by email with electronic signature.**

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary to expedite the hiring process for critical positions, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor