

ORDINANCE NO. 2016- 3799

AN ORDINANCE AMENDING SECTIONS 1.04, 4.03, 5.02, 5.11, AND 6.07 OF THE RULES AND REGULATIONS FOR THE CIVIL SERVICE COMMISSION OF THE CITY OF FREMONT, AND DECLARING AN EMERGENCY.

WHEREAS, on September 11, 2015 the Civil Service Commission of the City of Fremont adopted a motion recommending that the City Council of Fremont, Ohio amend Sections 1.04, 4.03, 5.02, 5.11, and 6.07 of the Rules and Regulations for the Civil Service Commission, and

WHEREAS, adequate public notice of the amendments of the Rules and Regulations was given to local news media, and

WHEREAS, a copy of the full text of the proposed amendments was submitted to the Mayor and the superintendent of the school board at least 10 days prior to the Commission's action, and

WHEREAS, the amendments proposed by the Civil Service Commission are described herein:

Section 1.04 which read as follows:

1.04 Meetings of Commission

- A. All meetings of the Civil Service Commission are open to the public with the exception of this rule.
- B. General minutes shall be taken at all Civil Service Commission meetings and shall be open for public inspection.
- C. The Chairman may on his own initiative, and shall, upon request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of the notice of such meeting. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. Two (2) members of the Commission shall constitute a quorum at any meeting of the Commission and it shall require the affirmative of at least two (2) members to adopt any motion or resolution.
- D. Notice of any meeting of the Civil Service Commission must be given to the local news media not less than twenty-four (24) hours in advance of the meeting.
- E. In event of an emergency, the Chairman or members calling the meeting must immediately notify the local media concerning the time, place, and purpose of the meeting.

F. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be convened for any purpose permitted by R.C. 121.22(G), including among other things, to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, unless such employee requests a public hearing. The motion to enter into the executive session shall specifically state the reason for the session (e.g., "to consider the appointment of an employee" – as opposed to "to discuss personnel"); however, the motion need not state the name or position of the affected person.

G. The order of business for meetings of the Commission shall be:

1. Roll call;
2. Disposition of unapproved minutes;
3. Reports;
4. Unfinished business;
5. New business;
6. Adjournment

Section 4.03 which reads as follows:

4.03 Residency

All applicants for examination must be a citizen of the United States of America and a resident of the State of Ohio, or signify in writing his or her intention to become, upon appointment, a citizen of the United States of America and a resident of the State of Ohio.

Section 5.02 which reads as follows:

5.02 Examination and notices and sites

- A. Examination for the original or promotional appointment shall be held at such times and in such places as the Civil Service Commission deems appropriate, and shall be administered in accordance with the applicable sections of R.C. 124, and any applicable home rule ordinances, and these regulations.
- B. Printed public notice of each examination for original appointment in the classified service shall be placed in a newspaper of general circulation in the City and posted in conspicuous places in the city office or school buildings prior to the last date for filing application and shall include the time, place and general scope of the competitive examination.

- C. Notice of promotional examinations shall be posted in conspicuous places in each department in which employees would be eligible to compete for such promotion. Such notices shall be posted prior to the last date for filing for application and shall include the time, place and general scope of the competitive examination.
- D. The notice of the holding of a promotional examination for a position or positions in the Fire Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions based on experience in the fire service within the Fire Department.
- E. Notice of all examinations for original appointments in the classified service may also be distributed to such persons on organizations as may be interested in the positions to be filled.

Section 5.11 which reads as follows:

5.11 Promotional Examinations

- A. Vacancies in positions and the classified service shall be filled insofar as practical by promotions. All examinations shall be competitive and may be written, oral, physical, demonstration of skill, or an evaluation of training and experience, and shall relate to those matters which test the ability of the person being examined to discharge the particular duties of the position sought.
- B. Vacancies in key administration positions (e.g., Chief of Police or Chief of Fire), which require such exceptional qualifications that it would be impracticable to determine the most qualified person through written examination only, shall be filled in the following manner:
 - 1. A timed written examination produced and conducted by an outside consultant with a demonstrated ability to produce and conduct promotional examinations. The written portion of the examination shall be weighted twenty percent (20%) of the total composite score.
 - 2. An assessment center conducted by an outside consultant with a demonstrated ability to produce assessment instruments and conduct assessment centers. The assessment center portion of the examination shall be weighted at sixty percent (60%) of the total composite score.
- C. The identity of all examination applicants shall be concealed by the use of an identification number which shall be used on all examination papers.

This identification number shall be used from the beginning of the examination papers have been rated. Any papers bearing the name of the applicant, or any other identification mark, shall be rejected and the applicant so notified.

Section 6.07 which reads as follows:

6.07 Inspection and Grading of Examination Papers

- A. The examination papers of each participant shall be graded and the results posted at the office of the Safety Service Director and the Civil Service Commission.
- B. All papers, except examination papers, medical records, EEO information, or recommendations of former employers submitted by participants in any examination shall be open to public inspection during office hours upon application to the Commission, provided such application is made during the period in which such persons whose names appear on the eligible list resulting from such examination are eligible for appointment.

Amended Section 1.04 to read as follows:

1.04 Meetings of Commission

- A. All meetings of the Civil Service Commission are open to the public with the exception of the exemptions in R.C. §121.22(G) and this rule.
- B. General minutes shall be taken at all Civil Service Commission meetings and shall be open for public inspection.
- C. The Chairman may on his own initiative, and shall, upon request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of the notice of such meeting. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. Two (2) members of the Commission shall constitute a quorum at any meeting of the Commission and it shall require the affirmative of at least two (2) members to adopt any motion or resolution.
- D. Notice of any meeting of the Civil Service Commission must be given to the local news media not less than twenty-four (24) hours in advance of the meeting.
- E. In event of an emergency, the Chairman or members calling the meeting must immediately notify the local media concerning the time, place, and purpose of the meeting.
- F. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be

convened for any purpose permitted by R.C. 121.22(G), including among other things, to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, unless such employee requests a public hearing. The motion to enter into the executive session shall specifically state the reason for the session (e.g., “to consider the appointment of an employee” – as opposed to “to discuss personnel”); however, the motion need not state the name or position of the affected person.

G. The order of business for meetings of the Commission shall be:

1. Roll call;
2. Disposition of unapproved minutes;
3. Reports;
4. Unfinished business;
5. New business;
6. Adjournment

H. The Civil Service Commission must conduct an organizational meeting within the first four (4) months of each new year.

Amended Section 4.03 to read as follows:

4.03 Residency

All applicants for examination must be a citizen of the United States of America and a resident of the State of Ohio, or signify in writing his or her intention to become, upon appointment, a citizen of the United States of America and a resident of the State of Ohio.

Pursuant to Ohio Revised Code §9.481(B)(2) and Ordinance No. 2014-3687 as codified by Ordinance Nos. 131.02(b) and 133.02(b) to ensure adequate response times by the Police and Fire Departments to emergencies or disasters, as a condition of employment, all applicants for the Police and Fire Departments shall reside either in Sandusky County where the political subdivision (Fremont) is located or in any adjacent county in the State of Ohio, or signify in writing his or her intention to become, within a year after appointment, a resident of Sandusky County or an adjacent county.

Amended Section 5.02 to read as follows:

5.02 Examination and notices and sites

- A. Examination for the original or promotional appointment shall be held at such times and in such places as the Civil Service Commission deems appropriate, and shall be administered in accordance with the applicable sections of R.C. 124, and any applicable home rule ordinances, and these regulations.

- B. Printed public notice of each examination for original appointment in the classified service shall be placed in a newspaper of general circulation in the City and posted in conspicuous places in the city office or school buildings and in media commonly used for communication with the public at least thirty (30) days prior to the last date for filing application and shall include the time, place and general scope of the competitive examination.
- C. Notice of promotional examinations shall be posted in conspicuous places in each department in which employees would be eligible to compete for such promotion. Such notices shall be posted at least fifteen (15) days prior to the last date for filing for application and shall include the time, place and general scope of the competitive examination. The employer will allow at least forty-five (45) days from the time the vacancy is initially posted until the examination is conducted to permit adequate preparation time for the examination.
- D. The notice of the holding of a promotional examination for a position or positions in the Fire Department and the Police Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions based on experience in the police and fire service within the Police and Fire Departments.
- E. Notice of all examinations for original appointments in the classified service may also be distributed to such persons on organizations as may be interested in the positions to be filled.

Amended Section 5.11 to read as follows:

5.11 Promotional Examinations

- A. Vacancies in positions and the classified service shall be filled insofar as practical by promotions. All examinations shall be competitive and may be written, oral, physical, demonstration of skill, or an evaluation of training and experience, and shall relate to those matters which test the ability of the person being examined to discharge the particular duties of the position sought.
- B. Vacancies in key administration positions (e.g., Chief of Police or Chief of Fire), which require such exceptional qualifications that it would be impracticable to determine the most qualified person through written examination only, shall be filled in the following manner:

1. A timed written examination produced and conducted by an outside consultant with a demonstrated ability to produce and conduct promotional examinations. The written portion of the examination shall be weighted twenty percent (20%) of the total composite score.
2. An assessment center conducted by an outside consultant with a demonstrated ability to produce assessment instruments and conduct assessment centers. The assessment center shall consist of:
 - a. Three (3) recognized exercises that accurately evaluates the candidate's ability to fulfill the requirements of the position for which the test is being conducted.
 - b. These exercises shall be reviewed and approved for use in the assessment process by the Fremont Civil Service Commission.

The assessment center portion of the examination shall be weighted at sixty percent (60%) of the total composite score.

- C. The identity of all examination applicants shall be concealed by the use of an identification number which shall be used on all examination papers. This identification number shall be used from the beginning of the examination papers have been rated. Any papers bearing the name of the applicant, or any other identification mark, shall be rejected and the applicant so notified.
- D. Promotional examinations and procedures for classified employees shall follow the guidelines of the Fremont Civil Service Commission, except when promotional procedures are included in the Bargaining Contracts of the respective departments. In those instances the promotional procedures will comply with those defined in the Bargaining Contracts of the respective departments.

Amended Section 6.07 to read as follows:

6.07 Inspection and Grading of Examination Papers

- A. The examination papers of each participant shall be graded and the results posted at the office of the Safety Service Director, the Civil Service Commission, and in media commonly used by the City for communication with the public.
- B. All papers, except examination papers, medical records, EEO information, or recommendations of former employers submitted by participants in any examination shall be open to public inspection during office hours upon application to the Commission, provided such application is made during the period in which such persons whose names appear on the eligible list resulting from such examination are eligible for appointment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. That the Rules and Regulations for the Civil Service Commission of the City of Fremont adopted by the Commission on April 2, 1997 are hereby amended to reflect the changes to Sections 1.04, 4.03, 5.02, 5.11, and 6.07 recommended by the Commission on September 11, 2015.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 3. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the immediate need to pass the amendments in an expeditious manner.

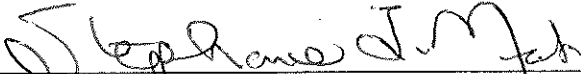
This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.



Jamie Hafford
President of Council

PASSED: 2-4-16

Effective date: 2-4-16

YEAS: 7 NAYS: 0


Stephanie L. Martin, City Council Clerk


Daniel R. Sanchez, Mayor

ORD1955

Approved as to form:



James F. Melle, Director of Law
City of Fremont, Ohio