



City of Gahanna
Signature
Resolution

200 South Hamilton Road
Gahanna, Ohio 43230

File Number: RES-0017-2011

Date Passed: 7/18/2011

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE GAHANNA CITY CHARTER PERTAINING TO THE CIVIL SERVICE COMMISSION

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 13.03, Classified and Unclassified Service, of Article XIII, Civil Service Commission, of the Gahanna City Charter; and

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 13.04, Commission Powers & Duties, of Article XIII, Civil Service Commission, of the Gahanna City Charter; and

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 13.05, Vacancies in Classified Service, of Article XIII, Civil Service Commission, of the Gahanna City Charter; and

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 13.06, Review Board Composition and Procedure, of Article XIII, Civil Service Commission, of the Gahanna City Charter; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That the question of an amendment to the Charter of the City of Gahanna, which is deemed to be in the best interest of the citizens of Gahanna be submitted to the electors of the City of Gahanna at the next regular general election so that, as amended, the same shall read as follows on EXHIBIT A, attached hereto and made a part hereof as if fully written herein.

Section 2. That the Clerk shall make available to the Board of Elections sufficient copies of this text so as to have one copy per precinct in all voting places within the City of Gahanna.

Section 3. That this amendment be digested on the voting machine with the following language:

Shall Section 13.03, Classified & Unclassified Service, Section 13.04, Commission Powers & Duties, Section 13.05, Vacancies in Classified Service, and Section 13.06, Review Board

Composition & Procedure, of Article XIII, Civil Service Commission, be amended to allow current Human Resources best practices and to change the Civil Service Commission to an appellate body.
For _____ Against _____

Section 4. That public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper published and of general circulation in the City.

Section 5. That the Clerk of Council is hereby directed to publish the full text of the proposed Charter amendment as set forth in EXHIBIT A, attached hereto and made a part hereof as if fully rewritten herein, once a week for not less than two consecutive weeks in a newspaper of general circulation within the municipality, with the first publication being at least fifteen (15) days prior to the election, all in accordance with Section 9 of Article XVIII, Ohio Constitution, and Section 731.211(b), Ohio Revised Code, and that she is directed to verify a copy of this resolution to the Board of Elections within the time period prescribed by Section 8 of Article XVIII, Ohio Constitution.

Section 6. That the Board of Elections is hereby authorized to place the digest shown in Section 3 above, within the voting machine at a special election to be held on the date of the general election, Tuesday, November 8, 2011.

Section 7. That language to the effect that a majority affirmative vote is necessary for passage be digested on the voting machine.

Section 8. That the City Attorney is hereby authorized to do any and all things necessary to ensure that the issues are placed on the ballot in conformance with the Constitution and the laws of the State of Ohio and the Charter of the City of Gahanna.

Section 9. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

This Resolution was Adopted, this 18th day of July, 2011.



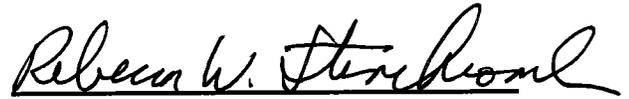
David L. Samuel
President of Council

ATTESTED to and PRESENTED to the Mayor;
this 19th day of July, 2011.



Isobel L. Sherwood, MMC
Clerk of Council

APPROVED by the Mayor, this
19th day of July 2011.



Rebecca W. Stinchcomb
Mayor

Approved as to form:



Thomas L. Weber
City Attorney

PROPOSED ARTICLE XIII, CIVIL SERVICE COMMISSION

Section 13.03 Classified & Unclassified Service

Section 13.04 Commission Powers & Duties

Section 13.05 Vacancies in Classified Service

Section 13.06 Review Board Composition & Procedure

Present Charter	Proposed Charter	Reasoning
<p style="text-align: center;">ARTICLE XIII CIVIL SERVICE COMMISSION</p> <p>SECTION 13.03 CLASSIFIED AND UNCLASSIFIED SERVICE.</p> <p>All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to procedures and practices which shall be set forth in the Civil Service Rules and Regulations, except the following, which shall comprise the unclassified service of the Municipality:</p> <ul style="list-style-type: none"> (a) The Mayor, members of Council, and all other elected officials. (b) The Clerk of Council and other employees of Council. (c) The City Attorney, assistants to the City Attorney, and special legal counsel. (d) All department heads. (e) Professional engineers employed by the Municipality. (f) Members of boards and commissions established by Charter or by ordinance of Council. (g) Members of the Auxiliary Police Unit, the Police Cadet Corps and Volunteer Firemen. (h) The secretary of each board and commission established by Charter or by ordinances, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold such other employment. (i) Persons of exceptional professional or scientific qualifications engaged as consultants. (j) Unskilled laborers as defined and authorized by the Civil Service Commission, except that the 	<p style="text-align: center;">ARTICLE XIII CIVIL SERVICE COMMISSION</p> <p>SECTION 13.03 CLASSIFIED AND UNCLASSIFIED SERVICE.</p> <p>All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to procedures and practices which shall be set forth in the Civil Service Rules and Regulations AND THE CODIFIED ORDINANCES, except the following, which shall comprise the unclassified service of the Municipality:</p> <ul style="list-style-type: none"> (a) The Mayor, members of Council, and all other elected officials. (b) The Clerk of Council and other employees of Council. (c) The City Attorney, assistants to the City Attorney, and special legal counsel. (d) All department heads. (e) Professional engineers employed by the Municipality. (f) Members of boards and commissions established by Charter or by ordinance of Council. (g) Members of the Auxiliary Police Unit, the Police Cadet Corps and Volunteer Firemen. (h) The secretary of each board and commission established by Charter or by ordinances, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold such other employment. MEETING ALL STANDARD HIRING REQUIREMENTS. (i) Persons of exceptional professional or scientific qualifications engaged as consultants. (j) Unskilled laborers as defined and authorized by the Civil Service Commission, except that the 	<p style="text-align: center;">ARTICLE XIII CIVIL SERVICE COMMISSION</p> <p>Many of the current functions of the Civil Service Commission are now provided or conducted by the Department of Human Resources. The designation of the Civil Service Commission as an appellate board provides a vehicle to pursue grievances and appeals from administrative decisions relative to the classified service.</p> <p>Section 13.06 Review Board Composition and Procedure.</p> <p>This section is being deleted as it is in the Civil Service Rules and Regulations adopted by Council.</p>

Commission, in its rules, shall require an applicant in the labor class to furnish such evidence or take such tests as the Commission deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity and experience in the work for which the applicant applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests.

(k) Temporary, seasonal and/or part-time employees.

(l) There shall be unclassified employees allowed for the Mayor, and for each department head; provided, however, that it shall be necessary for such positions to have been created by Council.

(Amended Nov. 3, 2009.)

SECTION 13.04 COMMISSION POWERS AND DUTIES.

(a) The Civil Service Commission shall have the power to adopt rules and regulations concerning the selection, promotion, demotion, discipline, and removal of employees within the classified service of the City, provided that such rules and regulations for the classified service shall not take effect until approved by the Council.

(b) The specification of particular powers and duties in this article is not intended as a limitation on the Civil Service Commission. Rather, in carrying out its duties, the Civil Service Commission shall have the fullest authority permitted under the Home Rule provisions of the Ohio Constitution; provided that the Commission's rules and regulations shall require Council approval before taking effect and are subject to the applicable provisions of the Ohio Revised Code, Chapter 4117, which provide for public employee collective bargaining.

(Added Nov. 5, 1996.)

SECTION 13.05 VACANCIES IN CLASSIFIED SERVICE.

(a) The Civil Service Commission may, but is not required to,

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~~(Amended Nov. 3, 2009.)~~

SECTION 13.04 COMMISSION POWERS AND DUTIES AND JURISDICTION.

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~~(Added Nov. 5, 1996.) THE CIVIL SERVICE COMMISSION SHALL HAVE THE JURISDICTION, POWER, AND DUTY TO HEAR AND DECIDE APPEALS FROM ADMINISTRATIVE DETERMINATIONS PURSUANT TO THE PROVISIONS OF THE CIVIL~~

adopt rules and regulations which provide for the certification to an appointing authority of the names of individuals who have qualified under the Commission's rules and regulations for original or promotional appointment to any vacancy in any position in the classified service, including a vacancy within the Police or Fire Departments, except for a vacancy in the position of Chief of Police or Deputy Chief of Police.

(b) The Civil Service Commission, by rule and regulation subject to Council's approval, shall provide for and develop procedures for the operation of a review board to consider applicants for a vacancy in the office of Chief of Police or Deputy Chief of Police. The Civil Service Commission shall adopt rules and regulations for the certification to the review board of the names of the applicants who receive a passing score on the written examination for the position of Chief of Police or Deputy Chief of Police without regard to whether or not any individual whose name is so certified has served previously within the Gahanna Police Department. (Amended Nov. 7, 2006.)

SECTION 13.06 REVIEW BOARD COMPOSITION AND PROCEDURE.

The review board established in Section 13.05 of this Charter shall consist of the following five(5) members: (1) a City elector selected by the Mayor; (2) a City elector selected by City Council; (3) a City elector selected by the City Attorney; (4) a member of the police officer bargaining unit selected by that bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police or Deputy Chief of Police; (5) a member of the police supervisory bargaining unit selected by that bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police or Deputy Chief of Police.

The herein organized review board shall interview each applicant certified to them, and thereafter shall submit to the Director of Public Safety the names of up to six (6) applicants whom the board, by consensus or by majority vote, finds to be the best qualified for appointment to the vacancy. The review board, in its discretion, may rank the candidates in order of preference. In making its selections, the review board shall consider each applicant's job

SERVICE RULES AND REGULATIONS AS ENACTED BY COUNCIL AND THE CODIFIED ORDINANCES. THE COMMISSION SHALL HAVE SUCH OTHER POWERS, DUTIES AND FUNCTIONS AS PROVIDED BY ORDINANCE AND IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS.

SECTION 13.05 VACANCIES IN CLASSIFIED SERVICE.

(a) VACANCIES IN THE CLASSIFIED SERVICE SHALL BE FILLED IN THE MANNER PRESCRIBED IN THE CIVIL SERVICE RULES AND REGULATIONS AS ENACTED BY COUNCIL AND THE CODIFIED ORDINANCES; PROVIDED HOWEVER, THAT SUCH RULES AND REGULATIONS AND THE CODIFIED ORDINANCES SHALL PROVIDE THAT ALL SUCH VACANCIES SHALL BE FILLED IN A COMPETITIVE APPLICATION PROCESS AND ON THE BASIS OF QUALIFICATIONS AND FITNESS. WITHIN THE DISCRETION OF THE DIRECTOR OF HUMAN RESOURCES, AND WITH THE APPROVAL OF THE CIVIL SERVICE COMMISSION, VACANCIES IN THE CLASSIFIED SERVICE MAY BE POSTED ON AN INTERNAL-ONLY BASIS IF SUCH QUALIFIED CANDIDATE(S) EXISTS WITHIN THE CURRENT EMPLOYMENT OF THE CITY. SUCH APPROVAL BY THE CIVIL SERVICE COMMISSION SHALL NOT PRECLUDE THE DIRECTOR OF HUMAN RESOURCES FROM SEEKING EXTERNAL CANDIDATES FOR THE COMPETITIVE APPLICATION PROCESS, IF IN THE DISCRETION OF THE DIRECTOR OF HUMAN RESOURCES SUCH ADDITIONAL APPLICATION PROCESS WOULD BE BENEFICIAL.

~~The Civil Service Commission may, but is not required to, adopt rules and regulations which provide for the certification to an appointing authority of the names of individuals who have qualified under the Commission's rules and regulations for original or promotional appointment to any vacancy in any position in the classified service, including a vacancy within the Police or Fire Departments, except for a~~

experience, education, and work history, as well as the skills, knowledge, and abilities shown by the applicant during the review board process. In carrying out its duties the review board may consult with individuals and organizations outside the Police Department and the City.
(Amended Nov. 6, 2001.)

~~vacancy in the position of Chief of Police or Deputy Chief of Police.~~

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(Amended Nov. 6, 2001.)~~