

RULES OF PROCEDURE
FOR THE CIVIL SERVICE COMMISSION
OF THE
CITY OF GAHANNA, OHIO

Adopted January 4, 2011
Adopted January 10, 2012
Adopted, as amended, March 6, 2012

**RULES OF PROCEDURE
CIVIL SERVICE COMMISSION
CITY OF GAHANNA, OHIO**

ARTICLE I - FORCE AND EFFECT

- 1.10 No provisions or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the Charter of the City of Gahanna, Ohio, or the common law, shall have any force or effect.
- 1.11 Robert's Rules of Order, current edition, shall control where no provisions are made in these rules or where not in conflict with these rules.
- 1.12 Three members of the commission constitute a quorum at any scheduled meeting.

ARTICLE II - ORGANIZATIONAL MEETING

- 2.10 After the election of the chairman as prescribed by charter, the vice chairman shall be elected. Election shall be by roll call vote and the results declared.

ARTICLE III - OFFICERS OF THE COMMISSION

- 3.10 Chair - The Chair of the Commission shall:
 - A. Serve as the presiding officer of the Commission, and shall be responsible for the conduct and order of the meetings of the Commission.
 - B. Establish committees when necessary, consisting of members of the Commission, and appoint a Committee Chair who is a member of the Commission, for the purpose of obtaining information, studying items of business, formulating policies, etc.
 - C. Sign for the Commission all approvals, resolutions, and other matters requiring the action of the Commission. In the absence of the Chair, the Vice Chair shall sign.
 - D. The Commission Chair, at the request of the Council office, shall be responsible to determine whether or not Civil Service meetings

will be cancelled or postponed due to inclement weather conditions.

- 3.11 Nothing in these rules shall diminish the task of the Chair of the Commission of his duties and obligations as a Commission member.
- 3.20 Vice Chair - The Vice Chair of the Commission shall serve as the Chair of the Commission when the Chair is absent.
- 3.21 Nothing in these rules shall diminish the task of the Vice Chair of the Commission of his duties and obligations as a Commission member.
- 3.30 *Clerk of the Commission* - The Council Office shall provide clerical assistance to the Commission as follows:
 - A. Attend all regular and special meetings of the Commission.
 - B. Prepare a record of all proceedings of the Commission which shall be termed the minutes.
 - C. Record the exact hour and minutes of the late arrival and/or early departure of a member of the Commission.
 - D. Maintain a record and file of all approvals, recommendations, resolutions, minutes, and other formal actions of the Commission and, by appropriate notation, show subsequent repeal or amendment thereof, in accordance with approved records retention schedules.
 - E. In conjunction with the Chairman of the Commission, prepare an agenda for each regular and special meeting of the Commission.
 - F. Be responsible for the distribution of the agenda, minutes, staff comments, correspondence, etc. to the members of the Commission, in a timely manner.
 - G. Be responsible for submission of draft ordinances as prepared by the Council Office and approved as to form by the City Attorney to the Council.
 - H. Items for the agenda shall be furnished to the Clerk ten days prior to the meeting.

- I. Sign all recommendations to Council that are a result of action taken at a meeting of the Civil Service Commission.
 - J. Perform all clerical duties incidental to the office.
 - K. Perform such other duties as directed by the Chairman.
- 3.40 *Human Resources* - A representative from the Human Resources Department shall act as a liaison between the City administration, staff, public and the Commission. The Chair may request the assistance of the Human Resources Department on matters pertaining to the performance of the powers and duties of the Commission.

ARTICLE IV - MEETINGS

- 4.10 Regular Meetings - Regular meetings of the Commission shall be held, as necessary, during the first week of each month on the day established in the organizational meeting.
- 4.11 Such meetings shall be called to order at 6:30 p.m. in City Hall in the City of Gahanna.
- 4.12 Such meetings may be held in any other place within the confines of the City of Gahanna, provided that plans are announced at least 72 hours prior to the scheduled meeting.
- 4.13 Special meetings may be called by the Chairman of the Commission or any three members of the Commission acting as a group. All members of the Commission shall be notified not less than 24 hours in advance of a special meeting as to the date, time, place, and purpose of such meetings. Only matters relating directly to the stated purpose of the special meeting may be considered during the special meeting. Notice of special meeting shall be in writing and may be distributed electronically.
- 4.20 Committee Meetings and Work Sessions - Committee meetings and/or work sessions may be called by the Chair of the Commission, as is required, provided that notice is given to the respective members at least 72 hours prior to the meeting. The notice should state the time, place and purpose of the meeting.
- 4.30 All meetings of the Commission, except Executive Sessions subject to Ohio Law, shall be open to the public.

- 4.40 Members of the Commission not able to attend any meeting shall notify the chair and the clerk's office of their anticipated absence at least 24 hours, if practicable, prior to the meeting.

ARTICLE V - ORDER AND CONDUCT OF COMMISSION BUSINESS

- 5.10 The Agenda - An agenda of business to be considered by the Commission shall be prepared and mailed or delivered to each member of the Commission at least 48 hours prior to each regular meeting of the Commission and 24 hours prior to each special meeting.
- 5.11 The agenda for a regular meeting shall contain:
- A. A listing, by descriptive words, of each issue to be considered.
 - B. A listing, by descriptive words, of each communication to be considered.
 - C. Any other items of known business.
- 5.12 Order of Business - The presiding officer shall conduct meetings in the order outlined in the agenda. The order of the Agenda shall be as follows:
- 1. Call to order and Roll Call.
 - 2. Additions or corrections to the agenda.
 - 3. Hearing of Visitors.
(*Speaker slips will be required*).
 - 4. Appeal/grievance hearings.
 - 5. Unfinished Business.
 - 6. New Business.
 - 7. Correspondence and Actions.
 - 8. Official Reports:
 - a. Director of Human Resources.
 - b. Chairman.
 - 9. Poll Members For Comment.
 - 10. Adjournment.
- 5.13 All officers of the City and members of the public are urged to cooperate with the Chair and Council Office in making the agenda complete and accurate. Items shall be removed from an agenda by the Clerk with concurrence of the Commission Chair.

- 5.14 While nothing in these sections will prevent the introduction of New Business not listed on the agenda, the Commission may require additional time to study any matter not included on the agenda.
- 5.15 *Committees* - The Chairman may assign special committees for specific purposes. Such committees shall be composed of a minimum of two (2) commission members. The appointment of the Chairman must be confirmed by a motion of the Commission. Such committees will exist only for that length of time required to complete their purpose.

ARTICLE VI – EXECUTIVE SESSION

- 6.40 The members of the Commission may hold an executive session only after a majority vote of the Commission determines, by a roll call vote, to hold such and only at a regular or special meeting for the sole purpose of the consideration of the matters listed in subsection below as follows:
- A. To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. If Civil Service Commission holds an executive session pursuant to this subsection, the request shall state which one or more of the approved purposes listed herein are the purposes for which the executive session is to be held, but need not include the name of any individual to be considered at the meeting.
 - B. To confer with the City Attorney concerning disputes involving the City, and/or appointed or elected officials or employees, which are subject to pending or imminent court action.
 - C. Matters required to be kept confidential by federal law or rules or state statutes.
 - D. If the Commission holds an executive session to consider any of the matters listed in subsections B or C, the request to hold that executive session shall state which one or more of the approved matters listed in those subsections are to be considered at the executive session.

- 6.41 An executive session may be requested by the Mayor, any member of the Commission or the City Attorney, who shall state the purpose of the requested session. Unless the Commission objects by roll call vote, as provided in 6.40 hereinabove, or the stated purpose of the session is not in compliance with section 6.40, the Chairman of the Commission shall schedule the executive session as requested.
- 6.42 The Commission may take no official action of any kind in executive session. Any resolution, rule or formal action concerning matters discussed in executive session must be adopted in an open meeting.
- 6.43 Members are obligated to respect the privacy and confidentiality of the Executive Session.
- 6.50 All meetings of the Civil Service Commission except Executive Sessions shall be open to the public.

ARTICLE VII – Appeal/Grievance Hearings

- 7.10 In the event of an appeal/grievance, hearing rules shall be followed. The Chair of the Commission shall give a brief statement or explanation of the item under hearing.
- The party filing an appeal is the appellant. The party against whom an appeal/grievance has been filed is the appellee.
- 7.11 The hearing shall be opened with appellant being allowed 30 minutes, appellee 30 minutes. Such time schedule includes any witness testimony. The appellant and appellee will be allowed 15 minutes each for cross examination, further arguments, or rebuttal. Additional time may be allowed at the discretion of the chair.
- 7.12 Comments and questions by the Commission shall be reserved for the period following the public discussion.
- 7.13 The Commission may consider any relevant evidence not contained in the record. The Chair may order exhibits to be entered into the record. If a member of the Commission objects, the matter shall be put to a vote of the Commission and the Commission shall order the exhibit entered or rejected by a majority vote.
- 7.14 The parties shall provide the Commission with nine (9) copies of any exhibits at the hearing.

- 7.15 Commission members who believe that they have a conflict of interest with the matter under determination shall disclose on the record the existence of the conflict prior to the commencement of the hearing and shall not deliberate or attempt to influence any discussion.
- 7.16 The Commission Chair may act upon his/her own prerogative regarding issues related to scheduling, extensions of time or continuances.
- 7.17 An appeal/grievance may be withdrawn at any time prior to a decision of the Commission. An appeal/grievance may be settled by the parties to the hearing at any time prior to a decision of the Commission. Any settlement or withdrawal shall be filed in writing prior to the hearing or made on the record at the hearing.

ARTICLE VIII - MOTIONS

- 8.10 When a question is before the Commission, under discussion, and/or a motion has been made, no motion shall be proper except the following:
 - A. Motion to adjourn.
 - B. Motion to recess.
 - C. Motion to request that discussion end and the vote be called.
 - D. Motion to postpone until a stated future time, which can be to any date, not just to the next regular meeting.
 - E. Motion to refer to a standing or special committee.
 - F. Motion to amend a motion under discussion.
 - G. Motion to postpone for an indefinite time (not applicable to items requiring Gahanna City Council action).
- 8.11 Vote Without Discussion - Relative to the motions listed in Section 8.10, exclusive of Item F, motions will go immediately to a vote without discussion, except for a brief explanation by the person requesting the motion.
- 8.12 A motion to amend is susceptible to but one amendment. An amendment, once rejected, may not be moved again in the same form, or moved for reconsideration.

- 8.13 If a motion to postpone for an indefinite time is carried, the principal question shall be declared lost.
- 8.14 A motion to reconsider may be made by any member during the meeting at which the vote on the original issue was taken, regardless of their vote on the original motion.
- 8.15 A motion to bring any matter from postponement shall be in order at any succeeding meeting. Such motion shall go to a vote without discussion, except for a brief explanation by the person making the motion.
- 8.16 All motions shall be put in a positive manner.
- 8.17 All motions shall require a second, except a motion to adjourn which can be without opposition.
- 8.18 A motion to postpone until a stated future time or for an indefinite time shall be debatable only as to the motion itself.
- 8.19 The commission member making a motion may speak for or against the motion during discussion.

ARTICLE IX - VOTING

- 9.10 *Definitions:*
- A. Quorum - Three or more members of the Commission.
 - B. Simple Majority - More than half of the votes cast.
- 9.20 Voting on all items shall be oral and in a public session. The clerk shall call the roll and each Commission member shall respond "yes", "no", or "abstain, as a conflict of interest". A member of the Civil Service Commission may abstain from a vote on such matters but only upon stating upon the public record that the reason for such abstention is a conflict of interest on the matter to be voted upon. The basis for such conflict need not be stated. No other comments shall be made during the voting.

An abstain is considered as a vote not cast (reference 9.10b). The order of voting by the Commission members shall rotate with each successive vote. After the voting is completed, the presiding officer shall announce the results.

- 9.21 A motion shall be made to grant the appeal, to grant the appeal with modifications, to reverse or to dismiss the appeal.
- 9.22 The member making or seconding a motion may either vote "yes" or "no" on the motion.
- 9.23 A regular motion receiving a simple majority "yes" vote is approved, adopted, or carried.
- 9.24 A regular motion receiving a simple majority "no" vote is disapproved, not adopted, not carried, or failed.
- 9.25 Any motion receiving a tie vote is disapproved, not adopted, not carried or failed.
- 9.30 All motions resulting in a recommendation to Council requiring legislative action shall be submitted to Council in the form of a draft ordinance as prepared by the Council office and approved by the City Attorney. Such ordinance may be accompanied by a memorandum of justification as may be required to fully define the position of the Commission.

ARTICLE X - DEBATE BY COMMISSION

- 10.10 The presiding officers shall control debate according to the following rules:
 - A. No person shall be permitted to speak on any motion longer than that period of time, or number of times, which is considered appropriate by the presiding officer.
 - B. While members of the Commission may yield to other persons, the limitations outlined in Section 10.10(A) still prevail.
 - C. The presiding officer may refuse the floor to any person when tactics are obviously dilatory and not in the best interest of the Commission.

ARTICLE XI – DECISIONS BY THE COMMISSION:

- 11.10 The Commission shall review and take into consideration all evidence included in the record.
- 11.11 After the Commission has rendered its decision, said decision shall be journalized in a written format approved by the Commission.

ARTICLE XII - ELECTED OFFICERS AND APPOINTED OFFICIALS OF THE CITY AS THEY RELATE TO THE COMMISSION.

12.10 Elected officers and appointed officials of the City of Gahanna, except as provided by the Charter of the City of Gahanna, may be requested to attend Commission meetings, and answer any proper questions directed to them by the Commission.

12.11 Such requests of elected officers and appointed officials shall be made at least 24 hours prior to the scheduled meeting.

12.12 The notice shall state the time, place and purpose of the meeting.

These rules have been approved and adopted by the Civil Service Commission on March 6, 2012.

ATTEST:

Paul W. Leithart, Chair
Civil Service Commission

Isobel L. Sherwood, MMC
Clerk of Council

