

REPORT OF CIVIL SERVICE REVIEW COMMITTEE

On June 25, 2015, John J. Donnelly was appointed by Mayor Ann Marie Donegan as Chairman of the City of Olmsted Falls Civil Service Review Committee. The other members of the committee were (1) Jay Linn, Council-at-Large, City of Olmsted Falls, (2) Santo Incorvaia, City Prosecutor and Assistant Law Director and (3) Lt. Bill Traine, Retired from City of Cleveland Police Department.

The Committee was appointed to perform the following:

- (1) Review of Civil Service Commission processes includes rules and regulations, public notice, post test notification, strengths, weaknesses and any and all specific reforms to be implemented.
- (2) Review of Civil Service actions that have taken place over the previous year, including but not limited to all personnel, to wit: Mayor, Council, Police, Boards and Commissions with additional focus on the police officer hiring utilizing the City's Civil Service (police) list that expired on 05/29/15; the development of the 2015 certified candidate list; and
- (3) Identification of failures, violations, wrongdoing any other action that may have interfered with Civil Service process and any potential liabilities the City may incur as a result.

The Committee had meetings on 6/25/15, 7/7/15, 7/14/15, 7/21/15, 8/4/15, 8/11/15, 8/20/15, 9/2/15, 9/29/15. At the meetings, the Committee reviewed Ohio Revised Code Sections 124.01 to 124.40, Olmsted Falls City Charter Sections 4.03, 4.04 and 10.5, City of Olmsted Falls Ordinance 264, City of Olmsted Falls Civil Service Rules and Regulations, City of South Euclid Civil Service Rules and Regulations and City of North Olmsted Civil Service Rules and Regulations Handbook, City of Olmsted Falls Minutes of Regular Council Meetings dated May 26, 2015, and June 9, 2015, CD of City Council meetings of May 26, 2015 and June 9, 2015, copy of Mayor's timeline from the Council Meeting of June 9, 2015 (etc.)

The City of Olmsted Falls Charter

The Civil Service system is a method of appointing government employees on the basis of competitive examinations, rather than by patronage and politics.

The Committee believes the Olmsted Falls City Charter Sections 4.03 and 10.5, which require the City Council to confirm or reject appointments made by the Mayor to all civil service positions, defeat the purpose of the Civil Service Commission. The Charter makes the appointment process political.

The Committee reviewed the city charters or called the Mayor's and/or Law Directors of all the cities surrounding the City of Olmsted Falls and found that all of the communities, namely, Brook Park, North Olmsted, Middleburg Heights, and Berea, and Strongsville only require the Mayor to appoint applicants for a Civil Service position, except for the City of Strongsville which requires Council approval only for the positions of Police Chief and Fire Chief.

Therefore, the Committee recommend, the City of Olmsted Falls City Council or Charter Review Commission propose changes to the city charter, Sections 4.03 and 10.5, to require that

appointment to a Civil Service position be made only by the Mayor and not require the approval of City Council. A copy of the proposed change to the Charter is attached.

The City of Olmsted Falls Civil Service Rules and Regulations

The Committee believes, after a thorough review of the City of Olmsted Falls Civil Service Rules and Regulations, that most of the rules and regulations are very good. The Committee found a few references to old Ohio Revised Code Sections and a few needed changes in wording were necessary.

In addition to the above recommendations, the Committee believes that some changes to Rule VII are necessary. The Committee came to this conclusion after reviewing the activities leading up to a recent appointment of a full time police officer.

The Committee believes the following changes to the Civil Service Rules and Regulations should be made:

- (1) All ten of the applicants whose names appear on the certification list shall be interviewed by the Mayor or his/her designees.
- (2) If any of the applicants for a Civil Service position is related by blood or marriage to a person involved in the appointment process the person or persons to whom the applicant is related must recuse himself from participating in the interview and appointment process.
- (3) There should be no official or unofficial policy of interviewing only applicants who are already in the employ of the City.
- (4) Applicants for entry-level appointment to the Police Department or Fire Department shall pass written, agility, physical, vision and hearing examinations. Applicants shall also pass a background investigation, including a polygraph test, prior to being interviewed and pass a psychological evaluation during and in conjunction with the interview process.
- (5) Concerns have been raised regarding Civil Service Rule 8(c)(d) or (f). Council should consider penalties for violations of Civil Service Rules and Regulations.


John J. Donnelly, Chairman
Civil Service Review Committee


Jay Linn, Council-at-Large
City of Olmsted Falls


Santo Inorvaia, City Prosecutor
and Asst. Law Director, City of Olmsted Falls


Lt. Bill Trainor,
Retired Cleveland Police Department

SECTION 4.03. APPOINTING POWER

It shall be the duty of the Mayor to appoint the directors of all departments and to make all other appointments provided for by law or ordinance unless otherwise provided herein. Proposed appointments, EXCEPT APPOINTMENTS TO A CIVIL SERVICE POSITION WHICH SHALL NOT REQUIRE THE APPROVAL OF COUNCIL, shall be presented in writing to the Clerk of Council, who shall place them on the agenda of the next regular Council meeting for Council's consideration. If a proposed appointment is not presented to Council within thirty (30) days of the creation of a vacancy, the vacancy shall be filled by Council, unless Council grants the Mayor an extension of time not to exceed thirty (30) days.

Council shall, within thirty (30) days after receiving notice of a proposed appointment from the Mayor, either confirm or reject such appointment. Confirmation requires the affirmative vote of a majority of the members elected to Council, and failure to confirm shall constitute a rejection. If Council does not either confirm or reject such appointment within the time specified, the appointment shall take effect as if the appointment had been confirmed by Council. If Council rejects a proposed appointment, the reason or reasons shall be entered in the journal and submitted in writing to the Mayor prior to the next regular Council meeting.

In the event that Council should reject any proposed appointment of the Mayor, the Mayor shall have thirty (30) days from the date Council rejects the first proposed appointment to present a second proposed appointment in writing to the Clerk of Council, who shall place it on the agenda of the next regular Council meeting for Council's consideration. If such appointment is not presented to Council within the specified thirty (30) days, the vacancy shall be filled by Council, unless Council grants the Mayor an extension of time not to exceed thirty (30) days.

Council shall, within thirty (30) days after receiving a second proposed appointment from the Mayor, either confirm or reject such second appointment. Confirmation requires the affirmative vote of a majority of the members elected to Council, and failure to confirm shall constitute a rejection. If Council does not either confirm or reject such second appointment within the time specified, the appointment shall take effect as if the appointment had been confirmed by Council.

In the event that Council should reject both appointments, the power of the Mayor to fill the vacancy shall terminate and Council shall make the appointment by an affirmative vote of at least two-thirds (2/3) of the members elected thereto. The Mayor shall not have the power to veto this appointment.

Unless otherwise limited by this Charter, the Mayor shall have the power, subject to confirmation by a majority of the members elected to Council, to promote, demote, transfer, or remove any employee or official of the Municipality except those required by this Charter to be elected.

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SECTION 10.05. CIVIL SERVICE COMMISSION.

(a) Establishment. Council shall provide by ordinance for the establishment of a Civil Service Commission and Civil Service System.

(b) Membership. The Civil Service Commission shall consist of three (3) electors of the Municipality, not holding other municipal office or employment, to be appointed by the Mayor for a term of six (6) years each, except that, of the members first appointed after the effective date of this Charter, one (1) shall be appointed for a term of two (2) years, one (1) for a term of four (4) years, and one (1) for a term of six (6) years, with the stipulation that no member is eligible to succeed himself.

The Commission shall designate one of its members as chairman and may recommend to the Mayor a candidate for appointment as secretary.

(c) Classification of Service. The Civil Service of the Municipality is hereby divided into the classified and unclassified services.

The classified service shall consist of:

- (1) The Chief of the Police Department and all full-time members of the Police Department.
- (2) The Chief of the Fire Department and all full-time members of the Fire Department.
- (3) All full-time members of the Service Department.

A full-time member of a department is defined as any member who works thirty (30) hours or more per week during any thirty (30) separate weeks in a twelve (12) month period.

The unclassified service shall consist of all other positions not specifically included within the classified service.

(d) Duties. The Commission shall provide rules for appointment and promotion in the classified service of the Municipality on the basis of merit and fitness, and shall exercise the full power of home rule granted to this Municipality by the Constitution of the State of Ohio, in whatever legal manner the Commission chooses. The Commission shall also provide rules for the process of transfer, reduction, or removal of an employee within the classified service. The Commission shall provide the members of Council with a true copy of each rule the Commission adopts, modifies, or repeals. No adopted, modified, or repealed rule shall become effective until forty-five (45) days after the Clerk of Council has received such true copy, unless, by motion, by an affirmative vote of a simple majority of members, Council waives the requirement of the forty-five (45) day waiting period. Council may overrule a rule of the Commission, by ordinance, by an affirmative vote of a simple majority of the members within forty-five (45) days after Council has received a true copy of the adoption, modification, or repeal of the rule. Failure of Council to act within forty-five (45) days shall constitute ratification of the adoption, modification, or repeal of the rule.

The Commission shall hear appeals from the action of the Mayor ~~or Council~~ in any case of transfer, reduction, or removal of an employee within the classified service, except as otherwise provided in this Charter; and the action of the Commission on any such appeal shall be final, except that an appeal to a court of law may be made within thirty (30) days from the date of the Commission decision. Notice of such appeal shall also be filed with the Civil Service Commission.

(e) Funds. A sufficient sum shall be appropriated by Council each year to carry out the Civil Service provisions of this Charter.

(f) Powers and Procedures. The Commission shall not be required to report or divulge any matter which in its opinion is of a confidential or personal nature respecting any employee in the classified service. The Commission shall conduct its affairs in accordance with the provisions of general law.

The Commission shall have the power to subpoena witnesses and to require the production of records to carry out its functions and duties.

(Amended 11-5-74)

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