



CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR
BRUCE E. DUKE • LISA DUVALL • TONY KLEPACZ • JYL HALL • BOB SCOTT

KETTERING COUNCIL AGENDA

July 25, 2023

Kettering Government Center – South Building
3600 Shroyer Rd. Kettering, Ohio 45429

6:00 P.M. **WORKSHOP** Deeds Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

July 11, 2023- Council Meeting & Workshop Minutes

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

Proclamation Lemonade Day

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. Adopting amended Civil Service Rules for the City of Kettering.

RESOLUTIONS

2. Authorizing the City Manager to purchase computers and servers from Dell for the annual Computer and Server Replacement Program.
3. Authorizing an additional expenditure of funds for street light maintenance.
4. Authorizing the City Manager to apply for funding from the Ohio Public Works Commission for the Southern Boulevard Improvements Project and the Heritage Point Drive Improvements Project.
5. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the construction of the Indian Riffle Park Garden Plaza Project.
6. Authorize acceptance of a donation from Kettering Police Foundation for the purchase of a UAV Vesper Drone and accessories.
7. Authorizing the City Manager to enter into a cost sharing agreement with the Board of Education of the Kettering City School District for School Resource Officers.
8. Authorizing the City Manager to contract with OTT Equipment Service, Inc. for replacement of a heavy-duty lift located at the Vehicle Maintenance Center.
9. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2023.

ORDINANCES IN FIRST READING

10. To rezone 2119 East Dorothy Lane from Economic Development Overlay District No. 14 to B-Business District (Planning Commission Case No. PC 23-013).

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission is recommending approval of P.C. 23-014- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, August 8, 2023 at the Kettering City Council meeting.

Petition- A petition for continued services at the Kettering Connection was received on July 11, 2023 from patrons of the Kettering Connection located at 300 E. Stroop Road, Kettering, Ohio 45429. The petition is to continue free blood pressure screening for seniors at the Kettering Connection.

MANAGER'S REPORT/COMMUNITY UPDATE

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

CITY COUNCIL REPORT/UPDATE

The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.

KETTERING CITY CALENDAR
2023

July 24	7:30 p.m.	Sister Cities
July 25	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
August 3	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
August 7	7:00 p.m.	Planning Commission
August 8	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
August 10	5:30 p.m.	Strategic Plan Steering Committee

Proclamation

Whereas: *Lemonade Day is a day designated to encourage children to start, own and operate their own business through the simple and time-honored act of building and running a lemonade stand ; and*

WHEREAS: Lemonade Day provides fun, proactive and first-hand activities infused with life skills that character education and entrepreneurship; and

WHEREAS: Lemonade Day is a day of learning and celebrating Kettering's youth. On July 29, 2023 residents are encouraged to purchase a cup of lemonade from youth members participating in the event to demonstrate how our community cares and supports the future of our youth ; and

WHEREAS: Lemonade Day teaches young entrepreneurs a valuable life lesson of spend a little, save a little and share a little by donating a portion of their profits to any local charity of their choice; and

WHEREAS: The Kettering Community expresses appreciation for our youth and their eagerness to learn and exercise invaluable life lessons and the importance of entrepreneurship and giving back to the community.

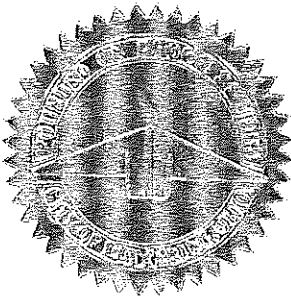
NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim

July 29, 2023

to be

LEMONADE DAY

in the City of Kettering, Ohio, and commends all sponsors, organizers and participants who will be providing assistance to our youth to make this day a success.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 25th day of July, in the Year of our Lord, Two Thousand and Twenty-Three.

PEGGY LEHNER
Mayor of the City of Kettering, Ohio

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**ADOPTING AMENDED CIVIL SERVICE RULES
FOR THE CITY OF KETTERING**

WHEREAS, Section 7-7 of the Charter provides that the Kettering Civil Service Commission “shall provide by rule for the determination of merit and fitness as the basis for appointments and promotions” in the City’s civil service; and

WHEREAS, on June 7, 2023, the Civil Service Commission adopted amended Civil Service Rules; and

WHEREAS, the Civil Service Commission has recommended that the amended Civil Service Rules be adopted by this Council;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio, that:

Section 1. This Council hereby adopts the amended Civil Service Rules as adopted and recommended by the Civil Service Commission and as shown on attached Exhibit A. These amended Civil Service Rules shall be codified as Chapter 149 of the Codified Ordinances of Kettering, replacing the current version found in Chapter 149, and the sections and subsections of the amended Civil Service Rules may be renumbered accordingly in the codified version.

Section 2. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Human Resources Department)

**EXHIBIT
A**

**CITY OF KETTERING, OHIO
CIVIL SERVICE
COMMISSION
RULES**

Revised June 2023

CITY OF KETTERING
CIVIL SERVICE RULES

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SECTION 100: GENERAL CIVIL SERVICE PROVISIONS

A. Creating a Merit System

Appointments and promotions to positions within the classified service of the City of Kettering shall be based on the principles of merit and fitness, free of personal and political considerations, in accordance with the Constitution of the State of Ohio and the Charter of the City of Kettering. The classified service is divided into two categories:

1. The competitive class includes all positions for which the Commission determines that it is practicable to ascertain the merit and fitness of applicants by competitive examination.
2. The non-competitive class includes all positions for which the Commission, or the Director as authorized by this ordinance, determines that it is not practicable to ascertain the merit and fitness of applicants by competitive examination.

The City of Kettering Civil Service Commission shall be maintained to ensure the principles of merit and fitness prevail in the classified service. The Commission shall adopt rules for the administration of the merit system and determination of merit and fitness shall be by a variety of methods and in accordance with these Rules. The Director shall perform administrative duties essential to the maintenance and administration of the merit system.

B. Appointing Authority

The City Manager is the Appointing Authority for the City. All appointments, promotions, layoffs, suspensions and dismissals shall be subject to the City Manager's approval.

SECTION 200: ORGANIZATION AND DUTIES OF THE CIVIL SERVICE COMMISSION

A. Organization

The Commission shall consist of three electors: one appointed by the Kettering Board of Education, one appointed by the City Council and one appointed by the City Manager. Commission members serve non-concurrent, or staggered terms of six years each without compensation. The Commission shall elect one of its members to serve as Chair of the Commission.

B. Responsibilities of the Commission

1. The Commission is responsible for ensuring that individual merit and fitness serve as the basis for appointment and promotion within the classified service of the City, including determining whether it is practicable to use competitive examinations to do so.
2. The Commission, upon recommendation of the Director, shall determine the placement of positions in the classified or unclassified service of the City, in compliance with the Charter of the City of Kettering.
3. The Commission shall hear appeals of employees in the permanent classified service on decisions of the City Manager in the following instances: demotions; suspensions of more than five (5) working days; layoffs; reclassifications for disciplinary reasons; and terminations. Decisions of the Commission in such matters shall be final, except as otherwise and specifically provided by collective bargaining agreements.
4. The Commission does not have jurisdiction and may not hear appeals on: establishment of pay rates for any position; reductions in pay for other than disciplinary reasons; routine reclassifications; and suspensions of five (5) working days or less.
5. When the Commission has reason to believe that any officer, head of a department, or person having the power of appointment, layoff, suspension, or removal has abused such power, the Commission shall make a report to the chief appointing authority.

C. Establishing Civil Service Rules

1. In accordance with the City Charter, and as authorized by the Constitution of the State of Ohio, the Commission shall establish, amend and enforce rules for the

SECTION 200: ORGANIZATION AND DUTIES OF THE CIVIL SERVICE COMMISSION

(Continued)

operation of a merit system for classified employees. These rules, where appropriate, shall be adopted by Kettering's City Council, by either ordinance or resolution.

2. The affirmative vote of at least two members of the Commission and the approval of City Council are required to adopt or amend these Rules.
3. These Rules are intended to cover all Civil Service matters and to displace the Ohio Revised Code as far as possible, except where these Rules specifically provide to the contrary. However, if Kettering's Civil Service Rules are completely silent on an issue, provisions of the Ohio Revised Code shall be applied in order to avoid a complete lack of guidance.

D. Meetings of the Commission

1. In coordination with the Director, the Commission shall determine the schedule and frequency of Commission meetings. Public notice of a regularly scheduled or special Commission meeting shall be made in accordance with applicable public meeting laws.
2. Special meetings may be called by the Chairperson or any two members, upon giving reasonable advance notice to members and within public meeting legal requirements. The purpose or agenda of special meetings will be made available.
3. Commission meetings will be open to the public. Under appropriate circumstances, the members may call an "Executive Session" to discuss or deliberate a certain announced resolution before the Commission. Executive Session meetings of the Commission shall not be open to the general public except as allowed by law.
4. Any two members of the Commission shall constitute a quorum for the purpose of conducting official business.

E. Records of the Commission

1. Actions taken by the Commission shall be recorded in minutes of the meeting. Minutes shall be approved at a subsequent meeting. All such minutes (as well as resolutions and amendments) shall be signed and dated by the Commission chair or his or her designee.

SECTION 200: ORGANIZATION AND DUTIES OF THE CIVIL SERVICE COMMISSION

(Continued)

2. Minutes of regular or special commission meetings shall be open to public inspection. Rules, regulations, resolutions, amendments and decisions of the Commission shall be maintained and shall be open to public inspection. Records of investigations which can be legally protected, as provided in Section 124.56 of the Ohio Revised Code, shall not be open to public inspection.

F. Hearings and Appeals to the Commission

(See Section 1300: Appeals to the Civil Service Commission.)

SECTION 300: DUTIES AND RESPONSIBILITIES OF DIRECTOR OF HUMAN RESOURCES

A. Administrative Functions

The Director is appointed by the City Manager to manage the personnel and human resources functions of the City. The Director and the Commission work together to coordinate the effective administration of the City's merit system. The Commission functions as the rule making, review and appeals body, monitoring and evaluating the administration of the civil service system. The Director functions as the administrative officer, exercising day-to-day responsibilities and formulating rules and policies in conjunction with the Commission, and exercises the authority granted him or her under these Rules and under the rules and policies adopted by the Commission.

B. Duties and Responsibilities of the Director of Human Resources

1. **Classification**: The Director shall prepare, revise or amend descriptions of the duties, responsibilities and desired qualifications for the various positions and classifications within the classified service, as well as conduct research on criteria for the appropriate classification of these positions.
2. **Civil Service Examinations**: The Director shall prepare, conduct, grade and evaluate all competitive examinations and non-competitive selection procedures for entry level and promotional positions within the classified service.
3. **Use of Competitive Examination**: The Director shall determine whether it is practicable to use a competitive examination to ascertain merit and fitness for an appointment or a promotion. The Commission may amend or rescind any such determination, but the Director's determinations shall remain in effect and shall be valid until so amended or rescinded. The Director is directed to furnish a copy of such determinations to the Commission, but failure to do so shall not impair the validity or effectiveness of such determinations.
4. **Recruitment**: The Director shall develop, coordinate and administer recruitment activities for positions within the classified service to acquire qualified applicants.
5. **Eligible Lists**: The Director shall prepare eligible lists of persons qualified for appointment to entry level or promotional positions within the competitive classified service; sign eligible lists to certify them as official Commission documents; certify names from the eligible lists to appointing authorities in accordance with the Rules;

SECTION 300: DUTIES AND RESPONSIBILITIES OF DIRECTOR OF HUMAN RESOURCES

(Continued)

and extend or vacate eligible lists at his or her discretion, in accordance with the Rules.

6. **Staffing**: The Director shall, with the approval of the appointing authority, appoint managers, examiners, technicians, clerks, secretaries and other assistants as necessary to help perform the duties and responsibilities of this office. Due to the unique and unusual qualifications required of persons working within this function, all positions within the Human Resource Department shall be unclassified. The Director may designate one or more assistants to assume responsibility for any of the Director's functions, duties or responsibilities assigned to the Director by these Rules.
7. **Certification of Payroll**: There shall be no requirement for the Commission nor the Director to certify the payroll of the City of Kettering or Kettering-Moraine Schools.
8. **Investigations**: The Director shall conduct investigations when complaints are filed alleging that a violation of the Rules has occurred; act to rectify confirmed violations based on the findings; delegate investigative duties when necessary or appropriate; and report all findings of violations and corrective actions taken to the Commission.
9. **General Administration**: The Director shall:
 - a. Maintain the position classification and compensation plan for the City.
 - b. Maintain and make recommendations to the City Manager for: assignment of position titles; compensation ranges for specific positions and classifications; and pay supplements or changes in rates of pay, types of leave and leave usage, holidays, etc. Where appropriate, the Director shall advise the commission of such matters.
 - c. Receive inquiries, alleged complaints of Rule violations, and requests for appeals before the Commission on its behalf. The filing of any of these appeals to the Commission, with the Director shall constitute formal notification to the Commission.
 - d. Review, screen and evaluate applicants for positions prior to the administration of an examination process and eliminate applicants prior to

SECTION 300: DUTIES AND RESPONSIBILITIES OF DIRECTOR OF HUMAN RESOURCES

(Continued)

testing or selection based on established minimum requirements for specific positions.

- e. Remove candidates from established eligible lists in accordance with the Rules.
- f. Review and approve extensions of probationary periods for classified employees, for periods up to an additional six (6) months (in cases where contractual agreements do not supersede this).
- g. Provide for the maintenance of minutes which record the proceedings of the Commission, preserve and maintain records, files and journals pertaining to the Commission.
- h. Assign any of these duties or responsibilities to one or more designees as is appropriate.
- i. Perform other related duties as requested by the Commission.

SECTION 400: RECRUITMENT AND ANNOUNCEMENT PROCEDURES

A. Recruitment Responsibility

The Director and designees are responsible for coordinating and administering all recruitment efforts for classified positions.

B. Minimum Qualifications

The Director and designees are responsible for establishing minimum qualifications for positions within the classified service. These minimum qualifications will be clearly stated in the recruitment announcement. Candidates who do not meet the stated minimum qualifications may or may not be permitted to participate in the examination/selection process, based on the determination of the Director.

C. Recruitment/Announcement Efforts

1. **Advertisement:** It is the general policy of the Commission and the Human Resource Department to place advertisements in the newspaper(s) of local circulation; however, no such requirement shall be considered mandatory.
2. **Civil Service Examination and Recruitment Announcement:** Recruitment and examination announcements shall be prepared for classified positions when an open recruitment is used to fill a position. Announcements shall summarize job duties and responsibilities, specific minimum qualifications (when applicable), the examination selection process format and content, date, time and place of scheduled examinations and the period during which applications shall be filed with the Human Resource Department. Announcements of pending civil service recruitment activities or upcoming examinations shall be posted publicly at the Human Resource Department office, and such postings shall constitute formal notice of the commencement of a recruitment process. There is no minimum requirement as to the time that a notice of examination must be issued prior to an examination. There is no minimum requirement regarding the number of days that recruitment and acceptance of applications must occur.

D. Submission, Screenings and Retention of Applications

1. The Director shall establish procedures governing the submission of applications by candidates wishing to apply for positions within the classified service.

SECTION 400: RECRUITMENT AND ANNOUNCEMENT PROCEDURES (Continued)

2. The Director shall retain the authority to screen candidates for positions based on established minimum qualifications and may determine which candidates are eligible to compete in any given civil service selection procedure.
3. The Director may reject any application which was not filed within the prescribed time period or which indicates that the applicant does not possess the minimum qualifications established for the position; is otherwise unfit to perform the duties of the position; has willfully made any false statement or omission of any material fact; has practiced or attempted to practice any deception or fraud in the application; has been previously dismissed from City service for good cause or whose performance rating was below standard at the time of resignation, or is otherwise not suited to fill the position.

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES

A. General Provisions

1. The Director shall be responsible for ensuring the development of appropriate Civil Service examinations and assessment devices and for determining whether it is appropriate to purchase or to rent an examination from an organization outside of the City, or to prepare an examination within the City organization.
2. The Director shall determine the appropriate content and combinations of selection and evaluation instruments or processes; the method of scoring examinations; and the relative weight(s) of examination mechanisms or segments of examinations.
3. The Director may designate one or more staff members to assume responsibility for examination development, scoring, or other selection and evaluation duties as necessary.

B. Types of Examinations

Merit and fitness shall be ascertained, as far as practicable, by competitive examination. Examinations shall be designed to test, on a fair and equal basis, the relative qualifications of applicants to discharge the duties of the position which they seek to fill. Examinations for entry-level positions or any promotional positions (including Police and Fire) are not required to be in writing. Examinations may consist of, but are not limited to, any one or more of the following types:

1. **Written Examination**: Designed to determine the familiarity of candidates with the knowledge required for the position sought, the range of their general information and to ascertain special aptitudes, when required.
2. **Performance Examination**: Includes such tests of performance as would determine the ability of candidates to perform the work involved.
3. **Oral Examination**: A personal interview designed to determine the ability of the candidates to perform the duties of the position to be filled, i.e., the ability to deal with others, to supervise, or other qualifications.
4. **Experience and Competency Ratings**: A structured format permitting the evaluation and rating of previous experience, education or training in particular areas determined to be relevant and useful to executing the duties and responsibilities of the position to be filled. Experience ratings may be used to rank order candidates on eligible lists or for non-competitive classified positions where it

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

is impractical to ascertain the merit and fitness of applicants through traditional examinations.

C. Examination Administration

1. The Director shall assign the appropriate number of examination monitors necessary for each examination process. One of the monitors shall act as the exam administrator, who shall have the responsibility for assessing and enforcing entrance requirements to the examination, restrictions, and removal of exam participants should such actions be appropriate.
2. The Director shall be responsible for determining time limitations, if any, for any examination or any part of any examination or mechanisms.

D. Examination Review and Inquiries

1. Candidates who have participated in an examination may, at the discretion of the Director, have an opportunity to review their own examination results. The Director may make the scored answer sheet available for the candidate's review, but is not required to do so. Candidates must conduct their examination(s) review during the thirty (30) days subsequent to notification that they are available for review. However, the Director may specify a shorter review period or change review procedures for specific examination processes if the Director so determines. The Director may determine that it is inappropriate for any particular exam or exam phase to be reviewed by candidates.
2. When a selection process involves several exam phases, the Director shall determine whether exam reviews will occur after each phase or at the completion of the entire examination process. Exam reviews may only occur when all of the examinations for that particular phase have been scored, or when candidates are formally notified otherwise that the exam review period will commence.
3. The Director may eliminate from the examination process or from an eligible list a candidate who duplicates any examination questions by any means.
4. Candidates who discover an error or have a question about the scoring of an exam must submit questions and comments in writing to the Director. Inquiries will be

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

accepted for a period of thirty (30) days from the date the examination results were mailed, unless otherwise stipulated by the Director. Any change to an eligible list which results from this review process shall be made in accordance to the Rules (see Section 600.E. Corrections to an Eligible List).

5. Examination papers of an applicant who failed to qualify must be retained no less than one year after notification of examination results were mailed, provided no appeal of any kind is pending, and need not be retained after that.

E. Special Provisions for Examinations

The Director may, at his or her discretion, make special arrangements for the examination and assessment of persons who are physically or mentally disabled, or who deserve special accommodations. Applicants who believe they should be eligible for special provisions and accommodations in testing situations must make a written request, including justification for the accommodation, to the Director, sufficiently in advance of the scheduled examination in order that such accommodations may be considered.

F. Scoring of Examinations

The Director shall determine the appropriate value and weight for each segment or phase of an examination, the means of evaluating examination results and determining the passing level. Examinations may be scored according to point values or evaluated on a pass/fail basis. Minimum passing points may be established for the entire examination process or for some or all of the segments or phases of the examination process. The Director may, or may not, eliminate a candidate who fails to maintain a minimum qualifying score in one part of the examination from participation in subsequent phases of the testing process. The Director may adjust the minimum passing or qualifying score when an assessment of the examination results indicates such action is appropriate and in the best interest of the City of Kettering.

A candidate's final score shall be based upon all tests, evaluations, segments and phases of the overall examination and selection process. Once all formal examination elements have been scored, the appropriate additional credits shall be added to the examination results. In some cases, the final score will represent a combination of examination grades and additional credits received. Additional credits are as follows:

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

1. **Performance and Seniority Credits:** Candidates for promotional positions are eligible to receive additional credits for performance and seniority. See Section 500.H for the rules governing performance and seniority credits.
2. **Administrative Review Credit:** When an Administrative Review is included in a Civil Service promotional process, up to 20 additional points will be added to the candidate's passing score. See Section 500.I.

Candidates for entry-level competitive examinations will receive no additional credit by virtue of their status as a veteran of the armed services.

G. Promotional Processes

Classified positions above the entry level may be filled by competitive, or non-competitive promotions. Promotional opportunities are open only to regular full-time employees who have successfully completed the designated probationary period for their current position, unless otherwise specified, and who meet the additional requirements specified in the Civil Service Rules and by the Director.

1. **Open Competitive Promotion:** When there is an insufficient number of employees eligible for promotion who possess that experience, training or other qualifications as required by the next higher level class, and the best interest of the City service would not be served by the lack of qualified applicants, then the selection process may be declared open to participants outside of the classification series and/or the City organization, except as required in the Ohio Revised Code with respect to promotion in the Police and Fire Services. The Director shall determine when an open competitive promotional process shall be conducted and establish criteria for eligibility to compete. All applicants shall be required to meet these criteria.
2. **Closed Competitive Promotion:** When there is a sufficient number of qualified employees for advancement to a promotional position, the selection process may be declared closed, i.e., only existing employees within the designated position classification(s) may compete in the promotional process. The Director shall determine when a closed competitive promotional process shall be conducted, and which class(es) are eligible and establish criteria for eligibility to compete. All applicants shall be required to meet these criteria.

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

3. **Non-Competitive Promotion:** Opportunity for a non-competitive promotion exists when:

- a. The number of employees who are eligible and qualified for advancement is no more than the number of vacancies in that classification, plus two; or
- b. The table of organization does not limit the number of employees who can be promoted from one classification to the next classifications, but the number to be promoted is determined by the managing Department Director, the Director or the City Manager based on performance or other criteria they have established; or
- c. The Director determines in his or her judgment that it is impractical, or otherwise inappropriate, to use written or other traditional Civil Service testing mechanisms to establish an eligibility list.

Such promotional advancement may then be made without formal or traditional examinations if the Director determines that the eligible employee(s) possess the experience, training or other qualifications required for advancement to the next higher class.

All competitive (open or closed) promotional processes will be announced using an Examination Announcement, the content of which shall be at the discretion of the Director. Formal notice of a promotional examination or process shall be posted at an interval as determined by the Director prior to the examination.

H. Performance and Seniority Credit

Competitive promotional examinations shall include points or credits for performance and seniority.

1. **Performance Credits**

- a. The credit points for performance ratings will be based on the overall Performance Evaluation rating only.
- b. The overall ratings received on all performance evaluations within the last two years preceding the date the first part of the promotional examination is administered to the first candidate competing in the process shall be averaged to calculate an employee's performance credit for promotional

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

purposes. If there has been no performance evaluation within the last two years, the employee shall receive credit for standard performance. Point values for overall rating categories are as follows: (except as provided in sub-paragraph c below)

Outstanding	10 points
Above Standard	8 points
Standard	6 points
Below standard	2 points
Unsatisfactory	0 points

- c. When credit points are to be used as part of a promotional process for the positions of Police Sergeant and Police Lieutenant, all performance evaluations within the last three years preceding the date the first part of the promotional examination is administered to the first candidate competing in the process, shall be averaged to calculate an employee's performance credit. If there has been no performance evaluation within the last three years, the employee shall receive credit for standard performance. Credit for each overall rating shall be as follows:

Outstanding	10 points
Above Standard	8 points
Standard	6 points
Below Standard	0 points
Unsatisfactory	0 points

- d. The Performance Evaluation points will be added together according to the above amounts and divided by the number of evaluations. The resulting average will be the number of credit points to be added to the candidate's passing test score. This method of calculation results in a maximum of 10 performance credit points being added to passing examination scores.
- e. Only candidates who have successfully completed their probationary period will be eligible to receive these credits, unless otherwise authorized by the Director.

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

2. Seniority Credit

- a. All calculations for seniority points for promotions shall be computed from the employee's anniversary date of appointment to the entry-level position in that series.
- b. Where an employee has been reinstated to a position with the City, the total uninterrupted period of service from the date of reinstatement to that series shall determine the computation of seniority points. Reinstated Police Officers who participate in a Sergeant or Lieutenant promotional examination will have their total period of service as a sworn Kettering Police Officer determine the computation of seniority points.
- c. The date the Civil Service examination is administered to the first candidate competing in the process shall be the cut-off date for seniority point calculations, and all seniority points awarded must be earned through actual service with the City of Kettering preceding that date.
- d. Seniority points shall only be awarded to promotional exam participants who receive a passing score on the Civil Service examination.
- e. The following formula has been established for the calculation of seniority points which are to be added to the final passing score of civil service promotional examinations:

<u>Full Years of Service</u>	<u>Points</u>	<u>Maximum</u>
Year(s) 1 thru 4	1 pt./year	4.0 pts.
Years 5 thru 14	.6 pt./year	<u>6.0 pts.</u>
		10.0 pts.

This method of calculation results in a maximum of 10 seniority points being added to passing examination scores.

- f. Where there is at least a half-year of service remaining after full years have been credited under paragraph e, half credit (either 0.5 or 0.3 pts.) will be awarded for a full-half year of service. No smaller portion than one-half years shall be used to award seniority credit.
- g. Only candidates who have successfully completed their probationary period will be eligible to receive these credits, unless otherwise stipulated by the Director.

SECTION 500: ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES (Continued)

I. Administrative Review Credit

When an Administrative review is included in a promotional procedure, the Director may authorize the addition of up to 20 points to the passing score of employees competing in a Civil Service promotional process. This covers positions in all current and future departments including, but not limited to, promotions to Police Sergeant, Police Lieutenant, Fire Captain and Fire Battalion Chief.

1. The Director may, or may not, authorize the inclusion of an Administrative Review process as part of a Civil Service promotional procedure.
2. The points in an Administrative Review are assigned by the Department Director in whose department the promotion is occurring, subject to review by the Director.
3. Administrative Review points may only be awarded to promotional examination participants who receive a passing score on the Civil Service examination.

J. Notification of Examination Results

The Director shall determine the means and schedule by which candidates are notified of examination results and eligibility list ranking.

SECTION 600: CERTIFICATION OF ELIGIBLE LISTS AND CANDIDATES

A. Generation of Eligible List

1. Based on the results of civil service examination procedures, the Director shall prepare eligible lists containing the names of candidates who may be considered for the specified position. An eligible list must be certified (signed and dated) by the Director in order to become active.
2. Candidates names shall be placed on the eligible list in rank order, by final rating; the candidate receiving the highest passing rating at the top of the list and subsequent candidates with passing ratings listed in descending order. For the purpose of establishing an eligible list, when applicants receive identical passing and qualifying ratings, names shall be placed in alphabetical order, based on last name. In the event of two or more applicants receiving identical ratings on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list.

For the purpose of certifying applicant's names from an eligible list, whenever identical ratings are received, the tie will not be broken. All persons receiving identical passing and qualifying ratings shall be certified, in accordance with these rules.

B. Certification of Candidates for Entry and Promotional Positions

1. When a vacancy occurs within the classified service and an eligible list exists for that position, the Department Director shall request that the Director certify candidates from the existing list.
2. The certification of candidates' names shall be as follows:
 - a. The top three (3) candidates for a promotion, including Police and Fire, and the top ten (10) candidates for initial entry on the eligible list, who are interested in being considered for the existing vacancy, shall be certified to the requesting Department Director;
 - b. If a tie exists in one of the top three or ten standings remaining on the eligible list, more than three or ten names may be certified in order to include those candidates who receive equal ratings. For example, if four candidates receive the same rating on an eligible list for promotion, then those four

SECTION 600: CERTIFICATION OF ELIGIBLE LISTS AND CANDIDATES (Continued)

names will be certified. If the person having the highest rating is ranked #1 on the eligible list, the person with the second highest rating is ranked #2 on the eligible list, and the person ranked #3 and the following two people receive the same rating on the eligible list, then all five names will be certified for consideration.

- c. Once candidates have been certified, the Department Director is obligated to interview each candidate unless the candidate is eliminated by the Director, withdraws from consideration, or fails to appear for the interview;
 - d. The inability of a candidate to report for an interview within a reasonable period of time shall be just cause for omitting that candidate from immediate certification;
 - e. The Director, at his or her discretion, shall be responsible for determining when the name of an eligible candidate shall be removed from the eligible list.
- 3. In instances where more than one entry-level vacancy is to be filled within the same classification, the Director shall certify the names of nine candidates more than the number of existing vacancies. For promotions, the Director will certify the names of two candidates more than the number of existing vacancies. If tie ratings exist, the procedure in Section 600, B-2 above will be utilized.
 - 4. When a candidate withdraws from the process, the Department Director shall notify the Director. Additional candidates shall be certified from the eligible list to provide the required number of eligible candidates for consideration. Written confirmation of withdrawal and the reasons shall be provided by the candidate whenever possible.
 - 5. A candidate may temporarily withdraw from consideration for an immediate vacancy but remain on the eligible list to be considered for future vacancies or may request that his or her name be removed from the eligible list.
 - 6. The Director, at his or her discretion, shall determine procedures and criteria for removal of candidates from an eligibility list.

C. Removal from Eligible List

- 1. The name of any person appearing on an eligible list may be removed by the Director under the following conditions:

SECTION 600: CERTIFICATION OF ELIGIBLE LISTS AND CANDIDATES (Continued)

- a. The eligible person requests in writing that his or her name be removed.
- b. The eligible person cannot be located by postal authorities or other means of ordinary communication within a reasonable time as determined by the Director.
- c. The name of an eligible person has been certified three (3) times and the candidate has declined to be interviewed or has not been selected for appointment.
- d. For any cause, either specified or not specified in these Rules, for which the Director determines that a candidate does not possess qualifications or other characteristics which the Director determines important for the position being filled. This includes, but is not limited to, honesty, character, ethical behavior and reputation.

D. Duration of Eligible Lists

1. Under normal circumstances, an eligible list shall remain in effect for a period of one (1) year from the date of original certification. At the discretion of the Director, an eligible list may be extended or renewed for a period of six (6) months. A second six (6) month extension or renewal may also be authorized by the Director. The extensions or renewals may be made at any time prior to the certification of a new list.
2. An eligible list may be allowed to expire at any one of the critical time periods (i.e., after the first year of active status, after the first six-month extension, or after the second six-month extension).
3. The normal maximum life of an eligible list is two (2) years from the original date of certification. Under certain circumstances, the Director may determine that a particular eligible list should be extended beyond the normal two-year period. An eligible list may be extended when, in the process of being utilized to fill a Civil Service vacancy, it reaches its final expiration date. Once the vacancy has been filled, the list will automatically become expired and a new list will be created for future vacancies as the need arises.

SECTION 600: CERTIFICATION OF ELIGIBLE LISTS AND CANDIDATES (Continued)

E. Corrections to an Eligible List

1. The Director may make changes to an eligible list when such changes are required and in the best interest of the City. The normal conditions which would mandate a change to an existing certified eligible list are:
 - a. A clerical error or miscalculation during the scoring process, which results in a candidate appearing on the list who is ineligible, or which results in an inappropriate ranking of candidates.
 - b. The omission of a candidate who was eligible to appear on the list.
2. When such an error has been discovered, the eligible list will be corrected to reflect the accurate information. Such a correction may be unilaterally enacted by the Director. If such a correction occurs, there shall be no need to re-establish or recreate a new eligible list, and the certification date shall not change.
3. Any appointment made prior to the discovery and subsequent correction of any error on an eligible list shall not be invalidated. Any referral in progress shall be continued to its conclusion, unless otherwise determined by the Director.
4. Should significant errors or inaccuracies exist in a certified eligible list, the Director may, at his or her discretion, determine that such list should be vacated.

F. Abolishment of an Eligible List

1. When fewer than the number of names which can be certified for positions to be filled remain on an eligible list, the Director shall determine whether the remaining eligibles shall be certified or whether the list shall be vacated.
2. When all the names on an eligible list have been certified, removed, employed, etc., the eligible list shall be considered exhausted.
3. The Director may vacate an existing eligible list, should he determine that such an action is in the best interests of the City.

G. Use of Alternate Eligible Lists

1. When a vacancy occurs in the classified service and there is no eligible list in effect for that position, an alternate eligible list already in existence may be used. The Director shall determine which, if any, of the existing eligible lists is appropriate for the position(s) in question.

SECTION 600: CERTIFICATION OF ELIGIBLE LISTS AND CANDIDATES (Continued)

2. The procedure for certification of names from an alternate list shall be the same as all other certifications.

H. **Special Provisions for Public Safety Dispatcher Position**

1. When a vacancy occurs within the classified position of full-time Public Safety Dispatcher and an eligible list for that position exists, any person who has successfully performed the same position for the City of Kettering, whether previously or currently, whether on a part-time, interim or other basis, and that same person is interested in being considered for the existing full-time vacancy may be considered along with the appropriate number of candidates certified on the eligible list. Such a person must submit a written request to the Director requesting consideration. Such person need not be a then current City of Kettering employee.
2. When a vacancy occurs within the classified position of full-time Public Safety Dispatcher and there is no eligible list in effect for that position, the Director may take action to determine if there are persons who have successfully performed the same position for the City of Kettering, whether previously or currently, whether on a part-time, interim or other basis, and if such persons are interested in being considered for the existing full-time vacancy. If such a person is interested in being considered for such vacancy then that person must submit a written request to the Director requesting consideration. Such person need not be a then current City of Kettering employee.
3. The Department Director may request, and the Director may approve, such appointment to an existing full-time vacancy. The time served as a part-time employee shall not count in determining the length of the probationary period for the full-time classified position.

SECTION 700: LATERAL ENTRY

A. General Provisions

1. The process of Lateral Entry is established as a method for hiring Police Patrol Officers and Firefighters who have already been trained by other jurisdictions (or this jurisdiction).
2. This form of initial appointment meets the criteria of a non-competitive selection process into the classified Civil Service for Police Patrol Officers, Firefighters and Paramedics, since it is recognized that trained Patrol Officers, trained Firefighters and trained Paramedics possess unique and exceptional qualifications and experience for which it is impracticable to ascertain the merit and fitness of applicants through competitive examinations. Qualifications which are impracticable to test for include, but are not limited to, past performance and behavior and demonstrated success as a Police Officer, Firefighter or Paramedic.
3. The Director shall establish, at the Director's discretion, the criteria required for a candidate to qualify for consideration and selection under a Lateral Entry process.
4. The Director may apply the Lateral Entry process to other classified positions where the Director deems it to be in the best interest of the City of Kettering.
5. The Director may also authorize the selection of Police Patrol Officers through a non-competitive selection process should it be determined that it is in the City's best interest to require a four-year baccalaureate degree for entry-level Police Patrol Officers, with or without prior Police Officer experience.
6. Positions filled through these procedures are therefore exempt from competitive examination.
7. New employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

SECTION 800: TEMPORARY/INTERIM PROMOTIONS

A. General Provisions

1. When a vacancy occurs in a promotional-level position in the classified service because of separation or authorized leave of absence of an employee, the appointing authority may request that the Director certify, for temporary/interim appointment to the vacant position, the names of the three persons standing highest on an appropriate promotional eligible list.
2. Such appointment shall continue only for the period of absence of the original employee.
3. A temporary/interim promotion shall not grant to the promoted employee any permanent right to the higher position classification.
4. At the completion of the temporary/interim promotion, the employee shall return to the position held prior to the temporary/interim promotion, and the name of the employee promoted shall be returned to its former position on the appropriate eligible list, if that same list is still active.
5. An employee may refuse temporary/interim promotion, and such refusal shall not affect the employee's standing on the eligible list or current employment status.
6. In the absence of an eligible promotional list, the temporarily vacant position may be filled, on an interim basis, by an employee in the next lower classification based on the recommendation of the Department Director and the approval of the Director.

SECTION 900: APPOINTMENT/EMPLOYMENT STATUS OF CLASSIFIED EMPLOYEES

A. Appointment Categories

1. **Original Appointment:** Individuals who are not currently classified employees within the City and who are selected for a classified position shall receive an original appointment into the classified service. An original appointment to any position commences with the required probationary period.
2. **Provisional Appointment:** An employee may be provisionally appointed to a vacant or newly created classified position for which no Civil Service eligible list exists. Employees appointed provisionally are not classified employees and do not obtain such status automatically or after any given length of service in the provisional status. Under normal circumstances, provisional appointments should not exceed six (6) months in duration. When a provisional employee has performed well and the six-month period is exhausted, the employee may submit a request to obtain full-time, classified status. Such requests should be submitted to the Director in writing. The decision of the Director to authorize or deny full-time classified status shall be appealable to the Commission.
3. **Temporary or Interim Appointment:** A temporary or interim appointment may be made to fill a classified position vacated due to separation or leave of absence of the incumbent employee. Such an appointment shall not grant to the temporary appointee any permanent rights to the position.
4. **Emergency Appointment:** An emergency, as the term is used in this Section, means any unforeseen condition which is likely to cause loss of life or damage to property, the stoppage of services, or serious inconvenience to the public. Upon receipt of a request from a Department Director citing such emergency condition(s), the appointing authority may authorize one or more temporary emergency appointments, for the duration of the emergency. Such emergency appointments shall be limited to the duration of the emergency as determined by the City Manager. The position classifications in which Emergency Appointees are placed may be existing or newly created classified position classifications.
5. **Promotional Appointment:** Whenever practicable and in the best interest of the City, as determined by the Director, vacancies in positions above the entry level shall be filled by promotion of eligible employees already in City service. No promotional appointment shall be final until the employee has successfully completed the

SECTION 900: APPOINTMENT/EMPLOYMENT STATUS OF CLASSIFIED EMPLOYEES

(Continued)

designated probationary period. (See also Section 800: Temporary/Interim Promotions.)

B. Probationary Period

The probationary period is the final stage of a selection process. A classified employee must satisfactorily complete a probationary period for continued employment. Satisfactory completion of the probationary period must be documented by a formal evaluation rating of satisfactory or above.

1. **Initial Appointment:** Each newly appointed classified employee shall be required to serve a probationary period of 12 months. The Director may extend an employee's probationary period for a reasonable amount of time (up to 12 additional months) if it is determined that an extended period of observation and evaluation is appropriate. Any extension of the probationary period beyond an additional 12 months must be approved by the Commission. A probationary employee may be dismissed for any reason at any time during the original or extended probationary period.

2. **Promotions:** An employee who has served an initial probationary period is subject to an additional six (6) month probationary period upon promotion. The Director may extend the probationary period for a reasonable amount of time (up to 6 months). Any extension of the probationary period beyond an additional six (6) months must be approved by the Commission. An unsatisfactory probationary employee may be:
 - a. Reinstated to the position in which he or she was serving prior to the promotion, provided that an appropriate vacancy exists, or
 - b. Placed upon the appropriate eligible list for his or her former position if an appropriate vacancy does not exist, or
 - c. Assigned to a similar position in another job class, or
 - d. Removed from employment with the City.

The Director must authorize such action and shall inform the appointing authority and Commission of the decision.

SECTION 900: APPOINTMENT/EMPLOYMENT STATUS OF CLASSIFIED EMPLOYEES

(Continued)

C. Change in Employment Status

1. **Transfer**: The appointing authority may transfer an employee from one position to another within the same or similar classifications. A transfer shall not be used to promote, demote, increase, or decrease the salary of a classified employee. No person shall be transferred to a position for which he or she does not possess the required minimum qualifications. The Director shall determine whether the employee possesses the necessary qualifications for transfer to the position in question.

An employee who would like to request a transfer must submit a written request to the Director.

2. **Reinstatement to Eligibility Lists and Classified Positions**: Any classified employee who maintained a satisfactory record of service and who has separated from City service in good standing may request reinstatement to the position or a similar position. A written request for reinstatement must be submitted to the Director within a period from the effective date of separation determined to be appropriate by the Director. Reinstatements must be authorized by the appointing authority and may be handled by the employee being:

- a. reinstated to an appropriate eligible list, should a list for that position exist;
- b. placed on an appropriate eligible list of one, should no eligible list for the position exist;
- c. reinstated to the position from which they separated or to a similar class/position should a vacancy within that appropriate classification exist;
- d. reinstated to the next available vacancy within the appropriate position/classification, should no immediate vacancy exist.

The Director shall consider performance evaluations, length of previous service, the circumstances governing separation from classified service, and the recommendations of the immediate supervisor and the appointing authority in making a determination for reinstatement.

When a reinstated employee's name is placed on an existing eligible list, that individual's eligibility for reemployment shall expire two years from the date on

which that individual's name was placed on the appropriate list(s). An employee whose name is reinstated to an eligible list is subject to all rules governing such

SECTION 900: APPOINTMENT/EMPLOYMENT STATUS OF CLASSIFIED EMPLOYEES
(Continued)

lists. An employee who is approved for reinstatement to an appropriate vacant position is subject to the normal pre-appointment processing for that position as well as all normal employment restrictions and conditions governing the classified service. The Director may require that a reinstated employee serve a new probationary period commencing with the date of reinstatement.

The name of an employee who resigns from City service shall be removed from any active promotional list, and it shall not be returned to a promotional list by the act of reinstatement to a position or entry eligible list. Such employee must compete for a rank on any subsequent promotional lists, without regard to the fact that any position or ranking had been obtained on a promotional list prior to resignation. (Exception: on a promotional list, a returning veteran's civil service status will be restored in compliance with Ohio Revised Code 5903.03.) Service or seniority calculations for eligibility to compete in a promotional process will be calculated from the date of reinstatement. Prior service, regardless of whether it is in the same position or not, shall not apply for the purposes of promotion, layoff, etc., except for Police Sergeant and Lieutenant promotional exams where total years of service as a Kettering Police Officer will be used for computations, and Fire Captain and Fire Battalion Chief promotional exams where total years of service as a full-time Kettering Firefighter will be used for computations.

3. **Reclassification**: A position reclassification may occur when a specific position or group of positions has undergone a significant change in the kind, difficulty, or degree of responsibility entailed in the work performed within that position. Such a reclassification may result in the assignment of that position to a higher, lower or similar classification based on the type of changes and duties which have occurred. The Director shall assess reclassifications in order to determine whether or not the new position belongs in the classified service. The Commission shall confirm the placement of positions within the classified service. Changes in compensation due to a reclassification are beyond the jurisdiction of the

Commission, and shall be at the discretion of the appointing authority and City Council.

SECTION 900: APPOINTMENT/EMPLOYMENT STATUS OF CLASSIFIED EMPLOYEES
(Continued)

4. **Demotion (Reduction)**: The appointing authority may demote an employee whose ability to perform required duties has fallen below acceptable standards or for disciplinary purposes. Demotions for disciplinary purposes shall only be made for cause, based on an assessment of merit and fitness. However, a voluntary written statement from an employee agreeing to a demotion shall be considered sufficient basis for such action in the absence of evidence to the contrary. Written notice of the demotion shall be given to the employee at any time prior to the effective date of the demotion; a copy of the demotion shall be filed with the Director. A classified employee may appeal a non-voluntary reduction in pay and/or position to the Commission. (See Section 1300: Appeals to the Civil Service Commission).
An employee who feels unable to perform adequately in his or her current position may voluntarily request a reduction or demotion in position classification from the appropriate Department Director.
5. **Layoffs**: See Section 1100: Reduction in Force.
6. **Suspension, Removal, Discharge**: See Section 1000: Suspension, Removal, Discharge.

SECTION 1000: SUSPENSION, REMOVAL, DISCHARGE

A. Merit and Fitness

Once an employee has successfully completed the probationary period, the employee shall obtain regular full-time classified status. Employment in the classified service shall be contingent upon continuous demonstration of merit and fitness. That is, the employee must demonstrate appropriate behavior and satisfactory performance of working responsibilities and duties as required for the position held. An employee who fails to perform satisfactorily, or who exhibits inappropriate, undesirable, or illegal behavior is subject to disciplinary action.

B. Suspension

The appointing authority may suspend without pay an employee for disciplinary reasons, or for other just cause, based on the standards of merit and fitness. The appointing authority will provide written notice of the suspension and the reasons for the suspension shall be given to the employee by the Department Director or other designee. A copy of the suspension action and the reasons for such suspension which were provided to the employee shall be filed with the Director for the Commission.

Suspensions which are for a period of less than or equal to five (5) working days are not subject to appeal before the Commission. If a suspension exceeds five (5) working days, a regular classified employee has the right to submit an appeal to the Commission for a hearing on its merits unless specifically otherwise provided by a collective bargaining agreement. (See Section 1300: Appeals to the Civil Service Commission).

C. Removal or Discharge

A classified employee may be discharged by the appointing authority for activities which are prohibited by established orders, rules, regulations, policies or procedures or for activities or behaviors which fail to meet the standards of merit and fitness or otherwise constitute poor job performance or poor behavior. Any of the following activities are just cause for dismissal (removal or discharge) from City service: incompetency; inefficiency; dishonesty; drunkenness; immoral or inappropriate conduct; insubordination; discourteous treatment of the public or of coworkers; neglect of duties; violation of the rules of the Commission or of the appointing authority; failure of good behavior; misfeasance, malfeasance or nonfeasance in office. These are examples of just cause for dismissal; in no instance are they to be considered all-inclusive.

SECTION 1000: SUSPENSION, REMOVAL, DISCHARGE (Continued)

The appointing authority shall provide written notice to the employee of the removal, setting forth the specific charges and/or reasons for the discharge and stating an effective date. Notice of dismissal shall be personally delivered to the employee or the employee's address by a designated City employee, or it shall be mailed by certified or registered letter to the employee's last known address. A copy of the complete notice provided to the employee shall be filed with the Director for the Commission at the time it is provided to the employee.

A permanent classified employee has the right to appeal a discharge or removal action to the Commission, in accordance with the provisions of these Rules, except to the extent validly modified by a collective bargaining agreement. (See Section 1300: Appeals to the Civil Service Commission).

SECTION 1100: REDUCTION IN FORCE

A. Reduction in Personnel

The City Manager, as the appointing authority, shall determine when and for what reasons it is necessary to reduce the number of employees, which departments and position classifications will be affected and the actual number of employees to be reduced (laid-off) in each position classification. Although not limited to the following, a reduction in force or layoff is generally due to a lack of funds, a lack of work or the need to abolish (permanently delete from the organization) a position(s) due to a lack of continued need for such position(s). The means for notification of employees of layoffs shall be at the discretion of the City Manager.

B. General Rules Regarding Layoff

A reduction in the number of employees within a position classification shall generally be governed in accordance with this section.

All layoffs from any position shall be based upon combined seniority and performance credit; however, where special skills are needed, these will prevail. The combined credit is the result of multiplying performance credit by seniority credit.

1. **Seniority Credit**: For the purposes of layoff, seniority credits shall only be given with regard to any position, for service in that position or in another position with skills that include the position under consideration. Only appointment to a full-time permanent position shall be considered. One (1) seniority credit shall be awarded for each full quarter year of service. No partial credits are awarded. If an employee is terminated and later reappointed, only service from the date of reappointment shall be used.

2. **Performance Credit**: All performance evaluations within the last two (2) years preceding the date of layoff shall be averaged to calculate performance credit. If there has been no performance evaluation within the last two years, the employee shall receive credit for standard performance. Percentage values have been assigned to the Overall Rating section of the performance evaluation form:

Outstanding	150%
Above Standard	125%
Standard	100%

Below Standard	75%
Unsatisfactory	50%

SECTION 1100: REDUCTION IN FORCE (Continued)

3. **Displacement Rights (Bumping)**: An employee displaced from a job shall in turn displace (bump) the employees in the same department or division in an equal or lower paying job, whose combined credits are lower. An employee will bump into the highest pay range available under these rules and will bump the individual in that range whose combined credit is lowest. Neither temporary nor provisional employees have any seniority, and provisional employees shall be retained in an overstaffed position only when required by specially needed skills. Employees who are on probation in an overstaffed classification will be retained there only when required by specially needed skills. Within any classification (with those exceptions) probationary employees have precedence over provisional employees, who in turn have precedence over temporary employees. Except for positions which have been identified as unskilled, the employee bumping into the job must have previously held the job successfully or a job with skills that include it. For the purposes of layoff, Street Service I, II and III shall be treated as one classification; Parks Service I, II and III shall be treated as one classification; and Buildings Service I and II shall be treated as one classification; and all other classification series which are subject to non-competitive promotion shall be treated as one classification. Examples of such non-competitive series are:

- Buildings Service I and II
- Parks Service I, II and III
- Streets Service I, II and III
- Firefighter I, II and III
- Clerk Typist I and II
- Secretary I and II
- Traffic Engineering Technician I and II
- Traffic Control I and II

The Director may identify other non-competitive series. If the City permits supervisors or other unclassified employees to bump back into a classified position previously held, their seniority credits and performance credits shall be calculated as provided by these Rules. Classified Civil Service employees whose jobs are permanently abolished may exercise bumping rights as provided by these Rules.

SECTION 1100: REDUCTION IN FORCE (Continued)

C. Retention of Seniority

Seniority shall be broken, and right to employment shall cease, in the following cases:

1. Discharge;
2. Resignation;
3. Retirement;
4. Absence due to layoff for a period of two years (unpaid balance will not count toward advancement in pay grade promotion);
5. Failure to return to work upon recall within the period provided by these Rules;
6. Expiration of any authorized leave.

D. Recall

Employees shall be recalled from layoff using the same principles as in the case of layoff.

1. An employee must either return to work within 5 days of delivery of the notice of recall to the last address provided to the City or within that time notify the City of intent to return within an additional 7 days, and the employee must then do so.
2. The City may temporarily fill the position at its discretion during that time.
3. Notice of recall shall be by certified or registered mail to the last address the employee gave the Human Resource Department.
4. Employees may turn down a recall to a lower paid classification and remain on the recall list.
5. The City shall not hire new employees into bargaining unit jobs as long as there are employees on recall lists who are eligible by this section, to be reinstated to the position, qualified to fill the position and who will accept the position.

E. Collective Bargaining Agreements

Layoff and recall procedures contained in collective bargaining agreements shall supersede these procedures for employees specifically covered by the agreement, to the extent provided in the agreement.

SECTION 1200: PROHIBITED PRACTICES

A. Appointment, Promotions, and Conduct of Examinations

No person or combination of persons shall defeat, obstruct or defraud the administration of a Civil Service examination in any manner. No person shall falsify information or results of an examination. No person shall request or receive any sum of money as a condition of application, examination, appointment or promotion. Violation of these Rules is cause for immediate removal.

B. Equal Employment Opportunity

Individual merit and fitness shall be the determinant in employment decisions within the City's classified service. All employment or promotional decisions will therefore be made without regard to political or religious affiliation, race, sex, creed, color, national origin or physical or mental disability, unless there is a lawful and bona fide requirement to do so.

SECTION 1300: APPEALS TO THE CIVIL SERVICE COMMISSION

A. Actions Subject to Appeal

An employee who is in the classified service, and who has satisfactorily completed the designated or extended probationary period, may appeal certain employment actions to the Commission for reconsideration. The following employment actions may, under certain circumstances, be appealed:

1. Demotions;
2. Suspensions of more than five (5) working days;
3. Layoffs;
4. Reclassification for disciplinary reasons;
5. Terminations.

Decisions of the Commission in such matters shall be final.

B. Filing of Appeals

When a classified employee wishes to file an appeal with the Commission, such appeal must be presented in writing, and submitted to the Director within ten calendar days of the date that notification of the contested employment action was received by the employee. The Commission shall make every effort to conduct the appeal hearing for the employee without excessive delay.

C. Conduct of Appeal Hearings

The Commission shall declare the hearing to be either public or private, with consideration to the wishes of the employee, the City, and applicable public information and privacy laws. The Commission shall have the power to subpoena and require the attendance of witnesses required for the proper conduct of the hearing, the authority to require that applicable documents be produced by witnesses and relevant parties for review by the Commission, and the authority to administer oaths during the conduct of hearings. The Commission is under no obligation to follow strict legal rules of evidence or procedure, and has the latitude to determine the manner and conduct of each hearing.

After the hearing and consideration of the evidence, the Commission shall render a decision affirming, disaffirming or modifying the judgment and action taken by the appointing authority. The Commission may further order the restoration of the employee to a position with or without the loss of pay for the period of time which has elapsed between the filing of

SECTION 1300: APPEALS TO THE CIVIL SERVICE COMMISSION (Continued)

charges and the rendering of a decision. The Commission may take any alternative action that may be appropriate to the specific circumstances of the case before their consideration, but in no case may it recommend or authorize the payment of monetary damages or award beyond the real amount of compensation involved in the particular case.

The findings and decision of the Commission shall be certified to the appointing authority and to the appellant (employee) and/or the appellant's representative. Either the appointing authority or employee may appeal the decision of the Commission to the Court of Common Pleas, in accordance with Chapter 2506 of the Ohio Revised Code.

Should the appellant or appellant's representative fail to appear before the Commission or a designated hearing officer at the scheduled hearing time, such failure shall be considered grounds for dismissal of the hearing. No further action by the Commission shall be necessary.

D. Hearing Officer

The Commission may appoint a hearing officer, who may preside, take testimony, and receive evidence at the hearing on behalf of the Commission. The hearing officer may request the issuance of subpoenas for specific witnesses and/or request the Commission to require the submission of relevant documents for the proper conduct of the hearing. Hearings shall be conducted with a court reporter present who shall record all testimony, mark all exhibits and administer oaths to witnesses. A transcript of the hearing shall be prepared and presented to the Commission which shall then make its decision based upon the evidence and testimony presented in the transcript. The Commission may have the hearing recorded on audio tape or audio-visual tape, in which case the hearing officer will mark exhibits and administer oaths.

The Commission may, but is not required to, request a recommendation from the hearing officer regarding the disposition of the particular case involved. The hearing officer, at the request of the Commission, is entitled to attend the Commission's deliberations following the hearing. The Kettering Commission may provide for compensation for the hearing officer.

SECTION 1300: APPEALS TO THE CIVIL SERVICE COMMISSION (Continued)

E. Right to Counsel

The employee-appellant shall be entitled to personally appear before the Commission or hearing officer, produce evidence, and have the right to counsel. The appointing authority or a designee may also appear personally before the Commission or hearing officer, produce evidence and retain the right to be represented by counsel. The Commission may, at its discretion, have its own counsel present at all hearings and deliberations.

F. Collective Bargaining Agreements

Appeal procedures contained in collective bargaining agreements shall supersede these procedures for employees covered by those agreements, to the extent provided in the agreements.

SECTION 1400: INTERGOVERNMENTAL COOPERATION

A. General Provisions

In instances where it is deemed practical and in the best interests of the City, the Director may actively pursue cooperative recruitment, examination and selection processes in conjunction with other local governmental units, without violating the rules of this Commission. Any such cooperative efforts must be conducted in a manner consistent with the established Rules of the Commission.

SECTION 1500: GENERAL AND DEFINITIONS

A. General Provisions and Definitions

1. The interpretation of these rules and the City Charter pertaining to Civil Service shall be at the discretion of the Director, appealable to the Kettering Civil Service Commission. There shall be no appeals to Kettering City Council. This includes, but is not limited to, determining which positions meet the Charter criteria for inclusion in the classified or unclassified service, and when it is or is not practical to use examinations for entry into the classified service or promotion in the classified service.
2. These rules shall also apply to the Kettering-Moraine School system to that extent authorized by the Commission.
3. There shall be no instance where employees within the City or within any unit of the City are placed on a separate eligibility list or placed at the top of an eligibility list in an open recruitment by virtue of their employment with the City, unless specifically authorized by the Commission, or by the criteria of reinstatement to a position or other criteria specifically addressed in these Rules.

4. Definitions.

"Director" means the Director of Human Resources, or his or her designee, unless the context clearly shows that a designee is not to be used.

"Commission" means the Civil Service Commission.

"Appointing Authority" means the City Manager, or his or her designee, except where the context clearly shows that a designee is not to be used.

"City" means the City of Kettering, Ohio.

"Or" includes "and", except where the context shows that it is not intended to do so.

"He", "his", and "him" include "she", "her" and "hers" in all cases.

**ADDENDUM
CLASSIFICATION OF SERVICE**

The Civil Service of the City is divided into classified and unclassified service.

A. The following is a non-exclusive list of those positions identified as being in the classified service:

1. Regular full-time clerical and staff positions:
 - Clerk or Aide I and II
 - Administrative Designer
 - Finance Technician I and II
 - Information Systems Technician
 - Desktop Support Technician
 - Planning and Development Technician
 - Police Records Specialist
 - Secretary I, II and III*

2. Regular full-time safety service and safety support positions except for Chiefs and Assistants:
 - Community Service Specialist
 - Fire Battalion Chief
 - Fire Captain
 - Firefighter
 - Jailer
 - Police Lieutenant
 - Police Sergeant
 - Police Patrol Officer
 - Public Safety Dispatcher
 - Uniformed Deputy Bailiff

3. Regular full-time skilled technical or craft positions:
 - Buildings Maintenance Mechanic
 - Buildings Service I and II
 - Parts Inventory Attendant
 - Engineering Technician III-Construction Inspector
 - Engineering Technician-CAD Design/Surveyor/Traffic
 - Engineering Technician IV

- Equipment Mechanic I
- Equipment Mechanic II
- Lead Equipment Mechanic
- Parks Service II and III
- Street Service II and III
- Street Service IV
- Traffic Control III
- Traffic Signal Technician

4. Regular full-time non-supervisory inspectors:

- Inspectors in the Department of Planning and Development: may serve as inspectors in the areas of electrical, housing, plumbing, property, and zoning.

*Exceptions: Secretaries to City Manager, Assistant City Manager, and Department Directors or secretaries who also serve as secretaries to Boards and/or Commissions.

B. The following is a non-inclusive list of those positions identified as being in the unclassified service:

- a. All officers elected by the people.
- b. Persons appointed to fill vacancies in elective offices.
- c. Members of Boards and Commissions.
- d. The City Manager and Assistant City Managers.
- e. The Clerk of Council.
- f. All Directors of Departments and Divisions and other professional and supervisory positions.
- g. The following is a non-inclusive list of unclassified positions that are professional and supervisory:
 - Administrative Systems Director
 - Assistant City Engineer
 - Assistant Finance Director
 - Assistant Fire Chief
 - Assistant Law Director
 - Assistant Public Service Director
 - Assistant Volunteer Administrator
 - Attorney I and II

- Budget Manager
- Chief of Police
- City Engineer or Architect
- City Planner
- Civil Engineer
- Civilian Dispatch Supervisor
- Community Information Manager
- Compliance and Inclusion Manager
- Crime Analyst
- Design Engineer
- Economic Development Manager
- Engineering Surveyor
- Equipment Maintenance Supervisor
- Facility Maintenance Manager
- Facility Maintenance Supervisor
- Facility Coordinator
- Fitness Coordinator
- Finance Director
- Financial Analyst
- Fire Chief
- Fire Marshal
- Fleet Manager
- GIS Manager
- Human Resource Coordinator
- Human Resource Director
- Human Resource Manager
- Information System Manager
- Law Director
- Neighborhood Services Manager/City Planner
- Parks, Recreation and Cultural Arts Director
- Parks, Recreation and Cultural Arts Manager I, II and III
- Parks, Recreation and Cultural Arts Supervisor
- Parks, Recreation and Cultural Arts Superintendent

- Planning and Development Architect
- Planning and Development Director
- Planning and Development Engineer
- Police Captain
- Public Service Director
- Purchasing Manager
- Senior Building Inspector
- Senior Safety Supervisor
- Senior Services Coordinator
- Street Maintenance Manager
- Street Maintenance Supervisor
- Tax Manager
- Volunteer Administrator

h. Secretaries to the City Manager, Boards and Commissions, Department Directors and Division Directors.

i. Unskilled labor:

- Buildings Attendant
- Parks Service I
- Street Service I

j. Provisional employees whose employment shall not exceed one hundred and twenty (120) days in one calendar year.


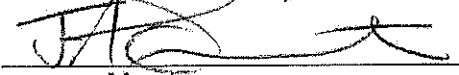
k. Any office or position requiring peculiar or exceptional qualifications (to include fiduciary or confidential relationships and positions which may be temporary in nature due to the use of federal or state funds or special project identification.)

- CDBG Housing Specialist
- CDBG Program Coordinator
- CDBG Program Manager
- Human Resource Technician
- Fire Service Specialist

l. All employees working less than full-time or who are seasonal or temporary employees as defined and authorized by City Council:

This group shall include any employees not regularly scheduled to work or otherwise be in a paid status for forty (40) hours per week or fifty-two (52) weeks per year. Part-time and seasonal employees include those which are identified as such in the table of organization of the City's Personnel Ordinance or other similar documents identifying part-time, seasonal or other non-full-time positions.

By action of the commission, these designations shall be in full force and effect.

<u>6/7/2023</u> Effective Date	 Member
	 Member

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE
COMPUTERS AND SERVERS FROM DELL FOR THE
ANNUAL COMPUTER AND SERVER REPLACEMENT
PROGRAM**

BE IT RESOLVED by the Council of the City of Kettering, State of Ohio:

Section 1. Pursuant to Subsection "I" of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is authorized to purchase computers and servers from Dell for the annual PC and Server Replacement Program in which approximately twenty percent of the City's existing computer and server fleet across all departments will be replaced.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LaShaunah D. Kaczynski,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$60,300.00
Amount Budgeted: \$100,510.00
Acct. No: 4400-72220

(Requested by: Administrative Systems)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS
FOR STREET LIGHT MAINTENANCE

WHEREAS, due to unforeseeable costs, an additional \$16,000.00 is needed for street light maintenance in 2023;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. An expenditure of funds not to exceed \$42,000.00 is authorized during calendar year 2023 for maintenance and repairs to the City-owned street light system.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$42,000.00
Amount Budgeted: \$26,000.00
Acct. No.: 0950-72350

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDING FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE SOUTHERN BOULEVARD IMPROVEMENTS PROJECT AND THE HERITAGE POINT DRIVE IMPROVEMENTS PROJECT

WHEREAS, the Ohio Public Works Commission's ("OPWC") State Capital Improvement Program and Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Kettering is currently planning to make capital improvements with the following project(s):

1. Southern Boulevard Improvements – South of Stroop Road (Project No. 02-142L);
2. Heritage Point Drive Improvements – (Project No. 02-291); and

WHEREAS, the infrastructure improvements described above are considered to be a priority need for the community and are qualified projects under the OPWC programs;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to make application on behalf of the City of Kettering to the OPWC for funds for the capital improvement(s) described in the recital paragraphs above.

Section 2. The City Manager is further authorized to take all necessary and proper action to accept the funds awarded and execute any related contracts or instruments. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR THE CONSTRUCTION OF THE INDIAN RIFFLE PARK
GARDEN PLAZA PROJECT**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for the construction of the Indian Riffle Park Garden Plaza project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$456,808.00
Amount Budgeted: \$493,500.00
Acct. No.: 8244-77750

(Requested by: Parks, Recreation & Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZE ACCEPTANCE OF A DONATION FROM KETTERING
POLICE FOUNDATION FOR THE PURCHASE OF A UAV VESPER
DRONE AND ACCESSORIES**

BE IT RESOLVED by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager, on behalf of the City, is hereby authorized to accept a \$12,437.00 donation from Kettering Police Foundation. The donation will be used for the purchase of a UAV Vesper Drone and accessories.

Section 2. City Council hereby expresses its gratitude and appreciation to Kettering Police Foundation for the generous donation and the positive impact it will have on the City and its residents.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$12,437.00
Amount Budgeted: \$0
Acct. No.: 0600-72220

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COST SHARING AGREEMENT WITH THE BOARD OF
EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICERS**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized, on behalf of the City, to enter into a cost sharing agreement with the Board of Education of the Kettering City School District for three (3) School Resource Officers. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH
OTT EQUIPMENT SERVICE, INC. FOR REPLACEMENT OF A
HEAVY-DUTY LIFT LOCATED AT THE VEHICLE
MAINTENANCE CENTER**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. Pursuant to Subsection I of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is hereby authorized, on behalf of the City, to contract with Ott Equipment Service, Inc. for replacement of a heavy-duty lift located at the Vehicle Maintenance Center. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI
Clerk of Council

THEODORE A. HAMER III
Law Director

Estimated Cost: \$410,000.00
Funds Budgeted: \$0.00
Acct. No. 9741-19400

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2023, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

POLICE DEPARTMENT	
Operating Expenses	\$ 12,437.00
OTHER COST CENTERS	
	\$ 16,000.00

Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$28,437.00
Amount Budgeted: \$0.00
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 2119 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 23-013)

WHEREAS, on June 5, 2023 after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 2119 East Dorothy Lane (Montgomery County Auditor's Parcel No. N64 03406 0024) (the "Property") to B-Business District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on July 11, 2023, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned from Economic Development Overlay District No. 14 to B-Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 4. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)



CITY OF KETTERING

PLANNING & DEVELOPMENT DEPARTMENT

CERTIFICATION

DATE: July 18, 2023
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: Request for Zoning Map Amendment (#PC-23-014)

The Planning Commission hereby certifies that a public hearing was held on July 17, 2023 with a decision reached at that meeting concerning a request to rezone the properties at 4225 & 4235 Wilmington Pike from BP (Business Park), R-1 (Residential), and R-4 (Residential) to R-4 (Residential).

The Planning Commission hereby submits its recommendation to Council that the requested map amendment to the Official Zoning Map be approved.

Vote of the Planning Commission

The motion recommending approval was passed by a vote of 5:0.

Reason for Request

The reason for this request is to rezone the subject property, which is largely zoned R-4, into a single zoning district – R-4. The requested rezoning conforms to the City's comprehensive plan and associated studies of the Wilmington Pike Corridor.

Respectfully submitted,

KETTERING PLANNING COMMISSION

By: Ryan Homsí, City Planner
Planning and Development Department