



**NOTICE
OF
PUBLIC HEARING**



Bellbrook

**City Council
Public Hearing**

Monday August 12, 2024 7:00 pm
City Council Chambers 15 E. Franklin Street

**There will be an open Public Hearing by the Bellbrook
City Council regarding Ordinance No.2024-O-12**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No2024-O-12
Ordinance 2024-O-12 ADOPTING THE MERIT SYSTEM PERSONNEL RULES

Monday August 12, 2024 7:00 pm in the Council Chambers 15 E. Franklin Street.
The public is welcome to attend or send comments to the Clerk of Council at
clerk@cityofbellbrook.org. A copy of the Ordinance is attached.

Agenda and additional meeting information available at www.cityofbellbrook.org

Posted 7/29/2024

RECORD OF ORDINANCES

Ordinance No. 2024-O-12

August 12, 2024

City of Bellbrook State of Ohio

Ordinance No. 2024-O-12

ADOPTING THE MERIT SYSTEM PERSONNEL RULES

WHEREAS, pursuant to Article IX Section 9.05 of the City Charter the City Manager shall review any change and propose to Council the Merit System Personnel Rules which Council may, by Ordinance, adopt them with or without amendment; and

WHEREAS, the City Manager has proposed changes to the Merit System Personnel Rules for consideration by Council; and

WHEREAS, City Council wishes to adopt the revised Merit System Personnel Rules and incorporate them into the City of Bellbrook Personnel and Policy Manual.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the revised Merit System Personnel Rules as substantially set forth and attached hereto as Exhibit A and incorporated herein by reference is hereby adopted.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this ____ day of ____ 2024.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

Chapter 3 - Merit System Personnel Rules

Merit System

300.1 MERIT SYSTEM ESTABLISHED

Pursuant to Article IX Section 9.01 of the City Charter, appointments and promotions in the administrative service of the City of Bellbrook shall be made according to the merit system, which may include open competitive examination.

300.2 MERIT SYSTEM PERSONNEL RULES

The City Manager shall periodically review personnel rules. The City Manager shall review any change, except those determined through collective bargaining. Upon review, the City Manager will approve, reject or amend rules. When approved by the City Manager, the rules shall be proposed to Council and the Council may, by ordinance, adopt them with or without amendment. A copy of the approved personnel rules ordinance shall be made available to each employee of the City of Bellbrook. These rules shall provide for: (1) the classification of all Municipal positions, based on the duties, authority and responsibility of each position; (2) a salary schedule for all Municipal classification levels; (3) methods for recruiting and determining the merit and fitness of candidates for appointment or promotion; (4) the policies and procedures governing relationships with employee organizations; (5) grievance procedures, including procedures for the hearing of grievances by the Personnel Board, which may render advisory opinions based upon its findings to the Manager and the Personnel Director with a copy to the aggrieved employee; and (6) other practices and procedures necessary to the administration of the City of Bellbrook's personnel system.

300.3 APPOINTING AUTHORITY

Pursuant to Article VI Section 6.03 (6) of the City Charter, the City Manager is the appointing authority for all other employees except as otherwise provided within the City Charter.

Position Classifications

301.1 PURPOSE AND SCOPE

The purpose of this policy is to define City of Bellbrook position classes.

301.2 EMPLOYEE CLASSIFICATION AND DEFINITIONS

- (a) Exempt Employees:
1. The following positions are exempt from the merit system: (1) the Manager; (2) the Clerk of Council; (3) the Directors of Departments; (4) any office or position requiring specific professional qualifications; (5) members of Boards and Commissions appointed by the Council, and advisory committees appointed by the City Manager and Council; (6) other positions recommended by the Personnel Director, approved by the City Manager, and adopted by ordinance.
 2. Exempt employees are paid a salary and are not paid overtime for hours worked in excess of 40 hours in a workweek.
 3. When a newly-hired exempt employee can demonstrate that related full-time experience through previous employment will benefit the City, the Manager may place him or her on the City pay scale at the salary commensurate with his or her years of experience and/or his or her previous salary level. Prior service may also be considered in establishing seniority for benefits.
 4. Exempt employees under the City Manager serve at the pleasure of the City Manager.
- (b) Full-time Employees - A full-time employee shall be defined as one who has completed the probationary period and has worked, is working, and/or is scheduled to work 40 hours per week or more for a minimum of 52 consecutive weeks and who shall continue such a schedule for the foreseeable future until separation from the City.
- (c) Hourly Employees - Employees who normally work less than forty (40) hours per week, Assuming a 2,080-hour work year, and receive wages only and no other benefits of employment.
- (d) Nonexempt Employees - Employees not specifically exempt by the Charter of the City of Bellbrook are sometimes referred to as Nonexempt Employees. Such Nonexempt classified employees shall be employed under the classified service of the City. Appointment to the classified services of the City shall be determined on the basis of open, competitive examinations except when there is only one qualified candidate. (Non-exempt, in this instance refers to the appointing authority under the City Charter and has no bearing as to exempt/non-exempt status as related to the Fair Labor Standards Act (FLSA).)
- (e) Part-time Employees - An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours per week. Part-time employees shall participate in a bona fide retirement system subject to rules by the Federal

Position Classifications

Government, State of Ohio, and/or the City. Eligibility for part-time employees to be entitled to benefits as outlined herein shall be decided by the City Manager.

301.3 SALARY SCHEDULE PLAN FOR CLASSIFICATION LEVELS

Each year, the City Manager shall prepare a schedule of salaries for employee classification levels not defined by a collective bargaining agreement. The schedule shall be proposed to Council, and the Council may, by Resolution, adopt with or without amendment.

The current salary schedule will be updated as approved by Council and referenced in this Manual as attached... [See attachment: 2024-R-19 Exhibit A.pdf](#)

This plan shall be defined as salaries, remunerations, and any extra compensation as approved by the City Manager as outlined in ordinances of the City. Employees who are represented by a collective bargaining unit shall receive salary, wages and other compensation for employment as described by the appropriate collective bargaining agreement.

The City Council shall be responsible for establishing the salaries of the City Manager and the Clerk of Council. All other non-union employees' salaries shall be determined and authorized by the City Manager. The salary, which is established by the City Manager, shall not exceed the maximum amount established by City Council through resolution.

Increases in salary for non-union employees shall occur only after a written evaluation has been completed by the appropriate Department/Division Head and approved by the City Manager. The evaluation should include information pertaining to merit, changes in responsibilities, and any other factors pertinent in determining the basis of the increase. Any increase in salary may not exceed the maximum authorized salary as set by City Council.

Merit Bonus Pay

302.1 PURPOSE AND SCOPE

This policy establishes guidelines for merit bonus pay. Merit Bonus Pay is designed to recognize outstanding performance without employee expectation of continual receipt of an award.

302.1.1 DEFINITION

Merit Bonus Pay - A management tool to encourage and reward excellence among employees who are at the top of their respective pay scales.

302.2 POLICY

This bonus pay is not intended to be a compensation benefit or an automatic right.

- (a) Merit Bonus Pay is limited to only those individuals who are at the top of their respective pay ranges. Merit Bonus Pay candidates must meet one of the following criteria:
 - 1. Maintaining a Standard of Excellence - The Employee has demonstrated a consistent pattern of outstanding job performance. Here, a single notable achievement by this employee is not required.
 - 2. Exceptional Achievement - The employee's efforts have resulted in a special achievement of significant importance to the City. Here, it is not required that the employee's overall performance level be rated outstanding.
- (b) An employee may be awarded Merit Bonus Pay one time in a calendar year. As a general rule, Merit Bonus Pay may not be awarded to an individual within two consecutive years. Candidates for consecutive year awards shall be evaluated on a case-by-case basis.
- (c) The amount of the Merit Bonus Pay awarded to an employee shall be in the range of 1-10% of their base annual salary.
- (d) A supervisor desiring to award Merit Bonus Pay to a subordinate must receive written approval from the City Manager prior to notifying the employee of the award.

Recruitment and Selection

303.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

303.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

303.3 RECRUITMENT

The City Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive city website and the use of city-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (e) Posting and outreach within the City for internal candidates, when applicable and/or required.
- (f) Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration).

The City should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

Recruitment and Selection

303.4 EMPLOYMENT APPLICATIONS

The city relies upon the accuracy of the information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment or if the person has been hired, termination of employment.

303.5 SELECTION PROCESS

The City should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

303.5.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law.

303.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position. A background check will be performed after a contingent offer of employment and written consent of the applicant. If there is negative or incomplete information on the background check, the City Manager or designee will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. All offers of employment are contingent upon clear results of this thorough background investigation.

Recruitment and Selection

Background investigations will include at a minimum:

- (a) Social Security validation including the applicant's social security number, date of birth, and former addresses.
- (b) Criminal history checks covering local, state, and federal courts for crimes committed in the last seven years. Individuals may be excluded from employment for past criminal conduct if it is job-related. The applicant will have the opportunity to explain why the exclusion does not apply to him or her.
- (c) Employment verification of the applicant's present and/or former employers using the information provided on the employment application. Employment verification items include dates of employment, position(s) held, and tasks performed.
- (d) Personal and professional references provided by the applicant will be contacted.
- (e) The following additional searches will be required if applicable to the position:
 - 1. Education verification to confirm the claimed educational institution, the years attended, and the degree or diploma received.
 - 2. Driver's license report to review an individual's driving history. Individuals with drug or alcohol related moving convictions within the last 36 months or with more than two non-drug or non-alcohol related moving violations within the last 24 months will not be hired into positions when driving/operating vehicles or equipment is an essential job function.
 - 3. Credit history report to review the applicant's financial status. This search will be conducted for positions that involve the handling of City funds and/or cash.

303.6.1 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

303.6.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The City should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the City Manager or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

Recruitment and Selection

303.6.3 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

303.6.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

303.7 MEDICAL EXAMINATIONS

A physical and/or psychological examination by a qualified physician may be required following a conditional job offer, to ensure that selected job applicants are physically and psychologically able to perform the duties of the position for which they are applying. No medical examination will be conducted until after the City has made the applicant a conditional offer of employment.

The City shall select the physician to administer the City's examination and the City shall pay the cost.

Any offers of employment shall be contingent upon the new employee's test results for the presence of any unlawful substances. Refusal to submit to a drug test by any new employee or prospective employee shall be considered as a voluntary resignation or voluntary withdrawal from any selection process by the employee.

303.8 EMPLOYMENT STANDARDS

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

303.9 JOB DESCRIPTIONS

The City Manager or the authorized designee should maintain a current job description for each position in the City.

303.10 PROBATIONARY PERIODS

The probationary period for newly hired, promoted or transferred employees shall be 12 months.

Recruitment and Selection

The City Manager or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Grievances

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

304.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

304.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

304.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department.
- (c) If a successful resolution is not found with the head of the department, the employee may request a meeting with the City Manager.

Grievances

- (d) If the employee and the City Manager are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the City Manager and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance.
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The City Manager should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the City Manager is considered final.

304.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Manager or the authorized designee for inclusion in a secure file for all written grievances.

304.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the City Manager in the memorandum.

304.6 GRIEVANCE AUDITS

The City Manager should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the City Manager without including any identifying information about any individual grievance.

Promotion

305.1 PROMOTE FROM WITHIN

When a position within the City becomes vacant or is created, an internal job notice will be posted. The posting will be made at all Division or Departments in prominent areas allowing all current employees the opportunity to make application. The notice will be posted for seven (7) calendar days and will contain information pertinent to the position. Preference will be given to existing employees consistent with a "Promote From Within Policy", whenever possible, prudent, and all other factors being equal.

305.2 EXEMPT CLASSIFICATIONS

Exempt employees may be appointed by the City Manager without need of competitive examination, advertisement, or the creation of an eligibility list.

305.3 PROMOTIONAL PROCESS FOR NON-EXEMPT POSITIONS

Whenever, in the judgment of the City Manager, vacancies in non-exempt positions above the original entry level should be filled by promotion, a promotional examination shall be given. A deadline for filing an application shall be announced. Such examination may be either written, oral, psychological, or a combination of all of these. If no one applies for such tests or if less than two are qualified, promotions may be filled through outside eligibles or through opening the next lower classification.

The City Manager and the appropriate Department/Division Head shall determine eligibility for promotional examinations in all departments after consideration of qualifications and merit rating.

Personnel Board

306.1 PERSONNEL BOARD

Pursuant to Article IX Section 9.04 of the City Charter, there shall be an Ad Hoc Personnel Board that will serve in an advisory capacity to hear grievances and disciplinary actions for non-union personnel. When Council determines the need for such Board, three members shall be appointed, consisting of the chairpersons of the Planning Board, the Board of Zoning Appeals and the Village Review Board. If the chairperson is unwilling or unable to serve due to conflict, the vice chairperson or a member of their respective boards shall serve on the Personnel Board. The Personnel Director shall provide necessary staff assistance for the Personnel Board.

Attachments

2024-R-19 Exhibit A.pdf

Resolution 2024-R-19 Exhibit A
Classification Levels Salary Schedule
Pay Periods Including August 1, 2024 - July 31, 2025

	Pay Range	
City Manager	\$132,074	
Police Chief	\$102,336	\$125,702
Fire Chief	\$101,827	\$125,099
Service Director	\$97,285	\$123,248

Administrative	Pay Scale								
	1	2	3	4	5	6	7	8	9
Administrator Classifications	\$26.54	\$27.25	\$29.26	\$30.71	\$32.24	\$33.87	\$35.56	\$37.32	\$39.19
<i>H/R and Finance</i>	\$55,198	\$56,683	\$60,860	\$63,874	\$67,060	\$70,440	\$73,970	\$77,630	\$81,515
<i>Community Development</i>									
<i>Utility Billing</i>									
Administrative Assistant	\$22.20	\$23.67	\$25.27	\$26.64	\$28.23	\$29.43	\$30.82	\$32.37	\$34.00
<i>PT or FT</i>	\$46,178	\$49,235	\$52,571	\$55,413	\$58,728	\$61,204	\$64,110	\$67,340	\$65,857
Senior Secretary	\$17.15	\$18.32	\$19.63	\$20.83	\$22.17	\$23.39	\$24.68	\$25.86	\$27.11
<i>PT or FT</i>	\$35,672	\$38,105	\$40,839	\$43,336	\$46,113	\$48,653	\$51,344	\$53,798	\$56,382

	Pay Scale						
	1	2	3	4	5	6	7
Museum Curator (Part-time)	\$14.21	\$14.92	\$15.67	\$16.46	\$17.27	\$17.79	\$ 18.31
Camera Operator (Part-time)	\$14.21	\$14.92	\$15.67	\$16.46	\$17.27	\$17.79	\$ 18.31
Custodian (Part-time)	\$14.21	\$14.92	\$15.67	\$16.46	\$17.27	\$17.79	\$ 18.31

Service	Pay Scale					
	1	2	3	4	5	6
Service Foreman	\$39.17	\$39.36	\$41.56	\$42.80	\$44.09	\$45.43
	\$81,483	\$81,871	\$86,435	\$89,018	\$91,709	\$94,486
Maintenance Worker 1	\$30.70	\$32.23	\$34.16	\$35.54	\$37.31	\$39.17
	\$63,852	\$67,038	\$71,042	\$73,927	\$77,608	\$81,483
Maintenance Worker 2	\$25.13	\$26.38	\$27.71	\$29.08	\$30.54	\$30.70
	\$52,270	\$54,875	\$57,630	\$60,494	\$63,529	\$63,852
Maintenance Worker 3	\$20.07	\$20.67	\$21.70	\$22.80	\$23.93	\$25.13
	\$41,743	\$42,991	\$45,144	\$47,426	\$49,773	\$52,270

Fire (non-union)	Pay Scale						
	1	2	3	4	5	6	7
Firefighter/Medic (Part-time)	15.79	16.92	18.05	19.19	20.31	21.45	22.52
Firefighter/EMT (Part-time)	14.67	15.79	16.92	18.05	19.19	20.31	21.32

Police (non-union)	Pay Scale								
	1	2	3	4	5	6	7	8	9
Police Captain	\$43.13	\$45.32	\$47.58	\$50.00	\$51.95				
	\$89,707	\$94,271	\$98,964	\$104,002	\$108,049				
Patrol Officer (Part-time)	\$19.24	\$20.36	\$21.50	\$22.62	\$23.76	\$24.65	\$25.57	\$26.50	