

***CIVIL SERVICE RULES AND REGULATIONS***

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**CIRCLEVILLE CIVIL SERVICE COMMISSION  
CIRCLEVILLE, OHIO  
Commission Adopted Rules: 07 / 01 / 07**

As Amended on 11/11/14

## TABLE OF CONTENTS

	PREAMBLE	3
RULE I	ADMINISTRATION	3
RULE II	POWERS AND DUTIES OF THE COMMISSION	5
RULE III	DEFINITION OF TERMS	7
RULE IV	POSITION DESCRIPTIONS, RECLASSIFICATION AND AUDITS	10
RULE V	EXAMINATION METHODS	12
RULE VI	EXAMINATION PROCEDURES	16
RULE VII	REASONABLE ACCOMMODATIONS FOR PHYSICALLY IMPAIRED EXAMINEES	25
RULE VIII	UNSKILLED SERVICE	25
RULE IX	ELIGIBLE LISTS	26
RULE X	APPOINTMENTS	28
RULE XI	UNCLASSIFIED SERVICE	32
RULE XII	PERFORMANCE EVALUATION	33
RULE XIII	TRANSFERS AND REASSIGNMENTS	35
RULE XIV	LAYOFF PROCEDURES	35
RULE XV	REINSTATEMENTS, LEAVES OF ABSENCE, ABSENCE WITHOUT LEAVE	39
RULE XVI	REDUCTIONS, SUSPENSIONS, AND REMOVALS	40
RULE XVII	REDUCTIONS OR REMOVALS FOR PHYSICAL OR MENTAL INCAPACITIES	42
RULE XVIII	HEARINGS PROCEDURE	44
RULE XIX	POLITICAL ACTIVITY	45
RULE XX	RESTRICTIONS REGARDING OUTSIDE EMPLOYMENT	47
RULE XXI	EMPLOYMENT OF RELATIVES	48
RULE XXII	EFFECT OF INVALIDITY IN PART	48

Attachment: Civil Service Legislation House Bill 187 (3 Pages)

## PREAMBLE

The following rules and regulations are hereby adopted in accordance with the authority conferred upon The Municipal Civil Service Commission of the City of Circleville, Ohio by the Ohio Constitution Article XV Section 10, and by civil service laws of the Ohio Revised Code, Chapter 124.

### THE CONSTITUTION OF THE STATE OF OHIO, ARTICLE XV

#### SECTION 10 CIVIL SERVICE

Appointments and promotions in the Civil Service of the State of Ohio, the several counties and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision. (Adopted effective January 1, 1913)

#### *PURPOSE OF RULES AND REGULATIONS*

The Circleville Civil Service Commission hereby adopts the following rules for the administration of the Civil Service system for the City of Circleville, Ohio.

The purpose of these rules is to implement and to give effect to the provisions of Article XV, Section 10, of the Ohio Constitution and Chapter 124 of the Ohio Revised Code. The reasons for the adoption of these rules are as follows:

1. To establish for the City of Circleville a system of personnel administration based on merit principles and personnel methods, governing the appointment, promotion, transfer, layoff, removal, and discipline of its employees;
2. To provide an equal opportunity to all qualified citizens to compete for employment based on demonstrated merit and fitness;
3. To establish and maintain a uniform plan of classifications based upon the duties and responsibilities of positions;
4. To promote high morale among City employees by providing good working conditions and opportunities for promotions; and
5. To develop a program of recruitment, training, advancement, and tenure that will make a career in City service attractive to citizens who possess both ability and integrity.

#### RULE I. ADMINISTRATION

1. The Municipal Civil Service Commission of the City of Circleville, Ohio shall be composed of three (3) persons who shall be appointed by the Mayor and serve in the

manner provided for in Chapter 124 of the Revised Code.

It shall be the duty of each member of the Commission to attend the meetings of the Commission and to devote as much time as is reasonable to the management of the business and affairs of the Commission.

2. The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, the provisions of Circleville City Ordinances, and the rules and regulations herein prescribed relative to Civil Service in the City of Circleville.
3. The Commission shall elect one of its members as Chairperson and one as Vice-Chairperson who shall serve until a new member is appointed and qualified at which time successors as Chairperson and Vice-Chairman shall be elected. It shall be the duty of the Chairperson to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission and to sign the minutes of all actions taken by the Commission.

The Chairperson may on his own initiative, and shall, upon the request of the two other members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of notice of such meeting. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson. Two members of the Commission shall constitute a quorum at any meeting of the Commission and it shall require the affirmative vote of at least two members of the Commission to adopt any motion or resolution.

4. The Commission shall adopt, amend, and rescind rules interpreting and implementing Revised Code Chapter 124 when necessary, and may adopt provisions in variance with Revised Code 124, where permissive or where City Council has adopted specific provisions.
5. The Commission may employ a suitable person to act as Secretary of the Commission. The Secretary shall be in the classified service unless the person is assigned to more than one position. In this situation, the predominant duties would determine if the position should be in the classified or unclassified service.

The Secretary shall attend all meetings of the Commission and keep the minutes thereof; shall keep in the form of minutes a record of the official actions of the Commission; shall be at the office of the Commission or other suitable place during the prescribed hours that such office is open; shall accurately and properly keep all the records of the Commission, shall keep all files in proper order; shall prepare and deliver or cause to be delivered notices and other communications filed by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall handle such correspondence as the Commission shall determine; shall sign all warrants or orders for the payment of money on behalf of the Commission; and shall perform such other duties as may be required by the Commission.

The Commission's minutes shall record the following matters:

- A. Appointment of employees;
- B. Temporary promotions and assignments of employees to work outside their classification;
- C. Appeals from dismissal, demotion, or suspension;
- D. Probationary removals of employees;
- E. Reinstatements of former employees to their positions and replacements of names on and removal of names for eligible lists;
- F. Changes in the classification of individual employees or in the content of the official classification specifications;
- G. Approval of, or changes in, examination schedules;
- H. Transfers in classification from one department to another;
- I. Exemptions from competitive examination in the case of special or exceptional appointments;
- J. Certification from eligible lists; and
- K. Results of examinations.

The order of business for meetings of the Commission shall be:

- A. Roll Call
- B. Approval of the Agenda
- C. Reading/Approval of the Minutes
- D. Reports and Correspondence
- E. Old Business
- F. New Business
- G. Adjournment

## **RULE II. POWERS AND DUTIES OF THE COMMISSION**

In accordance with the Ohio Revised Code the Commission shall exercise the powers and perform the duties conferred upon the Director of Administrative Services and the State Personnel Board of Review as provided in the Revised Code which include, but not limited to, the following:

- A. To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in pay of position, job abolishment, layoff, suspension, discharge, assignment or reassignment to a new or different position classification. The Commission may affirm, disaffirm, or modify the decision of the appointing authorities as the case may be, and its decision is final unless appealed through the court system, pursuant to applicable law;
- B. To hear appeals, as provided by law, of employees in the classified service relative to the classification or reclassification of any position or positions in the classified service under the jurisdiction of such appointing authorities; the Commission may affirm, disaffirm, or modify the decisions and its decision is final;
- C. To appoint a Secretary and such other employees necessary in the exercise of the

- powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of such Secretary and employees;
- D. To maintain a journal which shall be open to public inspection, in which it shall keep a record of all its proceedings and the vote of each of its members upon every action taken by it;
  - E. To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has the authority or duty to administer and for the purpose of invoking the jurisdiction of the Commission in hearing appeals of appointing authorities and employees in matters set forth in paragraphs 1 and 2 of this section;
  - F. To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has authority to investigate, inquire into all matters regarding the enforcement of civil service and the of enforcement of these rules;
  - G. To assure that all competitive and non-competitive examinations are prepared, conducted, and graded in the prescribed manner for positions in the classified service;
  - H. To review and approve eligibility lists containing the names of persons qualified for appointment to positions in the classified service;
  - I. To review and approve classification specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the City;
  - J. To review and approve upon its own motion or upon request of an appointing authority any position in the City to the appropriate classification on the basis of the duties, responsibilities, requirements, and the qualifications of such position;
  - K. To review the personnel recruitment services that are developed and conducted for positions in the City;
  - L. To review the personnel training programs that are developed and conducted in cooperation with appointing authorities;
  - M. To maintain a journal, which shall be open to public inspection, in which it shall keep a record of final decisions pertaining to the classification or reclassification of positions in the classified service, assignment or reassignment of employees in the classified service to specific position classifications;
  - N. To prepare, continue, and keep in the Office of the Commission, a complete roster of all persons in the classified service. This roster shall be open to public inspection at all reasonable hours. It shall show in reference to each of such persons, his name,

address, the date of his appointment to or employment in such service, his salary or compensation, the title of the place or office she holds, the nature of the duties thereof, and, in case of his removal or resignation, the date of the termination of such service;

- O. To make investigations concerning all matters touching the enforcement and effect of the civil service laws and administrative rules of the Commission prescribed under such sections. In the course of such investigations, the Commission or its designee may administer oaths and affirmations and take testimony relative to any matter which the Commission has authority to investigate; and
  - P. To make a report on or before the thirtieth day of January of each year, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of the purposes of the Civil Service provisions of the Revised Code. The Commission shall also furnish any special reports to the Mayor whenever the same are requested by him. Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or commissioners.
2. Of the duties and responsibilities listed herein, the Commission may make arrangements with the Office of the Mayor to provide services on a daily basis or to maintain certain records to perform any of the administrative functions of the Commission.

### **RULE III. DEFINITION OF TERMS**

The several terms herein specified whenever used in the Rules and Regulations for the Commission or in the administration of the Civil Service Laws shall be construed as follows:

- 1. The masculine pronoun "he" and its derivatives, whenever employed, include the feminine pronoun and its derivatives; the opposite is also true.
- 2. "Commission" refers to the Municipal Civil Service Commission of the City of Circleville.
- 3. "Civil Service" refers to and includes all officers and positions of trust or employment in the service of the City of Circleville.
- 4. The "Unclassified Service" shall comprise those positions set forth in paragraph (A) of Section 124.11 of the Ohio Revised Code as applied to the Civil Service of the City of Circleville with the following interpretations:
  - A. Elected officials: Those established by the Ohio Revised Code, including the Treasurer, Auditor, City Council Members, Mayor, President of Council, and City Law Director;
  - B. Members of all Boards and Commissions; Civil Service Commission, City

Planning Commission, the Board of Zoning Appeals and other Boards and Commissioners as established by the City Council or the Revised Code;

- C. All heads of departments (except for Chiefs of the Police Department and Fire Department, who are in the classified service); Director of Public Safety; and the Director of Public Service;
- D. Legal assistants to the City Law Director;
- E. Seasonal employees employed by the City for a specified calendar season who perform some work or activity limited to that season or period of the year.
- F. Intermittent and Temporary Employees;
- G. Such other positions in the City that are determined by the Commission to be exempt under the provisions of Section 124.11(A) of the Revised Code, including those positions which have fiduciary and administrative duties as described by Section 124.11(A); and

Any other position exempt from the classified service pursuant to applicable law.

Positions in the unclassified service shall be exempt from all examinations required by Sections 124.01 to 124.64 of the Revised Code.

- 5. The "Classified Service" shall comprise all persons in the employ of the City not specifically included in the unclassified service. The classified service shall be divided into the "Competitive Class" and the "Unskilled Labor Class" as provided for in paragraph (B) of Section 124.11 of the Revised Code. The following categories of the Unskilled Labor Class are exempted from Civil Service examination:
  - A. Temporary unskilled labor, working less than 120 workdays within any 12 month period)
  - B. Seasonal unskilled labor, working less than 120 work days within any 12 month period; and
  - C. Part-time unskilled labor, working less than 80 hours in a calendar month or less than 120 work days within any 12 month period.
- 6. The term "Exempted position" means those positions which have been properly filed with the City Civil Service Commission as exempt from civil service protection pursuant to R.C. §124.11(A)(8) and the incumbents of which serve at the pleasure of the appointing authorities.
- 7. "Position Classification" shall refer to the arrangement of positions into classifications established under these rules sufficiently similar in respect to duties, responsibilities, and qualification requirements to be designated by the same descriptive title and equitably



compensated within the same salary scale. Positions shall be classified in accordance with the duties and responsibilities of the position.

8. "Municipal Service" shall include those positions in the classified service of the City.
9. "Position" when used by itself shall refer to any specific office, employment or job, calling for the performance of certain duties, either full-time or part-time, and for the exercise of certain responsibilities by one individual.
10. "Appointing Authority or Officer" refers to the officer, Commission, Board or body having the power of appointment or removal from positions in the classified service and shall, but not limited to, include the following: Auditor, Civil Service Commission, Mayor, Director of Public Safety, Director of Public Service, and City Law Director.
11. The term "Employee" shall signify any person holding a position subject to the appointment, removal, promotion, or reduction by an appointing officer.
12. The term "Permanent Employee" signifies any employee in the civil service who has been regularly appointed after serving a probationary period to a position normally involving continuous year round services.
13. The term "Provisional Employee" is any employee filling a position without competition pending the establishment of an eligible list.
14. The term "Seasonal Employee" signifies any employee in the classified service whose services are required only during certain periods of each year, such a position being intermittent or broken in its nature.
15. The term "Emergency Employee" signifies any employee whose services are required in case of an emergency for a period not to exceed thirty (30) calendar days.
16. The term "Temporary Employee" signifies any employee appointed for a specified period, for a special project or one who is replacing a regular employee on leave for a period not to exceed six months.
17. The term "Intermittent Employee" signifies an employee who works on an irregular schedule determined by the fluctuating demands of the work and is not predictable and is characterized as requiring less than one thousand hours per year.
18. The term "New Position" means a position created through the authorized position to an organization or unit of a position not previously existent or a position created through an authorized change by the Civil Service Commission in classification.
19. The term "Eligible List" means a list of names of persons who have been found qualified through suitable tests, for employment in positions allocated to a specified class, arranged in order of merit.

20. The term "Promotion" signifies a transfer made in accordance with these rules from a lower class to higher class involving an increase in responsibilities, a change in classification title, and the application of a high salary scale. A promotion must include an upgrading of the duties and responsibilities.
21. The term "Certification" is the official listing of a name or names by the Commission from the eligible list established by the Commission as being qualified for appointment to fill vacancies in the service. Certifications are made upon requisition by the appointing authority for such lists.
22. The term "Competitive Class" shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination.
23. The term "Non-Competitive Class" shall include all positions requiring peculiar exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the rules of the Commission such as Doctor, Lawyer, Nurse, etc.
24. The term "Classification Series" means any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision or is specified as a classification series.

#### **RULE IV. POSITION DESCRIPTIONS, RECLASSIFICATION, AND AUDITS**

##### **1. CLASSIFICATION OF POSITIONS**

Positions in the civil service of the City shall be classified in accordance with established plan which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike to so warrant shall be allocated to the same title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the position on a like basis.

##### **2. POSITIONS DESCRIPTIONS**

Position description shall be prepared for each position setting forth the title, special duties and responsibilities, and the necessary qualifications. It shall set forth the factors and conditions which are essential characteristics of the positions and also factors and conditions which separate it from other positions.

##### **3. MINIMUM QUALIFICATIONS**

Minimum qualifications shall be established for each position. The minimum qualifications shall be based on the requisite skills, knowledge, and abilities required of an individual to perform the tasks required to be performed in a classification. All minimum qualifications required of a position shall be reasonably related to the duties required to be performed in the classification and shall not be used to unlawfully

discriminate.

Position descriptions shall include a statement or summary of the essential knowledge, abilities, skills, and qualifications required for a person to fill the position. Such required knowledge, abilities, skills, and qualifications shall be known as the minimum qualifications for the position.

Qualifications shall be stated in terms of specific course work at recognized institutions, experience, training, or in such other terms as to meet the requirements of the position.

The minimum qualifications shall make reference to the following when required for a position: age, education, experience, licensure requirements, certification requirements, physical condition, or bona fide occupational qualifications.

Special minimum qualifications may be established for a position if the required skills of the position vary significantly enough from other similar positions so as to not require the special minimum qualifications for all similar positions.

#### 4. POSITION AUDITS AND REASSIGNMENTS

The Commission shall assure that all positions are standardized. Any employee or any Appointing Authority desiring to submit facts concerning classification of positions for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classification of positions exist, the Commission may reallocate any position to the appropriate title as is necessary to maintain the integrity of the classification system.

#### 5. INCUMBENTS OF POSITIONS RECLASSIFIED DUE TO CHANGES MADE TO THE CLASSIFICATION

Whenever positions are allocated to a new title due to the merger, abolition, modification, or creation of positions, the employee assigned to any such position shall be reassigned within his classification series to the position. Any such employee reassigned shall not be subject to civil service examination for the subsequent classification and shall be automatically certified in the subsequent classification.

If the former classification is or cannot be used by the appointing authority in the agency in which the employee received the classification change, the Commission shall designate a classification with comparable duties and with the same pay range as the classification which was held immediately prior to the change and in which the employee was certified. If a similar classification cannot be designated, the employee retains certification in the classification change, and she shall be treated as a laid-off employee.

Whenever the title of a position is changed other than by promotion or demotion, the Commission shall notify, in writing, any employee affected by the change as well as the employee's appointing authorities,

6. APPEAL OF A RECLASSIFICATION

An employee or appointing authorities may appeal the reclassification of any position to the Commission within thirty days after mailing of the notification of reclassification.

7. COOPERATION WITH MAYOR

The Commission and the Mayor shall cooperate in the implementation and maintenance of the classification plan for the City. The Commission shall not be responsible for the individual position descriptions for positions within the City. The Commission may delegate to or authorize the Mayor the responsibility to administer and maintain the classification system, including any position descriptions or all of the functions listed above.

**RULE V. EXAMINATION METHODS**

1. GENERAL

The examination process shall include all of the factors taken into consideration in constructing an eligible list and selecting a candidate to fill a position.

2. EXAMINATION ELEMENTS

Examination may consist of one or more of the following elements:

A. Written Examinations.

Written examinations shall examine an applicant's aptitude, potential for achievement, and knowledge of work. The examination may include: an objective type examination designed to test an applicant's familiarity with information and material which could reasonably be expected in a position; standard intelligence tests; standard aptitude tests; a dissertation on one or more subjects dealing with problems encountered in a position; or any other acceptable method to examine an applicant's potential and ability to perform the duties of a position in a classification.

B. Medical, Physiological, Psychiatric and/or Psychological Examinations

1. Examinations for entire classification. When it is determined that medical, physiological, psychiatric, and/or psychological qualifications are of special importance to a classification, candidate(s) shall be required to pass an examination and be certified as qualified in such respect. Such examinations shall only occur after a conditional offer of employment has been made to the candidate(s) subject to such examination.

2. Examinations for specific positions within a classification. When it is determined that medical, physiological, psychiatric, or psychological qualifications are of special importance to specific positions within a classification, and such qualifications are not required for all positions within a classification, the Commission may require all candidate(s) for the designated positions submit to such examination in order to be considered for the position, provided however, that such examinations shall not be required until after a conditional offer of employment has been made.
3. Notice of certification of examination. Whenever a medical, physiological, psychiatric, or psychological examination is required, the following shall apply:
  - a. Notice of requirement. When a medical, physiological, or psychiatric, or psychological examination is required for a classification such requirement shall be published in the examination announcement;
  - b. Certification required. When a medical, physiological, psychiatric, or psychological examination is required, applicants may be furnished forms that indicate the items an examination must cover. The forms must be completed by a physician, psychiatrist, or psychologist who has personal knowledge, from either medical treatment or examination, as to the medical, physiological, psychiatric, or psychological condition of the applicant as the condition would relate to the applicant's performance in a position in the classification;
  - c. Designation of physician or psychologist and cost of the examination. The Commission may designate who is to conduct the examinations. The cost of the examination shall be borne by the City. Costs of all other examinations, unless otherwise specified, shall be borne by the applicant; and
  - d. Use of examination results. Any physical, physiological, or psychological examination reports shall be deemed confidential records and may only be used in ascertaining an applicant's fitness for appointment and employment.
  - e. Applicants may be required to undergo such examination only after a conditional offer of employment has been made.

C. Physical or Physiological Examinations.

Physical or physiological examinations shall measure the applicant's ability to perform the essential functions of the job. Such examination must be job related and consistent with business necessity. Physical or physiological examinations to measure an applicant's physical abilities to perform required tasks of a classification or position may involve physical tasks similar to those required of a

classification position. The City may require periodic physical, physiological, or psychological examinations of employees as become necessary to ensure an employee's fitness for duty.

D. Cardiological Examinations.

In addition to other medical examinations that may be required, no person shall be eligible to receive an original appointment to the Police Department, as a Police Officer, or to the Fire Department, as a Firefighter, unless the person has, not more than 120 days prior to the date of such appointment, passed a physical examination given by a licensed physician, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that the applicant meets the physical requirements necessary to perform the duties of a Police Officer or Firefighter as established by the Commission.

E. Examination of Qualifications.

Examinations to evaluate the education, experience, or training of applicants shall use a consistent standard of ranking of the qualifications of applicants. Ratings may be made which evaluate education, training, special skills, and/or experience relevant to the classifications for which the examination is taken or relevant to a position or positions within a classifications if such qualifications are necessary for the performance of duties for the position or positions within a classification. The Commission may, in its discretion, investigate the truth of the statements as to training and experience and may reject the applicant or terminate the employee for falsifying the application.

F. Oral Examinations (Structured Interview).

Oral examinations are structured interviews which evaluate and demonstrate the applicant's knowledge, personal qualities, qualifications and communication skills of the applicant.

Oral examinations shall involve similar questions for all applicants for an examination or position. Oral examinations shall be administered by one or more individuals who shall be familiar or familiarized with the classification or position. When more than one examiner is used for oral examinations the scores shall be averaged to determine the final score for an applicant.

G. Mental Fitness Examination.

Examinations which evaluate an applicant's mental fitness, character traits, and attitudes may be given, provided such examinations are designed to determine an applicant's potential to perform the essential functions of a classification.

H. Polygraph Examination.

Applicants may be examined by polygraph where permitted by law. Whenever a polygraph examination is required as an element of the examination process, the cost of the polygraph examination shall be borne by the City. Any polygraph examination and the examination reports shall be deemed confidential records and may only be used in ascertaining an applicant's fitness for employment.

3. SCOPE OF EXAMINATION.

All examinations, all portions of an examination and all methods utilized in an examination shall be related to and premised upon the duties and responsibilities of the positions being tested.

All entrance examinations shall be designed to measure and applicant's skills, knowledge and abilities to perform the duties of a classification. Promotional examinations shall be designed to measure applicant's ability to perform the duties of a position in a classification above the entry level classification. Promotional examinations may be either open or closed promotional examinations, to be determined according to the provisions of these rules, the Revised Code, and the decision of the Commission.

Each applicant for examination must successfully complete each element of the examination in order to pass the examination. The elements of each examination that each applicant must successfully complete shall be specified.

4. QUALIFICATIONS FOR EXAMINATIONS.

A. Minimum Qualifications.

The minimum qualifications for a classification shall be considered as a part of the examination process. Minimum qualifications are those skills, knowledge, and abilities required for each classification. The qualifications contained in the classification specifications or otherwise necessary for a position shall be followed in determining admittance to examinations. The minimum qualifications for a classification or a position must be made a part of the announcement of a vacancy or of an examination. Following the publication of an announcement, no modification of the minimum qualifications shall be permitted.

B. Age Requirements for Applicants or Examinees.

There shall be no age limitations required of applicants for examination or employment except as established by state or federal law. No person shall be eligible to receive an original appointment to the Police Department unless the person has reached the age of twenty-one (21). No person over the age of thirty-five (35) is eligible to receive an original appointment in the Police Department. No person shall receive an original appointment in the Fire Department unless they are between the ages of eighteen (18) and forty-one (41) years old. No person shall be eligible to receive an original appointment in the Fire Department on or after the person's forty-first (41<sup>st</sup>) birthday.

C. Special or Exceptional Qualifications.

When a position within a classification requires special qualifications of a scientific, managerial, professional, or educational nature, or where a particular applicant has special qualifications for a vacant position based on special skills, education, or experience, the Commission may determine that it is not practicable to give a competitive examination for a position or to fill a position from an eligible list. In such cases the appointing authorities may appoint or approve the appointment of a person who possesses such special qualifications upon the submission to and approval by the Commission that it is not practicable to conduct an examination for the position, or to fill the position from an eligible list, and that the person possesses the special qualifications.

5. RESTRICTION AS TO AGE, PHYSICAL OR OTHER REQUIREMENT.

Any restriction for appointment from an eligible list as to the age, physical, or other requirements shall be made prior to and stated in the bulletin announcing the examination and no eligible list shall be restricted unless it has been announced in the examination announcement.

**RULE VI. EXAMINATION PROCEDURES**

1. EXAMINATIONS.

Examinations may be held at such places as the Commission deems advisable and shall be administered under its direction.

Examinations shall be scheduled upon the request of an appointing authorities' or upon the Commission's own motion. Examinations need not be administered until and unless an appointing authority intends to fill a vacant position. The existence of vacant positions need not create the need for examinations. The Commission may conduct examinations in anticipation of vacant positions.

2. NOTICE OF EXAMINATION

A. Entrance Examination.

Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the City Hall bulletin boards and in the offices of the Commission, and in such other places as may be deemed advisable, and should specify the last day on which applications will be accepted for such examinations. Open-promotional examinations shall be advertised in the same manner as entrance examinations.

B. Promotional Examination.



Notice of competitive closed-promotional examinations shall be given by posting bulletins in conspicuous places in the departments whose employees may be interested or may be by individual communications to the employees eligible for such promotion. Such notice shall be given not less than two (2) weeks prior to the last day on which applications will be accepted for the examination.

C. Minimum Age.

The minimum age for applicants for examinations shall be eighteen (18) years of age at the time of the examination except applicants for police examinations who must be twenty-one (21) years of age at the time of the examination.

3. FILING OF APPLICATION.

Applicants must fill out their application in ink or on a typewriter. All applications shall be completed, signed, and sworn or affirmed to and filed in the offices of the Commission on or before the last date for receiving applications as published in the examination announcement.

The Secretary may reject any application for cause, among which the following shall be sufficient:

- A. That the applicant lacks qualifications set forth in the official classification or examination bulletin;
- B. That the applicant is found to lack any of the established preliminary requirements for the examination;
- C. That the applicant is addicted to the use of drugs or excessive intoxicating beverages, has been guilty of a felony or has been guilty of notoriously disgraceful conduct, or has been dismissed from previous employment for flagrant delinquency or misconduct;
- D. That the applicant has made a false statement in his application with regard to any material fact or attempted to practice any fraud or deception in the application for examination;
- E. That the applicant was previously in the classified service in the same or any other type of employment and was removed for cause or did not resign in good standing;
- F. That the applicant after notification did not promptly present himself at the time and place designated for the examination.

Applicants shall be informed that their application has been rejected. Upon rejection of an application, any applicant shall have an opportunity to show just cause to the

Commission why his application should not have been rejected.

4. IDENTITY OF EXAMINEES CONCEALED.

The identity of all persons taking competitive assembled examinations shall be concealed by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have all been rated. Any papers bearing the name of the applicant or any other identification mark may be rejected and the candidate so notified.

5. SUBJECTS AND WEIGHTS

A. Examinations shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position or classification for which appointment is sought. Where minimum and/or maximum requirements are established for any examination, they shall be specified in the examination announcement. The Commission shall prescribe the subjects of each examination and the relative weights to be attached there to prior to the time of the examination.

B. Examinations:

Examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical, or psychological fitness.

6. PROMOTIONAL EXAMINATIONS.

A. General: Promotional examinations may include an evaluation of such factors as education, training capacity, knowledge, manual/dexterity, and physical or psychological fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstrative of skill, or an evaluation of training and experience.

B. Promotions in the Police Department: No positions above the rank of Patrol Officer in the Police Department shall be filled by original appointment. Vacancies in positions above the rank of patrolman in the Police Department shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled. No position above the rank of Patrol Officer in the Police Department shall be filled by any person unless he has passed a competitive promotional examination. Promotion shall be by successive ranks as far as practicable, and no Patrol Officer shall be eligible to be promoted to the rank of Sergeant or Lieutenant unless he has at least twelve (12) months of continuous full-time employment with the employer as of the date of the notice of examination is posted. No Sergeant shall be eligible for promotion to the rank of Lieutenant unless he has twelve (12) months continuous full-time employment in the rank of Sergeant with the employer as of the date of notice of examination is posted.

No competitive promotional examination shall be held unless there are two (2) persons eligible to compete. Whenever the Commission determines that there are less than two (2) persons holding positions in the rank next lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow persons holding positions in the next lower rank who are eligible to compete with the persons holding positions in the lower rank than the position to be filled. An increase in salary or other compensation of anyone holding a position in the Police Department, beyond that fixed for the rank in which such position is classified, shall be deemed a promotion.

Whenever a vacancy occurs in the position above the rank of Patrol Officer, and there is no eligible list for such rank, the Commission shall within sixty (60) days of such vacancy, hold a competitive promotional examination. After such examination has been held and an eligible list established, upon the request of the appointing authority the Commission shall forthwith certify to the appointing officer the name of the person receiving the highest rating. Upon such certification, the appointing authority shall appoint the person so certified within thirty (30) days from the date of such certification. If an eligibility list already exists at the time of the vacancy, the Commission shall, upon the request of the appointing authority, immediately certify the name of the person having the highest rating and the appointing authority shall appoint such person within thirty (30) days from the date of such certification.

After an examination has been held, any Police Department employee who has attained a passing grade on the written exam shall receive an additional five (5) points for the possession of either an associate's degree in law enforcement, or a related degree as determined at the sole discretion of the appointing authority.

No credit for seniority, efficiency or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting such extra credit.

- C. Promotions in the Fire Department: Vacancies in positions in the rank above the rank of regular firefighter in the Fire Department shall be filled by competitive promotional examinations, and promotions shall be by successive ranks. When a vacancy occurs in the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless he has served forty-eight (48) months, excluding the probation period, in the rank of regular firefighter, provided in cases wherein less than two persons in the rank of regular firefighters who have served forty-eight (48) months therein are willing to take the examination, the forty-eight (48) months service requirement does not apply.

When a vacancy occurs in a promoted rank, other than the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless he has served twelve (12) months in the rank from

which the promotion is to be made, provided in cases wherein less than two (2) persons in the next lower rank have served twelve (12) months therein and are willing to take the examination, the twelve (12) month service requirement shall not apply.

Promotional examinations for positions within a Fire Department shall relate to those matters which test the ability of the person examined to discharge the particular duties of the position sought and, shall be in writing. In examinations for positions requiring the operation of machines or equipment, practical demonstration tests of the operation of such machines or equipment may be a part of the examination.

Vacancies shall be deemed to exist when positions are not occupied and the Commission is requested by the appointing authority to conduct a promotional examination or certify the names of eligible. The Commission shall not conduct promotional examinations unless requested by the appointing authority. After a request to examine has been made, the Commission shall attempt to schedule the examination within sixty (60) days of request. The Commission shall certify the list of the individuals who successfully complete the examination.

The notice of holding of a promotional examination for a position or positions in a Fire Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. Such source material shall be readily accessible to the examinee. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions based on experience in the fire service.

No credit for seniority or any other reasons shall be credited to an examinee unless the minimum passing score is achieved without adding the extra credit.

## 7. SPECIAL POSITIONS FOR FIREFIGHTERS

Within any rank, the City Council may establish such special positions having special duties with preferential pay as the Council deems necessary, but the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions. No special position established by Council within a rank in a Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

## 8. SPECIAL CREDITS

### A. Credit for Military Service in Entrance Examinations

When proper proof of acceptable and satisfactory service in the Armed Forces of the United States is presented, extra credit may be allowed provided such member

of the Armed Forces was honorably discharged. The Armed Forces include the Navy, Air Force, Army, or their predecessors, Coast Guard, Army Nurse Corps, or as a, Red Cross Nurse who served in the Army, Navy, or hospital service of the United States, or auxiliary corps established by Congress. Active service shall mean service of 180 days or more of continuous military service. The applicant must present adequate documentation of service in the Armed Forces.

Upon satisfactory documentation of military service and of Ohio residency, applicants shall receive an additional twenty (20) percent credit on his total score. No credit for military service shall be added to the applicant's grade unless the applicant achieves at least the minimum passing grade on the examination without counting such credit. The credit shall be calculated by multiplying the grade the applicant received times the twenty percent military service credit. Military credit shall only apply to original appointment examinations. It shall not apply to any promotional examinations or positions above entry level whether or not the examination is open or closed to individuals outside the City service.

Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted with the application for the examination. Credit for military service will not be given if the request for such credit is received after the examination has been administered.

Credit for military service shall not be part of, but shall be a credit to be added to, the applicant's earned grade resulting from the competitive examination provided that the applicant receives a passing grade in the competitive examination.

B. Seniority Credit on Promotional Examinations

Seniority points shall be added to the written score and shall form a part of the final grade, provided that the applicant receives a passing grade. Credit for seniority shall be given as follows: one point added for each of the first four, (4) years of service and six-tenths (6/10) of a point shall be added for each year for the next ten years of service. In computing the credit for seniority, half of the credit above set out shall be given for a half year of service. Credit for seniority shall be based only on service with the City. When service in the City is interrupted by service in the Armed Forces of The United States, seniority credit shall be granted in promotional examinations for the time so served.

C. Efficiency Credit on Promotional Examinations

The Commission, in consultation with the appropriate Department Head or Appointing Authority, shall determine prior to the administration of promotional examinations whether credit for performance efficiency, shall be added to promotional exams. If efficiency ratings are used for examinations purposes it shall be based upon one or more years of service depending upon the position to be filled and the Commission's determination as to the period of time which shall be a fair test for the position. If more than one year's rating is used, the

Commission shall arrive at an average yearly rating which shall be the employee's efficiency rating for grading purposes.

For purpose of Fire Department promotional examinations, efficiency shall be graded by three ranking officers of the Department familiar with the work of the member. In those cases where three such officers do not exist, the ranking officers or officer familiar with the work of the member shall grade the efficiency.

The additional credit for efficiency shall be ten (10) percent of the employee's efficiency rating for the last year, computed from performance appraisal systems, and shall be added to the written test score to form a part of the final grade, provided that the applicant receives a passing grade.

9. ADMITTING APPLICANTS TO EXAMINATION

No applicant shall be admitted to any assembled examination more than thirty (30) minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his work and left the examination room, except by special permission of the person in charge who, in his discretion, may admit the applicant conditionally subject to the final approval or disapproval of such admission by the Commission.

10. TIME LIMIT

No applicant in any examination shall be given a longer time on any subject than prescribed by the Commission.

11. FRAUDS IN EXAMINATIONS PROHIBITED

No person or officer shall:

- A. Willfully by himself or in cooperation with one or more persons defeat, deceive, or obstruct any person in respect of his or her right of examination, appointment, or employment arising under Civil Service law or under any rules and regulations prescribed pursuant thereto; or
- B. Willfully falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of the Civil Service law, or aid in so doing; or
- C. Willfully make any false representations concerning the results of such examinations or concerning any person examined; or
- D. Willfully or corruptly furnish to any person any special or confidential information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be appointed, employed or promoted; or

- E. Willfully impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination, registration, or appointment or application or request to be examined, registered, or appointed; or
- F. Furnish any false information about himself, or any other person, in connection with any examination, registration, or appointment or application or request to be examined, registered, or appointed; or
- G. Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
- H. For any applicant taking an examination to assist any other applicant in any manner whatsoever; or
- I. Personally solicit a favor from any member of the Commission, appointing officer, or have any person on his behalf solicit a favor; concerning the examination;

Any applicant in any examination found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him in answering the questions shall have his examination papers taken up and filed with a zero marking when the circumstances justify such action.

## 12. VISITORS AT EXAMINATIONS

No visitor shall be admitted to the examination room during any examination except by special permission of the person in charge.

## 13. INSPECTION OF EXAMINATION PAPERS

### A. General

Any competitor, except those individuals competing for promotional positions within the Fire Department, shall have the right at any time within the period of fifteen (15) days from the date of postmark on his Notice of Examination Grade to submit a written request to review his own papers and to submit in writing for the Commission's consideration any objection or protest he may wish to make concerning the grades given him. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by competitor, or such other circumstances in connection with an examination as would call for an investigation on the part of the Commission, and which would require that the information submitted be given in confidence.

An applicant who exercises the right to inspect his examination papers shall not

be permitted to again take an examination for the same classification within a six (6) month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the Commission, where such inspection would tend to reduce the validity of test results.

B. Firefighter Promotional Examinations

After a promotional examination has been held and prior to the grading of such examination, each participant in the exam shall have a period of five, (5) days, exclusive of Saturdays, Sundays and holidays to inspect the questions, the rating keys or answers to the examination and to file any protest he may deem advisable. These protests shall be in writing and shall remain anonymous to the Commission. All protests with respect to rating keys or answers shall be determined by the Commission within a period of not more than five, (5) days, exclusive of Saturdays, Sundays, and holidays, and its decision shall be final.

If the Commission finds an error in the rating key or answer, it shall publish a revised rating key within five (5) days of its finding of such error or errors. The revised rating key or answer shall then be available to participants for a period of five, (5) days, exclusive of Saturdays, Sundays, and holidays, subsequent to such determination of error or errors.

After the grading of such examination papers, any participant in the examination who deems his examination papers have been erroneously graded shall have the right to appeal to the Commission in accordance with Paragraph A above. Said appeal or appeals shall be heard by the Commission.

14. MODIFICATION TO ELIGIBLE LIST

Appeal of examination results. After the grading of examinations, any participant who believes his examination has been erroneously graded shall have the right to appeal to the Commission within ten (10) days of the posting of the examination scores. Such appeals shall be considered by the Commission.

15. ALTERED SCORES

No scores in an examination may be altered after the posting of an eligible list except after the consideration of reasons submitted in writing by the applicant; however, that the Commission may order correction of clerical errors at any time prior to the expiration of such lists.

16. RELIGIOUS OR POLITICAL OPINION OF AFFILIATION QUESTIONS PROHIBITED

No questions on any examination shall relate to religious or political opinions or affiliations.



## 17. POSTPONEMENT AND CANCELLATION

The Commission shall have the right to postpone any examination because of an inadequate number of applications, because of the nonattendance of special examiners, or for other sufficient cause or to cancel any examinations the conduct of which becomes unnecessary because of a change in the personnel requirements of the appointing authority. All such postponements or cancellations shall be reported to the Commission with the reasons therefore.

## **RULE VII. REASONABLE ACCOMMODATIONS FOR PHYSICALLY IMPAIRED EXAMINEES**

Reasonable accommodations may be made for the testing of examinees, consistent with the Americans with Disabilities Act. An impaired individual, for purposes of these Rules, is any person who has a physical or mental impairment which substantially limits one or more major life activities such as performing manual tasks, walking, seeing, hearing, or speaking. The accommodations shall be those that can be reasonably made and which could be made for an examinee to perform the duties of a position within the classification tested. The Commission or appointing authority may solicit or use the service of a public or private agency to assist in making reasonable accommodations for a physically impaired applicant. The reasonableness of accommodations may take into consideration the practicality of the accommodations required, the cost of the accommodations, or other factors which would have to be considered in making accommodations. If reasonable accommodations cannot be made, then the examinee may be excluded from an examination. It is the applicant's obligation to request an accommodation prior to the examination process.

## **RULE VIII. UNSKILLED SERVICE**

### 1. DESIGNATION OF UNSKILLED CLASSIFICATIONS AND POSITIONS

Classifications and positions within classifications designated to be unskilled shall not be subject to competitive examination. The unskilled service shall include classifications and positions within classifications for which it would not be practicable to construct a competitive examination and for which there are minimal or no educational or experience requirements.

### 2. APPOINTMENTS IN THE UNSKILLED SERVICE

Appointments to positions within the unskilled service shall be from certified eligible lists or subsequent to certification by the Commission. All applicants shall be required to complete an application which shall be evaluated to determine the qualifications of applicants.

Applicants for the unskilled service may be required to demonstrate physical condition or

capacity, experience, skills, previous employment, education, or other qualifications as may be administered to determine the qualifications of applicants, all applicants who possess the minimum qualifications shall be placed on the eligible list for the classification of position.

The Commission shall evaluate the applications and administer examinations as necessary to establish the qualifications of the applicants. A priority listing or ranking shall be compiled from which appointments shall be made.

If a method to rank applicants cannot be established, then the applicants shall be ranked in chronological order of the receipt of their application. Selection for positions shall be made in conformity with this Chapter.

### 3. PROMOTIONAL APPOINTMENTS IN THE UNSKILLED SERVICE

Appointments to positions above the entry level in the unskilled service shall be made in conformance with the provisions of these Rules and Chapter 124 of the Revised Code.

## **RULE IX. ELIGIBLE LISTS**

### 1. MERGING ELIGIBLE LISTS

Whenever it becomes necessary, while an eligible list exists, to hold a subsequent examination in order to obtain additional eligibles, the Commission may consolidate the existing list with the new list by rearranging the names of those eligible therein according to their grade. All persons whose names appear on the existing list shall have the opportunity to compete in the second exam. Any person on such existing list who takes the second examination shall be given the standing on the combined list to which the higher grade received on either exam shall entitle him during the continuance of the first list, and thereafter he shall rank in accordance with the grade received in the subsequent exam.

### 2. DURATION OF LISTS

An eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill a position of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired list be used more than one year past its expiration date.

### 3. APPLICANTS RECEIVING SAME GRADE

In the event two or more applicants receive the same grade in an open competitive examination, the time of filing applications with the Commission shall determine the priority in which their names shall be placed on the eligible list, provided that applicants eligible for veteran's preference under Section 124.23 of the Revised Code shall receive priority rank on the eligible list over non-veterans on the list with a rating equal to that of

the veteran. Ties among veterans shall be decided by priority of filing application. In the event of two or more applicants receiving the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list.

#### 4. TRANSFER TO LOWER CLASS

At the discretion of the Commission, the name of any eligible applicant may, at any time, upon his written request, be transferred to the eligible list for a lower class in the same classification series requiring qualifications of the same general character. He shall be ranked thereon according to his original grade.

#### 5. NAMES NOT TO BE CERTIFIED FOR APPOINTMENT

The names of any person appearing on an eligible list who:

- a. Fails to report or arrange within six (6) days from the date of postmark of his Certification Notice (Saturdays, Sundays and holidays not included) for an interview with an Appointing Authority; or
- b. Fails to respond to a notice from the Civil Service Commission; or
- c. Declines an appointment without reasons satisfactory to the Civil Service Commission; or
- d. Cannot be located by the postal authorities.
- e. Shall not thereafter be certified to any appointing authority as eligible for appointment. His name may again be certified from the eligible list if a satisfactory explanation of the circumstances is made to the Commission. In case an eligible person's name appears on more than one list, appointment to a position in one classification shall be considered a waiver for appointment from other eligible lists for classifications, the salary of which is equal or lower.

#### 6. DISQUALIFICATION OF ELIGIBLES

If any time after the creation of an eligible list the Commission has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in his application, physical disability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person shall fail to appear for hearing, or upon being heard, fails to satisfy the Commission, his name shall be removed from such eligible list.

#### 7. CHANGE OF ADDRESS

Each person on an eligible list shall file with the Commission written notice of any change of address, and failure to do so may be considered sufficient reason for not

certifying his name to appointing authorities for future appointments. The Commission shall make this requirement known to applicants.

## 8. REVOCATION OF LIST

An eligible list may be revoked and another examination ordered only when in the judgment of the Commission such action is deemed advisable due to errors, fraud, or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application. No eligible list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry in the minutes of the Commission of the reasons for such alteration or revocation.

## **RULE X. APPOINTMENTS**

Appointments to all position's in the classified service that are not filled by promotion, transfer, or reduction, as provided by the Civil Service Laws and the Rules of the Commission, shall be made from those persons whose names are certified to the appointing authority in accordance with the Civil Service Laws and the Rules of the Commission.

### 1. NUMBER OF NAMES TO BE CERTIFIED: APPOINTMENT FROM OTHER APPROPRIATE LISTS

A. The Appointing Authority of the department in which a position in the classified service is to be filled shall notify the Commission of that fact and the Commission shall, except as provided in these Rules and Chapter 124 of the Ohio Revised Code, certify to the Appointing Authority the names and addresses of the top ten candidates on the eligible list or the top 25% of the eligible list, whichever is greater.

In the event that 10 or fewer names are on the eligible list, the Appointing Authority may select any of the listed candidates. Each person who qualifies for the veteran's preference under Section 124.23 of the Revised Code, who is a resident of this state and whose name is on the eligible list for a position is entitled to preference in original appointment to any such competitive position in the classified civil service over all other persons who are eligible for those appointments and who are standing on the relevant eligible list with a rating equal to that of the person qualifying for the veteran's preference.

B. Ten names for the first vacancy and, if more than one position is to be filled, the Commission may certify a group of names from the eligible list and the appointing authority shall appoint in the following manner: Beginning at the top of the list, each time a selection is made it must be from one of the first ten candidates remaining on the list who s willing to accept consideration for the position. When an eligible list becomes exhausted, and until a new list can be

created, or when no eligible list for such position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified.

2. CERTIFICATION NOT MORE THAN THREE (3) TIMES

A person certified from an eligible list more than three (3) times to the same appointing authority for the same or similar positions, may be omitted from future certifications to such appointing authority provided that certification for temporary appointment shall not be counted as one of such certifications.

3. PROBATIONARY PERIOD AND PROBATIONARY REMOVAL OR REDUCTION

A. GENERAL

All original and promotional appointments including provisional appointments shall be for a probationary period of not less than sixty (60) days nor more than one (1) year. No appointment or promotion is final until the appointee has satisfactorily served his/her probationary period. The probationary period of various classes of positions in the several services of the City is hereby fixed by the Commission or otherwise established by the appointing, authority or Ordinance.

Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he may be removed or reduced at any time during his probationary period. If the appointing authority's decision is to remove or reduce the appointee, during the probationary period, he shall convey the reasons for such decision to the employee and the Commission. Any person appointed to a position in the classified service under O.R.C. §124.01 to §124.64, except temporary and exceptional appointments, shall be or become forthwith a resident of the State.

B. POLICE

All newly hired patrol officers, dispatchers and sergeants will be required to serve a probationary period of one year. During said period, the employer shall have the sole discretion to demote or remove such employees and any such action shall not be appealable through any grievance or appeal procedure. The appointing authority may shorten or waive this period at its discretion. All other Police Department employees shall be subject to the general provisions established in Paragraph A.

C. FIRE

All original appointments shall be for a probationary period of one year. All promotional appointments in the Fire Department may be for a probationary period to be fixed by the Commission not to exceed six months. At the end of probationary period, the appointing authority shall transmit to the Commission a record of the employee's service. If such is satisfactory, the appointee shall continue in his promoted rank. If such service is

unsatisfactory, he shall be reduced to the rank held at the time he was appointed to a higher rank. If the employee's probation is found to be unsatisfactory, the appointing authority shall furnish the employee a written notice of unsatisfactory probation with a detailed basis for such finding. The employee will have ten (10) days from the date of such notice to file an appeal with the Commission.

## 5. EMERGENCY AND TEMPORARY APPOINTMENTS

### A. Emergency Appointments

In case of an emergency an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than thirty (30) days, and in no case shall successive appointments be made.

### B. Temporary Appointments

Interim or temporary appointments, made necessary by reason of sickness, disability or other approved leave of absence of regular officers or employees shall continue only during such period of sickness, or disability, or other approved leave of absence, subject to rules provided by the Commission.

Where the services to be rendered by an appointee are for a temporary period, not to exceed 120 days in any one position, and the need of such services is important and urgent, the appointing authority may select for such temporary services any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision.

The acceptance or refusal of a temporary appointment by an eligible shall not affect his standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

## 6. TEMPORARY APPOINTMENTS AND PROMOTIONS

An interim or temporary appointment or promotion to a higher position without examination made necessary by reason of sickness or disability of a regular employee may be authorized by the Commission upon the written request of an appointing authority who shall set forth full information with the request. All such temporary appointments or promotions shall continue only during such period of sickness or disability and shall be recorded in the minutes of the Commission. Such temporary appointments or promotions shall be made, insofar as practicable, from the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

## 7. EXCEPTIONAL APPOINTMENTS

In case of a vacancy in a position in the classified service where peculiar and exceptional

qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impractical and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of Sections 124.01 to 124.64 of the Revised Code requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the minutes of the Commission and in the annual report with the reasons for the suspension.

## 8. PROMOTIONS

- A. Vacancies in positions in the classified service shall be filled, insofar as practicable, by promotions. Promotional appointments shall be made in accordance with the provisions of these Rules and of Sections 124.27 and 124.31 of the Revised Code with the exception of those of patrol officer in the Police Department and of firefighter in the Fire Department. Promotion of patrol officers shall be made in accordance with the provisions of these Rules and of Section 124.44 of the Revised Code or in accordance with the provisions of an applicable collective bargaining agreement and the promotion of firefighters shall be made in accordance with the provisions of these Rules and of Section 124.45 of the Revised Code or in accordance with the provisions of an applicable collective bargaining agreement unless made pursuant to the provisions of paragraph seven (7) of this rule, which allows for exceptional appointments.
- B. The Commission, with the cooperation of the Department Heads, shall in each case determine whether or not an open competitive examination shall be held or whether a promotional examination shall be conducted among the eligible qualified candidates of the City. The Commission shall determine which classifications are eligible to compete, for promotion by reason of experience in work which would be similar enough in skills, knowledge, and abilities to qualify the employees of those classifications as eligible.
- C. The term "Promotional Examination" signifies a fitness test to determine the relative standing of applicants for positions in a specified class and open only to employees in the classified service within the City who have previously served in other specified classes for such a period as may be prescribed by the Civil Service Commission. Whenever there are two or more persons, all in the same department, eligible and willing to compete for a vacancy in a higher position, the Commission may, if it deems that a satisfactory appointee can be obtained in this manner, hold a promotional examination, in which case the names of the persons having the three highest ratings shall be certified to the Appointing Authority. However, for the Police and Fire Departments, only the person with the highest rating is to be certified to the appointing authority.
- D. If a promotional examination is not held and there are two or less eligible employees employed by a given department and willing to compete, an open competitive examination may be scheduled, or, without competition of such

eligible person upon presentation by the appointing officer of a written statement showing in detail that: 1) the duties performed by the person nominated are a natural preparation for the higher position; 2) such person is entitled to promotion by reason of length of experience and effective performance; 3) such employee possesses the appropriate qualifications to be promoted; and, 4) such employee would carry his certification to the higher position or no certification list exists for the vacant position's classification. Promotions shall in every case involve a definite change in duties and an increase in responsibilities and shall not be made merely for the purpose of affecting an increase in compensation. No person shall be deemed eligible for promotion who is serving in a probationary status or who has served less than six (6) months in a lower classification.

## 9. UNCLASSIFIED STATUS

Persons who receive external interim, temporary, or intermittent appointments are in the unclassified civil service and serve at the pleasure of their appointing authority.

## **RULE XI. UNCLASSIFIED SERVICE**

### 1. GENERAL

Unless a position is exempted by operation of law, other than Section 124.11 of the Revised Code, all exemptions must be requested for the City Civil Service Commission, as required in this procedure. The Commission will respond in writing and approve or disapprove any request for exemptions after receipt of the appointing authority's request.

### 2. REQUESTING EXEMPTIONS

The Appointing Authority may request exemptions under Section 124.11(A) of the Revised Code, in accordance with the rules prescribed by the Commission. The request for exemptions must contain: copies of position descriptions which reflect the actual duties of the positions for which the exemption is requested; a current table of organization which shows the relationship of all positions affected, and justification for the exemption.

### 3. TIME LIMITS FOR CLAIMING EXEMPTIONS

Within 90 days of taking office, the appointing authority wishing to exempt positions under the personal exemptions provisions of Section 124.11(A)(8) of the Revised Code must file the appropriate documents with the Commission. After the 90 days has expired, no further exemption requests under Section 124.11(A)(8) of the Revised Code will be authorized. Once authorized, such exemptions will remain in effect until removed by the appointing authority unless reorganization occurs due to a legislative action during the appointing authority's term. A new appointing authority not wishing to change exemptions need not file new exemptions under the Commission. In such an instance, personal exemptions under the provisions of Section 124.11(A)(8) will be carried from



one administration to another. A new appointing authority may not designate an employee who is in the classified service as unclassified pursuant to O.R.C. §124.11(A)(8) without the employee's consent.

Other exemptions requested under Section 124.11(A) of the Revised Code may be claimed at any time which is convenient to the appointing authority. This includes the fiduciary or administrative exemptions under the provisions of Revised Code Section 124.11(A)(9) of the Revised Code.

An appointing authority may claim personal exemptions under Revised Code Section 124.11(A)(8), within 90 days after the adoption of this procedure.

## **RULE XII. PERFORMANCE EVALUATION**

### **1. GENERAL**

In addition to probationary period evaluations, performance evaluations relative to the conduct and capacity of all employees in the classified service shall be made once each year. Performance evaluations shall be used as a tool of communication, supervision, and training. The Commission, in conjunction with the City Administration, shall prescribe the manner and forms of evaluations. Special evaluations may be made when necessary.

When evaluation reports have been marked, reviewed, and signed, a copy shall be furnished to the employee, a copy may be retained in the employee's department, and the original shall be forwarded to the employee's personnel file.

### **2. PURPOSE**

Promotional opportunities shall be dependent upon an employee maintaining satisfactory standards of efficiency and performance.

Candidates for promotional examinations are required to have satisfactory performance rating average for the year immediately preceding the examination.

Any case of failure of a classified employee to perform his duties in a satisfactory manner may be cause for disciplinary action. The performance evaluation may be utilized in demonstrating an employee's unsatisfactory performance.

### **3. CONTENT OF PERFORMANCE EVALUATION**

The evaluation system should incorporate the objectives of a performance evaluation, direct who is to complete evaluations and who is to be evaluated, indicate when evaluations are to be conducted, establish categories of performance evaluations which shall indicate the areas of performance to be evaluated, establish the guidelines for the categories of evaluation, and prescribe the forms for performance evaluations.

4. CONDUCT OF PERFORMANCE EVALUATION

Each employee shall be evaluated by his immediate supervisor. If an employee has been reassigned to a new supervisor within the month preceding the date the evaluation is conducted, the new supervisor shall consult, where possible, with the previous supervisor in conducting the evaluation.

5. REVIEW BY THE EMPLOYEE

Each employee shall be given the opportunity to review his evaluation prior to the time the evaluation is made a part of the employee's permanent performance evaluation. Upon review of the evaluation, the employee shall be required to acknowledge that he has reviewed the evaluation. Alterations made to an evaluation after the time the employee has reviewed his evaluation may only be made with the agreement of the employee after notice to the employee, or as a result of the appeal process.

6. APPEAL OF PERFORMANCE EVALUATION BY THE EMPLOYEE

Any permanent employee who receives an unsatisfactory performance evaluation may request a review of their evaluation with their Department head or their appointing authority. After this review the employee may request the Commission to review the evaluation. If an employee has an appeal/review of performance evaluations through a grievance procedure of a contract then the employee must pursue any appeal to the grievance procedure and the Commission shall not conduct a review. The Commission must receive the appeal within ten (10) days of the receipt of the evaluation. The request for review shall set forth supporting facts and evidence that the rating was not accurate.

Upon submission of a request for appeal of performance evaluations, the Safety or Service Director, whichever is appropriate, shall submit a response which shall address the issues and allegations contained in the appeal request.

The Commission may investigate and conduct the review as it deems most appropriate. The Commission may make a determination and may order:

- A. That the evaluation remains unaltered;
- B. That all or part of the evaluation be expunged from the employee's personnel file;
- C. That individual ratings be raised or lowered; or
- D. Any other appropriate remedy.

The Commission shall not alter or expunge performance evaluation unless the employee establishes by a preponderance of the evidence:

- A. That the rater or other person abused their discretion, producing an inaccurate, unfair, or prejudicial evaluation;

- B. That the evaluation was determined arbitrary or totally without regard to the employee's actual performance; or
- C. That the employee's supervisor or other responsible person failed to substantially comply with the procedures established in completing or reviewing the evaluation.

7. EXHAUSTION OF AVAILABLE GRIEVANCE PROCEDURES

If employees have available a grievance procedure to appeal a performance evaluation, any employee who desires to appeal his evaluation must utilize the available grievance procedure.

**RULE XIII. TRANSFERS AND REASSIGNMENTS**

1. TRANSFERS AND REASSIGNMENTS

A. Inter-Departmental Transfers and Reassignments

Any employee in the classified service who has served the required probationary term may be transferred or reassigned from a position in one department to a similar position in another department having the same pay and similar duties. Where the good of the service demands, transfers may be made. Nothing herein shall be construed to interfere with the right of the City to assign or reassign employees within a given classification among the various departments as necessary in the best interests of the service.

B. Assignment to Other Work

Any employee in the classified service who has successfully completed his probationary period may be assigned to other work than that described in the specifications of his classification, but of the same general level of responsibility, for a period not exceeding thirty (30) days or for a longer period, not to exceed ninety, (90) days if agreed to by the appointing authority and employee. Such an assignment shall not involve a decrease in compensation. No person shall be reassigned for more than thirty (30) days at a time to other duties than those implied by his classification unless he has qualified through competitive examination and is appointed in accordance with the procedure in these rules, except in case of emergency or where extensions have been requested of the Commission.

**RULE XIV. LAYOFF PROCEDURE**

1. JUSTIFICATION FOR LAYOFF

Employees may be laid off for lack of work, lack of funds, or the abolishment of positions. An appointing authority may abolish positions as a result of a reorganization for efficiency purposes, for reasons of economy or for lack of work.

## 2. ORDER OF LAYOFF

Employees shall be laid off in the order set forth in this section within the primary appointment categories of part-time, seasonal, and full-time and, other appointment categories established by the Commission.

Whenever a reduction in force is necessary within each of the primary appointment categories, first seasonal, then part-time permanent, and then full-time permanent employees shall be laid off in the following order:

- A. Employees who have not completed their probationary period after appointment;
- B. Employees who have satisfactorily completed their probationary period after appointment, with the order of layoff to be based in part on length of service and may include efficiency in service, appointment type or similar other factors which are deemed appropriate.

The appointing authority shall determine the job classes and the number of employees in each class to be laid off.

## 3. RETENTION POINTS

Retention points to reflect systematic consideration of seniority for all employees will be assigned by the Commission. Credit for relative efficiency may be less than, but shall not exceed ten (10) percent of total retention points.

## 4. DETERMINATION OF RETENTION POINTS

- A. Employees shall be assigned one (1) seniority point for each completed 520 regular hours of regular (excluding overtime hours) or continuous service or 13 full weeks of service for a full-time employee.
- B. Employees shall be assigned efficiency points by: averaging the latest two annual performance evaluations; or, using the latest performance evaluation, if less than two years of service; or, using the latest probationary performance evaluation, if less than one year of service.

The Commission shall establish a formula for assignment of efficiency points using the performance evaluation instrument.

Employees who have not been currently evaluated shall be given the maximum number of efficiency points. In no event shall a special performance evaluation be conducted or

used for purposes of computing efficiency points.

5. TIES IN RETENTION POINTS

In cases of identical retention point ratings, those employees having least seniority in terms of actual date of hire will be laid off first.

6. DISPLACEMENT RIGHTS

A laid off employee in the classified service has the right to displace the employee with the fewest retention points in the classification from which the employee was laid off or in a lower or equivalent classification, in the following order:

- A. Within the classification from which the employee was laid off;
- B. Within the classification series from which the employee was laid off; and
- C. Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, except that the employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification, or if the employee last held the classification more than three years prior to the date on which the employee was laid off.

This procedure shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority has been reached, and if necessary, laid off.

A laid off employee may not displace an employee in a classification if the laid off employee held the classification more than five, (5) years prior to the date on which he was laid off. No employee shall displace an employee for whose position or classification there exists minimum qualifications as established by position description, classification specifications, or by bona fide occupational qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.

Employees shall notify the appointing authority in writing, of their intention to exercise their displacement rights within five, (5) days after receiving notice of layoff.

7. NOTIFICATION OF LAYOFF, DISPLACEMENT, AND RECALL

- A. Each employee to be laid off or who would potentially be affected by an employee's exercise of displacement rights shall be given advance written notice of the layoff by the appointing authority. Such written notice shall be hand delivered to the employee at work or mailed certified mail to the last address on file with the appointing authority. If hand delivered such notice shall be given 14 calendar days before layoff and the day of hand delivery shall be the first day of the 14 day period. If mailed, such notice shall be given 17 calendar days before

layoff and the day posting shall be the first day of the 17 day period.

B. Each notice of layoff or displacement shall contain the following information:

1. The reason for layoff or displacement;
2. The date layoff or displacement becomes effective;
3. The employee's retention points;
4. The right of such employee to appeal to the Commission and the time within which to file an appeal;
5. If the employee has the opportunity to displace, a statement advising the employee of the right to displace another employee and the length of time within which the employee may displace (bump) another employee;
6. A statement advising the employee of the right to reinstatement or re-employment.
7. A statement that, upon request by the employee, the Appointing Authority will make available a copy of the rules regarding layoffs.
8. A statement that the employee is responsible for maintaining a current address with his or her appointing authority.

#### 8. RECALL FROM LAYOFF

Each employee recalled from layoff shall be notified of the offer of reinstatement or re-employment by certified letter. The notice of re-employment shall contain a statement that refusal of re-employment shall result in removal of such employee's name from the jurisdiction layoff list. Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the letter to return to work, and such time limit shall be explained to the employee in the notification of recall letter.

In the event of extenuating circumstances (e.g., illness, injury, or other good cause as determined by the Commission) preventing the employee from returning within the above time limit, the Appointing Authority may grant a reasonable extension, not to exceed 60 days. In the absence of extenuating circumstances, an employee not accepting or declining reinstatement or re-employment within ten (10) days shall be deemed to have declined reinstatement or re-employment for purposes of removal under these rules.

For purposes of recall, it shall be the employee's responsibility to have a current address on file with the appointing authority.

#### 9. APPEAL OF LAYOFF OR REDUCTION

Any laid off or displaced employee may file a written appeal of the layoff or displacement with the Commission. Such appeal must be filed no later than ten (10) days after the receipt of the notice of the layoff or displacement notice.

10. ESTABLISHMENT OF LAYOFF LISTS

Employees who have been laid off or have, by virtue of exercising their displacement rights, been displaced to a lower classification in their classification series, shall be placed on appropriate layoff lists. Those employees with the most retention points within each category of order of layoff, as established above, shall be placed at the top of the layoff list to be followed by employees ranking in descending total retention order.

Laid off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff. An employee who is laid off retains reinstatement rights in the department from which he was laid off for one (1) year from the date of layoff. During this one, (1) year period, the appointing authority shall not hire or promote anyone into this classification until all laid off persons on the layoff list for that classification who are qualified to perform the duties of the position are reinstated or decline the position when it is offered.

11. LAYOFFS OR REDUCTIONS IN THE POLICE AND FIRE DEPARTMENT

Whenever it becomes necessary in the Police and Fire Departments, through lack of work or funds, to reduce the force in such department, such reduction in force shall be made by laying off the youngest employee(s) in point of service within the rank(s) to be reduced in the Department. If reductions in force are to be made in ranks above police officer or firefighter, those individuals shall be permitted to displace employees with fewer retention points in successively lower ranks according to length of continuous service. Credit for efficiency shall not be considered in reductions in the Police or Fire Departments.

**RULE XV. REINSTATEMENTS, LEAVES OF ABSENCE, ABSENCE WITHOUT LEAVE**

1. REINSTATEMENTS

Any permanently appointed employee who has resigned in good standing may be reinstated, without request to the Commission, by an appointing authority at any time within one (1) year, or other period established or agreed by the appointing authority, from the date of such separation provided there are not former employees of the department who have been laid off and whose names appear on the recall list for the class. A notice of such reinstatement shall be sent to the Commission for its approval.

2. LEAVE OF ABSENCE

The appointing authority may grant leave of absence to an employee in the classified service for a period not to exceed one (1) year. All such leaves of absence granted by appointing authorities shall be referred to the Commission in order that the civil service status of such absentees may be protected. All leaves of absence shall be according to the policies established by the appointing authority.

3. **ABSENCE WITHOUT LEAVE; REINSTATEMENT**

Absence from duty without leave for any time will be considered neglect of duty and good cause for dismissal. Absence from duty without leave for three (3) consecutive days shall be deemed a resignation from the service by the absentee upon report of such absence by the appointing authority and the resignation shall be entered upon the records of the Commission; provided, however, that if at any time within thirty (30) days the person so absenting himself shall make satisfactory acceptable explanation to the appointing authority and the Commission of the cause of absence, he may be reinstated by the appointing authority to his position.

Failure to report after a leave has expired or has been disapproved or revoked and canceled by the Commission shall be considered neglect of duty and cause for discharge; provided, however, that if an officer or employee so discharged shall show to the satisfaction of the appointing authority and the Commission that such failure to report was excusable, the employee may be reinstated.

**RULE XVI. REDUCTIONS, SUSPENSIONS AND REMOVALS**

1. **GENERAL**

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined in excess of five, (5) days pay, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except as provided in Section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of such sections or rules of the Commission or the City or any other failure of good behavior, or any other acts of malfeasance, misfeasance, or nonfeasance in office, or conviction of a felony.

An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under O.R.C. §102.06 constitutes a



violation of O.R.C. Chapter 102, §2921.42 or §2921.43 may constitute grounds for dismissal. Failure to file a Statement or falsely filing a statement required by O.R.C. § 102.02 may also constitute grounds for dismissal.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the Commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal, notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal and vacation leave as authorized by law. If subsequently re-employed in the public sector, such person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

- (1) a felony that is an offense of violence as defined in O.R.C. §2901.01;
- (2) a felony that is a felony drug abuse offense as defined in O.R.C. §2925.01;
- (3) a felony under the laws of this or any other state or The United States that is a crime of moral turpitude;
- (4) a felony involving dishonesty, fraud or theft;
- (5) a felony that is a violation of O.R.C. §§2921.05, 2921.32 or 2921.42.

In any case of reduction, suspension of more than 40 work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than 24 work hours in the case of an employee required to be paid overtime compensation, a fine of more than 40 hours' pay in case of an employee exempt from the payment of overtime compensation, a fine of more than 24 hours' pay in

the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension or removal, which order shall state the reasons for the action.

Within ten (10) days following the date on which such order is served, the employee, except as otherwise provided in this section, may file an appeal, in writing, with the Commission. For purposes of this section, the date on which the order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. In the event such appeal is filed, the Commission shall forthwith notify the Appointing Authority, and shall hear, or appoint a hearing officer to hear, such appeal and it may affirm, disaffirm, or modify the judgment of the appointing authority. This appeal shall be heard by the hearing officer within 30 days from and after its filing with the Commission.

In cases of removal or reduction in pay for disciplinary reasons, either the Appointing Authority or the officer or employee may appeal from the decision of the Commission in accordance with the procedure provided by the Revised Code.

The Mayor has the exclusive right to suspend the Chief of the Police Department or the Chief of the Fire Department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey order given him by the proper authority, or for any other reasonable and just cause. If either the Chief of Police or the Chief of the Fire Department is to be suspended, the Mayor forthwith shall certify such fact, together with the cause of suspension, to the Commission, which within five, (5) days from the date of receipt of the notice shall bring proceedings to hear such charges and render judgment thereon.

## 2. APPEALS

An employee may appeal to the Commission suspensions for a period of more than three (3) working days, fines in excess of five days' pay, disciplinary reduction in rank or removals.

## 3. FALSIFICATION OF APPLICATION

Falsification of any statement in an application for examination or employment shall be considered "dishonesty" and sufficient cause for discipline, including removal.

## 4. DISQUALIFICATION FOR REAPPOINTMENT

Any employee who is dismissed for cause or who resigns while not in good standing shall be disqualified from taking any civil service examinations for at least two (2) years thereafter, unless, in the judgment of the Commission, the cause of his dismissal or resignation under charges will not affect the possibility of his usefulness in some other type of employment.

**RULE XVII.           REDUCTIONS OR REMOVALS FOR PHYSICAL OR MENTAL INCAPACITIES**

1.     VOLUNTARY REDUCTION

When an employee becomes physically and/or mentally incapacitated in the performance of the material and substantial duties of his position, the appointing authority may, at the request of such employee, and with the consent of the Commission, transfer him to a vacant position of lower grade which he has the ability to fill.

2.     VOLUNTARY AND INVOLUNTARY DISABILITY SEPARATION

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury, or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of his or her position due to a disabling illness, injury, or condition.

Appointing authorities may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination. If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.

An employee who is granted a voluntary disability separation waives his or her right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.

When an employee becomes physically and/or mentally unable to perform the essential functions of his position either with or without reasonable accommodation, and does not request transfer to a position of lower grade, the appointing authority, with the consent of the Commission, may undertake the necessary procedures to place an employee on an involuntary disability separation. To be involuntary disability separated, the employee's disability must continue beyond his accumulated sick leave rights, provided the requirements of the Family and Medical Leave Act are met and provided the procedures established in this rule are followed. Prior to being subject to an involuntary disability separation, the employee must be given an examination and pre-separation hearing.

A.     EXAMINATION

When an appointing authority desires to give a disability separation, an examination shall be conducted by a licensed practitioner designated by the Commission. The cost of such examination shall be paid by the appointing authority. If the employee is hospitalized upon expiration of his accumulated sick

leave rights, the disability termination may be given without examination.

An employee who is required to undergo a medical examination must cooperate with regard to all aspects of the examination. The employee shall execute a medical authorization permitting the medical provider to communicate with the appointing authority concerning the employee's ability to perform the essential functions of the position with or without reasonable accommodation.

Failure of the employee to attend an examination required pursuant to this rule, refusal to execute a signed medical authorization or otherwise cooperate with the examination may be considered insubordinate and subject the employee to disciplinary action.

#### B. PRE-SEPARATION MEETING

When an appointing authority has received the results of a medical or psychological examination and initially determines that an employee is incapable of performing the essential job duties of the employee's assigned position due to a disabling illness, injury, or condition, the appointing authority shall institute pre-separation proceedings. Under those proceedings, a meeting shall be scheduled and advance written notice of at least seventy-two hours shall be provided to the employee. If the employee does not waive the right to a meeting, then at that meeting the employee has a right to examine the appointing authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

If the appointing authority determines, after weighing the testimony presented and evidence admitted at the pre-separation meeting that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.

#### C. REINSTATEMENT

An employee who has been separated from employment due to a disability, shall have the right to be reinstated to the same or similar position as he held at the time of this termination within thirty (30) days after written application for reinstatement and after passing an examination made by a licensed physician or practitioner, to be designated by the Commission, showing that he has recovered from such disability. The cost of such examination shall be paid by the employee. Written application for reinstatement after disability separation must be filed within three (3) years from the date the employee was no longer in active work status due to his disability, and it must be filed before the date of service eligibility retirement.

If the appointing authority determines that an employee who has been disability separated has committed an act that is inconsistent with the employee's disabling illness or injury, then that act may be considered by the appointing authority when determining an employee's eligibility for reinstatement.

## **RULE XVIII. HEARINGS PROCEDURE**

### **1. TIME OF HEARING, NOTIFICATIONS**

Upon receipt from an employee or officer in the classified service of the City or the City School District of a timely appeal from an order of removal, reduction in pay or position, or suspension, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority as well as the employee or his representative, if known, thereof.

### **2. AMENDMENTS TO ORDERS**

Amendments to the order of removal, reduction in pay or position, or suspension for more than three (3) working days may be made by the appointing authority at any time prior to the time set for the hearing as herein provided.

### **3. HEARING PROCEDURE**

In the hearing of such appeals the order of procedure shall be as follows:

- A. The appointing authority taking action affecting the employee shall produce its evidence in support of the charges and specifications.
- B. The employee affected shall then produce such evidence as he may wish to present to refute such charges.
- C. The appointing authority may offer evidence in rebuttal. The Commission may, at its discretion, hear arguments.
- D. The Commission will render a decision within a reasonable time from the date of the hearing.

### **4. RULES OF EVIDENCE, REPRESENTATION BY COUNSEL**

The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel or other representative. A complete transcript or other recording of the hearing shall be made.

5. RESIGNATION BEFORE FINAL ACTION

The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Commission, will be considered, a withdrawal of the appeal. Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

**RULE XIX. POLITICAL ACTIVITY**

1. GENERAL

No classified employee shall participate in any manner in any municipal political campaign for elective office. No classified employee may participate in any other partisan political campaign.

2. POLITICAL ACTIVITY

Political activity and politics refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates. Political activity is governed by the provisions of R.C. 124.57.

3. PERMISSIVE ACTIVITIES

The following are examples of permissible activities for employees in the classified service:

- A. Registration and voting;
- B. Expressing one's opinion, oral or written;
- C. Voluntary financial contributions to political campaigns or organizations,
- D. Circulation of nonpartisan petitions or petitions stating views on legislation;
- E. Attendance at political rallies;
- F. Signing nomination petitions in support of individuals;
- G. Display of political materials in the employee's home or on the employee's property;
- H. Wearing political badges or buttons, or the display of political stickers on private vehicles;
- I. Serving as a precinct election official under Section 3501.22 of the Revised Code;

and

J. Other non-partisan activity.

#### 4. PROHIBITED ACTIVITIES

The following activities are prohibited to employees in the classified service:

- A. Candidacy for public office in a partisan election;
- B. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- C. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- D. Circulation of official nominating petitions for any candidate participating in a partisan election;
- E. Service in an elected or appointed office in any partisan political organization;
- F. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- G. Campaigning by writing for publications, by distributing political material, or by writing or when such activities are directed toward party success;
- H. Solicitation, either directly or indirectly; of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- I. Solicitation of the sale, or actual sale, of political party tickets;
- J. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and non-partisan issues;
- K. Service as recorder, checker, watcher, challenger, judge or board of election poll worker for any party or partisan committee;
- L. Participation in political caucuses of a partisan nature; and,
- M. Participation in a political action committee which supports partisan activity.

#### 5. DISCIPLINE

Any employee who violates the provisions of this section is subject to removal from his position or other disciplinary action. The appointing authority, Mayor, or the Commission may institute an investigation or action in the instance of alleged violation of this section.

**RULE XX. RESTRICTIONS REGARDING OUTSIDE EMPLOYMENT**

Employees of the City may engage in such part-time or occasional employment or occupation outside of their regular working hours as will not interfere with the efficient performance of their duties for the City and as may be formally approved by the appointing authority under whom they are employed. Any Department may establish rules or regulations restricting or limiting outside employment. City employees have a duty to notify the appropriate appointing authority, in writing, of any outside employment. Any person may be appointed to more than one part-time position in the City service provided the duties and working hours involved do not conflict.

**RULE XXI. EMPLOYMENT OF RELATIVES**

It shall be the policy of the Commission and the City that relatives of employees shall not be employed in the same department or Appointing Authority. This rule shall be applied prospectively from the effective date of this rule. Individuals who become related by reason of marriage subsequently to the effective date of this rule shall be transferred or reassigned to positions which do not have a check or balance on the other position. Additionally, positions of relatives shall not be subordinate to one another.

The intent and purpose of this rule is to avoid potential conflict of interest and to provide an internal check and balance of the positions in the City.

Relatives for the purpose of this rule shall include the employee's spouse, children, parents, brother, sister, grandparent, grandchild, or legal guardian, and mother-, father-, sister-, brother-, daughter-, and son-in-law.

**RULE XXII. EFFECT OF INVALIDITY IN PART**

If any part, subpart, sentence, clause, or phrase of these rules is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions. If any part, subpart, sentence, clause, or phrase of these rules conflicts with the specific provision of a collective bargaining agreement, the specific terms of the agreement shall prevail.