

**CIVIL SERVICE COMMISSION
CITY OF CHILLICOTHE, OHIO**

LOCAL RULES & REGULATIONS

Current Members:

**Barbara Detillion, Chairperson
Jonnetta Gadson, Member
Troy Gray, Member**

TABLE OF CONTENTS

	<u>Rule</u>	<u>Page</u>
Absence without Leave	VIII (7)	35
Administration	I	6
Applications (Falsification of)	V (10f)	19
Appointments	VII	
Certification list, removal from	VII	22
Exceptional (no test needed, pro-status)	VII (9)	27
Names, number to be certified	VII (1)	24
One of three certified to be appointed	VII (3)	24
Original appointment to Police/ Fire	VII (11)	27
Probation Period; Probation Removal	VII (4)	24
Promotions	VII (10-12)	27
Provisional appointment	VII (6)	25
Restrictions as to age, physical or other	VII (5)	25
Temporary Appointments & Promotions	VII (8)	26
Appointing Authority	III (9)	12
Bumping Rights	VIII (2c)	30
Certification Lists (See appointments & eligible lists)		
Classified Service	III (4)	11
Classification Specification	IV	13
Definition of Terms	III	11
Eligible Lists	VI	21
Certification of one sex	VI (10)	23
Change of address	VI (8)	22
Disqualification of eligible's	VI (7)	22
Duration of lists	VI (3)	21
Merging lists	VI (2)	21
Names not to be certified for appointment	VI (6)	22

Posting of lists	VI (1)	21
Revocation of list	VI (9)	23
Transfer to lower class	VI (5)	22
Emergency Appointments	VII (7)	26
Employees	III (11)	12
Examinations	V	15
Admitting applicants to	V (8)	18
Fraud prohibited	V (10)	18
Identity of examinees concealed	V (3)	15
Inspection of papers	V (12)	19
Notices of:		
Entrance	V (2a)	15
Promotional	V (2b)	15
Physical	V (7)	17
Postponement	V (13)	20
Promotional	V (4c)	16
Protest, applicants right	V (12)	19
Religious/political opinion or affiliation questions prohibited	V (14)	20
Same grade, applicant's receiving	VI (4)	21
Section 15	V	21
Sites for examinations	V (1)	15
Special credit:		
Efficiency	V (6c)	17
Military	V (6a)	16
Seniority	V (6b)	17
Special positions for firefighters	V (5)	16
Subject matter and weights	V (4)	15
Time limit	V (9)	18
Visitors	V (11)	19
Hearings	X	36
Amendments to orders	X (2)	36
Procedure	X (3)	36
Resignation before final action	X (5)	36
Rules of evidence; representation by counsel	X (4)	36
Time of; notification	X (1)	36
Layoff	VIII	29
Appeal of layoff or reduction	VIII (2e)	32
Computation of retention points	VIII (2b)	30

Establishment of layoff or reduction in Police or Fire Departments	VIII (4)	32
Layoff procedures	VIII (2)	29
Notification of layoff, displacement & recall	VIII (2d)	31
Procedure for and time limit on exercise of displacement right	VIII (2d)	31
Reinstatement rights	VIII (5)	32
Seniority	VIII (2b)	30
Leave Of Absence	VIII	32
Military Credit	V (6a)	16
Physical Exams	V (7)	17
Position	III (8)	12
Audits	IV (3)	13
Classification	IV (1)	13
Reclassification	IV (3)	13
Reclassification, appeal of	IV (5)	13
Powers and Duties of the Commission	II	8
Probationary Period		
Length of	VII (4)	24
Original appointment to Police/Fire	VII (11)	27
Probationary demotion	VII (4)	24
Probationary removal	VII (4)	24
Probation	VII (4)	24
Promotion	VII (10)	27
Exams	V (4c)	16
Exams, credit for efficiency	V (6c)	17
Exams, credit for seniority	V (6b)	17
Probationary period	VII (4)	24
Provisional Appointment	VII (6)	25
Replacement of provisional employee	VII (6)	26
Public Records	II (18)	9
Reclassification	IV (4)	14
Reclassification, appeal of	IV (3)	13

Reduction, probationary period	VII (4)	24
Reduction, suspensions and removals	IX	34
Reinstatement	VIII (5)	32
Removals:	IX	
Appeal	IX	34
Procedure to follow	IX (5)	34
Seniority Points	VIII (2b)	30
Specification, Class	IV (2)	13
Suspension:	IX	34
Disciplinary	IX (1)	34
Temporary Appointment	VII (7)	26
And promotions	VII (8)	26
Transfers	VIII (1)	29
Unclassified Service	III (3)	11
Unskilled Labor Class	III (4)	12
Changes in Local Rules and Regulations as they Occur:		38

RULE I

ADMINISTRATION

1. The Municipal Civil Service Commission of the City of Chillicothe shall be composed of three (3) persons who shall be appointed and serve in the manner provided for in Section 124.40 of the Ohio Revised Code.

It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary 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, and the rules and regulations herein prescribed relative to civil service in the City of Chillicothe and the Chillicothe City School District.
3. The Commission shall elect one of its members as Chairman and one as Co-Chairman who shall serve until a new member is appointed and qualified at which time successors as Chairman and Co-Chairman shall be elected. It shall be the duty of the Chairman 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, to sign the minutes of all actions taken by the Commission, and to sign all warrants or orders for the payment of money from the accounts and funds of the Commission.

The Chairman may on his own initiative, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such meeting. In the absence of the Chairman, the Co-Chairman shall act as Chairman. 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 to adopt any motion or resolution.

4. The Commission shall adopt, amend and rescind rules not in conflict with Chapter 124 of the Ohio Revised Code when necessary.
5. The Commission shall (may) employ a suitable person to act as Executive Secretary of the Commission. The Executive Secretary shall be in the classified service and shall be chosen according to merit and fitness to perform the required tasks.

The Executive Secretary shall attend all meetings of the Commission and keep 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 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 ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall certify payrolls, shall handle such correspondence as the Commission shall determine; shall, in conjunction with the Chairman, 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.

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

- a. Roll Call
- b. Reading of the Minutes
- c. Disposition of Unapproved Minutes
- d. Unfinished Business – Reports
- e. New Business
- f. Adjournment

RULE II

POWERS AND DUTIES OF THE COMMISSION

In accordance with Section 124.40 of 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 which include:

1. To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in pay or position, job abolishment, lay-off, suspension, discharge, assignment or reassignment to a new or different position classification: the Commission may affirm, disaffirm, or modify the decisions of the appointing authorities as the case may be, and its decision is final;
2. To hear appeals, as provided by law, of appointing authorities relative to the classification or reclassification of any position or positions in the classified service under the jurisdiction of such appointing authority; the board may affirm, disaffirm, or modify the decisions and its decision is final;
3. 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;
4. To maintain a journal which shall be open to public inspection, in which it shall keep a record of all its proceedings and of the vote of each of its members upon every action taken by it;
5. To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has 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 divisions (1) and (2) of this section;
6. 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 or hear in the same manner and to the extent as provided by division (D) of Section 124.09 of the Ohio Revised Code and all witness fees shall be paid in the manner set forth in said paragraph;
7. To prepare, conduct, and grade all competitive examinations for positions in the classified service;

8. To prepare, conduct, and grade all noncompetitive examinations for positions in the classified service;
9. To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service;
10. To prepare or amend specifications descriptive of duties, responsibilities, requirements and desirable qualifications of various classifications of positions in the municipal service;
11. To allocate and reallocate, upon its own motion or upon request of an appointing authority, any position, office, or employment in the municipal service to the appropriate classification on the basis of the duties, responsibilities, requirements and qualifications of such position, office, or employment;
12. To develop and conduct personnel recruitment services for positions in the municipal service;
13. To conduct research on specifications, classifications, and salaries of positions in the municipal service;
14. To develop and conduct personnel training programs in cooperation with appointing authorities;
15. To enter into agreements for in-service training of personnel in the municipal service;
16. To appoint such examiners, inspectors, clerks and other assistants as are 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 all such employees;
17. 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;
18. To keep records of its proceedings and records of all applications for examinations and all examinations conducted by it. The records of the Civil Service Commission shall be available for public inspection at all reasonable hours. All records shall be available except recommendations of former employers, records pertaining to physical or psychiatric examinations, adoption, probation and parole proceedings, and such other records as may be exempted by law. Information requested by telephone shall be limited to place of city employment, dates of city employment, and job classification. Mail inquiries, accompanied by a stamped, self-addressed envelope, shall be entitled to a copy of the requested records. A fee of ten cents (\$.10) per page will be charged for each copy requested. The Mayor, or any person designated by the Mayor, may for the purpose of investigation, have free access to all such records whenever the Mayor has reason to believe that Section 124.01 of the Ohio Revised

Code, or the administrative rules of the Commission prescribed under such sections are being violated;

19. 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 which he holds, the nature of the duties thereof, and in case of his removal or resignation, the date of the termination of such service;
20. To make investigations concerning all matters touching the enforcement and effect of Sections 124.01 to 124.64 of the Ohio Revised Code, and the 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, take testimony relative to any matter which the Commission has authority to investigate;
21. To make a report to the Mayor on or before the first 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 Sections 124.01 to 124.64 of the Ohio 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;
22. To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with Chapter 124.40 of the Ohio Revised Code.

RULE III

DEFINITION OF TERMS

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

1. "Commission" refers to the Municipal Civil Service Commission of the City of Chillicothe, Ohio.
2. "Civil Service" refers to and includes all officers and positions of trust or employment in the service of the City of Chillicothe and the Chillicothe City School District.
3. 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 Chillicothe and the Chillicothe City School District with the following interpretation:

The jurisdiction should list all positions which are in the unclassified service. The list should include, but not necessarily be limited to, the following (See Appendix for 124.11 ORC):

- a. All elected officials
- b. Members of all Boards and Commissions
- c. All Department Heads excluding the Chief of the Police Department and the Chief of the Fire Department who are in the classified service
- d. Such school officials as would be covered under ORC 124.11(A)
- e. Such other positions in the City and the City School District as would be covered under ORC 124.11 (A)

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

4. The "Classified Service" shall comprise all persons in the employment of the City of Chillicothe and the Chillicothe City School District 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 Ohio Revised Code.

5. “Position Classification” shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with duties and responsibilities of the position.
6. “Municipal Service” shall include those positions in the classified service of the City of Chillicothe.
7. “School Service” shall include those positions in the classified service of the Chillicothe City School District.
8. “Position” when used by alone 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.
9. “Appointing Authority” refers to the Officer, Commission, Board or Body having the power of appointment or removal from positions in the classified service and shall include the following:

The jurisdiction should list the position or positions which have the power to appoint or remove, generally the Mayor or the Safety/ Service Director (upon approval of the Mayor) or the various Department Heads (upon approval of the Mayor).

10. The term “Employee” shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.
11. The masculine pronoun “He” and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

RULE IV

POSITION CLASSIFICATION, RECLASSIFICATION AND AUDITS

Positions in the Civil Service of the City and of the City School District shall be classified in accordance with an 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 class with a title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the class on a like basis.

A Class Specification shall be prepared for each class setting forth the class title, typical duties and responsibilities and the necessary qualifications. It shall set forth the factors and conditions which are essential characteristics of the class and also factors and conditions which separate it from other classes.

1. Position Audits and Reassignments

The Commission, having standardized all positions, shall make periodic audits of those positions to insure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for the consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classifications of positions exist, the Commission may reallocate any position to the appropriate class as is necessary to provide an equitable, just and proper classification.

Any employee may request a review of the classification of his position for the purposes of determining whether the position is properly classified. The Commission shall give proper consideration to such request.

2. Notification of Employees

Whenever the classification 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 authority.

3. Appeal of a Reclassification

Any employee or appointing authority may appeal the reclassification of any position to the Commission within thirty (30) days after receipt of the notification of reclassification.

4. Reclassification

Any change of classification of an employee, or a merit increase for an employee other than proceeding to the next step of the pay ordinance, or a starting salary of a new employee other than the first step of the pay ordinance, shall not be approved without a hearing with the appointing authority before the full Commission. Each form for salary change, classification change, transfer or other change, commonly known as a DF-18, concerning an employee in the classified service, shall be sent to the office of the Civil Service Commission for approval. (Passed July 1, 1982)

RULE V
EXAMINATIONS

1. Site of Examination

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

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 bulletin boards located in the City Building and the Commission, and in such other places as may be deemed advisable, not less than two (2) weeks prior to the last day on which applications will be accepted for such examinations.

(B) Promotional Examination: Notice of competitive promotional examinations to be held shall be given by posting bulletins in conspicuous places in the departments whose employees may be interested or may be 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 except in the Fire Department where such notice shall be given for not less than thirty (30) days prior to the examination.

3. Identity of Examinee 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.

4. 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 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 thereto prior to the time of examination.

(B) Entrance Examinations: 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, demonstration of skill or an evaluation of training and experience.

(C) Promotional Examination: Promotional examinations shall be in writing and shall be given in accordance with Section 124.31 of the Ohio Revised Code. (See Appendix 124.31 ORC)

Promotions to positions above the rank of Patrol Officer in the Police Department shall be in accordance with the provisions of Section 124.44 of the Ohio Revised Code. (See Appendix for 124.44 ORC)

Promotions to positions above the rank of regular Firefighter in the Fire Department shall be in accordance with the provisions of Section 124.45, 124.46 and 124.48 of the Ohio Revised Code. (See Appendix for 124.45, 124.46 and 124.48 ORC)

The notice of the 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 with the Fire Department in which the promotional examination is being given.

5. Special Positions for Firefighters

Within any rank, the municipal council may establish such special positions having special duties with preferential pay as the council deems necessary, 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.

6. Special Credits

(A) Credit for military service in entrance examinations: When proper proof of acceptable service in the armed forces of the United States, as defined in Section 124.23 of the Ohio Revised Code (See Appendix for 124.23 ORC), is presented to the Commission and such ex-service man or woman being otherwise eligible has received a passing grade in any regular entrance examination, he or she shall be

granted additional credit of twenty percent (20%) of such grade, thereby receiving a final grade of twenty percent (20%) higher in view of the above mentioned service.

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

Credit for service in the armed forces of the United States shall not be a part of but shall be a credit to be added to the applicants 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:

Applicants taking promotional examinations shall receive credit for seniority, which shall be determined as follows: one (1%) percent of the total grade attainable in such examinations for the first four (4) years of service, and six-tenths (6/10%) percent of such total grade for each of the next ten (10) years of service.

Seniority points shall be added to the written test score and shall form a part of the final grade.

(C) Efficiency Credit on Promotional Examinations:

The efficiency rating for examination purposes 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.

The additional credit for efficiency shall be ten percent (10%) of the employee's efficiency rating and shall be added to the written test score to form a part of the final grade.

7. Physical Examination

Whenever, in the judgment of the Commission, physical qualifications are of special importance, the candidate shall be required to pass a physical examination, and be certified as qualified in such respect, either before admission to the examination, or before being placed on an appropriate eligible list, or before certification for appointment, as the Commission may deem advisable.

Physical examinations, whenever required by the Commission, shall be made by a licensed physician designated by the Commission who shall furnish a certificate as to the applicant's physical condition.

The results of physical examinations, including physician's certificates shall be used solely to determine an applicant's eligibility to take an examination, to be placed on an appropriate eligibility list, or to be certified for appointment, and shall not become a part of the applicant's grade.

8. Admitting Applicants to Examinations

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.

9. Length of Time for Examination

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

10. Fraud in Examinations Prohibited

No person or officer shall:

(A) Willfully or corruptly by himself or in cooperation with one or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the Civil Service Law or under any rules and regulations prescribed pursuant thereto; or,

(B) Willfully or corruptly, 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 or corruptly make any false representations concerning the results of such examinations or concerning a person examined; or,

(D) Willfully or corruptly furnish to any person any special or secret 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 personate any other person, or permit or aid in any manner any other person to personate 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 in his behalf solicit a favor; or,

(J) 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.

11. Visitors at Examination

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

12. Inspection of Examination Papers

(A) Participants in any examination may inspect the examination questions together with the rating key during the period of time after the examination when the examination papers are being graded. After the posting of the examination grades, a participant may request to inspect his examination papers and the examination questions together with the rating key for a period of five (5) days (Saturdays, Sundays and holidays not included) in order to inform himself as to the markings given him on each subject or question. Any protest regarding the test items themselves or the grade given the participant must be filed with the commission in writing not more than five (5) days after the review of the test papers (Saturdays, Sundays and holidays not included) the Commission shall then give consideration to all protests and make such changes as are warranted. The Commission should then establish an eligible list and no grades shall be changed after the posting of the eligible list except that the Commission may always correct any clerical errors which may occur. Protest regarding the conduct of the examiners, the securing of unlawful assistance by a competitor or other such circumstances in connection with an examination as would call for an

investigation on the part of the Civil Service Commission and which would require that the information submitted be given in confidence, need not be submitted in writing.

(B)Fire Promotional Examination: after a promotional examination has been held and prior to the grading of such examination papers, each participant in said promotional examination shall have a period of five (5) days,(Saturdays, Sundays, and holidays not included), 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, (Saturdays, Sundays and holidays not included), 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 errors. The revised rating key or answer shall then be available to participants for a period of five (5) days, (Saturdays, Sundays and holidays not included), subsequent to such determination or 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, and said appeal or appeals shall be heard by the Commission.

13. Postponement of Examination

Examinations, unless postponed must be held upon the days fixed by the Commission. Examinations may be postponed by order of the Commission and such order shall designate the reason for the postponement.

14. Religious or Political Opinion or Affiliation Questions Prohibited

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

15. Section 15:

(A)Scores in the top 20%, including “Veteran’s Preference” according to the written test score, should be considered towards further screening criteria. This would include all persons who obtain the score that is cut-off at the 20% ranking.

(B)The sections b through g that added additional points to the laborer exam by having the EEO and Service Director evaluate the top 20% was declared void according to the January 1, 1990 minutes. The additional screening criteria are deemed to be void and unnecessary.

RULE VI

ELIGIBLE LISTS

1. Posting of Lists

The Commission shall prepare and keep open to public inspection from the results of each examination, an eligible list of the persons who have passed the examination and are eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades.

2. Merging Eligible Lists

Whenever it becomes necessary, while an eligible list exists, to hold a subsequent examination in order to obtain additional eligible individuals, 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 examination shall entitle him during the continuance of the first list, and thereafter he shall rank in accordance with the grade received in the subsequent examination.

3. Duration Of Lists

The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not less than one (1) nor more than two (2) years. Any list that has been in effect for more than one (1) year may at the discretion of the Commission be terminated at any time in the public interest, except a Fire Department promotional list which shall be in effect for two (2) years.

4. Identical Or Tied Written Scores

In the event two or more applicants receive the same mark in open competitive examination, priority in the time of filing the application with the Commission shall determine the order 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 Ohio 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 veteran 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.

5. Transfer to Lower Class

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

6. Names Not to Be Certified for Appointment

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

- (A) Fails to report or arrange within six (6) days (Saturdays, Sundays and Holidays excluded) for an interview with an appointing authority;
- (B) Fails to respond to a notice from the Civil Service Commission;
- (C) Declines an appointment without reasons satisfactory to the Civil Service Commission; or
- (D) Who cannot be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list if 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 class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

7. Disqualification of Eligible's

If at 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, fail to satisfy the Commission, his name shall be removed from such eligible list.

8. 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 the appointing authorities for future appointments. The Commission shall make this requirement known to applicants.

9. 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 by reason of 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 an entry in the minutes of the Commission of the reason for such alteration or revocation.

10. Certification of One Sex From Eligible List

The Commission may certify to the appointing authority from an eligibility list only the names of persons of one sex for appointment to positions where sex can be considered a bona fide qualification.

RULE VII
APPOINTMENTS

Appointments to all positions 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 only 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.

The appointing authority of the department in which the position in the classified service is filled, shall notify the Commission of the fact, and the Commission shall, except as provided for in Section 124.30 and Section 124.32 of the Ohio Revised Code and Ordinance #97-82 of the City of Chillicothe, certify to the appointing authority thereof the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which said position is classified. In the event that an eligible list becomes exhausted, through inadvertence or otherwise, and until a new list can be created, or when no eligible list for such position exists, names may be certified from an eligible list which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified.

2. Certification Not More Than Four Times

A person certified from the eligible list more than three (3) times to the same appointing authority, may be omitted from future certifications to that appointing authority.

3. One Of Three Certified To Be Appointed

Upon receipt from the Commission of such list of eligible's for a position, the appointing authority shall fill such position by appointment of one of the three persons certified to him and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

4. Probationary Period; Probationary Removal or Reduction

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 except original appointments to a Police Department as a police officer and original appointments to a Fire Department as a firefighter which shall be for a probationary period of one (1) year and no appointment or promotion is final until the appointee has satisfactorily served his probationary period.

The probationary period of various classes of positions in the several services of the City of Chillicothe is hereby fixed by the Commission under the provisions of Section 124.27 of the Ohio Revised Code as follows:

Jurisdiction should list the length of probationary periods for various classifications.

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 after completion of sixty (60) days or one-half of his probationary period, whichever is greater. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at any time during the ten day period before the end of the probationary period, shall inform the Commission, in writing, of his decision either to make the appointment of the probationary appointee final or to remove such appointee. If the appointing authority's decision is to remove the appointee, his communication to the Commission shall state the reason for such decision.

5. Restriction As To Age, Physical Condition, or Other Requirement

Any restriction for appointment from an eligible list as to age, physical or other requirements shall be made prior to and stated in the bulletin announcing the examination and no eligible list shall be so restricted unless it had been announced in the examination bulletin. (See 5 A, below)

(A) Physical Condition

A person selected for appointment from an eligible list and in the classified service, must be able to successfully pass a physical examination given by a physician of the Commission's choice. The Commission's physician shall issue a report on the physical condition of the applicant and the report shall be final as to the applicant's qualification or disqualification. (Passed August 12, 1982)

6. Provisional Appointments

Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the Commission for non-competitive examination and if

such nominee is certified by the Commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from an eligible list prepared by the Commission and such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six-month period from the date of such provisional appointment.

7. 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 temporary appointments be made; provided, however, that interim or temporary appointments, made necessary by reason of sickness or disability of the regular employee shall continue only during such period of sickness or disability.

Where the services to be rendered by an appointee are for a temporary period, not to exceed thirty (30) days, and the need of such service is important and urgent, the appointing authority may select for such temporary service 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.

All such temporary appointments shall be promptly reported to the Commission by the appointing authority

8. 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, except in the Police and Fire Departments, upon the written request of an appointing authority that shall set forth full information with the request. All such temporary promotions shall continue only during such period of sickness or disability and shall be recorded in the minutes of the Commission. Such temporary 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.

9. 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 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 Ohio 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.

10. Promotions

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 Sections 124.27 and 124.31 of the Ohio Revised Code with the exception of those of patrol officer in the Police Department and of firefighter in the Fire Department. Promotion of patrol officer shall be made in accordance with the provisions of Section 124.44 of the Ohio Revised Code and the promotion of firefighter shall be made in accordance with the provisions of Section 124.45 of the Ohio Revised Code.

11. Original Appointments To The Police and Fire Departments

All original appointments to the Police Department or the Fire Department shall be made in accordance with Chapters 124.41, 124.42 and 124.43 of the Ohio Revised Code and Ordinance #97-82 of the City of Chillicothe.

12. Length of Probationary Period for Police Promotions

Such probationary periods for promotional appointments within the Police Department shall be for a period of six (6) months. (Passed December 3, 1981)

13. Under-utilization in a Department of Minorities

In all departments where the Equal Employment Opportunity (EEO) Administrator has notified the Commission that an under-utilization of any race, sex, or ethnic group or where the appointing authority of any department has applied to the Commission for verification of any race, sex, or ethnic group, and such under-utilization has been verified in accordance with Ordinance #97-82, the appointment process shall be as follows:

- (1) the department head shall certify to the Commission that the department has established hiring goals in conformity with the City's Affirmative Action plan and that the department head intends to use this

particular vacancy as an opportunity to reduce the adverse impact or under-utilization in accordance with the City Ordinance #97-82, and that adequate funding has been appropriated for this position;

(2) upon certification of the department head above, the Commission shall certify a list from which the department head may select the original appointee. This list shall be certified by the Chairman of the Commission and shall include the candidate(s) whose selection would reduce under-utilization in accordance with City Ordinance #97-82. These candidates will be the top scorer of any under-utilized group as the selection must be for the sole purpose of reducing the adverse impact or under-utilization;

(3) the appointing authority shall make its selection with the advice of the EEO Administrator;

(4) the appointment shall be confirmed by the processing of a DF-18 which will be approved by the appointing authority, the Commission, and the new hire, plus the initialing by the EEO Administrator. The DF-18 shall be the official hiring document and any other notice of notification shall be deemed ineffective and not binding upon the Commission or the City. Appointing authorities may inquire whether a particular applicant is still interested in the vacancy but no notification shall constitute an appointment until the DF-18 has been approved as above. (Passed November 5, 1987)

RULE VIII

TRANSFERS, LAYOFFS, REINSTATEMENTS AND LEAVES

1. Transfers

A person holding a position in the classified service may be transferred, with the consent of the Commission, to a similar position in another office, department or institution having the same pay and similar duties; but no transfer shall be made to a position in another class nor to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position held by such person. No transfer shall be made to a position carrying a salary different from or higher than that of the position from which the transfer is requested.

2. Layoff Procedure

(A) Whenever it becomes necessary in any office or department other than the Police and Fire Departments through lack of work or lack of funds to reduce the number of employees within a class, the procedure outlined in this section shall be followed. The appointing authority shall determine the job classes and the number of employees in each class to be laid off. Any layoff within a classification must proceed by laying off in the following order:

1. Employees serving provisionally who have not completed their probationary period after employment;
2. Employees serving provisionally who have satisfactorily completed their probationary period after appointment;
3. Employees appointed by certification who have not completed their probationary period after appointment;
4. Employees appointed by certification who have satisfactorily completed their probationary period after appointment who have the least number of retention points.

Within each of the primary categories: intermittent, then part-time and ten seasonal employees will be laid off before full-time permanent employees.

(B) Retention points to reflect systematic consideration of seniority and relative efficiency for all employees will be assigned by the Commission. Credit for relative efficiency shall not exceed ten percent (10%) of total retention points. Retention points will be determined as follows:

(1) Employees shall be assigned one (1) seniority point for each completed five hundred twenty (520) hours (excluding overtime hours) of continuous service (13 full weeks of service for a full-time employee). These seniority points shall be added to a base factor of one hundred (100) points, thus yielding total seniority points.

(2) Using the chart below, employees shall be assigned efficiency points by: averaging the latest two (2) annual performance evaluations; or using the latest probationary performance evaluation, if less than one (1) year of service.

Employees who have not been currently evaluated shall be given the maximum number of efficiency points; but, in no event shall a special performance evaluation be conducted for purposes of computing efficiency points.

TOTAL SCORE ON

<u>PERFORMANCE EVALUATION</u>	<u>EFFICIENCY POINTS</u>
20 and below	0
21 - 30	2
31 - 45	4
46 - 60	6
61 - 80	8
81 and above	10

The total seniority points plus the total efficiency points equals the total retention points. In cases of identical retention point ratings, those employees having the least seniority in terms of actual date of hire will be laid off first.

(C) A laid off employee in the classified service has the right to displace the employee with the least retention points in a lower classification in the same classification series. A classification series is any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision. Any employee displaced by an employee shall have the right to displace another employee in a lower

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

(D) Notification of layoff, displacement and recall: Each employee to be laid off 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 fourteen (14) calendar days before layoff and the day of hand-delivery shall be the first day of the fourteen (14) day period. If mailed, such notice shall be given seventeen (17) calendar days before layoff and the day of posting shall be the first day of the seventeen (17) day period.

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 employees retention points,
- (4) The right of such employee to appeal to the Civil Service Commission and the time within which to file an appeal,
- (5) 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 of the employee, the appointing authority will make available a copy of rules regarding layoffs

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 employees name from the jurisdictional 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, absence from city or state or other good cause as determined by the Commission) that prevent the employee from returning within the above time limit, the employer shall grant a reasonable extension, not to exceed sixty (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.

(E) Appeal of layoff or reduction: Any laid off or displaced employee may file a written appeal of the layoff or displacement with the State Personnel Board of Review. Such appeal must be filed no later than ten (10) days after the effective date of the layoff or displacement.

3. Establishment of Layoff Lists

The names of persons holding permanent positions in the classified service which have been abolished or made unnecessary shall be placed by the Commission on an appropriate layoff list in order of their retention points and for a period of not to exceed one (1) year shall be certified to all appointing authorities. Whenever discontinued positions are re-established by an appointing authority and a request is made for certification of eligible's, former employees of the department in question who have been laid off and whose names appear on the layoff list shall be first to receive appointment.

4. Layoffs or Reductions in the Police or Fire Departments

Whenever it becomes necessary in the Police and Fire Departments through lack of work or funds, or for causes other than those outlines in Section 124.34 of the Ohio Revised Code, to reduce the force in such departments, such changes shall be made in accordance with the provisions of Section 124.37 of the Ohio Revised Code.

5. Reinstatements

Any permanently appointed employee who has resigned without delinquency may be reinstated, without requisition upon the Civil Service Commission, by an appointing authority at any time within one (1) year from the date of such separation provided there are no former employees of the department who have been laid off and whose names appear on the eligible list for the class. A notice of such reinstatement shall be sent to the Commission for its approval.

6. Leave of Absence

With the consent of the Commission, the appointing authority may grant leave of absence to an employee in the classified service for a period of not to exceed one (1) year and upon the expiration of such leave of absence such officer or employee shall be reinstated, provided, however, that if the officer or employee is a provisional appointee under Section 124.30 of the Ohio Revised Code, the leave of absence, if granted is subject to the establishment of an eligible list and terminates automatically in case an eligible list for said position is established at any time during the period of leave of absence. All such leaves of absence granted by appointing authorities shall be referred to the Commission promptly for approval, in order that the civil service status of such absentees may be protected.

7. 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 ten (10) 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 Civil Service Commission; provided, however, that if at any time within thirty (30) days the person so absenting himself shall make satisfactory explanation to the Commission of the cause of absence, he may be reinstated to his position. Failure to report after a leave has expired or has been disapproved or revoked and cancelled 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 Commission that such failure to report was excusable, the Commission may then order his reinstatement.

RULE IX

REDUCTIONS, SUSPENSIONS AND REMOVALS

The tenure of every officer or employee in the classified service of the City of Chillicothe and the City School District shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, suspended, or removed except as provided in Section 124.32 of the Ohio Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of Sections 124.01 to 124.64 of the Ohio Revised Code, or the rules of the Commission or any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office.

In any case of reduction, suspension for more than five (5) working days, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal which order shall state the reasons therefore. Such order shall be filed with the Commission.

Within ten (10) days following the filing of such order the employee may file an appeal, in writing, with the Commission. In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority, and shall hear or appoint a trial board to hear, such appeal within thirty (30) days from and after its filing with the Commission and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal the decision of the Commission to the Court of Common Pleas in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code.

In the case of the suspension for any period of time, or demotion, or removal of a Chief of Police or a Chief of a Fire Department or any member of the Police or Fire Departments, the appointing authority shall furnish the Chief or member of the department with a copy of the order of suspension, demotion or removal, which order shall state the reasons therefore. Such order shall be filed with the Commission. Within ten (10) days following the filing of such order, the Chief or member of a department may file an appeal, in writing, with the Commission. In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from and after its filing with the Commission and it may affirm, disaffirm or modify the judgment of the appointing authority. An appeal on questions of law and fact from the decisions of the Commission may be made to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

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 orders 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 so

suspended, the mayor shall forthwith 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 proceed to hear such charges and render judgment thereon, which judgment may affirm, disaffirm, or modify the judgment of the appointing officer, and an appeal of the decision of the Commission may be made to the Court of Common Pleas as provided in Section 124.34 of the Ohio Revised Code to determine the sufficiency of the cause of removal.

1. Disciplinary Suspension

An employee may be suspended for a period of not to exceed five (5) working days for purposes of discipline without the right of appeal, except in the case of a Police Chief, Fire Chief or member of the Police or Fire Departments as described above; provided, however, that successive suspensions shall not be allowed.

2. Absence Without Leave

Absences from duty without leave for any time or failure to report if leave has expired, shall be considered “neglect of duty” and cause for removal.

3. Falsification in Application

Falsification of any statement in an application for examination shall be considered “dishonesty” and sufficient cause for removal.

4. Procedure To Be Followed in Removals

The discharge of an employee by an appointing authority shall not become effective until such appointing authority shall have first:

(A) Served such employee a written order of removal, which order shall contain one or more statutory reasons for grounds for discharge, together with such specification of facts as shall place him fairly upon his defense;

(B) Filed with the Commission a copy of such order of removal

5. Appeal Of Removal

Any such employee so removed may appeal from the order of such appointing authority to the Commission within ten (10) days after the effective date of such removal as set forth in the order of removal.

RULE X

HEARING PROCEDURE

1. Time of Hearing; Notification

Upon receipt from an employee or officer in the classified service of the City of Chillicothe or the City School District of a time 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 and his attorney, if known, thereof.

2. Amendments To Orders

Amendments to the orders of removal, reduction in pay or position or suspension for more than five (5) working days may be made by the appointing authority at any time provided the employee and his attorney, if any, receive copies of the amended order prior to ten (10) calendar days before 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 adduce his evidence in support of the charges and specifications
- (B) The employee affected shall then produce such evidence as 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.

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. 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 charges. Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee this resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

6. Appeals To Higher Court; Transcript Required

Within thirty (30) days after filing the notice of appeal, the officer or body from which the appeal is taken shall, upon the filing of a praecipe, prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony and evidence offered, heard and taken into consideration in issuing the order appealed from. The costs of the appeal and shall be paid by the party ordering the transcript.

The costs of said transcript shall be as follows: the original transcript for filing in the court shall be \$1.50 for each page; the copy for appellant shall be \$.75 for each page.

The executive secretary of the Civil Service Commission is authorized to require a deposit on any transcript prior to preparation at fifty percent (50%) of the estimated cost of the transcript. (Passed June 7, 1984)

LOCAL RULES & REGULATIONS UPDATES

- May 12, 1989: The CSC abolished the physical agility testing.
- August 14, 1991: Part-time bus operators are given the chance to be hired in a full-time position of bus operator after the contract has been met by giving department employees on the list the first choice. Part-timers will be given consideration before others on the list. (Bus Operators Only)
- March 17, 1993: The Civil Service Office Manager's title has now been changed to the Employment Coordinator CSC.
- Sept. 22, 1993: Concerning the "Grandfather Clause" relative to educational requirements: Anyone hired after the eligibility list of 9/24/93 must have a high school diploma or GED. Employees not meeting the educational requirements, but already employed will be "Grandfathered" in.
- Feb. 23, 1993: A change in the way seniority points are counted. Previously, one (1) point for the first four years is now being read to give four (4) points for the first four years.
- Sept. 28, 1994: Additional medical testing for Police and Fire Dept. new employees. Aids and TB testing will not be given subject to hire.
- Sept.28, 1994: Part-time employees on any eligibility list may be given consideration for hire over the top three test scores, excluding employees on the list and not to supersede Ordinance 97-82. This is not a promise of employment, only a consideration to be made by the department head.
- March 22, 1995: Chairman McMahon explained the position of the Commission in regards to removing information from the Commission's personnel files by stating ORC 1347.09 which authorizes the Commission's right to do such.
- March 31, 1995: Special Hearing: At the hearing of Joseph Minney, firefighter applicant, the Commission discussed and approved a change in the original application for employment. To clarify veteran's credit, we will add the section of Local Rule V6 (a) adding to the application "(other proof of satisfactory service)".

- Nov. 8, 1995: The CSC noted the change in “The Rule of 3” to the “Rule of 10” according to Senate Bill 99 and the elimination of efficiency/evaluation points being added to scores.
- July 31, 1996: A posting for the promotional position of Police Sergeant did not include a (4) year previous position requirement to be eligible to take the exam. The reason being, the new job description did not have the (4) year requirement. Therefore, the Commission had to follow ORC 124.44 stating a (1) year previous service time requirement. A letter from the Police Chief on 9/26/96 also agreed to follow the ORC ruling of a (1) year requirement.
- Dec. 13, 1996: The approval for psychological evaluations given to potential firefighters is granted by the Commission.
- April 23, 1997: Per the new FOP contract of January 1, 1997-2000, seniority and evaluation points will be reinstated to their promotional exams. The contract supersedes ORC 124.31.
- July 29, 1998: The Commission granted permission to (any) part-time employee to be able to apply for any position (promotional or full-time) and fill that position if qualified. Part-time employees will be placed and considered per their position on the eligibility list. Consideration over other than full-time contract employees is up to the department head.
- Sept. 30, 1998: Physical Agility testing reinstated by the Commission for the Police and Fire Departments.
- Dec. 16, 1998: Question of personnel files in the Commission office ended with the ruling of the ORC stating all files remain in the Commission office.
- Dec. 16, 1998: Questions regarding EEO Department or Mayor’s Office receiving complaints in regards to the Commission. Regardless of any department receiving complaints dealing with the Commission, the Commission only will handle those concerns.
- August 19, 2002: Promotional exam time is changed to the procedure per the Commission meeting minutes of 8/19/02.
- March 19, 2003: Extension of time from one to two years granted for physical agility testing.
- February 25, 2009 Evaluation and seniority points changed to comply with the Local Rules Section 6 (c).

- November 2009 Raw scoring of exams: A raw score may be noted on the eligible list is desired. (Police Department desires).
Example: The number of correct answers divided by the total number of answers on the test will result in a raw score.
Evaluation points: Now will be the total points divided by 2 times 10% ($15.27 \div 2 = 7.635 \times 10\% = 0.7635$)
- November 2011 Fire Department agility testing guidelines updated for clarification and approval from the commission that the results will only be valid for one year.