

# *Rules of the Municipal Civil Service Commission Of Bedford, Ohio*

*Adopted: September 13<sup>th</sup>, 2007 Effective: September 13<sup>th</sup>, 2007*

*Amended as of February 20, 2022*

## *Forward*

The Civil Service Commission of the City of Bedford, Ohio hereby proclaims its rules governing the Civil Service of the City of Bedford, Ohio (hereafter referred to as “City”).

## *Rule 1 - Definition of Terms*

1. *Definitions* The several terms hereafter mentioned whenever used in these rules or in any regulations in force thereunder shall be construed as follows:
  - 1.1 *“Appointing Authority”* The City Manager, the City Council, Department Heads or Supervisors, having the power of appointment to or removal from any position in their respective areas in any office or department of the City.
  - 1.2 *“Certification”* Act of supplying names from an official eligible list, and recording thereon, to the Appointing Officer for purpose of employment selection.
  - 1.3 *“Civil Service”* Refers to and includes all offices and positions of trust or employment in the service of the City as enumerated in the Charter of the City of Bedford.
  - 1.4 *“Class”* Is used to designate one or more positions sufficiently distinct from all other positions in duties, responsibilities and qualifications required to warrant a separate title.
  - 1.5 *“Classification”* Is a term used to designate the process by which the proper title and level for each position is determined.
  - 1.6 *“Classified Service”* All offices and positions in the Civil Service not specifically included in the Unclassified Service.

- 1:7 **“Commission”** The Municipal Civil Service Commission of the City of Bedford, Ohio.
- 1:8 **“Competitive Examination”** An examination given for the purpose of determining the relative rank of those qualifying and establishing an eligible list arranged in order of merit.
- 1:9 **“Demotion”** The movement of any employee from a position in one class to a position in another class having a lower maximum salary rate due to disciplinary reasons, incapacity to perform the work, inefficiency, or unsatisfactory work performance or by the request of the employee.
- 1:10 **“Eligible List”** A list of names of persons found qualified through examination for the purpose of filling vacancies in the Classified Service.
- 1:11 **“Employee”** One who serves the City in the Classified or Unclassified Civil Service.
- 1:12 **“Employee Status”** A term utilized to describe an employees title, salary range, and type of employment (temporary, seasonal, permanent, etc.)
- 1:12 **“Lateral Transfer”** A term to describe an Applicant who is trained by and works for another qualifying Police/Fire entity who desires to be employed with the City of Bedford, with qualifications and or testing as prescribed by the Civil Service Commission of the City of Bedford.
- 1:13 **“Non-competitive Examination”** Non-competitive examinations shall be regarded as exceptional and may be held only for positions requiring peculiar and exceptional qualifications, of a scientific, managerial, professional or educational character. Non-competitive examinations shall be of such character to determine whether or not the Applicant possesses the requisite knowledge, ability and physical qualifications to enable him or her to perform the duties of the position; the Applicant shall be required to attain a qualifying rating to be fixed by the Commission in order to become eligible for the position for which he or she is taking a non- competitive examination.
- 1:14 **“Open Examination”** An examination open to all persons employed by the City or not, who meet the qualifications and comply with the prescribed requirements for admission thereto.
- 1:15 **“Permanent Employee”** An employee in the Classified Service who, following certification, has completed the applicable probationary period, and

occupies a duly authorized position involving full-time year-round service.

- 1:16** **“Permanent Part-time Employee”** An employee in the Classified Service who, following certification, has completed the applicable probationary period, and occupies a duly authorized position involving a prescribed regular schedule of service.
- 1:17** **“Position”** A group of current duties and responsibilities established by proper authority normally requiring the full-time services of one person or a prescribed regular schedule of service.
- 1:18** **“Promotion”** A vertical movement from one class to a higher class, involving a change in grade and rate of compensation.
- 1:19** **“Promotional Examination”** A promotional examination is open only to employees who meet the qualifications set forth by the Commission and given for the purpose of establishing an eligible list.
- 1:20** **“Provisional Employee”** Notwithstanding the provisions of Ohio Revised Code Sec. 124.26(B) eliminating the position of provisional employee” for state and/or county employees, whenever there are urgent reasons for filling a vacancy and the Commission is unable, upon requisition to certify a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a qualified person for provisional appointment. Such provisional appointment shall continue only until a regular appointment can be made from an eligible list, which shall be prepared by the Commission within 90 calendar days thereafter.
- 1:21** **“Rules”** Shall mean the Rules of the City of Bedford Civil Service Commission.
- 1:22** **“Seasonal Employee”** Any employee whose services are required only during certain parts of each year.
- 1:23** **“Structured Interview”** An interviewing technique designed in such a manner as to provide for a standardization of questions asked, the sequence in which they are asked, and the way in which replies are interpreted to provide for consistency between interviews in the obtaining of job related information for the purpose of rating the candidate.
- 1:24** **“Temporary Employee”** An employee appointed for a specified period, or a special project, or one who is replacing a permanent employee on leave.
- 1:25** **“Transfer”** The movement of an employee from one class to a like or related class

not involving an increase in grade.

- 1:26** **Unclassified Service**” Offices and positions in the service of the City specified by the charter, law, Civil Service Commission as being in the Unclassified Service. The Unclassified Service shall include: (a) All officers elected by the people, or persons appointed to fill vacancies in such elective offices. (b) All directors of departments and their assistants. The members of all boards or commissions appointed by the City Manager or Mayor. (d) The Clerk of Council, the Secretary of the Civil Service Commission, and any employee of the Municipal Court. (e) Unskilled labor.
- 1:27** **Weights**” As used in connection with scoring examinations indicating the relative importance of the subjects or parts of the examination.

## **Rule 2 - Administration**

- 2:1** **Officers of the Commission** The Commission shall organize annually upon its first regular meeting in January and shall elect one of its members as chairperson. In the absence of the chairperson at any meeting, the remaining members may designate a member to serve as temporary chairperson.
- 2:2** **Secretary and Administrator** The Commission may appoint a person to act as the Secretary and Administrator of the Commission who shall be responsible for extending administrative direction in the carrying out of all the duties, functions, and activities of the Commission. Such functions shall include complete and comprehensive classifications and examining programs, certifying payrolls to ascertain that the persons contained therein have been appointed or employed in accordance with Civil Service provisions, certifying **eligibility lists**, maintaining all official records of actions, and other such duties as the Commission shall prescribe. Until such Secretary is appointed, the Director of Finance shall serve as Secretary.
- 2.3** **Other Employees** The Commission may appoint other professional and clerical employees as necessary to carry out the merit system principles of Civil Service within *its* annual appropriation.
- 2.4** **Special Examiners** The Commission may designate persons in or out of the Civil Service to serve as examiners or assistant examiners under its direction, with such compensation as may be agreed upon between the person so employed and the City, or without compensation.
- 2.5** **Meetings of the Commission: Quorum** Regular meetings of the Commission shall

be held at such time and place as may be determined by resolution of the Commission. Such resolution shall be posted in the office of the Secretary. Special meetings may be called by the chairperson or any two members of the Commission upon at least two days notice. Notice may be waived by any member. Such notice may be verbal and shall state the subject to be considered. No other subject may be considered unless all members of the Commission are present. Three members of the Commission, *including the Secretary of the Commission*, shall constitute a quorum for the transaction of business.

**2.6 Minutes** The minutes of the Commission shall record the following matters as they are presented to the Commission:

- All appointments and status changes.
- Temporary promotions and assignments of employees to work other than that embraced by their classification.
- Appeals from dismissal, demotion or suspension with the action of the Commission thereon.
- Reinstatement.
- Replacement of names on and removal of names from an eligible list.
- Changes in the classification plan.
- Reclassification or reallocation of individual employees.
- Approval of and changes in examination schedules.
- Subjects and weights of examination.
- Appointments of special examiners.
- Transfers between departments or divisions.
- Exemptions from competitive examination in the case of special or exceptional appointments.
- Any other action or report directed to be recorded by the Commission.
- Any other business considered by the Commission.

**2:7 Official Roster** The Commission shall cause to be prepared and maintained an official roster showing the following:

- Name of the officer or employee.
- The title of this office.
- The salary or compensation received.
- The date of appointment.
- The date of all examinations and standings.
- The employees promotions and all changes in title, position and compensation.
- Other data as directed by the Commission of all persons employed in the service of the City of Bedford. No payroll of persons holding positions in the Classified Service shall be certified or approved for payment unless each name has been placed on the official roster in accordance with these rules. Information as to

positions in the unClassified Service shall be supplied by the Appointing Authority within 48 hours after any appointment to such service.

**2.8 Rules regarding Open Public Meetings and Notice Thereof**

- (a) *As used herein meeting” shall be defined as any prearranged discussion of the public business of the Commission by a majority of its members.*
- (b) *Every meeting of the Commission shall be open to the public, unless an executive session is held pursuant to applicable State Law.*
- (c) *A notice of the time and place of regularly scheduled meetings, or of any change in time or place thereof shall be posted on the public bulletin board of the City at the City Hall.*

*Notice of any change in time or place of a regular meeting or of the time, place and purpose of a special meeting shall be similarly posted at least twenty-four hours in advance of such meeting, except in the case of any emergency meeting.*

- (d) *Any person who desires to receive advance personal notice of any change in time or place of a regular meeting or of any regular or special meeting of the Commission at which any specific type of business is to be discussed may receive such advance notice by requesting that the Secretary of the Commission put his or her name on a mailing list, and either providing the Secretary of the Commission with a supply of stamped, self-addressed envelopes or paying a fee of \$2.00 per year in order to cover the costs of providing such notice.*
- (e) *The Commission shall not hold a special meeting without providing at least 24 hours advance notice either in writing or by telephone of the time, place, and purpose of such special meeting to the news media that have requested notification, except in the event of an emergency. In the event of an emergency requiring immediate official action, the member of the Commission calling such meeting or the Secretary shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting. News media requesting notification of special meetings shall provide the Secretary of the Commission written designation of the person, mailing address, and telephone number to whom notification is to be given. The Commission will, if at all possible, provide such notice only within normal working hours. It shall be the obligation of the news media requesting notification to keep this written designation at all times.*

*(f)The minutes of the Commission shall be recorded and open for public inspection after they have been read and approved by the Commission*

*(g) The minutes need only reflect the general subject matter of discussions in executive sessions which have been called and held pursuant to applicable law.*

### **Rule 3 - Classification**

**3:1 Classified Service** All offices and positions not specifically included in the City of Bedford Charter as UnClassified Service, or by subsequent ordinances or resolutions passed thereunder, or by resolution of the Commission, shall constitute the Classified

Service of the City of Bedford. All such positions shall be designated by the Commission and the title so given shall be used in all records.

**3:2 Classification Plan** A classification plan for the employees in the Classified Service shall be adopted and maintained by the Commission and shall provide for the standardization and classification of all positions in the Classified Service.

**3:3 Conformance to Class Duties** No person shall be employed or regularly assigned under any title not appropriate to the duties to be performed. Whenever a new position is established, or the duties of a position are so changed rendering the old position obsolete, thereby creating a different class, the appointing officer shall report such fact to the Commission and transmit a full statement of the circumstances and description of the duties. The Commission shall thereupon, after investigation of the actual or proposed duties, responsibilities and qualification requirements, classify or reclassify the position by allocating it to its appropriate class in accordance with the classification plan in effect. The cooperation of each department head and division head is essential for maintaining the integrity of the classification plan by limiting employees to the performance of duties appropriate to their class.

**3:4 Amending Official Classification** It shall be the duty of the Commission to study new positions or existing positions in which there is doubt as to the appropriate titling. The Commission shall amend as necessary the official classification to reflect the results of such studies.

**3:5 Periodic Investigation of Classification** The Commission shall review periodically the appropriateness of the class titles assigned to each position in the Classified Service, and shall determine whether employees assigned to the Unclassified Service are filling positions which are or should be in the Classified Service, or whether employees in one

class are performing duties regularly assigned to positions in other classes.

- 3:6 Automatic Certification non uniform** Where a position has been reclassified by the Commission on account of additional duties and responsibilities or to correct original errors in classification, the incumbent of the former position may be promoted or appointed to the new position without examination, upon request of the proper Appointing Authority. It must be shown to the satisfaction of the Commission that the person for whom such promotion or appointment is requested has fully performed the additional duties and assumed the responsibilities on account of which reclassification was allowed and is fully qualified to fill the position.
- 3:7 Amend Classification** The Civil Service Commission may amend the specifications for any class, and abolish, merge, or divide existing classes, or create new classes under the classification plan.

### **Rule 4 – Application for Examination**

- 4:1 Notice of Examination** Whenever the Commission shall decide that the good of the service will be promoted thereby, it may hold an examination for any office or position in the Classified Service. Adequate public notice of the time and place of every examination shall be given at least thirty (30) days prior to the date thereof in places deemed appropriate by the Commission. Whenever greater publicity shall be deemed necessary in order to secure the number of Applicants desired, notice of said examination also may be published in newspapers of general circulation and other media. Such notice shall also contain such other information relating to the scope and character of the examination and to the qualifications of Applicants, as the Commission may deem proper. If the examination is a promotional, notices shall be distributed at least ten (10) days in advance of the examination date to each department and recognized employee bargaining group in which there are employees eligible to apply.
- 4:2 Applications** Applications for admission to any examination shall be made upon application forms approved by the Commission. All applications shall be legibly printed or written and Applicants shall state under oath or affirmation all pertinent facts on the following subjects:
- A. Name, address, and date of birth.  
Military service.



Skills.

Citizenship.

Previous employment

Education.

References including three persons not relatives of the Applicant.

Such other information affecting the qualification of the Applicant for admission to the examination as may be required of all such Applicants by the Commission.

**4:3 Filing of Application** Applications must be obtained at City Hall or by electronic methods. Applications must be filed in person at the Bedford City Hall.

**4:4 Rejection of Applications** All applications shall be reviewed by an authorized representative of the Commission. Applications may be rejected for any of the following reasons:

- A. If the Applicant has not met the qualifications specified on the announcement by the date of the examination, or has intentionally made false statements on his or her application with regard to any material fact.
- B. That the Applicant is not within the prescribed age limits.
- C. That the Applicant does not meet the physical requirements of the position to which he or she seeks appointment, is addicted to the excessive use of drugs or intoxicating beverages, has been guilty of a crime or disgraceful conduct, or has been dismissed from employment for flagrant delinquency or misconduct.
- D. 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.
- E. That the Applicant cannot speak and write the English language and is unable to acquire these skills prior to the scheduled date of the examination.
- F. Failure to notify Commission of any changes in regard to address, telephone numbers or other contact information.

Applications may be rejected for any just or reasonable cause which is job-related, and not discriminatory, as determined by the Commission.

Upon rejection of any application, the Applicant shall be promptly notified of such fact and the reason therefor, whereupon he or she may, within three (3) working days after receipt of such notice file a written complaint against such rejection. If any such complaint from a rejection is pending at the time an examination is scheduled to be held, the Applicant shall be allowed to take the examination pending the decision into such inquiry. If the Commission finds the rejection justified, the examination paper shall not be included among those to be rated.

- 4.5 **Fingerprints** The Commission may cause fingerprints of Applicants for certain responsible positions to be taken and processed.
- 4:6 **Records Checks** The Commission shall require Applicants to sign a consent form to allow the City to obtain a criminal records check from the Bureau of Criminal Identification. The Commission shall also require Applicants to sign a consent form to allow the City to obtain a check of the Applicants driving record.

### **Rule 5 – Examinations, Promotions & Probation**

- 5:1 **Charter of Examinations** Examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity of the persons examined to acquire the necessary knowledge and skill to discharge the duties of the position to which appointment is sought.
- 5:2 **Types and Methods of Examination** The Commission shall determine and state in the announcement of each examination whether it will be competitive or non-competitive, recruitment or Lateral Transfer (entry-level) or promotional, or any combination thereof. Lateral Transfers or (Recruitment of Applicants from other entity departments), is considered non-competitive selection process into the classified Civil Service Patrol Officers and Fire Fighters (Fire-Medics), since it is recognized that trained Patrol Officer's and trained Fire- Fighters (Fire-Medics) possess unique and exceptional qualifications and experience. This process as determined by the City of Bedford Civil Service Commission and may combine with testing methods described above, and/or with video/computer aided testing, and/or a point system of qualifications assigned to candidates based upon certifications, knowledge (schooling), experience, including Military experience, and an Applicant's physical conditioning or any combination thereof, or in addition to, as designated by the City of Bedford Civil Service Commission for the purposes of ~~ranking~~**Ranking** applicants and creating a certified list of applicants.

The criteria for Lateral Entry applicants shall not be less than those for competitive test candidates. Candidates for Lateral Entry as a Police Officer shall possess a valid OPATA Certificate.

The applicant must have worked as a Patrol Officer within the past two (2) years, and have at least (1) year of full-time experience or 2080 hours of part time work as a Patrol Officer.

Applicants for Lateral Entry as a Firefighter (Fire-Medic) shall possess an active Paramedic License, an Active Firefighter I and II Certification, have worked as a Firefighter (Fire-

Medic) within the past 2 years, and have at least one (1) year of Full Time Experience or 2,496 hours of part time work as a firefighter (Fire-Medic)

Positions filled thorough these procedures are therefore exempt form competitive examination.

The Appointing Authority can choose one (1) employee of the top 10 candidates ranking highest on the lateral transfer list filling a vacant position.

The Lateral Transfer List will expire upon the completion of another certified listing unless otherwise, designated by the City of Bedford Civil Service Commission.

New employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

Seniority for Lateral Entry Patrol Officers and Fire fighters will be based on the date of hire with the City of Bedford.

Whenever in the judgment of the Commission physical and/or psychological qualifications are of special importance, the Applicant shall be required to pass a medical examination and be certified as qualified in such respect, but only after the Appointing Authority has conditioned a job offer to such appointee on the satisfactory result of the post-offer medical examination.

**5:3 Parts of Examination** Whenever in the judgment of the Commission physical and/or psychological qualifications are of special importance, the Applicant shall be required to pass a medical examination and be certified as qualified in such respect, but only after the Appointing Authority has conditioned a job offer to such appointee on the satisfactory result of the post-offer medical examination.

No oral or written examination shall be held except in the presence of the examiner(s) duly assigned by the Commission. Written tests may be either objective or essay type to demonstrate the knowledge required in the position and to indicate the Applicants general educational attainment. A paper on one or more subjects may be required. Oral tests shall consist of an interview between the Applicant and the designated examiner (s) to measure the suitability of the Applicant for the position as to such factors as job knowledge, and other job-related attributes

Performance tests shall include such tests of ability and skill as will determine the competence of the Applicant to perform the duties of the position.

Education and experience shall be evaluated by the examiner from the statements contained in the application and from such other sources as may be required.

Evaluation of attendance, performance and conduct shall be considered in the final decision regarding promotion of the Applicant by the Appointing Authority.

Physical examinations when required, may include tests of bodily condition, muscular strength, agility and physical fitness to perform the work of the position. Failure to reach satisfactory standards in this part of the examination shall cause the rejection of a candidate without regard to the grade (s) attained on other parts of the examination.

**Medical examination**

Whenever in the judgment of the Commission physical qualifications are of special importance, the Applicant shall be required to pass a medical examination and be certified as qualified in such respect, but only after the Appointing Authority has conditioned a job offer to such appointee on the satisfactory result of the post-offer medical examination.

**5:4** **Licenses Required** Every person applying for examination for any position, the duties of which require a certificate or licenses of any agency operating under the authority of any ordinance, statute, rules or regulation of the city, state or the United States, shall present to the Commission at the time of application, his or her certificate or license or a certified copy thereof.

**5:5** **Scheduling Examinations** The time and place of examinations shall be determined by the Commission. Before an eligible list has expired or has been exhausted, or when a new position has been created for which there is no eligible list, the Commission shall cause an examination to be scheduled.

**5:6** **Postponement and Cancellation** The Commission may postpone or cancel any examination because of an inadequate number of Applicants or for any other just and sufficient cause. The qualifications for admission to postponed examination may be altered at the discretion of the Commission so as to secure an adequate number of Applicants; however, these alterations shall be adequately publicized. Notice shall be given to all Applicants when an examination is postponed or cancelled and such additional announcements and publications as needed shall be issued to notify the public.

**5:7** **Identity of Candidates** The identity of all persons taking a competitive assembled

written test shall be concealed by use of an identification number which shall be used on all examination papers. The examination shall be commenced by requiring each competitor to fill out and sign an identification and declaration sheet containing his or her examination number as shown on the official envelope furnished him or her, and also his or her address, age and such other information as the Commission may require, and seal the same in the official envelope. All envelopes shall be placed in a sealed package and deposited in a safe place, and the package shall be opened for the identification of papers only after the marking has been completed on all papers. All papers submitted by competitors shall contain their numbers only and paper bearing the name of a competitor or any other identification marks may be rejected, and specific announcement of this fact shall be made at the commencement of the examination. The numbers placed by Applicants on their examination papers shall, before the papers are submitted to the examiners, be removed from all such papers and another number or letter substituted therefor. A key, showing the original numbers and the numbers or letters substituted therefor, set opposite each other, shall be prepared by the Commission and placed in a sealed envelope until the marking is completed and the final average is computed; whereupon the original numbers shall be restored to examination papers.

**5:8**     *Conduct of Examinations* All examinations shall be conducted under the direction of the Commission members or by special examiners designated by the Commission. No Applicant shall be admitted to an examination after the advertised time for beginning the examination, except by special permission of the examiner-in charge, who in his or her discretion, may admit the Applicant. The limit of time prescribed for each examination shall be announced at the beginning of the examination.

**5:9**     *Offenses in Examination* Any competitor who brings into the examination any written or printed matter, cell phone, calculator, computer or other like and/or similar device to aid him or her in the examination; or who confers with or attempts to ascertain from or give to another competitor information to aid him or her in answering any question; or who discloses his or her identity leaving unsealed his or her identification sheet or by placing any identification mark upon any answer sheets or other papers or envelopes submitted with the answer sheets, shall be dismissed from such examinations and be deprived of the benefits of such examination.

Frauds in examinations prohibited. No person or officer shall:

- (a) Willfully or corruptly by himself or herself or in cooperation with one or more persons defect, deceive, or obstruct any person in respect to 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 any 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 impersonate any other person, or permit or aid in any manner any other person to impersonate him or her, in connection with any examination, registration, appointment, application, or request to be examined, registered or appointed; or
  - (f) Furnish any false information about the Applicant, or any other person, in connection with any examination, registration, appointment, 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.
  - (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 Authority, or have any person on his or her behalf solicit a favor.
  - (j) Any Applicant in any examination found to be using any means of information, or other than that provided in the examination itself, such as memoranda, pamphlets or books of any kind to assist him or her in answering the questions shall have his or her examination papers confiscated and filed with a marking of zero when the circumstances justify such action.

Any person committing any of the above frauds may be excluded from examination or certification or may be removed from an eligible list.

**5:10** **Method of Rating** Each part of an examination shall be separately rated. The final score for the total examination shall be rated on scale in accordance with established practices of the Commission. Where qualifying tests are given, they may be rated separately and only those who attain a passing grade may be permitted to enter the remaining parts of the examination. In all cases of a tie in examinations which did not include a structured interview, a structured interview may be required to resolve the tie.

**5:11** **Eligible List** The names of those persons who attain a passing grade in competitive examinations shall be arranged in a list of descending order of the grade received. An eligible list for non-competitive examination will consist of an alphabetic listing of qualified Applicants. These lists after approval by the Commission shall constitute the eligible lists for positions in the class indicated by

its title, and shall be valid for a period of two (2) years; provided, however, that the Commission may abolish any list that has been in force for more than six (6) months, and hold a new examination, whenever in its judgment the interest of the public service so requires.

Whenever it becomes necessary to hold subsequent recruitment (entry-level) examinations in order to obtain additional eligibles, the Commission may consolidate existing lists for the same class by rearranging the eligible names therein according to their grades.

- 5:12** *Non-Competitive Classified Services* All positions as determined by the Commission requiring peculiar and exceptional qualifications of a scientific, technical, managerial, professional or educational nature, may be placed in the non-competitive class of the Classified Civil Service. Applicants for such positions who have the necessary qualifications as determined by the Commission may be given a non-competitive examination. Applicants who pass such examination satisfactorily shall be placed upon the eligible list therefor in alphabetical order without a grade or ranking and the entire eligible list shall be certified to the Appointing Authority upon request. The Appointing Authority may appoint to such position any person on the list. Whenever the Commission deems it advisable, competitive examinations may be ordered for any position previously filled by non-competitive tests.
- 5:13** *Examination Papers* The detailed score of the successful candidates shall be kept on file by the Commission so long as the eligible list created from the examination remains in effect. These scores may be inspected at the office of the Commission by any Appointing Authority to whom a certificate has been made from the list. All examination papers of candidates shall be kept on file for a year following the examination.
- 5:14** *Promulgation of Examinations* No examination shall be deemed to have been completed until the markings and results have been determined and the Commission has promulgated the same. After receiving the results of an examination and before promulgation, if not satisfied, the Commission may reject it and order another examination held. No person taking an examination shall acquire any rights whatsoever until the Commission in session has examined and promulgated the list.
- 5:15** *Inspection Of Examination Papers* Any competitor with permission of the Commission, shall have the right to inspect his or her own papers and inform himself or herself as to the markings given him or her on each subject or question and to submit in writing for the Commissions consideration any objection or protest he or she may wish to make concerning the grades given. Such exceptions must be made within fifteen (15) days after an Applicant has been notified of his

or her grade. The written requests of Applicants shall be considered by the Commission and the examiner in charge in any examination and their decision given to the Applicants. No grades given in any examination shall be changed after the posting of an eligible list, except that the Commission may correct clerical errors of examiners or employees at any time before the expiration of such list. Examination papers of the competitors are not subject to inspection by the public except upon unanimous vote of the Commission.

**5:16** *Promotions* Vacancies shall be filled by promotion wherever practicable. An advancement in rank classification shall constitute promotion.

**5:17** *Police Service Promotions* Prior service for the purpose of this section shall mean total (as opposed to continuous) service in the Bedford Police Department. No person shall be examined for promotion or promoted to the position of Sergeant unless he or she has three (3) years of prior service as a Bedford Police Officer, as of the date of written examination. No person shall be examined for any position above the rank of Sergeant unless he or she has been duly certified and has three (3) years of prior service at or above the rank of Sergeant. No person shall be examined for the position of Lieutenant unless he or she has a minimum of two (2) years prior service at the rank of Sergeant, as of the date of the examination. No person shall be examined for the position of Chief of Police unless he or she has a minimum of one (1) year, or more, prior service at the rank of Lieutenant or Deputy Chief (with two (2) year in the position as Deputy Chief if previous rank was below Lieutenant).

*Police Department Applicants* Applicants for examinations for original appointment to the police department as a police officer must have attained the age of twenty-one on or prior to the date of examination.

*Fire Department Applicants* Applicants for examinations for original appointment to the fire department as a firefighter must have attained the age of eighteen on or prior to the date of examination.

**5:18** *Fire Service Promotions* Prior service for the purpose of this section shall mean total service in the City of Bedford Fire Department. No person shall be examined for promotion or be promoted to a position of Lieutenant unless he/she has three (3) years of prior service as a Firefighter as of the date of the written examination. No person shall be examined for or promoted to any position above the rank of Lieutenant unless he or she has been duly certified and has three (3) years of prior service at or above the rank of Lieutenant.

**5:19** *Promotional Examination* Whenever there is a vacancy in a position in any



department above the lowest grade, the Commission shall ascertain whether there are at least three eligible employees willing to compete to fill the vacancy. Whenever there are three or more persons, all in the same department or division 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 open only to persons in the Classified Service within the given department or division; in which case the name of the three persons having the highest rating shall be certified to the Appointing Authority. If a promotional examination is not held and there are less than three eligible employed by a given department or division willing to compete, an open competitive examination may be scheduled; or, in exceptional cases, the Commission may authorize the promotion without competition and after a non-competitive test of such eligible persons upon presentation by the Appointing Authority of a written statement showing in detail that the duties performed by the person nominated are a natural preparation for the higher position and that such person is entitled to promotion by reason of length of experience and effective performance. Promotion shall in every case involve a definite change in duties and an increase in compensation.

**5:20** *Evaluations* At the discretion of the Commission, periodic evaluations relative to the attendance, conduct and performance of all permanent employees shall be made on forms and in the manner prescribed by the Commission. Such records shall be filed in the office of the Commission and may be made a part of the official record of the employee. Attendance, conduct and performance in service shall be considered by the Appointing Authority in the final decision of the promotion process. When efficiency records covering the employees eligible for promotion do not exist, the Commission may investigate the work and conduct of such employees and allow such efficiency evaluation as it may deem proper.

**5:21** *Veterans Credit Points - Entry Level Police and Fire Exams* Notwithstanding the provisions of the Ohio Revised Code as to veterans credit points, the Bedford Civil Service Commission hereby establishes a veterans credit of seven points to be added to the test score of entry-level police and/or fire Applicants for service in the United States Military. These points will be added for candidates possessing a valid DTE 214 discharge with acceptable RE codes as established by the Civil Service Commission of the City of Bedford at the time of the entry-level examination. A candidate must first receive at least a minimum passing score on such examination in order to be eligible for the bonus credit points outlined in this section.

## *Rule 6 – Eligible Lists, Requisitions, Certification, & Appointment*

- 6:1**     *Eligible Lists, Duration* The Commission shall maintain or will establish a list of eligibles in each class in the Classified Service for which examinations are given. Each list shall remain in force for two years from the date of its promulgation unless a new examination is held sooner, (in which case the previous list would be abolished) or unless the list is extended by the Commission. Such extension, if made, shall be entered on the minutes of the Commission. The length of an extension and the number of the extension shall be determined at the discretion of the Commission.
- 6:2**     *Expiration of List* When an eligible list expires the names remaining thereon shall be placed on succeeding lists only as a result of passing a new examination.
- 6:3**     *Disqualification of Eligible* If at any time after the creation of an eligible list, the Commission has reason to believe and is of the opinion that any person whose name is on an eligible list has made any false statement or statements in the application or tests administered by the City, is physically or mentally disabled, is financially irresponsible, uses alcohol or drugs to the extent the alcohol or drugs would detrimentally affect his or her job performance, has been convicted of a felony or a crime involving moral turpitude in the past ten years or for any other comparable reason, the Commission may remove the name of said person from any eligible list, subject to said person being notified and given the opportunity to be heard, provided, however, that if the name of said person is removed from any eligible list due to his physical or mental disability, the reasons for said removal must be:
- (a) job-related and consistent with business necessity, or the person is being excluded to avoid a direct threat to health or safety; and that
  - (b) no reasonable accommodation was available that would enable this person to perform the essential job functions of the position without a significant risk to health or safety, or that such accommodation would cause undue hardship. If the person whose name is removed from said list for one of the aforementioned reasons fails to appear for the hearing, or upon being heard, fails to satisfy the Commission, his or her name shall be permanently stricken from the eligibility list.
- 6:4**     *Change of Name and/or Address* Employees shall report changes of name or address promptly on appropriate forms to their department head. Such changes shall be promptly forwarded to the Commission. It shall be the responsibility of all Applicants and eligibles to promptly notify the Commission of any change of name and/or address immediately upon such change.
- 6:5**     *Removal from Eligible List* Names may be removed from an eligible list by action

of the Commission for the following reasons in addition to those previously outlined:

At the request of the eligible.

Failure to accept appointment upon certification unless a waiver is granted by the Commission.

Upon resignation from promotional eligibility lists.

Any other just or reasonable cause as determined by the Commission.

**6:6** **Notification** Whenever a vacancy exists in the Classified Service, or a new position is created, the Appointing Authority shall immediately notify the Commission of the fact in writing. When any such vacancy is to be filled, the Appointing Authority shall request the Commission for the certification of names of eligibles for such positions and shall state whether the position is temporary or permanent, (if temporary, the duration of the employment) and any additional requirements of the position that may be deemed necessary.

**6:7** **Certification** Upon receipt of such request the Commission shall certify to such Appointing Authority the names and addresses of the three persons standing highest on the eligible list, or may certify the names and addresses of the ten persons standing highest on the eligible list most nearly appropriate to the position to be filled. The Appointing Authority shall appoint to such position one of the persons whose names are so certified. The Secretary of the Commission may provide an additional name or names if any of the persons certified are not interested, fail to appear for interview, decline appointment, or otherwise are not available. If there is more than one position to be filled, the number of names to be certified shall be determined in the following manner:

**Number of names to be certified**

The Appointing Authority of the department in which the position in the Classified Service is to be filled shall notify the Commission of the fact, and the Commission shall, except as provided for in Sections 124.30 and 124.32 of the Revised Code, certify to the Appointing Authority from the eligible list the names, addresses and grades of the ten persons standing highest on such list. If more than one vacancy is to be filled, the number of names to be certified shall be that number of names necessary to furnish the Appointing Authority with ten (10) names from the eligible list for consideration for each vacancy. 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 eligible lists which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified. Fewer than ten names may be certified to the Appointing Authority at the discretion of the Appointing Authority. All appointments may be made from those standing highest on

such certification. In all cases, certification shall be made without regard to sex, race, color, religion or creed. If there are fewer than ten names remaining on an appropriate eligible list, these names may be certified and the Appointing Authority may select one, or he may reject the list and a provisional appointment may be made as hereinafter provided. In case there is no eligible list for the class of positions for which certification is requested, or if fewer than ten names appear on such list, the Commission may direct the certification of names from eligibility lists most nearly appropriate to the position to be filled or order a new eligibility list to be established. In case an eligible persons name appears on more than one list, appointment to a position in one class may be considered a waiver for appointment from other eligibility lists for classes the salary of which is equal or lower.

**Certification not more than 3 times.**

A certified Applicant shall be considered for a total of three times including the original time considered and passed over. When an Applicant has been certified and considered three times and not appointed, his or her name shall be removed from the eligible list.

- 6:8** **Notice of Certification** Each candidate certified from a competitive list shall be notified in writing by the Commission or its representative informing him or her of the title of the position, the department in which the vacancy exists, and the time and place for interview. Any candidate who fails to report for the interview without just cause as determined by the Commission, or declines appointment shall be removed from the eligible list; provided, however, such candidate may appeal within ten (10) days to the Commission for reinstatement to the eligible list. If any candidate fails to report for the interview at the time and place designated, or fails to accept appointment to the position, the Appointing Authority shall so notify the Commission who shall thereupon certify an additional name from the appropriate eligible list.
- 6:9** **Appointments** The Appointing Authority shall appoint one of the top ten persons certified within sixty days after receipt of certification. The Commission may grant additional time if justified.
- 6:10** **Temporary and Seasonal Employment** The acceptance or declination of a temporary appointment shall not affect the right of the eligible to certification for permanent employment. Appointments may be made for temporary or seasonal employment without examination without the consent of the Commission for a period not to exceed one hundred twenty (120) days. Extensions in increments of thirty (30) days may be granted by the Commission. Appointments may not be made to fill a regularly authorized vacant position. Seasonal appointments for

periods in excess of one hundred twenty (120) days may be made without examination with the consent of the Commission for periods during which said seasonal employment is required.

- 6:11** *Provisional Appointments* Notwithstanding the provisions of Ohio Revised Code Sec. 124.26(B) eliminating the position of “Provisional Employee” for state and county employment, provisional appointments may be made in the absence of an eligible list with the consent of the Commission, but no such provisional appointment shall continue after the establishment of a suitable eligible list. Any provisional employee who does not take the examination when one is held for his or her classification, or who takes such examination and fails to place so as to be eligible for certification and appointment, shall be removed from the position within fifteen (15) days after promulgation of the eligible list covering such positions, and within said time such position shall be filled by appointment from the newly established eligible list. Whenever there are urgent reasons for filling a vacancy and the Commission is unable, upon requisition, to certify eligibles from a reemployment or eligible list, the Commission shall so notify the Appointing Authority, who may then nominate a person to fill the vacancy. The person so nominated shall make application on a form prescribed by the Commission and the Commission shall examine his qualifications. If qualified, the Commission shall so notify the Appointing Authority and thereupon the Appointing Authority may appoint this nominee on a provisional basis. Notice of such appointment, with complete data for the official roster, shall be sent to the Commission by the Appointing Authority. Such provisional appointment shall continue in force only until an appointment can be made from an eligible list which shall be prepared by the Commission in accordance with the provisions of Section 5:5. Provisional appointees shall not be appointed to permanent positions unless they are certified from the appropriate eligible list.
- 6:12** *Emergency Appointments* Notwithstanding the provisions of the Ohio Revised Code, when an emergency arises that may lead to the loss of public property, serious inconvenience to the public or damaging delay to the public service, the usual procedure of requisition and certification is not suitable, the Appointing Authority may immediately appoint a qualified person or persons for service during the existence of such emergency but not to exceed one hundred twenty (120) days, except by consent of the Commission.
- 6:13** *Reinstatement* Any permanent employee who resigns without fault or delinquency and who, at the time of resignation, has been declared suitable for reappointment by the Appointing Authority may, with the approval of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar position in the same department or placed in a similar position in another

department. If a vacancy does not exist, a reinstated employee shall be placed on a reinstatement list considered most appropriate by the Commission, and be reappointed before certifications are made from regular eligible lists. Previous total continuous service shall determine order of placement on reinstatement lists. Reinstatement action shall originate only upon departmental request and after approval by the Appointing Authority. All reinstated employees must pass physical, medical and/or mental examinations as determined by the Commission and as provided in these Rules. Reinstated employees shall not be credited for continuous service prior to resignation for purpose of seniority credit.

**6:14** *Probationary Period* All original and promotional appointments shall be for a probationary period of eighteen (18) months and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served the probationary period. For cause, the Appointing Authority may remove or reduce the probationary employee to previous rank at any time during said probationary period. However, any such action may be appealed by the employee to the Civil Service Commission within ten (10) days. At the end of the probationary period, the Appointing Authority shall transmit to the Commission a record of the employees service. For just cause, the Appointing Authority may extend the probationary period upon approval of the Civil Service Commission not to exceed eighteen (18) months of extension. All original and promotional appointments including provisional appointments shall include a probationary period of not less than sixty (60) days nor more than 18 months, except original appointments to the police department as a patrol officer includes a probationary period of 18 months 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 Bedford hereby is fixed by the Commission as follows:

All provisional employees of the City of Bedford with 1 year service employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he or she may be removed or reduced at any time during the probationary period. 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 the decision either to make the appointment of the probationary appointee final or to remove such appointee. If the Appointing Authority decision is to remove the appointee, the communication to the Commission shall state the reason for such decision.

## **Rule 7 – Transfers & Medical Examinations**

- 7:1 Transfers** Transfers of permanent employees to like or related positions in the Classified Service for which they qualify may be made by the Appointing Authority as provided herein:

The employee or Appointing Authority must request the transfer in writing. The Appointing Authority may initiate transfers for the good of the service. Transfer requests will be reviewed by a three-**person** Transfer Board consisting of the Secretary of the Civil Service Commission, Director of Law, and a representative of the employee bargaining unit into which the transfer is being requested. Upon approval by the Transfer Board, the transfer request will be placed on the appropriate transfer list and ranked by seniority. Only one transfer movement shall be allowed within a twelve- (12) month period per person. One automatic waiver will be allowed on each transfer request after an employee has been placed on the appropriate transfer list. Transferred employees shall serve a probationary period of one (1) year during which time the Appointing Authority or employee may request transfer back to the former position, subject to approval by the Transfer Board.

- 7:2 Medical Examinations** The Commission or Appointing Authority may require medical and/or mental examinations of an employee or class of employees for the purpose of determining their fitness for the positions they hold. Such medical and/or mental examination shall be made by a physician designated by the appropriate City official. Any correctable medical problem which does not involve loss of work shall be given sufficient time for correction as established by the examining medical officer. Employees found to be unfit for the duties of their positions are subject to be retired, suspended, transferred, demoted, or dismissed as the facts may warrant after charges have been levied and a hearing held before the Appointing Authority. Any employee retired, suspended, demoted, or dismissed under the provisions of this section shall have the right to appeal to the Commission.

## **Rule 8 – Demotion, Suspension Removal & Lay-Offs**

- 8:1 General Limitations** No person in the Classified Service shall be reduced in pay or rank, laid off, suspended, removed or otherwise disciplined by any Department Head or the Appointing Authority for religious or political reasons or affiliations, for reasons of sex, race, creed or color, or any other reason not connected with his value to the service.

**8:2 Suspensions and Removals** The period of employment of every employee in the Classified Service shall be during good behavior and efficient service; and no such employee shall be reduced in pay or position, laid off, suspended, discharged or otherwise disciplined against by the Department Head or Appointing Authority. For the purpose of discipline, the Department Head may suspend without pay, an employee, for a reasonable period, not exceeding thirty (30) days. A written report of any such suspension, the period thereof, and the reasons therefor, shall be filed immediately with the Appointing Authority and the Commission. For incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of applicable provisions of the rules of this Commission or any other failure of good behavior, or any acts of misfeasance, malfeasance or nonfeasance in office, an employee may be reduced in pay or position, laid off, suspended, discharged or otherwise disciplined by the Appointing Authority. Any employee who is suspended for a period not exceeding thirty (30) days or otherwise disciplined by his department head may appeal to the Appointing Authority within ten (10) days from and after the effective date of such suspension or other discipline by the Department Head. Any such appeal shall be made by filing with the Appointing Authority within said time, a written statement that the employee appeals from such order. In such event, the Appointing Authority shall hear the appeal within the (10) days and shall file a copy of findings with the Commission. No reduction, layoff, suspension for a period longer than thirty (30) days, discharge or other discipline of such employee by the Appointing Authority shall become effective unless and until such Appointing Authority shall have (a) served upon such employee a written order of the particular action taken, which order shall specify one or more of the foregoing grounds or reasons, and also a sufficient statement of facts which will enable such employee to understand the charge and make an explanation, and to prepare his or her defense; (b) given such employee at least three (3) days in which to make and file a written explanation with the Appointing Authority; and (c) filed a copy of such order together with the explanation, if any, of the employee, with this Commission. Any employee in the Classified Service who is so reduced, laid off, suspended for a period longer than thirty (30) days, discharged, or otherwise disciplined by the Appointing Authority, may appeal to the Civil Service Commission within ten (10) days from and after the effective date of such reduction, layoff, suspension for a period longer than thirty (30) days, discharge or other discipline by the Appointing Authority. Any such appeal shall be made by filing with the Commission within said time, a written statement that he or she appeals from such order. In such event, the Commission forthwith shall notify the Appointing Authority, and shall hear such appeal within thirty (30) days from and after its filing with the Commission, giving the appellant and the Appointing Authority not less than five (5) days written notice of the time and place thereof. On the hearing of an appeal, the Commission shall confine its consideration to the charges and specifications set forth in the order of the Appointing Authority, as filed with the Commission, and no substantial amendment of nor addition



to the charges and specifications will be permitted or considered by the Commission. The order of procedure and the conduct of the hearing shall be governed in general by Rule 11. Either party may personally represent himself or herself or be represented by counsel.

**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 or she may wish to present to refute such charges.

(c) The Appointing Authority may offer evidence in rebuttal. The Commission may, in its discretion, hear arguments.

If the appellant shall fail to appear at the time and place fixed by the Commission to prosecute the appeal; the appeal may be dismissed by the Commission. If the Appointing Authority shall fail to appear at such time and place and offer evidence in support of the charges and specifications, the Commission may hear evidence offered by the appellant and render its decision on the merits. The acceptance by the Appointing Authority of the resignation of any such appellant before final action on the appeal by the Commission will be considered as a withdrawal of the charges, and thereupon the appeal shall be dismissed without decision, and the separation of the employee thus resigning shall be entered as a resignation.

**8:3 Layoffs** Notwithstanding *the provisions of the Ohio Revised Code*, layoffs may be made as follows:

A. Whenever it becomes necessary, in the interests of the public service to reduce the working force in any division of the Classified Service, the Appointing Authority may, upon giving written notice thereof to the Commission, lay off the incumbent of any position in such service; provided, however, that where there are two or more persons employed in any division performing like or similar duties, the one last appointed shall be the first laid off unless otherwise approved by the Commission. The name of any person so laid off shall be placed by the Commission upon the current eligible list for the position held by him or her at the time of lay off, in the order thereon to which he or she is entitled by his or her percentage of standing on the eligible list at the time of appointment; and his or her name shall also be placed by the Commission upon a lay off list, as hereinafter provided. A person whose name has been placed on an eligible list following lay-off shall be entitled to re-employment only during the life of such eligible list.

B. "Lay-off List" shall be established by the Commission when necessary

for all positions in the Classified Civil Service. If the Appointing Authority shall at any time determine to fill a position that has been temporarily made vacant by lay off, such position shall be filled by the appointment from the lay-off list of the person who last held such position and was temporarily laid off therefrom. A person whose name has been placed on such lay-off list shall be eligible for re-employment for a period of two years from date of lay-off. A person temporarily laid off and placed by the Commission upon the current eligible list and the lay-off list as hereby provided, may during such lay-off, accept certification and appointment to another position covered by such eligible list; and thereupon the name of such person shall be removed by the Commission from both the current eligible and lay-off lists. Where a number of persons in a department were appointed from the same eligible list and constitute a class drawing like salaries, such as inspectors, foremen, mechanics, meter readers, etc., and are temporarily laid off, they shall be placed by the Commission upon the current eligible list in the order hereinbefore provided, and upon the departmental lay-off list as a class in the order in which they were laid off; and when the Appointing Authority shall determine to refill such positions, he or she shall re-employ the persons composing such class in the order in which they have been placed on the lay-off list and the person first laid off shall be the first appointed, unless otherwise authorized by the Commission, until such list shall be exhausted by such appointments. The Appointing Authority shall immediately notify the Commission whenever a person has been re-employed from the lay-off list. Upon reinstatement of a person who shall have been temporarily laid off and reappointed as hereinbefore provided, his or her name shall be removed by the Commission from the current eligible list, as well as from the lay off list.

All lay-offs under the provisions of this rule shall become effective upon written notice to the employee and the Appointing Authority shall immediately notify the Commission thereof. All notices of lay-offs and all requisitions for appointment and reappointment shall state the title of the position involved and the amount of salary attached thereto; and all notices of lay-offs shall further state the name of the person so laid off and briefly the reasons for such lay-off. Where two or more persons belonging to a class as herein defined are laid off at the same time, the names of such persons shall be placed by the Commission upon the lay-off list for reappointment in the order of their respective percentages of standing on the eligible lists from which they were appointed. Whenever the incumbent of a position in the Classified Service, has been appointed from a civil service eligible list is dismissed on account of the abolition of such position, he or she may be placed by the Commission upon the eligible and lay-off lists hereinbefore provided, and in the event that such position shall be re-established, such dismissed employee shall be re-employed from the lay-off list for appointment thereto in the manner hereinbefore provided, and in the event that such position shall be re-established, such dismissed employee shall be re-employed from the lay-off list for appointment thereto in the manner hereinbefore provided.

Any officer or employee in the Classified Service, who, without fault or delinquency on his or her part, has been separated from the service or reduced in rank, may upon written application therefor, made within one year thereafter, be restored to the existing eligible list for such position.

Whenever upon application of any department it appears to the Commission to be in the interest of the public service to do so, special lay-off lists may be established for separate or particular construction jobs, and the names of those employed therein be placed on such lists, such names shall, however, be placed also on the general lay-off and eligible list in accordance with the provisions of this rule.

## **Rule 9 – Establishment of Reinstatement Lists & Leaves of Absence**

**9:1 Leaves of Absence** Leaves of absence shall be made under the following rules:

**One Year Restriction:** With the consent of the Civil Service Commission, the Appointing Authority may grant a leave of absence without compensation, for a definite or an in-definite period, not to exceed one year. Such absences may be granted for good service, temporary physical disability, study, or training of value in connection with the public service; provided, however, that in the case of an indefinite leave of position, he or she may, if approved by the Commission, notify the absent employee that the leave has been curtailed and order his or her to return to fill the position in the regular way. Written notice of all leaves shall be given to the Commission. Extensions aggregating more than one (1) year shall be granted also only with the consent of the Commission.

**Reinstatement Upon Return:** An employee returning after a leave of absence without pay shall be reinstated to his or her former position. Any employee who has been called upon for active service in the military, naval forces of the United States, or of the state of Ohio shall be restored to his or her position if he or she reports for duty upon release from active service.

**Resignation:** Any officer or employee in the Classified Service who has resigned from said office or position, may be restored to the current eligible list therefor, upon his written request, (the placement on the eligibility list to be contingent on the judgment of the Commission), unless at the time of said resignation, charges were pending against such officer or employee for official misconduct or incompetence; provided such request be made within one year after said resignation shall have been accepted.

## **Rule 10 - Payrolls**

**10:1 Payroll Procedure** Annually and upon request by the Civil Service Commission, the original and one copy of any payrolls of every department, division, bureau or commission, containing the

names of every officer or employee in such department, division, bureau or commission shall be sent to the Commission for checking the civil service status of the employee, when so requested by the Commission. Correct items on the payroll shall be stamped; “U” meaning unclassified; C being Classified and “T” meaning temporary/part time. Each name on any such payroll which is in violation of charter or civil service rules shall be stamped “V”, meaning void, red-lined, and a memorandum of the same shall be sent to the department, division, bureau or commission which submitted the payroll; and the appropriate officer charged with paying the salaries and wages of persons on the payroll, shall be immediately notified that such names are illegally on the payroll and that the payment of the items should be withheld until approval by the Commission. All other names on payroll listing will be Legal. The Secretary shall report all such items to the Commission at its next meeting.

### **Rule 11 – Reports to the Commission**

- 11:1** **Reports Regarding Changes** In order that the Commission may keep proper records of changes in the service, each appointing officer, board, bureau or commissioner shall provide the following information upon request.
- A. Appointments, whether temporary, provisional, emergency, probationary, permanent or promotional.
  - B. Refusal or neglect on the part of a person to accept an appointment.
  - C. Changes in the rank and compensation of any officer or employee holding a classified service position.
  - D. Transfers, lay-offs, leaves of absence, resignations, suspensions, reductions, or removals of any employees and the cause for each.
  - E. Creation or abolition of any office or position in the department.
  - F. Evaluation forms when requested by the Commission.

### **Rule 12 - Investigations**

**12:1** **Authority to Investigate** The Commission may make investigations concerning the execution of the civil service provisions of the state law, the city charter, and of the rules established there under, and concerning the general condition of the civil service of the city, the city school district or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the Classified Service may be filed with the Commission by any person. The Commission shall cause such complaint to be investigated and it may report its findings to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Each member of the Commission or any person whom the Commission may appoint to make any investigation authorized or required by this section shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses.

**12:2** **Conduct of Hearings** Hearings before the Commission shall be conducted in an orderly manner.

The object of the hearing shall be to ascertain the truth concerning the matter to which such hearing relates and the Commission need not strictly follow the rules of evidence usually applied by the courts in civil cases. Where the subject matter of the hearing is an appeal from a demotion, suspension or removal, the following procedure shall be as followed:

- A. Hearings may be public except when the nature of the charge may be offensive to public morality and decency, or upon the employees request, in which case the Commission may order the hearing closed to the general public.
- B. Each party may call witnesses to testify. The Commission on its own initiative may call witnesses other than those called by either party if in its judgment the merits of the case requires.
- C. Hearings shall commence with a reading of the written statement of charges certified to the Commission. If the appellant has replied in writing to the charges, such reply shall be read. If the appellant has not made a reply to the charges, he or she may make an oral statement of objections to the charges. The removing officer shall begin the introduction of evidence and shall have the final rebuttal. Closing arguments will be permitted only with the permission of the Commission.
- D. After notice of appeal is filed with the Commission, no material amendment may be made to the statement of charges made at the time of demotion, suspension, or dismissal. If the appellant files with the removing officer a written reply to the charges, such reply may not be materially amended. In all cases, the issues involved shall be confined to the truth or falsity of the allegations in the statement of charges.
- E. In appeals from the order of the Appointing Authority demoting, suspending or removing any Classified Employee, the complete transcript of testimony and other evidence taken at the hearing before the Appointing Authority shall constitute the record. The record shall be filed with the Commission. Upon oral hearing, the Commission shall consider the record and may hear additional testimony and other evidence. In lieu of an oral hearing, an appeal may be submitted on the record before the Commission.
- F. Upon the completion of all evidence introduced, the Commission may render its decision immediately, or may take the matter under advisement and render its decision within a reasonable time thereafter.
- G. A copy of the decision shall be transmitted to the Appointing Authority and the appellant.
- H. If the appellant shall fail to appear at the time fixed for the hearing, the Commission may hear the evidence and render judgment thereon. If the Appointing Authority or his or her authorized representative fails to appear in support of his or her charges, the Commission

may render judgment thereon.

### **Rule 13 – Amendments to the Rules**

- 13:1** **Procedure** Proposed amendments to the Rules shall be recorded in the minutes of the Commission at least one (1) week prior to adoption. A majority vote shall be required for adoption.
- 13:2** **Publication** The foregoing rules and all amendments thereto shall be printed. All rules and amendments shall become effective on publication unless a different date is fixed in the resolution approving the amendment. The notification of the adoption of the rules and subsequent amendments shall be sent to all employees.
- 13:3** **Previous Rules Repealed** All previous rules of the Commission are hereby repealed.

### **Rule 14 Severability**

- 14:1** **Severability** If any section or part of a section of these rules or any amendment thereto shall be held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other section or part of a section of these rules.

### **Rule 15 – Waiver of Rules**

- 15:1** **Waiver of Rules** In specific cases where in the judgment of the Commission it is in the interest of the public service, any rule hereby adopted may be waived by a majority of the Commission, such action with the reasons thereto to be entered in the minutes of the meeting.

### **Rule 16 – Meetings & Office Hours**

- 16:1** **Meetings** Meetings may be called at the discretion of the Chairperson of the Commission at any time and place designated.
- 16:2** **Office Hours** The regular hours during which the office of the Commission shall be open for the transaction of business shall be from 8:00 a.m. to 5:00 p.m. daily except Saturday, Sundays, and legal holidays.

**Rule 17 – Periodic Review of Rules**

**17:1** **Review of Rules** Periodic review of rules shall take place at least every presidential election or as the Commission may decide.

*We, the members of the Civil Service Commission of the City of Bedford, do*

*Hereby adopt these Rules, effective the 20<sup>th</sup> day of January 2022, by*

*our affirmative, vote, this 10<sup>th</sup> day of February 2022.*

\_\_\_\_\_  
*Chairman, Dell Judd*

\_\_\_\_\_  
*Secretary, Frank C. Gambosi*

\_\_\_\_\_  
*Anthony Longino*

\_\_\_\_\_  
*Richard Palcisko*

\_\_\_\_\_  
*Jeffrey Slezak*