

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE ADOPTING THE STREETSBORO CIVIL SERVICE COMMISSION’S RULES AND REGULATIONS AND DECLARING AN EMERGENCY BECAUSE THESE RULES MUST BE IN PLACE BEFORE ANY TESTING.

WHEREAS, Article XVI, Section 16.03 of the City Charter requires that the Civil Service Commission follow the laws of Ohio with respect to its functions except as otherwise provided by ordinance of Council; and

WHEREAS, the Civil Service Commission has determined that it is in the City’s best interest to reaffirm Chapter 167 of the Codified Ordinances of the City of Streetsboro, which sets forth the City’s civil service rules and to adopt some new provisions which depart and/or supplement the Ohio Revised Code; and

WHEREAS, the Civil Service Commission recommends that the Civil Service Rules and Regulations, be amended as set forth in Exhibit “A” (new text underlined; deleted text in ~~striketrough~~), attached hereto and incorporated herein as if fully stated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: Chapter 167 of the Codified Ordinance of the City of Streetsboro is hereby reaffirmed and shall continue in effect until amended by Council.

SECTION 2: The Civil Service Rules and Regulations are hereby amended as set forth in Exhibit “A” (new text underlined; deleted text in ~~striketrough~~), attached hereto and incorporated herein as if fully restated.

SECTION 3: The Civil Service Rules and Regulations are hereby approved and enacted to read in full as set forth in Exhibit “B,” which is attached hereto and incorporated herein as if fully restated.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 5: This ordinance is adopted pursuant to the City of Streetsboro’s home rule powers under Article XVIII, Section 3 of the Ohio Constitution and is expressly intended to supercede any provisions of the Ohio Revised Code in conflict with its provisions.

SECTION 6: That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City and for the reason that the City Civil Service Commission’s Rules and Regulations must be adopted before it can perform its functions and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____
Date Justin Ring, President of Council

ATTEST: _____
Bridget Pavlick, Deputy Clerk of Council

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

APPROVED: _____
Date _____ Glenn N. Broska, Mayor

Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____ Returned: _____



**CIVIL SERVICE COMMISSION
CITY OF STREETSBORO**

RULES AND REGULATIONS

~~Through April 4, 2023~~

REVISED NOVEMBER __, 2024

Preamble

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Streetsboro, Ohio, by Article XV, Section 10 of the Ohio Constitution, Chapter 124 of the Revised Code, and by Chapter 167 of the Streetsboro Codified Ordinances.

~~April 4, 2023.~~ **[add new approval date]**

APPROVED:

Todd Mitchell, Chair

James Demitrus, Vice Chair

~~Brian Pearson~~
Schonda Grays, Commissioner

CIVIL SERVICE RULES OF THE CITY OF STREETSBORO

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RULE I: APPLICABILITY OF RULES

Section 1. *Scope of the Rules and Jurisdiction of the Commission*

These rules shall be applicable to all civil service matters, except to the extent these rules have been superseded by charter or ordinance or a collective bargaining agreement between the employer and a public employee collective bargaining representative. Except as otherwise provided herein, these rules shall apply to all positions and employees in the classified service of the City. Certain of these rules will also apply to the unclassified service, as the rule or context indicates, for example where it is necessary to identify who is in the unclassified service, as opposed to the classified service. A reference to the “classified service” in certain instances in these rules shall not indicate intent to apply the remaining rules to the unclassified service. Classified employees appointed to and classified positions created by any program developed and funded by federal legislation shall be covered by these rules if these rules are not in conflict with applicable federal legislation and/or regulations. Where the federal legislation and/or regulations require that these rules be extended to unclassified employees or positions where the rules would not normally apply, the rules will be so extended only to the extent necessary to ensure the receipt of the funding or to comply with the federal mandate.

Section 2. **Construction**

These rules should be construed so as to carry out their purposes as determined from both the literal reading of the rules and their context. The rules should be construed and applied in a manner that is consistent with the laws of the State of Ohio, except to the extent that the letter or context indicates that the City intended to supersede, preempt, or otherwise override state law through a valid exercise of Home Rule. The rules should not be construed so as to limit the City’s power to exercise Home Rule or its other lawful authority. Nor should the rules be construed in a way that limits the Commission’s power to interpret and apply the rules within the scope of the Commission’s lawful authority.

A charter provision will prevail over any conflicting ordinance or resolution. An ordinance or Council resolution will prevail over any conflicting rule. Any collective bargaining agreement that provides for binding arbitration of grievances and that conflicts with an ordinance, a resolution, or these rules will prevail over the ordinance, resolution or rule, pursuant to R.C. Chapter 4117, unless the subject matter is unlawful, or is not a proper subject for collective bargaining (for example, certain public records provisions), or is a matter that is not enforceable through the override provisions of R.C. Chapter 4117 (for example, families of military personnel retain certain rights under R.C. 4117.10 and 5906.02; and employees convicted of felonies can lose certain rights pursuant to R.C. 124.34; all notwithstanding any collective bargaining agreement). Applicable federal laws and regulations shall prevail over any and all of the above. Citations in these rules to state and federal laws and regulations and City charter or ordinances are meant to incorporate amendments to same as they are made from time to time.

For the convenience of the Commission and the public, certain of these rules may indicate instances where the City has elected to supersede state law, through a reference to the specific Ordinance.

The term “ordinance” in these rules is meant to include formal ordinances, resolutions, or any other actions of City Council (“Council”) that are sufficient to carry out exercises of Home Rule or other powers of Council. References to “rules” and “regulations” are interchangeable, unless indicated otherwise.

Section 3. Adoption, Amendment, Rescission

Unless otherwise indicated, these rules and any amendment, revision, or rescission of the same shall be in full force and effect from and after their publication and adoption by the Commission; provided that any rules that supersede state law and require a charter amendment or an action of Council for their effect will take effect in accordance with the charter amendment or action of Council.

Section 4. Publication

No action of the Commission adopting a rule or regulation, or amendment, revision, or rescission of the same shall be effective until notice of the same with summary of its content has been prominently displayed in the places of employment of the City that are frequented on a regular basis by classified employees and officers of the City in the discharge of their official duties, and until the content of the same has been made available for public review.

Section 5. New Rules

The present rules of the Commission shall continue in full force and effect until the amendments set forth in these rules have been properly adopted. Upon the adoption of these amendments, these rules shall supersede and replace the same as the Rules and Regulations of the Civil Service Commission.

Section 6. Savings Clause

If any section or part of a section of these rules is held by a court of competent jurisdiction to be unconstitutional, or to be invalid for any other reason, said action shall not invalidate or impair the validity, force, or effect of any other section or part of a section of these rules, unless it clearly appears that such other section or part of a section of these rules is wholly or necessarily dependent for its operation on the section or part of a section that has been held invalid.

RULE II: COMMISSION ADMINISTRATION

Section 1. Composition

The Municipal Civil Service Commission of the City of Streetsboro shall be composed of three ~~persons~~ electors of the City Streetsboro, who shall be appointed by the Mayor and confirmed by

~~a majority of Council. who shall be appointed and serve in the manner provided in Section 124.40 of the Ohio Revised Code.~~

The terms of office of Civil Service Commission members shall be for six (6) years each. The terms shall be staggered, so that one (1) term shall commence at the beginning of each odd-numbered year. No member of the Civil Service Commission shall serve more than two (2) consecutive, full six (6) year terms. [Charter Section 16.01].

A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner authorized for an original appointment. No member of the Civil Service Commission is to hold any other office or employment within the Municipality and not more than any two (2) such members are to be members of the same political party.

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

Section 2. Powers and Duties

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 Streetsboro. *The Constitution and laws of Ohio regarding selection, promotion, demotion, discipline, and removal of employees within the classified service of a political subdivision shall apply to the City of Streetsboro, except as otherwise provided by Ordinance of Council. [Section 16.03 of the Charter and Codified Ordinance 167.14]*

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

Section 3. Initial Meeting and Election of Chair and Co-chair

~~The Commission shall elect one of its members as Chairperson and one as Co-chairperson who shall serve. The Mayor shall establish the date, time, and place for the first meeting of each year, at which the Civil Service Commission shall organize under a chairperson and vice chairperson elected from among the three (3) members, for a term of one (1) year. for a term on one (1) year. [Charter Section 16.02]. It shall be the duty of the Chairperson to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to 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.~~

Section 4. Regular and Special Meetings

[moved] It shall be the duty of the Chairperson to call such *other* meetings of the Commission as are necessary to transact the business and affairs 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 Chairperson may on his / her own initiative, and shall, upon 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 absence of the Chairperson, the Co-chairperson shall act as Chairperson. Two members of the Commission shall constitute a quorum at any meeting of the Commission; and it shall require the affirmative vote of at least two members to adopt any motion or resolution. ~~No member of the Civil Service Commission is to hold any other office or employment within the Municipality, and not more than any two such members are to be members of the same political party.~~

Section 5. Adoption of Rules

The Commission shall adopt, amend, and rescind rules not in conflict with the *Ordinances and Resolutions of the Streetsboro City Council*. *Where the Streetsboro City Council has not otherwise provided, the Rules of the Civil Service Commission shall comply with the provisions of Chapter 124 of the Ohio Revised Code regarding selection, promotion, demotion, discipline, and removal shall be applicable.*

Where there is a conflict Streetsboro Codified Ordinance Chapter 167 (as amended) will prevail. The Ordinance will be considered first, these Rules second, and the Ohio Revised Code will fill in where the others are silent.

Section 6. Civil Service Secretary

The Commission shall appoint and employ appropriately salaried, a suitable person as Secretary to keep accurate records of its proceedings. The Civil Service Secretary shall be in the classified service and shall be chosen according to merit and fitness to perform the required tasks.

The Civil Service Secretary shall attend all the meetings and keep the minutes thereof; shall keep in the form of minutes a record of official actions of the Commission; shall be at the Office of the Commission during hours that such Office is open; 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 review payrolls for certification; shall handle correspondence as the Commission shall determine; shall, in conjunction with the Chairperson, sign all warrants or orders for the payment of money on behalf of the Commission, and perform such other duties as may be required by the Commission.

Section 7. Conduct and Order of Business at Meetings

- (a) ***The Commission will adopt Robert's Rules of Order as their guide.***
- (b) The order of business for the meeting of the Commission are:
 - 1 Roll call
 - 2. Disposition of unapproved minutes
 - 3. Approval of minutes
 - 4. Unfinished business
 - 5. New business
 - 6. Executive session (*when needed)

7. Adjournment

- (c) *There will be a printed agenda posted at City Hall. The Commission reserve the right to alter the agenda at any time; however, the Commission shall not to take action on any item not printed on the advance agenda.*
- (d) *The Commission recognizes its duty to comply with the Open Meetings Law of the State of Ohio.*

RULE III: 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. These powers, duties, and functions shall include, but not be limited to the following powers, duties, and functions:

Section 1. *Hearing Appeals of Employees*

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, layoff, 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.

Section 2. *Hearing Appeals of Appointing Authorities*

To hear appeals, as provided by law, of appointing authorities relative to the classification or re-classification of any position or positions in the classified service under the jurisdiction of such appointing authority. The Commission may affirm, dis-affirm, or modify the decision and its decision is final.

Section 3. *Appointment of Secretary and Other Employees*

To appoint a Civil Service Secretary and such other employees necessary in the exercise of the powers and performances of the duties and functions which in the Commission is by law authorized and required to exercise and perform and to prescribe the duties of such Civil Service Secretary and other employees.

The Civil Service Secretary shall serve as the contact point for the Commission and all communications intended for the Commission shall be made only through the Secretary.

Section 4. *Record of Proceedings*

- (a) To maintain a journal, which shall be open to public inspection, in which it shall keep a record of all its proceedings, minutes of meetings and vote of each of its members upon every action taken by it.

- (b) ~~Section 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. This journal shall include a record of the minutes of all Commission meetings.
- (c) ~~Section 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.

Section 5. *Adopt and Promulgate Rules*

To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws *and ordinances* 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 sections (1) and (2) of this Rule III.

Section 6. *Power to Subpoena*

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 same extent as provided by division (G) of Section 124.09 of the Ohio Revised Code and all witness fees shall be paid in the manner set forth in division (G) of said section.

Section 7. *Conduct and Grade Competitive Examinations*

To prepare, conduct and cause to be graded all competitive examinations for positions in the classified service.

Section 8. *Conduct and Grade Noncompetitive Examinations*

To prepare, conduct and cause to be graded all noncompetitive examinations for positions in the classified service.

Section 9. *Prepare Eligible Lists*

To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service.

Section 10. *Prepare Classification Specifications*

To prepare or amend specifications descriptive of duties, responsibilities requirement, and desirable qualifications of the various classifications of positions in the municipal service.

Section 11. *Allocate to Appropriate Classification*

To allocate and reallocate upon its own or upon request of an appointing authority any position, office, or employment in the municipal service to the appropriate classification on the basis of duties, responsibilities, requirements and qualifications of such position, office, or employment.

Section 12. *Personnel Recruitment*

To develop and conduct personnel recruitment services for positions in the municipal service in cooperation with its administration.

Section 13. *Conduct Research*

To conduct research on specifications, classifications, and salaries of positions in the municipal service.

Section 14. *Training*

- (a) To develop and conduct personnel training programs in cooperation with appointing authorities.

~~Section 15. —~~

- (b) To enter into agreements for in-service training programs in cooperation with appointing authorities.

Section ~~16-15.~~ *Appointment of Assistants*

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. *The Civil Service Commission may use City employees to conduct these functions.*

~~Section 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. This journal shall include a record of the minutes of all Commission meetings.~~

~~Section 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.~~

Section ~~19~~ 16. Roster of Employees in Classified Service

To prepare, continue, and keep in the Civil Service Commission office, a complete roster of all employees in the classified service. This roster shall be open to public inspection at all reasonable hours. The roster shall include each classified employee's name, the date of appointment or to employment in such service, salary or compensation, the employee's title or office he/she holds, the nature of the duties thereof, and, in case of his/her removal or resignation, the date of termination or resignation of such service. *A copy of the roster shall be provided to the Finance Director in accordance with Codified Ordinance section 167.12.*

Section ~~20~~ 17. Investigations

To make investigations concerning all matters touching the enforcement and effect of sections 124.01 to 124.64 of the Revised Code, *Codified Ordinance Chapter 167*, 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 and take testimony relative to any matter which the Commission has authority to investigate.

Section ~~21~~ 18. Reports

~~To make a report to the Mayor annually, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of purposes of Sections 124.01 to 124.64 of the Revised Code.~~

- (a) *To make a report to City Council annually pursuant to Ordinance section 167.05.*
- (b) *To make a report to the Mayor annually showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of its purposes.*

The Commission shall also furnish any special reports to the Mayor whenever he or she requests the same. Such reports shall be printed for public distribution under the same regulations, as are the reports of other officers, boards, or commissions.

- (c) *To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with Section 124.09 of the Ohio Revised Code.*

~~Section 22~~

~~To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with Chapter 124.04 of the Ohio Revised Code.~~

~~Section 23~~

~~The Commission will adopt Robert's Rules of Order as their guide.~~

~~Section 24.~~

~~There will be a printed agenda posted at City Hall. The Commission reserve the right to alter the Agenda at any time; however, they agree not to take action on any item not printed on the advance agenda.~~

~~Section 25. —~~

~~It will be the policy of the Commission that all contact with the board shall be made only through the Secretary.~~

~~Section 26. —~~

~~That the Commission members will make every effort to avoid discussion of Civil Service business outside stated meetings.~~

~~Section 27. —~~

~~The Commission will officially adopt this book of Regulations and where there is a conflict, Ordinance 1972-47 (as amended) will prevail. The Ordinance will be considered first, this book second, The Ohio Revised Code will fill in where the others are silent.~~

RULE IV: DEFINITION OF TERMS

As used in these rules and regulations, the following terms shall have the meaning indicated below.

1. "Commission" refers to the Municipal Civil Service Commission of the City of Streetsboro.
2. "Civil Service" refers to and included all offices and positions of trust or employment in the City of Streetsboro.
3. *The "Unclassified Service" shall include the Clerk of Council, Deputy Clerk of Council, Executive Assistant to the Mayor, Finance Director, Assistant Finance Director, Law Director, City Prosecutor, Safety Director, Service Director, Assistant Service Director, Water Superintendent, Water Billing Administrator, City Engineer, Engineering Technician/Inspector, Construction Manager, Building Director, Planning Director, Assistant Planner, Parks and Recreation Director/Senior Citizens Services Director, Administrative Assistant to the Fire Chief, Administrative Assistant to the Police Chief, Administrative Assistant to the Service Director, IT Network Administrator, Economic Development Director, seasonal, temporary and part-time employees as set forth in Ordinance section 167.03.*

The Unclassified Service shall *also* comprise those positions set forth in Paragraph (A) of Section 124.11 of the Revised Code as applied to the civil service of the City of Streetsboro *and such other classifications determined to be unclassified by action of the City Council.*

Positions in the unclassified service shall be exempt from all examinations required by law.

4. The "Classified Service" shall comprise all persons in the employ of the City and not ~~specifically~~ included in the unclassified service. *The classified service shall be divided in to the "Competitive Class" and the "Unskilled Labor Class" as provided for in paragraph (B) of Section 124.11 of the Revised Code.*
5. "Position Classification" shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.
6. "Municipal Service" shall include those positions in the classified service of the City of Streetsboro.
7. "Position" when used by itself shall refer to any specific office, employment, or job calling for the performance of certain duties, either full time or part time and for the exercise of certain responsibilities by one individual.
8. "Appointing Authority" refers to ~~the Mayor pursuant to officer, Commission, board, or body having the power of appointment or removal from positions in the classified service as established under~~ the terms of the City of Streetsboro Charter.
9. The term "Employee" shall signify any person holding a position subject to appointment, removal, promotion, or reduction by appointing authority.
- ~~10. The masculine pronoun "he" and its derivatives, whenever employed, include the feminine pronoun and its derivatives.~~
10. *"Vacancy" means an existing funded position not currently filled by an incumbent that the appointing authority desires to fill.*
11. *"Lateral transfer or lateral hire" indicates an original hire of an experienced police officer or dispatcher based upon merit and fitness as determined by an examination of his or her work experience and other testing as deemed appropriate by the Commission. Lateral hires are exceptions to the requirement for a competitive testing procedure pursuant to Codified Ordinance Section 167.04(d) but shall otherwise be considered part of the competitive class of classified service.*

RULE V: POSITION CLASSIFICATION, RECLASSIFICATION, AND AUDITS

Section 1. *Classification Plan*

Positions in the civil service of the City shall be classified and 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 salary range which will compensate each employee assigned to the class on a like basis.

Section 2. *Classification Specifications*

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.

Section 3. *Position Audits and Reassignments*

The Commission, having standardized all positions, shall make periodic audits of those positions to ensure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classification of positions exist, the Commission may reallocate any position to the appropriate 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 purpose of determining whether the position is properly classified. The Commission shall give proper consideration to such request.

Section 4. *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.

Section 5. *Appeal of 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.

Section 6. *Unskilled Labor Class*

As provided in Section 167.06~~(d)~~(e) of the Codified Ordinances, applicants for positions in the unskilled labor class will not be given formal tests for the purposes of establishing eligible lists. Instead, the Human Resources Manager will accept applications for these positions and require such applicants to furnish evidence of minimum qualifications as well as desired skills, abilities, or attributes as designated by the Commission. Applicants that meet the minimum qualifications will be placed on an eligible list ranked in accordance with the extent to which the applicants possess the desired skills, abilities, or attributes. For each position in the unskilled labor class, the Commission shall designate the desired skills, abilities and attributes and assign a scoring system under which applicants will be ranked. Upon the request of an appointing authority to fill a position in the unskilled labor class, the Human Resources Manager will certify the highest scoring ten (10) names (or 25% of the list, whichever is greater) to the appointing authority for appointment.

RULE VI: EXAMINATIONS

Section 1. *Under Direction of Commission*

Examinations may be held in such places *and conducted by such agency* as the Commission deems advisable and shall be administered under its direction.

Section 2. **Notice of Examinations**

- (a) Entrance Examinations: Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the City Hall bulletin boards, at the Office of the Civil Service Commission, the City's internal e-mail system, on the Streetsboro Web site, and in such places as may deemed advisable, not less than thirty (30) days prior to the last day on which applications will be accepted for such examinations.
- (b) Promotional Examinations: Notice of competitive promotional examinations to be held shall be given by posting on the City of Streetsboro's internal e-mail system, on bulletins in conspicuous places in the City departments whose employees may be interested or may be by individual communication to the employees eligible for such promotions. Such notice shall be given not less than (30) thirty days prior to the last day on which applications will be accepted for the examination.
- (c) Lateral (Experienced) Entry Merit and Fitness Examination: *Notice of lateral entry position available shall be given through the local newspapers and by posting notices conspicuously on bulletin boards, the City's internal e-mail system, on the Streetsboro website, and in such places as may deemed advisable, not less than thirty (30) days prior to the last day on which applications will be accepted for such position.*

Section 3. *Applications*

- (a) *All applications must be personally signed and upon forms prescribed by the Commission. All application forms must be completed in their entirety and legibly printed in ink or typewritten and submitted to the Commission in a timely manner. Application forms shall be provided by the Commission and shall be available at locations as announced by the Commission. No applications shall be accepted after the date for filing has passed.*
- (b) **Age for Application:**
 - 1. *Applicants for examination for original appointment to the police department as a police officer must have attained the age of twenty-one (21) on or prior to the date of their hire.*
 - 2. *Applicants for examinations for original appointment to the fire department as a firefighter/paramedic must have attained the age of twenty-one (21) on or prior to the date of their hire.*

- (c) *Every applicant appointed to or employed in the civil service shall be physically and psychologically able, with or without reasonable accommodation, to perform the essential functions of the position to which they are appointed or employed.*
- (d) *Every applicant shall have and shall be able to demonstrate that he or she possesses the required licenses and certifications, and the educational, training, or equivalent qualifications required of the position for which application is made. A candidate shall provide the Commission with reasonable and adequate proof thereof when the Commission requests such information from all candidates for a position, or when the Commission has sufficient reason to believe that the applicant may not possess such qualifications.*

Section 3-4. Identity of Examinees Concealed

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

Section 4-5. Subjects and Weights

- (a) Examinations shall be designed to fairly test the relative ~~capacity~~ *merit and fitness* of the persons examined to discharge the particular duties of the position for which appointments are sought. Where minimum 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 the examination.

- (b) Entrance Examinations

Entrance 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. *Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and/or any other acceptable testing methods. The Commission may hire an outside agent to conduct examinations or may utilize a state or national recognized testing agency, e.g., National Testing Network, to provide and evaluation of merit and fitness.*

- (c) Physical and Psychological, ~~and Polygraph~~ Examinations *and Background Investigations*

Whenever, in the judgement of the appointing authority and with the Commission's approval, physical and/or psychological qualifications are of importance, the candidate shall be required to pass a physical examination, ~~an assessment center evaluation,~~ psychological examination, ~~and/or a polygraph examination~~ or any combination thereof. *Any such physical or psychological examinations shall not be required until such time*

as an eligibility list has been certified to the appointing authority and a qualified offer of employment has been made to the applicant. Such examinations shall not be utilized to further rank the applicants but may only be used as a factor in the appointing authority's decision to hire a particular candidate from the certified eligible list.

In addition, certain positions requiring a high degree of trust and integrity may require a thorough background investigation, which may include a polygraph examination. The results of any polygraph may be utilized as a factor in the appointing authority's decision to hire a particular candidate from a certified eligible list.

~~(d) Lateral Transfer of Police Officer And Police Dispatchers~~

~~Vacancies in positions of Police Officer and Police Dispatcher in the Police Department can be filled by lateral transfers. No lateral positions of Police Officer or Police Dispatcher in the Police Department shall be filled by any person unless the person has minimum of (1) one year of prior experience and who has not served in the last twelve months. Notice of lateral position available shall be given through the local newspapers and by posting notices conspicuously on bulletin boards, the City's internal e-mail system, on the Streetsboro website, and in such places as may deemed advisable, not less than thirty (30) days prior to the last day on which applications will be accepted for such position.~~

~~Positions filled through these procedures are therefore exempt from competitive examination. After applications are received. An eligibility list shall be established. At such time that a vacancy becomes available, the Commission shall certify to the appointing authority the name of the person on that list based on the total months of fulltime experience as an OPOTA certified police officer. The date the application was turned in will be utilized to establish ranking in case of a tie between two or more applicants. Upon the certification, the appointing authority shall appoint the person so certified within thirty days from the date of the certification.~~

~~Lateral candidate requirements~~

~~Proof of previous experience. Currently employed at another agency. Minimum 1 to 2 year(s) full-time experience, come in at Step 2 with equivalent benefits. Minimum 3 years full-time experience, come in at Step 3 with equivalent benefits.~~

~~Submit applications with a resume — they must have a minimum 1 year full-time experience at time the application and resume are submitted.~~

~~Provide OPOTA certificate~~

~~Pass Physical Agility~~

~~Those passing the physical agility test would then be ranked by the Civil Service Commission based on total months of fulltime experience as an OPOTA certified police officer. The date the application was turned in will be utilized to establish ranking in case of a tie between two or more applicants.~~

~~Eligibility List established.~~

~~Commission shall certify List~~

~~Complete Background Investigation.~~

~~Complete Polygraph and Psychological.~~

~~Conditional Offer.~~

~~Pass Medical Exam.~~

~~Applicant for the Police Officer must have attained the age of twenty one (21) on or prior to date of hire.~~

~~Vacation will be prorated the first year and will be credited with prior service years for the second year. Employee benefits will be effective the first day of the following month after a 30 day waiting period. Seniority for lateral transfers will be based on the date of hire with the City of Streetsboro. Probation period for lateral transfer is 12 months.~~

~~All Applicants will be interviewed by a Panel that contains a minimum of (3) three police staff members appointed by the Police Chief. New employees selected through this process shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.~~

(d) Special credits in entrance examinations

1. Credit for Military Service in Entrance Exams

When proof of acceptable service in the armed forces of the United States, as defined in Section 124.23 of the Ohio Revised Code, is presented to the Commission and such ex-service man or woman being otherwise eligible has receive a passing grade in any regular entrance examination, he or she shall be granted an additional credit of twenty percent of such grade, thereby receiving a final grade of twenty percent higher in view of the above mentioned Military Service. Proof of currently active is a Military ID card.

2. The Civil Service Commission may grant extra special credits for any Civil Service examination not to exceed 20% taken together as may be deemed appropriate for any particular position. Such credits may include education, training, experience, licenses, certifications, but are not limited to those alone. Proof of acceptable credentials must be submitted with the City of Streetsboro Civil Service Application. No extra credit shall be added to the applicant's grade unless the applicant receives at least the minimum passing grade on the examination without counting that extra credit.

Section 6. Lateral Entry of Police Officer and Police Dispatcher

(a) The City of Streetsboro has determined that certain candidates for appointment to the position of police officer and police dispatcher may be considered for appointment

(lateral “transfer” or entry) without participating in a written competitive civil service examination process. This provision shall supersede any conflicting state statute. Such candidates shall be selected pursuant to the procedures and criteria set forth below. Codified Ordinance 167.04(d).

- (b) No lateral positions of Police Officer or Police Dispatcher in the Police Department shall be filled by any person unless the person has ~~proof of a minimum of (1) one year of prior experience~~ *they have been employed for the past twelve months as a full time OPOTA certified peace officer in any police department established pursuant to Ohio law, and have successfully completed their probationary period with such jurisdiction. and who has not in the last twelve months.* Applicants for lateral transfer police officer must provide their OPOTA certificate. *Lateral entry candidates must also meet the minimum qualifications for appointment to the position of police officer or dispatcher as may, from time to time, be enforced for candidates who participate in the competitive civil service examination process.*
- (c) After applications are received, *as with candidates for appointment who participate in a competitive civil service examination process, lateral entry candidates must submit to a thorough background investigation (which may include a polygraph), ~~polygraph~~ physical agility test (police officer only), and an oral interview.* All Applicants will be interviewed by a panel that contains a minimum of (3) three police staff members appointed by the Police Chief *and due credit shall be given for military service.* Afterwards, an eligibility list shall be established. *Two separate lists for the position of police officer and dispatcher may be maintained, one determined by conducting the competitive civil service examination process and the other by way of the lateral entry procedures.* The date the application was turned in will be utilized to establish ranking in case of a tie between two or more applicants. Upon the certification, the appointing authority *shall appoint a candidate from either list* so certified within thirty days from the date of the certification.
- (d) Lateral entry hires are subject to thorough background checks, including polygraph examinations, psychological evaluation, and physical examination as provided in Section 5(c). *Said evaluations shall be conducted only after a conditional offer of hire has been made and results thereof may disqualify a candidate.*
- (e) New employees selected through this process shall obtain and retain all other rights attributed to the classified service, following successful completion of the 12-month probationary period. Seniority for lateral transfers will be based on the date of hire with the City of Streetsboro. *Benefits and pay for lateral transfers will be in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.*

Section 7. Lateral (Experienced) Entry of Firefighters

- (a) *The City of Streetsboro has determined that certain candidates for appointment to the position of firefighter may be considered for appointment (lateral “transfer” or entry) without participating in a written competitive civil service examination process. This*

*provision shall supersede any conflicting state statute. Such candidates shall be selected pursuant to the procedures and criteria set forth below. **Codified Ordinance 167.04***

- (b) No lateral positions of Firefighter in the Fire Department shall be filled by any person unless the person has been employed for at least 2,496 actual hours worked as a firefighter I or firefighter II in any fire department established pursuant to Ohio law, and have successfully completed their probationary period with such jurisdiction. Applicants for lateral entry firefighter must provide proof of actual hours worked and their certificate as a firefighter I, or firefighter II, issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Ohio Revised Code and Chapter 4765-20 of the Ohio Administrative Code. Lateral entry candidates must also meet the minimum qualifications for appointment to the position of firefighter as may, from time to time, be enforced for candidates who participate in the competitive civil service examination process (e.g., EMT or paramedic certification, etc.)*
- (c) After applications are received, as with candidates for appointment who participate in a competitive civil service examination process, lateral entry candidates must submit to a physical agility test and an oral interview. All Applicants will be interviewed by a panel that contains a minimum of (3) three fire department staff members appointed by the Fire Chief and due credit shall be given for military service. Afterwards, an eligibility list shall be established. Two separate lists for the position of police officer may be maintained, one determined by conducting the competitive civil service examination process and the other by way of the lateral entry procedures. The date the application was turned in will be utilized to establish ranking in case of a tie between two or more applicants. Upon the certification, the appointing authority shall appoint a candidate from either list so certified within thirty days from the date of the certification.*
- (d) Lateral entry hires are subject to thorough background checks, including polygraph examinations, psychological evaluation, and physical examination as provided in Section 5(c). Said evaluations shall be conducted only after a conditional offer of hire has been made and results thereof may disqualify a candidate.*
- (e) New employees selected through this process shall obtain and retain all other rights attributed to the classified service, following successful completion of the 12-month probationary period. Seniority for lateral transfers will be based on the date of hire with the City of Streetsboro. Benefits and pay for lateral transfers will be in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.*

Section 8. Promotional Examinations

- (a) Vacancies in positions in the classified service, including vacancies filled by promotion, shall be filled as far as practicable with the provisions of Sections 124.27 and 124.31 of the Revised Code, and shall be based upon merit and fitness. Specific rules for*

promotion of police and fire employees are set forth in Sections 8 through 11 of this Rule.

- (b) All examinations for promotions shall be competitive and may include an evaluation of such factors such as education, training capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstrations of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which the appointment is sought.

If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

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

- (c) *Special Credit for Seniority* in Promotional Exams

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

1. Seniority Credit

In promotional examinations, seniority in service shall be added to the examination grade. ~~but no credit for seniority or any other reason shall be added to an examination grade unless the applicant achieves at least the minimum passing score on the examination without counting that extra credit.~~

Credit for seniority shall equal, for the first four years of service, one percent of the total grade attainable in the promotion examination, and for each of the fifth through fourteenth years of service, six-tenths percent of the total grade attainable.

~~(g)~~2. Credit for Efficiency in Promotional Examinations

Credit for efficiency "may" be given as an additional credit and shall be ten percent of the applicants rating for the last year. The Commission may also determine that two years of efficiency ratings may be used in which case the average of those two years shall be used to determine credit for efficiency.

Section 5 9. Promotion of Firefighters

- (a) Vacancies in positions above the rank of regular Firefighters in the Fire Department shall be filled by competitive promotional examinations, and promotions shall be by successive ranks as provided in Section 124.45 and in Sections 124.46, and 124.48 of the Ohio Revised

Code. Positions in which those vacancies occur shall be called promoted ranks. *Excepted from this provision is the position of Fire Chief.*

- (b) When a vacancy occurs in the promoted rank immediately above the rank of regular Firefighter, no person shall be eligible to take the examination unless the person has served forty-eight (48) months, not including the person's probationary period in the rank of regular Firefighter, provided that, in those cases where there are less than two persons in the rank of regular Firefighter who have served forty-eight (48) months; not including probationary, and who are willing to take the examination, this service does not apply.
- (c) When a vacancy occurs in a promoted rank other than the promoted rank immediately above the rank of regular Firefighter, no person shall be eligible to take the examination unless the person has served twelve (12) months in the lower rank from which the promotion is to be made, provided that, in those cases where there are less than two (2) persons in that lower rank who have served twelve (12) months in that rank and who are willing to take the examination, the twelve (12) month service requirement shall not apply. If the non-application of the twelve (12) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. If this process of searching successively lower ranks reaches the rank of regular Firefighter, the forty-eight (48) month service requirement applies, if, in those cases when that application still fails to produce two persons who are eligible and willing to compete, the forty-eight (48) month service requirement does not apply. If two (2) persons are unwilling to compete for the examination, the one person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.
- (d) *Those persons who compete in a promotional examination in accordance with the rules of the civil service commission shall have added to their grade credit for seniority. Credit for seniority shall be given as follows: one (1) point shall be added for each of the first four (4) years of service, and six-tenths (0.6) of a point shall be added for each year for the next ten years of service. In computing the credit for seniority, half of the credit specified in this paragraph shall be given for a half year of service. Credit for seniority shall be based only on service in the municipal or civil service township fire department and the service provided for in the next succeeding paragraph.*

When service in a municipal or civil service township fire department is interrupted by service in the armed forces of the United States, seniority credit shall be granted in promotional examinations for the time so served. No additional credit for military service shall be allowed in promotional examinations.

Credit for efficiency may be given as an added credit and shall be ten per cent of the member's efficiency rating for the last year.

- (e) The names of the examinees who have passed the examination shall be placed on the eligible list in accordance with their grades. The examinees receiving the highest grade shall be placed first on the list. The person having the highest position on the list shall be

appointed in 30 days in the case of a vacancy. Eligible lists shall continue for two years, unless otherwise specified by the City of Streetsboro Civil Service Commission.

- (f) The public notice of holding of a written promotional examination for a position or positions in the Fire Department shall, unless waived by all persons eligible to participate, be published not less than thirty days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. The source material should be readily accessible to the examinee. When a written examination is combined with an assessment center procedure, the written exam passing score will account for 20% of the final score and the assessment center will account for 80% of the final score.
- (g) *After the grading of examination papers, any participant in the examination who considers the participant's examination papers to have been erroneously graded shall have the right to appeal to the commission, and the appeal shall be heard by the commission.*

Section 6 10. Special Positions for Firefighters

Within any rank, the City Council may establish such special positions having special duties with preferential pay as the Council deems necessary, but the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions.

No special position established by City Council within a rank in the Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

Section 7 11. Promotion of Police Officers

- (a) No positions above the rank of Police Officer in the Streetsboro Police Department shall be filled by original appointment, *with the exception of the Chief of the Police Department.*
- (b) Vacancies in positions above the rank of Police Officer in the Police Department shall be filled by promotion from a person's holding positions in a rank lower than the position to be filled.
- (c) No positions above the rank of Police Officer in the Police Department shall be filled by any person unless the person has first passed a competitive promotional examination. Promotion shall be by successive ranks as far as practicable, and no person in the Police Department shall be promoted to a position in a higher rank who has not served at least twelve months in the next lower rank.
- (d) When a written promotional exam is combined with an assessment center procedure, the written examination passing score will account for 20% of the final score and the assessment procedure will account for 80% of the final score.

No competitive promotional examination shall be held unless there are at least two eligible to compete. Whenever the Civil Service Commission determines that there are less than two persons holding positions in the rank lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow the persons holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank lower than the position is to be filled.

- (e) If a vacancy occurs in a position above the rank of Police Officer and there is no eligible list for such rank, the Civil Service Commission shall, within sixty days of that vacancy, hold a competitive promotional examination. After the examination has been held, the eligible list shall be established. At such time that a vacancy becomes available, the Commission shall certify to the appointing authority the name of the person on that list receiving the highest rating. Upon the certification, the appointing authority shall appoint the person so certified within thirty days from the date of the certification.

(f) ***Vacancy in Police Lieutenant Position***

Pursuant to Codified Ordinance 167.16, when the City determines that a vacancy exists in the position of lieutenant in the City police Department and determines to fill the vacancy, the following procedure shall be followed:

- 1. The City shall give a written promotional examination in accordance with the Rules regarding police promotions.***
- 2. For all candidate who pass the written examination, they shall have only their seniority credit added. No other military or other credits shall be added to a candidate's passing score.***
- 3. The Commission shall certify to the appointing authority the names of the three (3) persons on that list receiving the highest ratings.***
- 4. The appointing authority shall appoint one of the three (3) candidates so certified to the position of police lieutenant within thirty (30) days of the certification to the appointing authority.***

~~Applicants for examination for original appointment to the police department as a police officer must have attained the age of twenty one (21) on or prior to the date of their hire.~~

~~Applicants for examinations for original appointment to the fire department as a firefighter/paramedic must have attained the age of twenty one (21) on or prior to the date of their hire.~~

Section 12. Vacancy in Police or Fire Chief Position

- (a) ***A vacancy in the position of police chief or in the position of fire chief shall be filled by an open competitive examination administered by the Civil Service Commission to those applicants who meet the examination eligibility requirements for promotion as established by rule of the Commission.***

After such examination has been held the Commission shall rate the applicants based on their examination scores and credit(s), as provided by this Section, if any, from highest to lowest. The five (5) highest rated such applicants shall then submit to an "assessment center" evaluation conducted by area police or fire chiefs, as applicable, and administered by the Commission as established by rule of the Commission. The evaluators shall rate the persons from highest to lowest based on the evaluators assessment regarding qualifications for the vacant chief position. The Commission shall then certify the five-person list, with the evaluators assessments, to the Safety Director for appointment. The Safety Director shall appoint one of the persons from the list to the vacant chief position within sixty (60) days of receipt of the certification.

(b) Credits

1. *A credit for seniority for applicants currently employed within the City police or fire department, as applicable, shall be given as follows: One percent (1%) of the total grade received in the examination in which he or she receives a passing grade for each of the first four (4) years of service and six-tenths of one percent (0.6%) of such total grade for each of the next ten (10) years of service. (For example, a six-year employee shall be entitled to four percent (4%) of the total grade received for the first four years of service and six-tenths of one percent (0.6%) times two or one point two percent (1.2%) for the other two years of service for a total of five point two percent (5.2%) of the total grade credit for seniority.) No further credit than stated herein shall be granted for seniority.*
2. *A credit for military service for applicants shall be given as follows: Ten percent (10%) of the total grade received in the examination.*
3. *No credit for seniority or military service shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination within counting such extra credit.*

- (c)** *In the event two or more applicants receive the same score in the 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 list for the assessment center evaluation.*

Section 813. Inspection of Examination Papers by Candidates

All applications, selection devices, and examination papers are the property of the Commission, and shall be treated as confidential records to the maximum extent possible under the law.

NOTE: The following is no longer required by law.

~~After an examination has been held and prior to grading of such examination papers, each participant in such examination, shall have a period of five (5) working days, exclusive of Saturdays, Sundays and Holidays, to inspect the examination questions with a rating key or answers to the examination and to file any protest he may deem advisable. All such protests must be submitted in writing to the Commission. All protests with respect to the rating key or answers shall be determined by the Commission within a period of not more than five (5) days, exclusive~~

~~of Saturdays, Sundays and Holidays. The Commission's decision shall be final. If the Commission finds an error in the rating key or any answer, it shall publish a revised key within five (5) days of its finding of such error or errors. The revised rating key shall then be available to examination participants for a period of five days, exclusive of Saturdays, Sundays and Holidays.~~

~~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. Said appeal must be presented in writing and shall be heard by the Commission.~~

RULE VII: EXAMINATION GUIDELINES

Section 1. *Conduct of Examinations conducted by Streetsboro Civil Service Commission*

- (a) ALL examinations and testing of those in the Classified Service are the sole and exclusive responsibility of the Civil Service Commission. Any one individual, group or department not following this rule shall be subject to item 167.99 of the Ordinances of City of Streetsboro plus the Ohio Revised Code where applicable. This may include a penalty of a fine, suspension, or removal of office or anything else that the Commission decides.

- (b) Admitting Applicants to Examinations

No applicant shall be admitted to any assembled examination more than fifteen (15) minutes after the advertised time for the beginning such examination.

Any applicant competing in any such examination who has completed his work and left the examination site may not be re-admitted to the examination except by special permission of the person in charge. The applicant may be re-admitted to the examination conditionally and subject to the final approval or disapproval of such admission by the Commission.

Section 2. Visitors at Examinations

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

Section 3. Extension of Examinations

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

Extension of time in any examination may be approved for those participants who may need special accommodation in compliance with the Americans with Disabilities Act.

Section 4. Frauds in Examination Prohibited

- (a) No person or officer shall:

- (1) willfully or corruptly, by *himself or herself* or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination, appointment, or employment according to codified ordinance or other applicable law, or to any rules or regulations prescribed pursuant to such sections; or willfully or corruptly, falsely mark, grade estimate or report upon examination or proper standing of any person examined, registered, or certified pursuant to such sections, or aid in so doing; or willfully or corruptly make any false representations concerning the same, or concerning the person examined; or 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 examined, registered, or certified, or personate any other person, permit or aid in any manner any person to personate *him or her* in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed; or shall furnish any false information about *himself or herself*, or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered or appointed; OR
 - (2) make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
 - (3) for any applicant taking an examination to assist any other applicant in any manner whatsoever.
 - (4) personally solicit a favor from any member of the Commission, appointing officer, or have any person in his behalf solicit a favor.
- (b) 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, electronic devices, or books of any kind to assist *him or her* in answering any questions shall have his examination papers taken up and filled with a zero (0) marking when the circumstances justify such action.
- (c) *Any applicant participating in any testing service found to have violating any of the applicable testing service guidelines for conduct shall be eliminated from any eligible list.*

Section 5. Postponement of Examination

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

RULE VIII: ELIGIBILITY LISTS

Section 1. Posting Of Lists

The Commission shall prepare and maintain a list of eligible candidates for each classification in the classified service for which either original entrance or promotional examinations have been administered. Such eligibility lists shall be open to public inspection and posted in the Commission office, and throughout the City of Streetsboro departments.

Section 2. Duration Of Eligibility Lists

The term of eligibility of each list and of the names appearing shall be fixed by the Commission *prior to examination. An eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill a position of the same classification within the same agency for which the list was created. But, in no event shall an expired list be used more than one year past its expiration date.* ~~at not less than one (1) year nor more than two (2) years from the date of posting.~~ *The only exception to this rule is firefighter promotional lists.*

The Commission may, ~~at its discretion,~~ *upon the request of the appointing authority* extend the period of eligibility for any list, provided that the total period of eligibility shall not exceed two (2) years.

Section 3. Merger of Lists

The Commission may consolidate two or more *certified* eligible lists of the same classification by rearranging eligible names therein according to their grades. All those persons whose name appear on an existing list which is to be merged with a new list shall have an opportunity to compete in the second examination.

A Lateral Entry list may not be merged with a certified eligible list created from an original appointment competitive examination. A lateral-hire list may be used at any time, provided that whenever an original-appointment eligibility list is active and has not expired, the appointing authority must first receive approval from the Civil Service Commission to hire from the lateral-hire list. A lateral-hire list shall expire upon certification of a new lateral-hire list or otherwise a new original-appointment eligibility list.

Section 4. Tie Score on a Competitive Examination

In the event two or more applicants receive the same mark in an open competitive examination, priority in the time of filing application with the Commission shall determine the order in which their names shall be placed on the eligibility list.

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 eligibility list.

Section 5. Transfer to Lower Class

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

Section 6. Names Not to Be Certified for Appointment

The name of any person appearing on an eligible list shall not be certified for appointment pursuant to Rule VIII if that person:

- (a) has previously failed to report or arrange within six (6) days (excluding Saturdays, Sundays, and Holidays) for an interview with an appointing authority.
- (b) fails to respond to a notice from the Civil Service Commission, or upon such notice positively declines interest in an appointment.
- (c) has previously declined an appointment without reasons Satisfactory to the Civil Service Commission.
- (d) cannot be located by the postal authorities.
- (e) has been previously certified for appointment but has irredeemably failed one or more of the post-certification qualification tests or investigations administered by the appointing authority pursuant to Rules VIII (1) (b).
- (f) *has been previously certified for appointment but has been considered for appointment and not appointed three (3) times.*

Section 7. Disqualification of Eligible Candidates

If at any time after the creation of an eligibility 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 on his application, physical disability, failure of post-certification tests or investigations, or for other comparable reasons, such person shall be notified and given an opportunity to be heard *if so requested*. If such person fails to appear for a scheduled hearing, or upon being heard fails to satisfy the Commission, his name shall be removed from such eligibility list.

Section 8. Changes in Application on File

Each person on an eligibility list shall file with the Commission written notice of any change in the status of his Civil Service Application file. Changes in address, name, telephone number(s), and any other change must be reported immediately. Failure to do so may be considered sufficient reason for not certifying his name to appointing authorities for appointment.

Section 9. Revision or Revocation of Eligibility List

An eligibility list may be revised by the Commission to remove the names of persons who are no longer eligible to be certified for appointment under Rule VIII (6) above. An eligibility list may be revoked, and another examination ordered when in the judgment of the Commission, such action is deemed advisable because 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 Civil Service application. No eligibility list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon an entry in the Civil Service Commission Meetings Minutes of the reasons for such alteration or revocation.

RULE IX: CERTIFICATION AND 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 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.

Section 1. Number Of Names to Be Certified from Eligible List

- (a) Upon receipt of request for certification to fill a vacancy, the Civil Service Commission shall certify to the appointing authority from the eligibility list, the names, addresses, and grades of the top ten (10), or top 25%, whichever is greater, ("Rule of 10") persons standing highest on such list that are willing to accept consideration for that appointment type ("Certification List" or "*certified eligible list*"). *In the event that ten or fewer names are on the eligible list, the director of the agency or that director's designee may select any of the listed candidates.*
- (b) The appointing authority may conduct further qualifications testing or investigation of those candidates on the Certification List, including physical agility, equipment/machine skills, background investigation, structured interview, and/or those tests mentioned in Rule V(4)(c), provided that the outcome of such testing is pass/fail. Candidates failing one or more post-certification tests or investigations may be removed from the eligible list pursuant to Rule VII (7).
- (c) The appointing authority shall make appointments from the Certification List within thirty (30) days of the certification or the completion of any post-certification tests or investigations, whichever occurs later. The Commission, may, upon review of adequate reasons why the appointment cannot be made within said thirty (30) days, provide the appointing authority a follow-up list for an additional thirty (30) day appointment period.

~~If more than one vacancy is to be filled, the number of names to be certified shall be determined in the following manner:~~

- ~~(1) For 2 to 4 vacancies, fifteen names shall be given.~~
- ~~(2) For 5 to 8 vacancies, twenty names shall be given.~~

~~(3) For 9 to 12 vacancies, twenty five names shall be given~~

~~(4) For 13 to 16 vacancies, thirty names shall be given.~~

~~RULE VIII (B): CERTIFIED TO BE APPOINTED~~

Section 1-2. Selection for Appointments

- (a) Upon receipt from the Commission of the Certification List, the appointing authority shall fill such position by appointment of one of the ~~three / ten~~ persons certified to *him or her* 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.
- (b) In appointing persons from the certification list, the rule of ten, *as described in Section 1 of this Rule*, shall be followed; that is, every time a group of ten available applicants is considered, one of said group must be appointed. Beginning at the top of the Certification list every person who is available but not permanently appointed must be considered ~~four~~ *three (3)* times in a group of ten before the person's name ~~is may be~~ dropped from further consideration by that appointing authority, unless such person is earlier removed from the eligible list pursuant to Rule VII (6), (7), and/or (9).

If one or more of the persons named in the original certification list fails to reply to notice of certification, or declines to be considered for the position, the Commission shall, upon request of the appointing authority, certify an equal number of names from the eligible list, in rank order, in a revised Certification List, so that ten names of willing candidates are provided. In any case, the rule of ten as defined in this rule will be used in making all certified appointments.

Section 3. Permanent Appointment

Employment of a person in a position regularly established without limitation as to the length of service and subject to length of service and subject to a probationary period shall be considered a permanent appointment.

- (a) Probationary Period: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet work standards.
- (b) All original and promotional appointments, including appointments made pursuant to Section 124.34 of the Ohio Revised Code, shall be for a probationary period *of, not less than sixty days nor for more than a year, to be fixed by the Commission or as fixed by the City's various collective bargaining agreements, six (6) months except for employees of the Police and Fire Department for whom the probationary period shall be one (1) year. Ordinance 167.11.*

- (c) 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 or she* may be removed or reduced at any time during his probationary period after completion of sixty 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 probationary period, shall inform the Commission, in writing, of his decision either to make appointment or 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.

Section 3 4. Restriction as to Age, or Other Physical Requirements

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

~~Section 4. Provisional Appointments~~ [NOTE PROVISIONAL APPOINTMENTS ON LONGER EXIST UNDER 124.30]

~~Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to provide a Certification List 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 noncompetitive examination and if such nominee is certified by the Commission as qualified after such non-competitive examination, 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 eligibility list prepared by the Commission and such eligibility list shall be prepared within six months provided that, an examination for the position must be held within said six month period from the date of such provisional appointment.~~

Section 5. Temporary Appointments

~~In case of an emergency, an appointment may be made without regard to the Civil Service Laws or Rules and regulations of the Commission, but in no case to continue longer than thirty (30) days, and in no case shall successive temporary appointment be made; provided, however, that interim or temporary appointments, made necessary by sickness or disability, of the regular employee shall continue during such period of sickness or disability.~~

A temporary appointment may be made without regard to the Civil Service laws or rules and regulations of the Commission. Except as otherwise provided in this section, the temporary appointment may not continue longer than ninety (90) days and in no case shall successive temporary appointments be made. A temporary appointment longer than ninety (90) days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the approval of Council.

With reference to Police department employees, temporary employment in cases of emergency for periods not to exceed four (4) months unless such period is extended by majority vote of the Commission for more than two (2) months.

Section 6. Temporary Promotional Appointments

An interim or temporary appointment or promotion to a higher position without an examination may be 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 who 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 Civil Service Commission Meeting Minutes. Such temporary promotions shall be made, as far as practicable, from the most qualified in the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

Section 7. Penalty for Appointment Contrary to Rules 167.99

After a rule has been duly made and established by the Civil Service Commission according to this chapter, whoever makes an appointment or selects a person for employment contrary to the provisions of such rule or the provisions of this chapter or willfully refuses or neglects otherwise to comply with or to conform to the provisions of this chapter or willfully violates any of such provisions, shall be fined not less than (\$200) two hundred dollars nor more than (\$500) five hundred dollars. If any person convicted holds any public office or place of public employment, such office or position shall by virtue of such conviction rendered vacant. (Ordinance 1972-47, passed 7-10-72).

~~Section 8. EMPLOYEES LIST FOR FINANCE DIRECTOR 167.12~~

~~The Finance Director shall not draw any warrant for salary or compensation for service to any person holding a position in the classified service unless the name of such person is so certified (Ordinance 1972-47, Passed 7-10-72).~~

NOTE: ABOVE PROVIDED IN RULE II SECTION 19

~~Section 7-8. Promotional Appointments~~

~~Vacancies in positions~~ **Promotional appointments** in the classified service shall be filled as far as practicable with the provisions of ~~these rules. Sections 124.27 and 124.31 of the Revised Code with the exception of those police officers in the police department and firefighters in the fire department.~~ **NOTE: SEE RULE V SECTION 7**

~~Section 8 9. Exceptional (noncompetitive) 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 in such special cases is impractical, and the position can best be filled by selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of ~~sections 124.01 to 124.64 of the Revised code~~ **these rules and**

regulations requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported ~~to~~*in* the Civil Service Commission Meeting Minutes and in the annual report with reason for the suspension.

Section 10. Original Appointments to the Police and Fire Department

All original appointments to the police department or to the fire department shall be made in accordance with *these rules, the codified ordinances of the city of Streetsboro, and* Sections 124.41, 124.42, ~~124.43, 124.44, 124.45,~~ 124.47, and 124.49 ~~of the Revised Code.~~

RULE X. TRANSFERS AND TEMPORARY ASSIGNMENTS, ~~LAYOFFS,~~ ~~REINSTATEMENTS AND LEAVES~~

Section 1. Transfers.

(a) A person holding an office or position in the classified service may be transferred to a similar position in another department within the City of Streetsboro having the same pay and similar duties, but no transfer shall be made as follows:

- (1) From an office or position in one class to an office or position in another class.
- (2) To an office or position for original entrance to which there is required by Rules of the Civil Service Commission, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.

~~Whenever it becomes necessary to transfer an employee, such transfer shall be made in accordance with the provisions of sections 124.30 and 124.32 of the Ohio Revised Code.~~

(b) In no case shall any transfer be made without the written prior approval of the Civil Service Commission.

Section 2. Temporary Assignments.

Such provisions shall not, however, be construed to preclude management from making temporary work assignments which are necessitated by factors beyond the control of management, and which cannot be anticipated or planned for during the course of normal department operations. When such an emergency arises requiring such temporary work assignments, the following procedures shall be followed:

- (a) No employee shall be assigned to duties, which *he or she* is not qualified or physically capable of performing.
- (b) All temporary work assignments involving more than eight (8) hours of work shall be with the written consent of the employee involved.

- (c) All temporary work assignments requiring more than three (3) days of work shall be made based on seniority in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.
- (d) No temporary work assignment shall continue for a period exceeding thirty (30) days without the prior approval of the Civil Service Commission.
- (e) At no time shall a vacancy in a position be filled by another employee or by provisional appointment when such vacancy has been created by the necessity of a temporary work assignment of the employee filling such position.
- (f) Compensation shall be made to employees performing a temporary work assignment in accordance with standards established by Union-Management Agreements and/or Payroll Ordinance.

~~Section 2 – Layoff Procedures~~

RULE XI: REDUCTION IN WORK FORCE – LAYOFFS – JOB ABOLISHMENTS

Section 1. Reduction in Work Force

- (a) Whenever it becomes necessary for any office or department to reduce its workforce, other than the police and fire departments, the appointing authority shall lay off employees or abolish their positions in accordance with ~~Sections 124.321 and 124.327 of the Revised Code and the~~ rules of the Civil Service Commission, *Ordinance 167.11(c), or the rules of any applicable collective bargaining agreement. Wherever the terms of a collective bargaining agreement differ from these rules, the terms of the collective bargaining agreement shall take supersede these rules.*
- (b) *Employees may be laid off as a result of a lack of funds within an appointing authority. The appointing authority itself shall determine whether a lack of funds exists. As used in this rule, a “lack of funds” means an appointing authority has a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. This section does not require any transfer of money between funds in order to offset a deficiency or projected deficiency of funding for programs funded by the federal government, special revenue accounts, or proprietary accounts. Whenever a program receives funding through a grant or similar mechanism, a lack of funds shall be presumed for the positions assigned to and the employees who work under the grant or similar mechanism if, for any reason, the funding is reduced or withdrawn.*
- (c) *Employees may be laid off as a result of lack of work within an appointing authority. The appointing authority shall themselves determine whether a lack of work exists. As used in this rule, a “lack of work” means an appointing authority has a current or projected decrease in workload that requires a reduction of current or projected staffing levels in its organization or structure. The determination of a lack of work shall indicate the current or projected decrease in workload and whether the current or projected staffing levels of the appointing authority will be excessive.*

- (d) *Employees may be laid off as a result of abolishment of positions. As used in this rule, "abolishment" means the deletion of a position or positions from the organization or structure of an appointing authority. Pursuant to Ordinance 167.11 (c) Council may abolish any office or position or reduce the number of employees in any department.*

For purposes of this division, an appointing authority may abolish positions for any one or any combination of the following reasons: as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or for lack of work.

- (1) *Reasons of economy permitting an appointing authority to abolish a position and to lay off the holder of that position under this rule shall be determined at the time the appointing authority proposes to abolish the position. The reasons of economy shall be based on the appointing authority's estimated amount of savings with respect to salary, benefits, and other matters associated with the abolishment of the position, except that the reasons of economy associated with the position's abolishment instead may be based on the appointing authority's estimated amount of savings with respect to salary and benefits only, if the appointing authority's operating appropriation has been reduced by an executive or legislative action, or the appointing authority has a current or projected deficiency in funding to maintain current or projected levels of staffing and operations.*
- (2) *The following principles apply when a circumstance described in section (d)(1) above would serve to authorize an appointing authority to abolish a position and to lay off the holder of the position under this division based on the appointing authority's estimated amount of savings with respect to salary and benefits only:*
 - (A) *The position's abolishment shall be done in good faith and not as a subterfuge for discipline.*
 - (B) *If a circumstance affects a specific program only, the appointing authority only may abolish a position within that program.*
 - (C) *If a circumstance does not affect a specific program only, the appointing authority may identify a position that it considers appropriate for abolishment based on the reasons of economy.*
- (3) *Each appointing authority shall determine itself whether any position should be abolished. An appointing authority abolishing any position shall file a statement of rationale and supporting documentation with the Civil Service Commission prior to sending the notice of abolishment.*

If an abolishment results in a reduction of the work force, the appointing authority shall follow the procedures for laying off employees, subject to the following modifications:

- (A) *The employee whose position has been abolished shall have the right to fill an available vacancy within the employee's classification.*
- (B) *If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, the employee with the fewest retention points shall be displaced.*
- (C) *If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series.*
- (D) *If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series.*
- (e) *Notwithstanding any contrary provision of the displacement procedure described in this Rule for employees to displace other employees during a layoff, the appointing authority may establish a paper lay-off process under which employees who are to be laid off or displaced may be required, before the date of their paper layoff, to preselect their options for displacing other employees.*

Section 2. Layoff Procedures

- (a) 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 *of the primary appointment categories of part-time probationary, part-time permanent, full-time probationary, and full-time permanent. Whenever a reduction in force is necessary within each of the primary appointment categories, first part-time probationary, then part-time permanent, then full-time probationary, and then full-time permanent employees shall be laid off.*
 - ~~(1) Employees serving provisionally who have not completed their probationary period after appointment.~~
 - ~~(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 and who have the least number of retention points.~~

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

Section 3. Notification of Layoff, ~~Displacement and Recall~~

- (a) *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 via 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 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 days of posting shall be the first day of the seventeen (17) day period.*
- (b) *Each notice of layoff or displacement shall contain the following information:*

 - (1) *the reason for layoff or displacement.*
 - (2) *the date of the layoff or displacement.*
 - (3) *employees' retention points, if applicable.*
 - (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 employees of the right to displace another employee and the length of time within which the employee may displace (bump) another employee.*
 - (6) *a statement advising the employee of the right to reinstatement or re-employment*
 - (7) *a statement that, upon request by the employee, the appointing authority will make available a copy of the rules regarding layoff.*

Section 4. Displacement

- (a) *A laid-off employee has the right to displace the employee with the fewest retention points in the following order:*

 - (1) *Within the classification from which the employee was laid off.*
 - (2) *Within the classification series from which the employee was laid off.*
 - (3) *Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, except that the employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than three years prior to the date on which the employee was laid off.*

- (b) *If, after exercising displacement rights, an employee is subject to further layoff action, the employee's displacement rights shall be in accordance with the classification from which the employee was first laid off.*
- (c) *The Civil Service Commission shall verify the calculation of the retention points of all employees in an affected classification in accordance.*
- (d) *Following the order of layoff, an employee laid off in the classified civil service shall displace another employee within the same appointing authority in the following manner:*
 - (1) *Each laid-off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series.*
 - (2) *Any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority or independent institution has been reached and, if necessary, laid off.*
 - (3) *Employees shall notify the appointing authority of their intention to exercise their displacement rights, within five days after receiving notice of layoff. This division does not apply if the appointing authority has established a paper lay-off includes a different notification requirement for employees exercising their displacement rights under that process.*
 - (4) *No employee shall displace an employee for whose position or classification there are certain position-specific minimum qualifications, as established by the appointing authority and reviewed for validity by the department of administrative services, or as established by bona fide occupational qualification, unless the employee desiring to displace another employee possesses the requisite position-specific minimum qualifications for the position or classification.*

Section 5. *Retention Points for Continuous Service and Efficiency.*

- (a) *The calculation of retention points shall not be required for any employee subject to layoff who is a member of a bargaining unit for whom the applicable collective bargaining agreement provides for layoff by seniority.*
- (b) *The calculation of retention points shall not be required for any employee subject to layoff as a result of the abolishment of any office or position or the reduction of the number of employees as a result of ordinance of Council. In such case, employees shall be laid off in the inverse order of their appointment as may be necessary to accomplish such reduction. Ordinance 167.11(c)*

- (a) *Retention points to reflect the length of continuous service and efficiency in service for all employees affected by a layoff shall be verified by the Civil Service Commission.*
- (b) *An employee's length of continuous service will be carried from one city department to another so long as no break in service occurs between transfers or appointments.*
- (c) *If two or more employees have an identical number of retention points, employees having the shortest period of continuous service shall be laid off first.*

~~Each employee recalled from layoff shall be notified of the offer of reinstatement or re-employment by certified letter. The notice shall contain a statement that refusal of re-employment shall result in removal of such employee's 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 (such as illness, injury, absence from the City or the State, or for other good cause as determined by the Commission) preventing 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.~~

Section 6. Establishment of Layoff Lists – Reinstatement - Reemployment

~~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 the order of their retention points and for a period 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, 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.~~

- (a) *Employees who have been laid off or have, by virtue of exercising their displacement rights, been displaced to a lower classification in their classification series, shall be placed on appropriate layoff lists. Those employees with the most retention points within each category of order of layoff, as established by these Rules, shall be placed at the top of the layoff list to be followed by employees ranked in descending total retention order. Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff.*
- (b) *An employee who is laid off retains reinstatement rights in the agency from which the employee was laid off. Reinstatement rights continue for one year from the date of layoff. During this one-year period, the appointing authority shall not hire or promote anyone into a position within that classification until all laid-off persons on a layoff list for that*

classification who are qualified to perform the duties of the position are reinstated or decline the position when it is offered.

- (c) *Any employee accepting or declining reinstatement to the same classification and same appointment type from which the employee was laid off or displaced shall be removed from the appointing authority's layoff list.*
- (d) *An employee who does not exercise the option to displace under these rules shall only be entitled to reinstatement or reemployment in the classification from which the employee was displaced or laid off.*
- (e) *Except as otherwise provided in these rules, an employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced, thereafter is only entitled to reinstatement to a classification higher, up to and including the classification from which the employee was laid off or displaced, in the classification series than the classification that was declined. This division does not apply when an employee, who was a full-time employee at the time of layoff or displacement, declines reinstatement in a part-time position.*
- (f) *Any employee reinstated or reemployed under this section shall not serve a probationary period upon reinstatement or reemployment, except that an employee laid off during an original or promotional probationary period shall begin a new probationary period.*

Section 5. Layoffs or Reductions in the Police and Fire Departments

Whenever it becomes necessary in the Police and Fire Departments through lack of work or funds or for causes other than those outlined in Section 124.34 of the 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 Revised Code *except that to the extent the applicable collective bargaining agreement sets forth the procedures for layoff, the collective bargaining agreement shall control.*

Section 7. Reinstatement after Resignation

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 such separation provided there are no former employees of the department who have been laid off and whose names appear on the eligibility list for the class. A notice of such reinstatement shall be sent to the Commission for its approval.

Section 8. 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 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 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 such 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.

Section 9. Absence Without Leave; Reinstatement

- (a) Absence from duty without leave for any time will be considered neglect of duty and good cause for dismissal.
- (b) Absence from duty without leave for (10) ten consecutive days shall be deemed a resignation from the service by the absentee upon report of such absence by the appointing authority and 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 or herself* shall make satisfactory explanation to the Commission of the cause of absence, *he or she* may be reinstated to his position.
- (c) 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 XII: REDUCTIONS, SUSPENSIONS, AND REMOVALS

Section 1. Grounds

- (a) The tenure of every officer or employee in the Classified service of the City 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~~ *as otherwise provided in these Rules (e.g., transfer, reduction in force, etc.)* and for incompetency, inefficiency, *unsatisfactory performance*, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, *violation of any policy or work rule of the officer's or employee's appointing authority*, violation of ~~Section 124.01 to 124.64 of the 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 *or conviction of a felony while employed in the civil service*. *The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay or purposes for of this section.*
- (b) *This section does not apply to any modifications or reductions in pay or work week authorized by Revised Code sections 124.393 (Mandatory cost savings programs applicable to non-bargaining employees) or 124.394 (Modified Work Week Schedule Program).*
- (c) *An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner*

as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

- (d) *A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal.*

(e) *Conviction of Felony*

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

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

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

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

- (1) *A felony that is an offense of violence as defined in section 2901.01 of the Revised Code.*
- (2) *A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code.*

- (3) *A felony under the laws of this or any other state or the United States that is a crime of moral turpitude.*
- (4) *A felony involving dishonesty, fraud, or theft.*
- (5) *A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.*

Section 2. Order of Reduction, Suspension or Removal

~~In any case, of reduction, suspension for more than three (3) working days of removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension, or removal, which such order shall state the reasons therefor.~~

In case of a reduction, a suspension of more than five (5) days, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action. Such order shall be filed with the Commission. Modified Ordinance 167.06(l).

Section 3. Appeal of Order

Within ten (10) days following ~~the filing of such order~~ *the date on which the order is served*, the employee may file an appeal *of the order* 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 the appeal was filed with the Commission. The Commission may affirm, disaffirm, or modify the judgment of the appointing authority.

Any employee who is a member of a bargaining unit covered by a collective bargaining agreement that contains a grievance appeal process that includes binding arbitration shall have as their sole and exclusive remedy the appeal through that grievance procedure.

Section 4. Appeal from Decision of Commission

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer of the employee may appeal from 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.

Section 5. Suspension, Demotion or Removal of Chief of Police or Fire

In the case of suspension for any period of time or demotion or removal of Chief of Police or Chief of the Fire Department or of any civil service member of the police or fire department or who is ~~covered in the City of Streetsboro's General Compensation Plan~~ *in the classified service and is not covered by a collective bargaining agreement*, 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 therefor. Such order shall be filed 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 the 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 may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

Section 6. Right to Suspend Chief of Police or Chief of Fire

The appointing authority 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 to *him or her* by proper authority, or for any other reasonable and just cause. If either the Chief of Police or the Chief of the Fire Department is ~~also~~ suspended, the Appointing authority forthwith shall certify such fact, together with the cause of suspension to the Commission.

Section 7. Disciplinary Suspension

An employee may be suspended for a period not to exceed ~~three (3)~~ *five (5)* working days for purposes of discipline without the right of appeal, except in the case of a Police Chief, a Fire Chief, or a member of the police or fire departments as described above. Successive suspensions shall not be allowed.

Section 8. Absence Without Leave

Absence from duty without leave for any time or failure to report for duty if leave is expired shall be considered "neglect of duty" and cause for removal.

Section 9. Falsification of Application

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

Section 10. Removal Procedure

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

- (a) Served each employee with a written order of removal which order shall contain one or more statutory reasons for grounds for discharge, together with such specifications of facts as shall place *him or her* fairly upon his defense; and
- (b) Filed with the Commission a copy of such order of removal.

Section 11. 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 date of such removal as set forth in the order of removal.

RULE XIII: HEARINGS

Section 1. Time of Hearing Notifications

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

Section 2. Amendments to Orders

Amendments to the orders of removal, reduction in pay or position, or suspension of more than ~~three (3)~~ 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.

Section 3. Hearing Procedures

The Commission may, in its discretion, issue prehearing orders, determine the order of presentation of evidence in non-disciplinary cases, hear arguments and request submission of briefs, memoranda, or other written materials.

- (a) *The Commission shall first determine whether it has jurisdiction. The Commission may, for example, dismiss a case where the Commission's jurisdiction has been negated by an applicable collective bargaining agreement. In disciplinary cases, the Commission shall review the order of discipline or inquire what other action was taken by the appointing authority that generated the appeal, determine whether the order or action entitles the employee to a right to appeal, inquire whether and how the employee was served with the order of discipline, if any; and if the Commission determines that it appears that it does have jurisdiction.*
- (b) *Hearings before the Commission may be public except when the nature of the charge may be offensive to public morality and decency. In such cases, the Commission may order the hearings closed to the general public, unless the employee requests that the hearing be public. By agreement of the parties, or if the discussion of any issue or item would violate any person's right to privacy, other than an employee requesting a public hearing, the Commission may conduct an in-camera review of that matter.*
- (c) In the hearing of appeals, once jurisdiction is established, *in the absence of any prehearing order, ~~In the hearing of such appeals,~~* the order of procedure shall be as follows:
 - (1) The appointing authority taking action affecting the employee shall adduce his evidence in a support of the charges and specifications.
 - (2) The employee affected shall then produce such evidence as *he or she* may wish to present to refute such charges.

- (3) The appointing authority may offer evidence in rebuttal. The Commission may, at its discretion, hear arguments.
- (4) *Either party may call the other, or agents, officers, or employees of the same as on cross-examination.*
- (5) *In a case where the appointing authority contests that it took the “appealable” action alleged by the employee, the employee must first present evidence that the action occurred. The appointing authority may refute that evidence, and the employee may then rebut.*

Section 4. Rules Of Evidence; Representation by Counsel

The production of evidence on the hearing of appeals and 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 Commission may permit the introduction of evidence otherwise excludable under such rules where a foundation, establishing the reliability and credibility of the evidence, its relevance and materiality, and its necessity, has been established.*

The appellee and appellant may be represented by counsel. A complete transcript or other recording of the hearing shall be made.

Section 5. Burden of Proof

The appointing authority shall prove, by a preponderance of the evidence, the factual allegations contained in the disciplinary order. Failure to prove each of the allegations contained in the order does not require disaffirmance or annulment of the appointing authority's order by the Commission. The employee shall prove, by a preponderance of evidence, that an employer took an appealable action (e.g., that the employee was reduced, reclassified, etc.).

Section 6. Discovery

The Commission may allow either party to conduct discovery upon notice to the Commission.

Section 7. Subpoenas

Either party may request that a subpoena be issued by the Commission. Such requests shall be submitted no later than seven (7) days prior to the hearing. Such request must be accompanied by a completed subpoena form. It is the responsibility of the requesting party to serve the subpoena. The Commission may call witnesses other than those requested by the parties.

Section 8. Witnesses

All witnesses must testify under oath or affirmation. The Commission may limit the number of witnesses to avoid repetitive or unnecessary testimony.

Section 9. Motions

- (a) *All motions shall state, with particularity, both the relief sought by the moving party and the basis for granting such relief.*
- (1) *All motions, together with supporting documentation, if any, shall be served on the opposing party.*
- (2) *Motions to dismiss an appeal shall be supported by affidavits, made on personal knowledge, setting forth facts as would be admissible in evidence. Affidavits shall show affirmatively that the affiant is competent to testify to the matter stated therein. Sworn or certified copies of all papers referred to in an affidavit shall be attached thereto. When a motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials. An adverse party's response, by affidavit or otherwise, shall set forth specific facts showing there is a genuine issue in dispute.*
- (b) *Procedural motions, not determinative of the final outcome of the appeal, may be acted upon any time after receipt by the Commission without awaiting a response from the opposing party. The party adversely affected by such action of the Commission may move for appropriate relief.*

Section 10. Record of Hearings

The Commission may record hearings either by the use of a stenographer, magnetic tape, or other recording technology.

Section 6-11. 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 thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

Section 12. Hearing Officer

The Commission may appoint a hearing officer to hear an appeal.¹ When the Commission exercises its discretion to do so, the following procedure shall apply before the Commission takes final action on the appeal.

- (a) *The hearing officer shall submit a report to the Commission in each appeal considered by the hearing officer for the Commission.*

¹ Whereas a trial board may actually affirm, disaffirm, or modify an order of an appointing authority under Rule R.C. 124.34(B), a hearing officer makes a recommendation for action by the Commission.

- (b) *No objection may be made to the Commission regarding any decision of a hearing officer prior to the submission of the hearing officer's report and recommendation. Written objections to reports and recommendations shall be filed within ten (10) calendar days after receipt of the report and recommendation(s). Written replies to objections shall be filed within ten (10) days after the opposing party's objection has been filed.*
- (1) *If a report and recommendation is refused, unclaimed or sent to the wrong address due to a party's failure to notify the Commission of a change of address, it shall be deemed received by the party three (3) calendar days after such mailing. A certificate of mailing shall be considered sufficient proof of mailing.*
 - (2) *The Commission may extend the time to file objections or responses to the report and recommendation.*
 - (3) *Objections to reports and recommendations should include a brief statement of the case and a concise statement of each area of disagreement with supporting arguments and memoranda. All parties' objections or responses must be limited to evidence presented at the hearing. Objections and responses to objections containing arguments based on evidence not already in the record may be stricken.*
 - (4) *No objection without a certificate of service may be considered by the Commission.*
- (c) *The Commission may accept, reject, or modify, in whole or in part, any report and recommendation of the hearing officer. The Commission may also receive additional evidence, hear arguments, or remand an appeal to a hearing officer for further consideration or hearing.*
- (d) *Final orders shall be signed by the Chair or other member of the Commission. The original order shall be journalized, and a copy of the order placed in the case file. Copies of final orders of the Commission shall be sent by certified mail to the affected employee and by regular mail to the other parties and their representatives.*
- (1) *Copies of orders returned to the Commission or unclaimed or refused shall be reissued by regular United States mail.*
 - (2) *Copies of final orders returned to the Commission as undeliverable shall be placed in the case file and the opposing party shall be notified.*

Section 13. Last Chance Agreements

In an appeal of a removal order based upon a violation of a last chance agreement, the Commission or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority. Any Hearing Officer assigned by the Commission shall conduct the hearing and make his or her report accordingly.

RULE XIV: 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 vote of the Commission. Such action and the reasons therefore shall be entered in the minutes of this meeting.

RULE XV: SAVINGS CLAUSE

If any section or a part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

RULE XVI. IMPLEMENTATION AND SEPARABILITY

Section 1. Implementation

The Commission may issue memoranda to implement the provisions of these rules and to establish the necessary forms of procedures, which carry out ~~Chapter 124 of the Ohio Revised Code~~ *its obligations under the Constitution of the State of Ohio, the Codified Ordinances of the City of Streetsboro*, and the rules adopted thereunder. Any such memorandum shall be distributed to all departments, boards, and commissions that may be affected by the contents of the memorandum.

Section 2. Separability

Each rule of the Commission and each section of each rule is an independent rule. The holding of any rule or section to be void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.

ADOPTION OF RULES

These Revised Rules and Regulations of the City of Streetsboro Civil Service Commission as set forth in the preceding pages are hereby approved and adopted by the members of the Streetsboro Civil Service Commission, ***subject to final approval and adoption by the City Council of the City of Streetsboro***. Said Rules and Regulations shall be effective ten (10) days following the date of signing by members of the Commission, ***after City Council Approval***.



CIVIL SERVICE COMMISSION

of the

CITY OF STREETSBORO, OHIO

RULES AND REGULATIONS

REVISED DECEMBER 2024

CIVIL SERVICE RULES OF THE CITY OF STREETSBORO

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PREAMBLE

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Streetsboro, Ohio, by Article XV, Section 10 of the Ohio Constitution, Chapter 124 of the Revised Code, and by Chapter 167 of the Streetsboro Codified Ordinances.

November 2024

APPROVED:

Todd Mitchell, Chair

James Demitrus, Vice Chair

Schonda Grays, Commissioner

RULE I: APPLICABILITY OF RULES

Section 1. Scope of the Rules and Jurisdiction of the Commission

These rules shall be applicable to all civil service matters, except to the extent these rules have been superseded by charter or ordinance or a collective bargaining agreement between the employer and a public employee collective bargaining representative. Except as otherwise provided herein, these rules shall apply to all positions and employees in the classified service of the City. Certain of these rules will also apply to the unclassified service, as the rule or context indicates, for example where it is necessary to identify who is in the unclassified service, as opposed to the classified service. A reference to the “classified service” in certain instances in these rules shall not indicate intent to apply the remaining rules to the unclassified service. Classified employees appointed to and classified positions created by any program developed and funded by federal legislation shall be covered by these rules if these rules are not in conflict with applicable federal legislation and/or regulations. Where the federal legislation and/or regulations require that these rules be extended to unclassified employees or positions where the rules would not normally apply, the rules will be so extended only to the extent necessary to ensure the receipt of the funding or to comply with the federal mandate.

Section 2. Construction

These rules should be construed so as to carry out their purposes as determined from both the literal reading of the rules and their context. The rules should be construed and applied in a manner that is consistent with the laws of the State of Ohio, except to the extent that the letter or context indicates that the City intended to supersede, preempt, or otherwise override state law through a valid exercise of Home Rule. The rules should not be construed so as to limit the City’s power to exercise Home Rule or its other lawful authority. Nor should the rules be construed in a way that limits the Commission’s power to interpret and apply the rules within the scope of the Commission’s lawful authority.

A charter provision will prevail over any conflicting ordinance or resolution. An ordinance or Council resolution will prevail over any conflicting rule. Any collective bargaining agreement that provides for binding arbitration of grievances and that conflicts with an ordinance, a resolution, or these rules will prevail over the ordinance, resolution or rule, pursuant to R.C. Chapter 4117, unless the subject matter is unlawful, or is not a proper subject for collective bargaining (for example, certain public records provisions), or is a matter that is not enforceable through the override provisions of R.C. Chapter 4117 (for example, families of military personnel retain certain rights under R.C. 4117.10 and 5906.02; and employees convicted of felonies can lose certain rights pursuant to R.C. 124.34; all notwithstanding any collective bargaining agreement). Applicable federal laws and regulations shall prevail over any and all of the above. Citations in these rules to state and federal laws and regulations and City charter or ordinances are meant to incorporate amendments to same as they are made from time to time.

For the convenience of the Commission and the public, certain of these rules may indicate instances where the City has elected to supersede state law, through a reference to the specific Ordinance.

The term “ordinance” in these rules is meant to include formal ordinances, resolutions, or any other actions of City Council (“Council”) that are sufficient to carry out exercises of Home Rule or other powers of Council. References to “rules” and “regulations” are interchangeable, unless indicated otherwise.

Section 3. Adoption, Amendment, Rescission

Unless otherwise indicated, these rules and any amendment, revision, or rescission of the same shall be in full force and effect from and after their publication and adoption by the Commission; provided that any rules that supersede state law and require a charter amendment or an action of Council for their effect will take effect in accordance with the charter amendment or action of Council.

Section 4. Publication

No action of the Commission adopting a rule or regulation, or amendment, revision, or rescission of the same shall be effective until notice of the same with summary of its content has been prominently displayed in the places of employment of the City that are frequented on a regular basis by classified employees and officers of the City in the discharge of their official duties, and until the content of the same has been made available for public review.

Section 5. New Rules

The present rules of the Commission shall continue in full force and effect until the amendments set forth in these rules have been properly adopted. Upon the adoption of these amendments, these rules shall supersede and replace the same as the Rules and Regulations of the Civil Service Commission.

Section 6. Savings Clause

If any section or part of a section of these rules is held by a court of competent jurisdiction to be unconstitutional, or to be invalid for any other reason, said action shall not invalidate or impair the validity, force, or effect of any other section or part of a section of these rules, unless it clearly appears that such other section or part of a section of these rules is wholly or necessarily dependent for its operation on the section or part of a section that has been held invalid.

RULE II: COMMISSION ADMINISTRATION

Section 1. Composition

The Municipal Civil Service Commission of the City of Streetsboro shall be composed of three (3) electors of the City Streetsboro, who shall be appointed by the Mayor and confirmed by a majority of Council.

The terms of office of Civil Service Commission members shall be for six (6) years each. The terms shall be staggered, so that one (1) term shall commence at the beginning of each odd-numbered year. No member of the Civil Service Commission shall serve more than two (2) consecutive, full six (6) year terms. [Charter Section 16.01].

A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner authorized for an original appointment. No member of the Civil Service Commission is to hold any other office or employment within the Municipality and not more than any two (2) such members are to be members of the same political party.

Section 2. Powers and Duties

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 Streetsboro. The Constitution and laws of Ohio regarding selection, promotion, demotion, discipline, and removal of employees within the classified service of a political subdivision shall apply to the City of Streetsboro, except as otherwise provided by Ordinance of Council. [Section 16.03 of the Charter and Codified Ordinance 167.14]

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

Section 3. Initial Meeting and Election of Chair and Co-chair

The Mayor shall establish the date, time, and place for the first meeting of each year, at which the Civil Service Commission shall organize under a chairperson and vice chairperson elected from among the three (3) members, for a term of one (1) year.

Section 4. Regular and Special Meetings

It shall be the duty of the Chairperson to call such other meetings of the Commission as are necessary to transact the business and affairs 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 Chairperson may on his/her own initiative, and shall, upon request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of notice of such meeting. In the absence of the Chairperson, the Co-chairperson shall act as Chairperson. Two (2) 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 (2) members to adopt any motion or resolution.

Section 5. Adoption of Rules

The Commission shall adopt, amend, and rescind rules not in conflict with the Ordinances and Resolutions of the Streetsboro City Council. Where the Streetsboro City Council has not otherwise provided, the Rules of the Civil Service Commission shall comply with the provisions of Chapter 124 of the Ohio Revised Code regarding selection, promotion, demotion, discipline, and removal shall be applicable.

Where there is a conflict Streetsboro Codified Ordinance Chapter 167 (as amended) will prevail. The Ordinance will be considered first, these Rules second, and the Ohio Revised Code will fill in where the others are silent.

Section 6. Civil Service Secretary

The Commission shall appoint and employ, appropriately salaried, a suitable person as Secretary to keep accurate records of its proceedings. The Civil Service Secretary shall be in the classified service and shall be chosen according to merit and fitness to perform the required tasks.

The Civil Service Secretary shall attend all the meetings and keep the minutes thereof; shall keep in the form of minutes a record of official actions of the Commission; shall be at the Office of the Commission during hours that such Office is open; 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 review payrolls for certification; shall handle correspondence as the Commission shall determine; shall, in conjunction with the Chairperson, sign all warrants or orders for the payment of money on behalf of the Commission, and perform such other duties as may be required by the Commission.

Section 7. Conduct and Order of Business at Meetings

- (a) The Commission will adopt Robert's Rules of Order as their guide.
- (b) The order of business for the meeting of the Commission are:
 - 1 Roll call
 - 2. Disposition of unapproved minutes
 - 3. Approval of minutes
 - 4. Unfinished business
 - 5. New business
 - 6. Executive session (*when needed)
 - 7. Adjournment
- (c) There will be a printed agenda posted at City Hall. The Commission reserves the right to alter the agenda at any time; however, the Commission shall not take action on any item not printed on the advance agenda.

- (d) The Commission recognizes its duty to comply with the Open Meetings Law of the State of Ohio.

RULE III: 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. These powers, duties, and functions shall include, but not be limited to, the following powers, duties, and functions.

Section 1. Hearing Appeals of Employees

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, layoff, 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.

Section 2. Hearing Appeals of Appointing Authorities

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 Commission may affirm, dis-affirm, or modify the decision and its decision is final.

Section 3. Appointment of Secretary and Other Employees

To appoint a Civil Service Secretary and such other employees necessary in the exercise of the powers and performances of the duties and functions which in the Commission is by law authorized and required to exercise and perform and to prescribe the duties of such Civil Service Secretary and other employees.

The Civil Service Secretary shall serve as the contact point for the Commission and all communications intended for the Commission shall be made only through the Secretary.

Section 4. Record of Proceedings

- (a) To maintain a journal, which shall be open to public inspection, in which it shall keep a record of all its proceedings, minutes of meetings, and vote of each of its members upon every action taken by it.
- (b) 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. This journal shall include a record of the minutes of all Commission meetings.

- (c) 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.

Section 5. Adopt and Promulgate Rules

To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws and ordinances 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 sections (1) and (2) of this Rule III.

Section 6. Power to Subpoena

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 same extent as provided by division (G) of Section 124.09 of the Ohio Revised Code and all witness fees shall be paid in the manner set forth in division (G) of said section.

Section 7. Conduct and Grade Competitive Examinations

To prepare, conduct, and cause to be graded all competitive examinations for positions in the classified service.

Section 8. Conduct and Grade Noncompetitive Examinations

To prepare, conduct, and cause to be graded all noncompetitive examinations for positions in the classified service.

Section 9. Prepare Eligible Lists

To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service.

Section 10. Prepare Classification Specifications

To prepare or amend specifications descriptive of duties, responsibilities requirement, and desirable qualifications of the various classifications of positions in the municipal service.

Section 11. Allocate to Appropriate Classification

To allocate and reallocate upon its own or upon request of an appointing authority any position, office, or employment in the municipal service to the appropriate classification on the basis of duties, responsibilities, requirements, and qualifications of such position, office, or employment.

Section 12. Personnel Recruitment

To develop and conduct personnel recruitment services for positions in the municipal service in cooperation with its administration.

Section 13. Conduct Research

To conduct research on specifications, classifications, and salaries of positions in the municipal service.

Section 14. Training

- (a) To develop and conduct personnel training programs in cooperation with appointing authorities.
- (b) To enter into agreements for in-service training programs in cooperation with appointing authorities.

Section 15. Appointment of Assistants

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. The Civil Service Commission may use City employees to conduct these functions.

Section 16. Roster of Employees in Classified Service

To prepare, continue, and keep in the Civil Service Commission office, a complete roster of all employees in the classified service. This roster shall be open to public inspection at all reasonable hours. The roster shall include each classified employee's name, the date of appointment or to employment in such service, salary or compensation, the employee's title or office he/she holds, the nature of the duties thereof, and in case of his/her removal or resignation, the date of termination or resignation of such service. A copy of the roster shall be provided to the Finance Director in accordance with Codified Ordinance section 167.12.

Section 17. Investigations

To make investigations concerning all matters touching the enforcement and effect of sections 124.01 to 124.64 of the Revised Code, Codified Ordinance Chapter 167, 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 and take testimony relative to any matter which the Commission has authority to investigate.

Section 18. Reports

- (a) To make a report to City Council annually pursuant to Ordinance section 167.05.
- (b) To make a report to the Mayor annually showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of it purposes.

The Commission shall also furnish any special reports to the Mayor whenever he or she requests the same. Such reports shall be printed for public distribution under the same regulations, as are the reports of other officers, boards, or commissions.

- (c) To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with Section 124.09 of the Ohio Revised Code.

RULE IV: DEFINITION OF TERMS

As used in these rules and regulations, the following terms shall have the meaning indicated below.

- 1. “Commission” refers to the Municipal Civil Service Commission of the City of Streetsboro.
- 2. “Civil Service” refers to and included all offices and positions of trust or employment in the City of Streetsboro.
- 3. The “Unclassified Service” shall include the Clerk of Council, Deputy Clerk of Council, Executive Assistant to the Mayor, Finance Director, Assistant Finance Director, Law Director, City Prosecutor, Safety Director, Service Director, Assistant Service Director, Water Superintendent, Water Billing Administrator, City Engineer, Engineering Technician/Inspector, Construction Manager, Building Director, Planning Director, Assistant Planner, Parks and Recreation Director/Senior Citizens Services Director, Administrative Assistant to the Fire Chief, Administrative Assistant to the Police Chief, Administrative Assistant to the Service Director, IT Network Administrator, Economic Development Director, seasonal, temporary and part-time employees as set forth in Ordinance section 167.03.

The Unclassified Service shall also comprise those positions set forth in Paragraph (A) of Section 124.11 of the Revised Code as applied to the civil service of the City of Streetsboro and such other classifications determined to be unclassified by action of the City Council. Positions in the unclassified service shall be exempt from all examinations required by law.

4. The "Classified Service" shall comprise all persons in the employ of the City and not included in the unclassified service. The classified service shall be divided in to the "Competitive Class" and the "Unskilled Labor Class" as provided for in paragraph (B) of Section 124.11 of the Revised Code.
5. "Position Classification" shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.
6. "Municipal Service" shall include those positions in the classified service of the City of Streetsboro.
7. "Position" when used by itself shall refer to any specific office, employment, or job calling for the performance of certain duties, either full time or part time and for the exercise of certain responsibilities by one individual.
8. "Appointing Authority" refers to the Mayor pursuant to the terms of the City of Streetsboro Charter.
9. The term "Employee" shall signify any person holding a position subject to appointment, removal, promotion, or reduction by appointing authority.
10. "Vacancy" means an existing funded position not currently filled by an incumbent that the appointing authority desires to fill.
11. "Lateral transfer or lateral hire" indicates an original hire of an experienced police officer or dispatcher based upon merit and fitness as determined by an examination of his or her work experience and other testing as deemed appropriate by the Commission. Lateral hires are exceptions to the requirement for a competitive testing procedure pursuant to Codified Ordinance Section 167.04(d) but shall otherwise be considered part of the competitive class of classified service.

RULE V: POSITION CLASSIFICATION, RECLASSIFICATION, AND AUDITS

Section 1. Classification Plan

Positions in the civil service of the City shall be classified and 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 salary range which will compensate each employee assigned to the class on a like basis.

Section 2. Classification Specifications

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.

Section 3. Position Audits and Reassignments

The Commission, having standardized all positions, shall make periodic audits of those positions to ensure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classification of positions exist, the Commission may reallocate any position to the appropriate 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 purpose of determining whether the position is properly classified. The Commission shall give proper consideration to such request.

Section 4. 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.

Section 5. Appeal of 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.

Section 6. Unskilled Labor Class

As provided in Section 167.06 (e) of the Codified Ordinances, applicants for positions in the unskilled labor class will not be given formal tests for the purposes of establishing eligible lists. Instead, the Human Resources Manager will accept applications for these positions and require such applicants to furnish evidence of minimum qualifications as well as desired skills, abilities, or attributes as designated by the Commission. Applicants that meet the minimum qualifications will be placed on an eligible list ranked in accordance with the extent to which the applicants possess the desired skills, abilities, or attributes. For each position in the unskilled labor class, the Commission shall designate the desired skills, abilities and attributes and assign a scoring system under which applicants will be ranked. Upon the request of an appointing authority to fill a position in the unskilled labor class, the Human Resources Manager will certify the highest scoring ten (10) names (or twenty-five percent [25%] of the list, whichever is greater) to the appointing authority for appointment.

RULE VI: EXAMINATIONS

Section 1. Under Direction of Commission

Examinations may be held in such places and conducted by such agency as the Commission deems advisable and shall be administered under its direction.

Section 2. Notice of Examinations

- (a) **Entrance Examinations:** Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the City Hall bulletin boards, at the Office of the Civil Service Commission, the City's internal e-mail system, on the Streetsboro Web site, and in such places as may deemed advisable, not less than thirty (30) days prior to the last day on which applications will be accepted for such examinations.
- (b) **Promotional Examinations:** Notice of competitive promotional examinations to be held shall be given by posting on the City of Streetsboro's internal e-mail system, on bulletins in conspicuous places in the City departments whose employees may be interested or may be by individual communication to the employees eligible for such promotions. Such notice shall be given not less than (30) thirty days prior to the last day on which applications will be accepted for the examination.
- (c) **Lateral (Experienced) Entry Merit and Fitness Examination:** Notice of lateral entry position available shall be given through the local newspapers and by posting notices conspicuously on bulletin boards, the City's internal e-mail system, on the Streetsboro website, and in such places as may deemed advisable, not less than thirty (30) days prior to the last day on which applications will be accepted for such position.

Section 3. Applications

- (a) All applications must be personally signed and upon forms prescribed by the Commission. All application forms must be completed in their entirety and legibly printed in ink or typewritten and submitted to the Commission in a timely manner. Application forms shall be provided by the Commission and shall be available at locations as announced by the Commission. No applications shall be accepted after the date for filing has passed.
- (b) Age for Application:
 - 1. Applicants for examination for original appointment to the police department as a police officer must have attained the age of twenty-one (21) on or prior to the date of their hire.
 - 2. Applicants for examinations for original appointment to the fire department as a firefighter/paramedic must have attained the age of twenty-one (21) on or prior to the date of their hire.
- (c) Every applicant appointed to or employed in the civil service shall be physically and psychologically able, with or without reasonable accommodation, to perform the essential functions of the position to which they are appointed or employed.
- (d) Every applicant shall have and shall be able to demonstrate that he or she possesses the required licenses and certifications, and the educational, training, or equivalent

qualifications required of the position for which application is made. A candidate shall provide the Commission with reasonable and adequate proof thereof when the Commission requests such information from all candidates for a position, or when the Commission has sufficient reason to believe that the applicant may not possess such qualifications.

Section 4. Identity of Examinees Concealed

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

Section 5. Subjects and Weights

- (a) Examinations shall be designed to fairly test the relative merit and fitness of the persons examined to discharge the particular duties of the position for which appointments are sought. Where minimum 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 the examination.

- (b) **Entrance Examinations**

Entrance 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. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and/or any other acceptable testing methods. The Commission may hire an outside agent to conduct examinations or may utilize a state or national recognized testing agency, e.g., National Testing Network, to provide and evaluation of merit and fitness.

- (c) **Physical and Psychological Examinations and Background Investigations**

Whenever, in the judgement of the appointing authority and with the Commission's approval, physical and/or psychological qualifications are of importance, the candidate shall be required to pass a physical examination, psychological examination, or any combination thereof. Any such physical or psychological examinations shall not be required until such time as an eligibility list has been certified to the appointing authority and a qualified offer of employment has been made to the applicant. Such examinations shall not be utilized to further rank the applicants but may only be used as a factor in the appointing authority's decision to hire a particular candidate from the certified eligible list.

In addition, certain positions requiring a high degree of trust and integrity may require a thorough background investigation, which may include a polygraph examination. The results of any polygraph may be utilized as a factor in the appointing authority's decision to hire a particular candidate from a certified eligible list.

(d) Special credits in entrance examinations

1. Credit for Military Service in Entrance Exams

When proof of acceptable service in the armed forces of the United States, as defined in Section 124.23 of the Ohio Revised Code, is presented to the Commission and such ex-service man or woman being otherwise eligible has receive a passing grade in any regular entrance examination, he or she shall be granted an additional credit of twenty percent of such grade, thereby receiving a final grade of twenty percent (20%) higher in view of the above mentioned Military Service. Proof of currently active is a Military ID card.

2. The Civil Service Commission may grant extra special credits for any Civil Service examination not to exceed twenty percent (20%) taken together as may be deemed appropriate for any particular position. Such credits may include education, training, experience, licenses, certifications, but are not limited to those alone. Proof of acceptable credentials must be submitted with the City of Streetsboro Civil Service Application. No extra credit shall be added to the applicant's grade unless the applicant receives at least the minimum passing grade on the examination without counting that extra credit.

Section 6. Lateral Entry of Police Officer and Police Dispatcher

- (a) The City of Streetsboro has determined that certain candidates for appointment to the position of police officer and police dispatcher may be considered for appointment (lateral "transfer" or entry) without participating in a written competitive civil service examination process. This provision shall supersede any conflicting state statute. Such candidates shall be selected pursuant to the procedures and criteria set forth below. Codified Ordinance 167.04(d).
- (b) No lateral positions of Police Officer or Police Dispatcher in the Police Department shall be filled by any person unless the person has they have been employed for the past twelve (12) months as a full time OPOTA certified peace officer in any police department established pursuant to Ohio law, and have successfully completed their probationary period with such jurisdiction. Applicants for lateral transfer police officer must provide their OPOTA certificate. Lateral entry candidates must also meet the minimum qualifications for appointment to the position of police officer or dispatcher as may, from time to time, be enforced for candidates who participate in the competitive civil service examination process.

- (c) After applications are received, as with candidates for appointment who participate in a competitive civil service examination process, lateral entry candidates must submit to a thorough background investigation (which may include a polygraph), physical agility test (police officer only), and an oral interview. All applicants will be interviewed by a panel that contains a minimum of three (3) police staff members appointed by the Police Chief and due credit shall be given for military service. Afterwards, an eligibility list shall be established. Two (2) separate lists for the position of police officer and dispatcher may be maintained, one determined by conducting the competitive civil service examination process and the other by way of the lateral entry procedures. The date the application was turned in will be utilized to establish ranking in case of a tie between two (2) or more applicants. Upon the certification, the appointing authority shall appoint a candidate from either list so certified within thirty (30) days from the date of the certification.
- (d) Lateral entry hires are subject to thorough background checks, including polygraph examinations, psychological evaluation, and physical examination as provided in Section 5(c). Said evaluations shall be conducted only after a conditional offer of hire has been made and results thereof may disqualify a candidate.
- (e) New employees selected through this process shall obtain and retain all other rights attributed to the classified service, following successful completion of the 12-month probationary period. Seniority for lateral transfers will be based on the date of hire with the City of Streetsboro. Benefits and pay for lateral transfers will be in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.

Section 7. Lateral (Experienced) Entry of Firefighters

- (a) The City of Streetsboro has determined that certain candidates for appointment to the position of firefighter may be considered for appointment (lateral “transfer” or entry) without participating in a written competitive civil service examination process. This provision shall supersede any conflicting state statute. Such candidates shall be selected pursuant to the procedures and criteria set forth below. Codified Ordinance 167.04__
- (b) No lateral positions of Firefighter in the Fire Department shall be filled by any person unless the person has been employed for at least two thousand four hundred ninety-six (2,496) actual hours worked as a Firefighter I or Firefighter II in any fire department established pursuant to Ohio law, and have successfully completed their probationary period with such jurisdiction. Applicants for lateral entry firefighter must provide proof of actual hours worked and their certificate as a Firefighter I, or Firefighter II, issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Ohio Revised Code and Chapter 4765-20 of the Ohio Administrative Code. Lateral entry candidates must also meet the minimum qualifications for appointment to the position of firefighter as may, from time to time, be enforced for candidates who participate in the competitive civil service examination process (e.g., EMT or paramedic certification, etc.).

- (c) After applications are received, as with candidates for appointment who participate in a competitive civil service examination process, lateral entry candidates must submit to a physical agility test and an oral interview. All applicants will be interviewed by a panel that contains a minimum of three (3) fire department staff members appointed by the Fire Chief and due credit shall be given for military service. Afterwards, an eligibility list shall be established. Two (2) separate lists for the position of police officer may be maintained, one determined by conducting the competitive civil service examination process and the other by way of the lateral entry procedures. The date the application was turned in will be utilized to establish ranking in case of a tie between two (2) or more applicants. Upon the certification, the appointing authority shall appoint a candidate from either list so certified within thirty (30) days from the date of the certification.
- (d) Lateral entry hires are subject to thorough background checks, including polygraph examinations, psychological evaluation, and physical examination as provided in Section 5(c). Said evaluations shall be conducted only after a conditional offer of hire has been made and results thereof may disqualify a candidate.
- (e) New employees selected through this process shall obtain and retain all other rights attributed to the classified service, following successful completion of the 12-month probationary period. Seniority for lateral transfers will be based on the date of hire with the City of Streetsboro. Benefits and pay for lateral transfers will be in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.

Section 8. Promotional Examinations

- (a) Vacancies in positions in the classified service, including vacancies filled by promotion, shall be filled as far as practicable with the provisions of Sections 124.27 and 124.31 of the Revised Code, and shall be based upon merit and fitness. Specific rules for promotion of police and fire employees are set forth in Sections 8 through 11 of this Rule.
- (b) All examinations for promotions shall be competitive and may include an evaluation of such factors such as education, training capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one (1) or more tests in any combination. Tests may be written, oral, physical, demonstrations of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which the appointment is sought.

If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

(c) Special Credit in Promotional Exams

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

1. Seniority Credit

In promotional examinations, seniority in service shall be added to the examination grade.

Credit for seniority shall equal, for the first four (4) years of service, one percent (1%) of the total grade attainable in the promotion examination, and for each of the fifth (5th) through fourteenth (14th) years of service, six-tenths percent (.6%) of the total grade attainable.

2. Credit for Efficiency in Promotional Examinations

Credit for efficiency "may" be given as an additional credit and shall be ten percent (10%) of the applicants rating for the last year. The Commission may also determine that two (2) years of efficiency ratings may be used in which case the average of those two (2) years shall be used to determine credit for efficiency.

Section 9. Promotion of Firefighters

- (a) Vacancies in positions above the rank of regular Firefighters in the Fire Department shall be filled by competitive promotional examinations, and promotions shall be by successive ranks as provided in Section 124.45 and in Sections 124.46, and 124.48 of the Ohio Revised Code. Positions in which those vacancies occur shall be called promoted ranks. Excepted from this provision is the position of Fire Chief.
- (b) When a vacancy occurs in the promoted rank immediately above the rank of regular Firefighter, no person shall be eligible to take the examination unless the person has served forty-eight (48) months, not including the person's probationary period in the rank of regular Firefighter, provided that in those cases where there are less than two (2) persons in the rank of regular Firefighter who have served forty-eight (48) months, not including probationary, and who are willing to take the examination, this service does not apply.
- (c) When a vacancy occurs in a promoted rank other than the promoted rank immediately above the rank of regular Firefighter, no person shall be eligible to take the examination unless the person has served twelve (12) months in the lower rank from which the promotion is to be made, provided that in those cases where there are less than two (2) persons in that lower rank who have served twelve (12) months in that rank and who are willing to take the examination, the twelve (12) month service requirement shall not apply. If the non-application of the twelve (12) month service requirement to persons in the next

lower rank does not produce two (2) persons eligible and willing to compete, the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. If this process of searching successively lower ranks reaches the rank of regular Firefighter, the forty-eight (48) month service requirement applies. If that application still fails to produce two (2) persons who are eligible and willing to compete, the forty-eight (48) month service requirement does not apply. If two (2) persons are unwilling to compete for the examination, the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

- (d) Those persons who compete in a promotional examination in accordance with the rules of the civil service commission shall have added to their grade credit for seniority. Credit for seniority shall be given as follows: one (1) point shall be added for each of the first four (4) years of service, and six-tenths (0.6) of a point shall be added for each year for the next ten years of service. In computing the credit for seniority, half of the credit specified in this paragraph shall be given for a half year of service. Credit for seniority shall be based only on service in the municipal or civil service township fire department and the service provided for in the next succeeding paragraph.

When service in a municipal or civil service township fire department is interrupted by service in the armed forces of the United States, seniority credit shall be granted in promotional examinations for the time so served. No additional credit for military service shall be allowed in promotional examinations.

Credit for efficiency may be given as an added credit and shall be ten percent (10%) of the member's efficiency rating for the last year.

- (e) The names of the examinees who have passed the examination shall be placed on the eligible list in accordance with their grades. The examinees receiving the highest grade shall be placed first on the list. The person having the highest position on the list shall be appointed in thirty (30) days in the case of a vacancy. Eligible lists shall continue for two (2) years, unless otherwise specified by the City of Streetsboro Civil Service Commission.
- (f) The public notice of holding a written promotional examination for a position or positions in the 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. The source material should be readily accessible to the examinee. When a written examination is combined with an assessment center procedure, the written exam passing score will account for twenty percent (20%) of the final score and the assessment center will account for eighty percent (80%) of the final score.
- (g) After the grading of examination papers, any participant in the examination who considers the participant's examination papers to have been erroneously graded shall have the right to appeal to the commission, and the appeal shall be heard by the commission.

Section 10. Special Positions for Firefighters

Within any rank, the City Council may establish such special positions having special duties with preferential pay as the Council deems necessary, but the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions.

No special position established by City Council within a rank in the Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

Section 11. Promotion of Police Officers

- (a) No positions above the rank of Police Officer in the Streetsboro Police Department shall be filled by original appointment, with the exception of the Chief of the Police Department.
- (b) Vacancies in positions above the rank of Police Officer in the Police Department shall be filled by promotion from a person's holding positions in a rank lower than the position to be filled.
- (c) No positions above the rank of Police Officer in the Police Department shall be filled by any person unless the person has first passed a competitive promotional examination. Promotion shall be by successive ranks as far as practicable, and no person in the Police Department shall be promoted to a position in a higher rank who has not served at least twelve (12) months in the next lower rank.
- (d) When a written promotional exam is combined with an assessment center procedure, the written examination passing score will account for twenty percent (20%) of the final score and the assessment procedure will account for eighty percent (80%) of the final score.

No competitive promotional examination shall be held unless there are at least two (2) eligible to compete. Whenever the Civil Service Commission determines that there are less than two (2) persons holding positions in the rank lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow the persons holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank lower than the position is to be filled.

- (e) If a vacancy occurs in a position above the rank of Police Officer and there is no eligible list for such rank, the Civil Service Commission shall, within sixty (60) days of that vacancy, hold a competitive promotional examination. After the examination has been held, the eligible list shall be established. At such time that a vacancy becomes available, the Commission shall certify to the appointing authority the name of the person on that list receiving the highest rating. Upon the certification, the appointing authority shall appoint the person so certified within thirty (30) days from the date of the certification.

(f) Vacancy in Police Lieutenant Position

Pursuant to Codified Ordinance 167.16, when the City determines that a vacancy exists in the position of lieutenant in the City Police Department and determines to fill the vacancy, the following procedure shall be followed:

1. The City shall give a written promotional examination in accordance with the Rules regarding police promotions.
2. For all candidate who pass the written examination, they shall have only their seniority credit added. No other military or other credits shall be added to a candidate's passing score.
3. The Commission shall certify to the appointing authority the names of the three (3) persons on that list receiving the highest ratings.
4. The appointing authority shall appoint one of the three (3) candidates so certified to the position of police lieutenant within thirty (30) days of the certification to the appointing authority.

Section 12. Vacancy in Police or Fire Chief Position

- (a) A vacancy in the position of police chief or in the position of fire chief shall be filled by an open competitive examination administered by the Civil Service Commission to those applicants who meet the examination eligibility requirements for promotion as established by rule of the Commission.

After such examination has been held the Commission shall rate the applicants based on their examination scores and credit(s), as provided by this section, if any, from highest to lowest. The five (5) highest rated such applicants shall then submit to an "assessment center" evaluation conducted by area police or fire chiefs, as applicable, and administered by the Commission as established by rule of the Commission. The evaluators shall rate the persons from highest to lowest based on the evaluators assessment regarding qualifications for the vacant chief position. The Commission shall then certify the five-person list, with the evaluators assessments, to the Safety Director for appointment. The Safety Director shall appoint one (1) of the persons from the list to the vacant chief position within sixty (60) days of receipt of the certification.

(b) Credits

1. A credit for seniority for applicants currently employed within the City police or fire department, as applicable, shall be given as follows: one percent (1%) of the total grade received in the examination in which he or she receives a passing grade for each of the first four (4) years of service and six-tenths of one percent (0.6%) of such total grade for each of the next ten (10) years of service. (For example, a six-year employee shall be entitled to four percent [4%] of the total grade received

for the first four [4] years of service and six-tenths of one percent (0.6%) times two or one point two percent (1.2%) for the other two (2) years of service for a total of five point two percent (5.2%) of the total grade credit for seniority.) No further credit than stated herein shall be granted for seniority.

2. A credit for military service for applicants shall be given as follows: Ten percent (10%) of the total grade received in the examination.
 3. No credit for seniority or military service shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination within counting such extra credit.
- (c) In the event two (2) or more applicants receive the same score in the 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 list for the assessment center evaluation.

Section 13. Inspection of Examination Papers by Candidates

All applications, selection devices, and examination papers are the property of the Commission, and shall be treated as confidential records to the maximum extent possible under the law.

RULE VII: EXAMINATION GUIDELINES

Section 1. Conduct of Examinations Conducted by Streetsboro Civil Service Commission

- (a) ALL examinations and testing of those in the Classified Service are the sole and exclusive responsibility of the Civil Service Commission. Any one individual, group, or department not following this rule shall be subject to item 167.99 of the Ordinances of City of Streetsboro plus the Ohio Revised Code where applicable. This may include a penalty of a fine, suspension, or removal of office or anything else that the Commission decides.

(b) **Admitting Applicants to Examinations**

No applicant shall be admitted to any assembled examination more than fifteen (15) minutes after the advertised time for the beginning such examination.

Any applicant competing in any such examination who has completed his work and left the examination site may not be re-admitted to the examination except by special permission of the person in charge. The applicant may be re-admitted to the examination conditionally and subject to the final approval or disapproval of such admission by the Commission.

Section 2. Visitors at Examinations

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

Section 3. Extension of Examinations

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

Extension of time in any examination may be approved for those participants who may need special accommodation in compliance with the Americans with Disabilities Act.

Section 4. Frauds in Examination Prohibited

- (a) No person or officer shall:
- (1) willfully or corruptly, by himself or herself or in cooperation with one (1) or more persons, defeat, deceive, or obstruct any person in respect of his right of examination, appointment, or employment according to codified ordinance or other applicable law, or to any rules or regulations prescribed pursuant to such sections; or willfully or corruptly falsely mark, grade estimate or report upon examination or proper standing of any person examined, registered, or certified pursuant to such sections, or aid in so doing; or willfully or corruptly make any false representations concerning the same, or concerning the person examined; or 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 examined, registered, or certified, or personate any other person, permit or aid in any manner any person to personate him or her in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed; or shall furnish any false information about himself or herself, or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered or appointed; OR
 - (2) make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
 - (3) for any applicant taking an examination to assist any other applicant in any manner whatsoever;
 - (4) personally solicit a favor from any member of the Commission, appointing officer, or have any person in his behalf solicit a favor.
- (b) 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, electronic devices, or books of any kind to assist him or her in answering any questions shall have his examination papers taken up and filled with a zero (0) marking when the circumstances justify such action.

- (c) Any applicant participating in any testing service found to have violating any of the applicable testing service guidelines for conduct shall be eliminated from any eligible list.

Section 5. Postponement of Examination

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

RULE VIII: ELIGIBILITY LISTS

Section 1. Posting Of Lists

The Commission shall prepare and maintain a list of eligible candidates for each classification in the classified service for which either original entrance or promotional examinations have been administered. Such eligibility lists shall be open to public inspection and posted in the Commission office, and throughout the City of Streetsboro departments.

Section 2. Duration Of Eligibility Lists

The term of eligibility of each list and of the names appearing shall be fixed by the Commission prior to examination. An eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill a position of the same classification within the same agency for which the list was created. But in no event shall an expired list be used more than one (1) year past its expiration date. The only exception to this rule is firefighter promotional lists.

The Commission may, upon the request of the appointing authority, extend the period of eligibility for any list, provided that the total period of eligibility shall not exceed two (2) years.

Section 3. Merger of Lists

The Commission may consolidate two (2) or more certified eligible lists of the same classification by rearranging eligible names therein according to their grades. All those persons whose name appear on an existing list which is to be merged with a new list shall have an opportunity to compete in the second examination.

A Lateral Entry list may not be merged with a certified eligible list created from an original appointment competitive examination. A lateral-hire list may be used at any time, provided that whenever an original-appointment eligibility list is active and has not expired, the appointing authority must first receive approval from the Civil Service Commission to hire from the lateral-hire list. A lateral-hire list shall expire upon certification of a new lateral-hire list or otherwise a new original-appointment eligibility list.

Section 4. Tie Score on a Competitive Examination

In the event two (2) or more applicants receive the same mark in an open competitive examination, priority in the time of filing application with the Commission shall determine the order in which their names shall be placed on the eligibility list.

In the event of two (2) 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 eligibility list.

Section 5. Transfer to Lower Class

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

Section 6. Names Not to Be Certified for Appointment

The name of any person appearing on an eligible list shall not be certified for appointment pursuant to Rule VIII if that person:

- (a) has previously failed to report or arrange within six (6) days (excluding Saturdays, Sundays, and Holidays) for an interview with an appointing authority;
- (b) fails to respond to a notice from the Civil Service Commission, or upon such notice positively declines interest in an appointment;
- (c) has previously declined an appointment without reasons Satisfactory to the Civil Service Commission;
- (d) cannot be located by the postal authorities;
- (e) has been previously certified for appointment but has irredeemably failed one (1) or more of the post-certification qualification tests or investigations administered by the appointing authority pursuant to Rules VIII (1) (b).
- (f) has been previously certified for appointment but has been considered for appointment and not appointed three (3) times.

Section 7. Disqualification of Eligible Candidates

If at any time after the creation of an eligibility 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 on his application, physical disability, failure of post-certification tests or investigations, or for other comparable reasons, such person shall be notified and given an opportunity to be heard

if so requested. If such person fails to appear for a scheduled hearing, or upon being heard fails to satisfy the Commission, his name shall be removed from such eligibility list.

Section 8. Changes in Application on File

Each person on an eligibility list shall file with the Commission written notice of any change in the status of his Civil Service Application file. Changes in address, name, telephone number(s), and any other change must be reported immediately. Failure to do so may be considered sufficient reason for not certifying his name to appointing authorities for appointment.

Section 9. Revision or Revocation of Eligibility List

An eligibility list may be revised by the Commission to remove the names of persons who are no longer eligible to be certified for appointment under Rule VIII (6) above. An eligibility list may be revoked and another examination ordered when, in the judgment of the Commission, such action is deemed advisable because 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 Civil Service application. No eligibility list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon an entry in the Civil Service Commission Meetings Minutes of the reasons for such alteration or revocation.

RULE IX: CERTIFICATION AND 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 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.

Section 1. Number Of Names to Be Certified from Eligible List

- (a) Upon receipt of request for certification to fill a vacancy, the Civil Service Commission shall certify to the appointing authority from the eligibility list, the names, addresses, and grades of the top ten (10), or top twenty-five percent (25%), whichever is greater ("Rule of 10") persons standing highest on such list that are willing to accept consideration for that appointment type ("Certification List" or "certified eligible list"). In the event that ten (10) or fewer names are on the eligible list, the director of the agency or that director's designee may select any of the listed candidates.
- (b) The appointing authority may conduct further qualifications testing or investigation of those candidates on the Certification List, including physical agility, equipment/machine skills, background investigation, structured interview, and/or those tests mentioned in Rule V(4)(c), provided that the outcome of such testing is pass/fail. Candidates failing one (1) or more post-certification tests or investigations may be removed from the eligible list pursuant to Rule VII (7).

- (c) The appointing authority shall make appointments from the Certification List within thirty (30) days of the certification or the completion of any post-certification tests or investigations, whichever occurs later. The Commission, may, upon review of adequate reasons why the appointment cannot be made within said thirty (30) days, provide the appointing authority a follow-up list for an additional thirty (30) day appointment period.

Section 2. Selection for Appointments

- (a) Upon receipt from the Commission of the Certification List, the appointing authority shall fill such position by appointment of one of the persons certified to him or her 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.
- (b) In appointing persons from the certification list, the rule of ten, as described in Section 1 of this Rule, shall be followed; that is, every time a group of ten (10) available applicants is considered, one (1) of said group must be appointed. Beginning at the top of the certification list every person who is available but not permanently appointed must be considered three (3) times in a group of ten (10) before the person's name may be dropped from further consideration by that appointing authority, unless such person is earlier removed from the eligible list pursuant to Rule VII (6), (7), and/or (9).

If one (1) or more of the persons named in the original certification list fails to reply to notice of certification, or declines to be considered for the position, the Commission shall, upon request of the appointing authority, certify an equal number of names from the eligible list, in rank order, in a revised Certification List, so that ten (10) names of willing candidates are provided. In any case, the rule of ten as defined in this rule will be used in making all certified appointments.

Section 3. Permanent Appointment

Employment of a person in a position regularly established without limitation as to the length of service and subject to length of service and subject to a probationary period shall be considered a permanent appointment.

- (a) Probationary Period: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet work standards.
- (b) All original and promotional appointments, including appointments made pursuant to Section 124.34 of the Ohio Revised Code, shall be for a probationary period of six (6) months except for employees of the Police and Fire Department for whom the probationary period shall be one (1) year. Ordinance 167.11.

- (c) 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 or she may be removed or reduced at any time during his probationary period after completion of sixty (60) days or one-half (1/2) 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 probationary period, shall inform the Commission, in writing, of his decision either to make appointment or 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.

Section 4. Restriction as to Age, or Other Physical Requirements

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

Section 5. Temporary Appointments

A temporary appointment may be made without regard to the Civil Service laws or rules and regulations of the Commission. Except as otherwise provided in this section, the temporary appointment may not continue longer than ninety (90) days and in no case shall successive temporary appointments be made. A temporary appointment longer than ninety (90) days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the approval of Council.

With reference to police department employees, temporary employment in cases of emergency for periods not to exceed four (4) months unless such period is extended by majority vote of the Commission for more than two (2) months.

Section 6. Temporary Promotional Appointments

An interim or temporary appointment or promotion to a higher position without an examination may be 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 who 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 Civil Service Commission Meeting Minutes. Such temporary promotions shall be made, as far as practicable, from the most qualified in the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

Section 7. Penalty for Appointment Contrary to Rules 167.99

After a rule has been duly made and established by the Civil Service Commission according to this chapter, whoever makes an appointment or selects a person for employment contrary to the

provisions of such rule or the provisions of this chapter or willfully refuses or neglects otherwise to comply with or to conform to the provisions of this chapter or willfully violates any of such provisions, shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). If any person convicted holds any public office or place of public employment, such office or position shall by virtue of such conviction rendered vacant. (Ordinance 1972-47, passed 7-10-72).

Section 8. Promotional Appointments

Promotional appointments in the classified service shall be filled as far as practicable with the provisions of these rules.

Section 9. Exceptional (Noncompetitive) 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 in such special cases is impractical, and the position can best be filled by selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of these rules and regulations 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 Civil Service Commission Meeting Minutes and in the annual report with reason for the suspension.

Section 10. Original Appointments to the Police and Fire Department

All original appointments to the police department or to the fire department shall be made in accordance with these rules, the codified ordinances of the City of Streetsboro, and Sections 124.41, 124.42, 124.43, 124.47, and 124.49.

RULE X. TRANSFERS AND TEMPORARY ASSIGNMENTS

Section 1. Transfers

- (a) A person holding an office or position in the classified service may be transferred to a similar position in another department within the City of Streetsboro having the same pay and similar duties, but no transfer shall be made as follows:
 - (1) From an office or position in one class to an office or position in another class.
 - (2) To an office or position for original entrance to which there is required by Rules of the Civil Service Commission, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.

- (b) In no case shall any transfer be made without the written prior approval of the Civil Service Commission.

Section 2. Temporary Assignments

Such provisions shall not, however, be construed to preclude management from making temporary work assignments which are necessitated by factors beyond the control of management, and which cannot be anticipated or planned for during the course of normal department operations. When such an emergency arises requiring such temporary work assignments, the following procedures shall be followed:

- (a) No employee shall be assigned to duties, which he or she is not qualified or physically capable of performing.
- (b) All temporary work assignments involving more than eight (8) hours of work shall be with the written consent of the employee involved.
- (c) All temporary work assignments requiring more than three (3) days of work shall be made based on seniority in accordance with standards established by Union-Management Agreements and/or the current Payroll Ordinance.
- (d) No temporary work assignment shall continue for a period exceeding thirty (30) days without the prior approval of the Civil Service Commission.
- (e) At no time shall a vacancy in a position be filled by another employee or by provisional appointment when such vacancy has been created by the necessity of a temporary work assignment of the employee filling such position.
- (f) Compensation shall be made to employees performing a temporary work assignment in accordance with standards established by Union-Management Agreements and/or Payroll Ordinance.

RULE XI: REDUCTION IN WORK FORCE – LAYOFFS – JOB ABOLISHMENTS

Section 1. Reduction in Work Force

- (a) Whenever it becomes necessary for any office or department to reduce its workforce, other than the police and fire departments, the appointing authority shall lay off employees or abolish their positions in accordance with rules of the Civil Service Commission, Ordinance 167.11(c), or the rules of any applicable collective bargaining agreement. Wherever the terms of a collective bargaining agreement differ from these rules, the terms of the collective bargaining agreement shall take supersede these rules.
- (b) Employees may be laid off as a result of a lack of funds within an appointing authority. The appointing authority itself shall determine whether a lack of funds exists. As used in

this rule, a “lack of funds” means an appointing authority has a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. This section does not require any transfer of money between funds in order to offset a deficiency or projected deficiency of funding for programs funded by the federal government, special revenue accounts, or proprietary accounts. Whenever a program receives funding through a grant or similar mechanism, a lack of funds shall be presumed for the positions assigned to and the employees who work under the grant or similar mechanism if, for any reason, the funding is reduced or withdrawn.

- (c) Employees may be laid off as a result of lack of work within an appointing authority. The appointing authority shall themselves determine whether a lack of work exists. As used in this rule, a “lack of work” means an appointing authority has a current or projected decrease in workload that requires a reduction of current or projected staffing levels in its organization or structure. The determination of a lack of work shall indicate the current or projected decrease in workload and whether the current or projected staffing levels of the appointing authority will be excessive.
- (d) Employees may be laid off as a result of abolishment of positions. As used in this rule, “abolishment” means the deletion of a position or positions from the organization or structure of an appointing authority. Pursuant to Ordinance 167.11 (c) Council may abolish any office or position or reduce the number of employees in any department.

For purposes of this division, an appointing authority may abolish positions for any one or any combination of the following reasons: as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or for lack of work.

- (1) Reasons of economy permitting an appointing authority to abolish a position and to lay off the holder of that position under this rule shall be determined at the time the appointing authority proposes to abolish the position. The reasons of economy shall be based on the appointing authority’s estimated amount of savings with respect to salary, benefits, and other matters associated with the abolishment of the position, except that the reasons of economy associated with the position’s abolishment instead may be based on the appointing authority’s estimated amount of savings with respect to salary and benefits only, if the appointing authority’s operating appropriation has been reduced by an executive or legislative action, or the appointing authority has a current or projected deficiency in funding to maintain current or projected levels of staffing and operations.
- (2) The following principles apply when a circumstance described in section (d)(1) above would serve to authorize an appointing authority to abolish a position and to lay off the holder of the position under this division based on the appointing authority’s estimated amount of savings with respect to salary and benefits only:
 - (i) The position’s abolishment shall be done in good faith and not as a subterfuge for discipline.

- (ii) If a circumstance affects a specific program only, the appointing authority only may abolish a position within that program.
- (iii) If a circumstance does not affect a specific program only, the appointing authority may identify a position that it considers appropriate for abolishment based on the reasons of economy.
- (3) Each appointing authority shall determine itself whether any position should be abolished. An appointing authority abolishing any position shall file a statement of rationale and supporting documentation with the Civil Service Commission prior to sending the notice of abolishment.

If an abolishment results in a reduction of the work force, the appointing authority shall follow the procedures for laying off employees, subject to the following modifications:

- (i) The employee whose position has been abolished shall have the right to fill an available vacancy within the employee's classification.
 - (ii) If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, the employee with the fewest retention points shall be displaced.
 - (iii) If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series.
 - (iv) If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series.
- (e) Notwithstanding any contrary provision of the displacement procedure described in this Rule for employees to displace other employees during a layoff, the appointing authority may establish a paper lay-off process under which employees who are to be laid off or displaced may be required, before the date of their paper layoff, to preselect their options for displacing other employees.

Section 2. Layoff Procedures

- (a) 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 of the primary appointment categories of part-time probationary, part-time permanent, full-time probationary, and full-time permanent. Whenever a reduction

in force is necessary within each of the primary appointment categories, first part-time probationary, then part-time permanent, then full-time probationary, and then full-time permanent employees shall be laid off.

Section 3. Notification of Layoff

- (a) 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 via 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 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 days of posting shall be the first day of the seventeen (17) day period.
- (b) Each notice of layoff or displacement shall contain the following information:
 - (1) the reason for layoff or displacement.
 - (2) the date of the layoff or displacement.
 - (3) employees' retention points, if applicable.
 - (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 employees of the right to displace another employee and the length of time within which the employee may displace (bump) another employee.
 - (6) a statement advising the employee of the right to reinstatement or re-employment.
 - (7) a statement that, upon request by the employee, the appointing authority will make available a copy of the rules regarding layoff.

Section 4. Displacement

- (a) A laid-off employee has the right to displace the employee with the fewest retention points in the following order:
 - (1) Within the classification from which the employee was laid off.
 - (2) Within the classification series from which the employee was laid off.
 - (3) Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, except that the employee may

not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than three (3) years prior to the date on which the employee was laid off.

- (b) If, after exercising displacement rights, an employee is subject to further layoff action, the employee's displacement rights shall be in accordance with the classification from which the employee was first laid off.
- (c) The Civil Service Commission shall verify the calculation of the retention points of all employees in an affected classification in accordance.
- (d) Following the order of layoff, an employee laid off in the classified civil service shall displace another employee within the same appointing authority in the following manner:
 - (1) Each laid-off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series.
 - (2) Any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority or independent institution has been reached and, if necessary, laid off.
 - (3) Employees shall notify the appointing authority of their intention to exercise their displacement rights within five (5) days after receiving notice of layoff. This division does not apply if the appointing authority has established a paper lay-off includes a different notification requirement for employees exercising their displacement rights under that process.
 - (4) No employee shall displace an employee for whose position or classification there are certain position-specific minimum qualifications, as established by the appointing authority and reviewed for validity by the department of administrative services, or as established by bona fide occupational qualification, unless the employee desiring to displace another employee possesses the requisite position-specific minimum qualifications for the position or classification.

Section 5. Retention Points for Continuous Service and Efficiency

- (a) The calculation of retention points shall not be required for any employee subject to layoff who is a member of a bargaining unit for whom the applicable collective bargaining agreement provides for layoff by seniority.

- (b) The calculation of retention points shall not be required for any employee subject to layoff as a result of the abolishment of any office or position or the reduction of the number of employees as a result of ordinance of Council. In such case, employees shall be laid off in the inverse order of their appointment as may be necessary to accomplish such reduction. Ordinance 167.11(c)
- (c) Retention points to reflect the length of continuous service and efficiency in service for all employees affected by a layoff shall be verified by the Civil Service Commission.
- (d) An employee's length of continuous service will be carried from one city department to another so long as no break in service occurs between transfers or appointments.
- (e) If two (2) or more employees have an identical number of retention points, employees having the shortest period of continuous service shall be laid off first.

Section 6. Layoff Lists – Reinstatement - Reemployment

- (a) Employees who have been laid off or have, by virtue of exercising their displacement rights, been displaced to a lower classification in their classification series, shall be placed on appropriate layoff lists. Those employees with the most retention points within each category of order of layoff, as established by these Rules, shall be placed at the top of the layoff list to be followed by employees ranked in descending total retention order. Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff.
- (b) An employee who is laid off retains reinstatement rights in the agency from which the employee was laid off. Reinstatement rights continue for one (1) year from the date of layoff. During this one-year period, the appointing authority shall not hire or promote anyone into a position within that classification until all laid-off persons on a layoff list for that classification who are qualified to perform the duties of the position are reinstated or decline the position when it is offered.
- (c) Any employee accepting or declining reinstatement to the same classification and same appointment type from which the employee was laid off or displaced shall be removed from the appointing authority's layoff list.
- (d) An employee who does not exercise the option to displace under these rules shall only be entitled to reinstatement or reemployment in the classification from which the employee was displaced or laid off.
- (e) Except as otherwise provided in these rules, an employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced, thereafter is only entitled to reinstatement to a

classification higher, up to and including the classification from which the employee was laid off or displaced, in the classification series than the classification that was declined. This division does not apply when an employee, who was a full-time employee at the time of layoff or displacement, declines reinstatement in a part-time position.

- (f) Any employee reinstated or reemployed under this section shall not serve a probationary period upon reinstatement or reemployment, except that an employee laid off during an original or promotional probationary period shall begin a new probationary period.

Section 7. Layoffs or Reductions in the Police and Fire Departments

Whenever it becomes necessary in the Police and Fire Departments through lack of work or funds or for causes other than those outlined in Section 124.34 of the 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 Revised Code except that to the extent the applicable collective bargaining agreement sets forth the procedures for layoff, the collective bargaining agreement shall control.

Section 8. Reinstatement after Resignation

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 such separation provided there are no former employees of the department who have been laid off and whose names appear on the eligibility list for the class. A notice of such reinstatement shall be sent to the Commission for its approval.

Section 9. 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 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 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 such 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.

Section 10. Absence Without Leave; Reinstatement

- (a) Absence from duty without leave for any time will be considered neglect of duty and good cause for dismissal.
- (b) 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 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 or herself shall make satisfactory explanation to the Commission of the cause of absence, he or she may be reinstated to his position.

- (c) 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 XII: REDUCTIONS, SUSPENSIONS, AND REMOVALS

Section 1. Grounds

- (a) The tenure of every officer or employee in the classified service of the City 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 otherwise provided in these Rules (e.g., transfer, reduction in force, etc.) and for incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of the rules of the Commission, or any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office or conviction of a felony while employed in the civil service. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay or purposes for of this section.
- (b) This section does not apply to any modifications or reductions in pay or work week authorized by Revised Code sections 124.393 (mandatory cost savings programs applicable to non-bargaining employees) or 124.394 (Modified Work Week Schedule Program).
- (c) An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.
- (d) A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal.

(e) Conviction of Felony

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

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

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

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

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

Section 2. Order of Reduction, Suspension or Removal

In case of a reduction, a suspension of more than five (5) days, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action. Such order shall be filed with the Commission. Codified Ordinance 167.06(l).

Section 3. Appeal of Order

Within ten (10) days following the date on which the order is served, the employee may file an appeal of the order 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 the appeal was filed with the Commission. The Commission may affirm, disaffirm, or modify the judgment of the appointing authority.

Any employee who is a member of a bargaining unit covered by a collective bargaining agreement that contains a grievance appeal process that includes binding arbitration shall have as their sole and exclusive remedy the appeal through that grievance procedure.

Section 4. Appeal from Decision of Commission

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer of the employee may appeal from 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.

Section 5. Suspension, Demotion or Removal of Chief of Police or Fire

In the case of suspension for any period of time or demotion or removal of Chief of Police or Chief of the Fire Department or of any civil service member of the police or fire department or who is in the classified service and is not covered by a collective bargaining agreement, 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 therefor. Such order shall be filed 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 the 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 may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

Section 6. Right to Suspend Chief of Police or Chief of Fire

The appointing authority 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 to him or her by proper authority, or for any other reasonable and just cause. If either the Chief of Police or the Chief of the Fire Department is suspended, the Appointing authority forthwith shall certify such fact, together with the cause of suspension to the Commission.

Section 7. Disciplinary Suspension

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

Section 8. Absence Without Leave

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

Section 9. Falsification of Application

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

Section 10. Removal Procedure

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

- (a) Served each employee with a written order of removal which order shall contain one or more statutory reasons for grounds for discharge, together with such specifications of facts as shall place him or her fairly upon his defense; and
- (b) Filed with the Commission a copy of such order of removal.

Section 11. 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 date of such removal as set forth in the order of removal.

RULE XIII: HEARINGS

Section 1. Time of Hearing Notifications

Upon receipt from an employee or officer in the classified service of the City of a timely appeal from an order of removal, reduction in pay or position, or suspension, the Commission shall set a

time and place to hear such appeal and shall notify the appropriate appointing authority, the employee, and if known, the employee's attorney thereof.

Section 2. Amendments to Orders

Amendments to the orders of removal, reduction in pay or position, or suspension of 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.

Section 3. Hearing Procedures

The Commission may, in its discretion, issue prehearing orders, determine the order of presentation of evidence in non-disciplinary cases, hear arguments and request submission of briefs, memoranda, or other written materials.

- (a) The Commission shall first determine whether it has jurisdiction. The Commission may, for example, dismiss a case where the Commission's jurisdiction has been negated by an applicable collective bargaining agreement. In disciplinary cases, the Commission shall review the order of discipline or inquire what other action was taken by the appointing authority that generated the appeal, determine whether the order or action entitles the employee to a right to appeal, inquire whether and how the employee was served with the order of discipline, if any; and if the Commission determines that it appears that it does have jurisdiction.
- (b) Hearings before the Commission may be public except when the nature of the charge may be offensive to public morality and decency. In such cases, the Commission may order the hearings closed to the general public, unless the employee requests that the hearing be public. By agreement of the parties, or if the discussion of any issue or item would violate any person's right to privacy, other than an employee requesting a public hearing, the Commission may conduct an in-camera review of that matter.
- (c) In the hearing of appeals, once jurisdiction is established, in the absence of any prehearing order, the order of procedure shall be as follows:
 - (1) The appointing authority taking action affecting the employee shall adduce his evidence in a support of the charges and specifications.
 - (2) The employee affected shall then produce such evidence as he or she may wish to present to refute such charges.
 - (3) The appointing authority may offer evidence in rebuttal. The Commission may, at its discretion, hear arguments.

- (4) Either party may call the other, or agents, officers, or employees of the same as on cross-examination.
- (5) In a case where the appointing authority contests that it took the “appealable” action alleged by the employee, the employee must first present evidence that the action occurred. The appointing authority may refute that evidence, and the employee may then rebut.

Section 4. Rules of Evidence; Representation by Counsel

The production of evidence on the hearing of appeals and 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 Commission may permit the introduction of evidence otherwise excludable under such rules where a foundation, establishing the reliability and credibility of the evidence, its relevance and materiality, and its necessity, has been established.

The appellee and appellant may be represented by counsel. A complete transcript or other recording of the hearing shall be made.

Section 5. Burden of Proof

The appointing authority shall prove, by a preponderance of the evidence, the factual allegations contained in the disciplinary order. Failure to prove each of the allegations contained in the order does not require disaffirmance or annulment of the appointing authority’s order by the Commission. The employee shall prove, by a preponderance of evidence, that an employer took an appealable action (e.g., that the employee was reduced, reclassified, etc.).

Section 6. Discovery

The Commission may allow either party to conduct discovery upon notice to the Commission.

Section 7. Subpoenas

Either party may request that a subpoena be issued by the Commission. Such requests shall be submitted no later than seven (7) days prior to the hearing. Such request must be accompanied by a completed subpoena form. It is the responsibility of the requesting party to serve the subpoena. The Commission may call witnesses other than those requested by the parties.

Section 8. Witnesses

All witnesses must testify under oath or affirmation. The Commission may limit the number of witnesses to avoid repetitive or unnecessary testimony.

Section 9. Motions

- (a) All motions shall state, with particularity, both the relief sought by the moving party and the basis for granting such relief.
 - (1) All motions, together with supporting documentation, if any, shall be served on the opposing party.
 - (2) Motions to dismiss an appeal shall be supported by affidavits, made on personal knowledge, setting forth facts as would be admissible in evidence. Affidavits shall show affirmatively that the affiant is competent to testify to the matter stated therein. Sworn or certified copies of all papers referred to in an affidavit shall be attached thereto. When a motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials. An adverse party's response, by affidavit or otherwise, shall set forth specific facts showing there is a genuine issue in dispute.
- (b) Procedural motions, not determinative of the final outcome of the appeal, may be acted upon any time after receipt by the Commission without awaiting a response from the opposing party. The party adversely affected by such action of the Commission may move for appropriate relief.

Section 10. Record of Hearings

The Commission may record hearings either by the use of a stenographer, magnetic tape, or other recording technology.

Section 11. 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 thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

Section 12. Hearing Officer

The Commission may appoint a hearing officer to hear an appeal.¹ When the Commission exercises its discretion to do so, the following procedure shall apply before the Commission takes final action on the appeal.

- (a) The hearing officer shall submit a report to the Commission in each appeal considered by the hearing officer for the Commission.

¹ Whereas a trial board may actually affirm, disaffirm, or modify an order of an appointing authority under Rule R.C. 124.34(B), a hearing officer makes a recommendation for action by the Commission.

- (b) No objection may be made to the Commission regarding any decision of a hearing officer prior to the submission of the hearing officer's report and recommendation. Written objections to reports and recommendations shall be filed within ten (10) calendar days after receipt of the report and recommendation(s). Written replies to objections shall be filed within ten (10) days after the opposing party's objection has been filed.
 - (1) If a report and recommendation is refused, unclaimed or sent to the wrong address due to a party's failure to notify the Commission of a change of address, it shall be deemed received by the party three (3) calendar days after such mailing. A certificate of mailing shall be considered sufficient proof of mailing.
 - (2) The Commission may extend the time to file objections or responses to the report and recommendation.
 - (3) Objections to reports and recommendations should include a brief statement of the case and a concise statement of each area of disagreement with supporting arguments and memoranda. All parties' objections or responses must be limited to evidence presented at the hearing. Objections and responses to objections containing arguments based on evidence not already in the record may be stricken.
 - (4) No objection without a certificate of service may be considered by the Commission.
- (c) The Commission may accept, reject, or modify, in whole or in part, any report and recommendation of the hearing officer. The Commission may also receive additional evidence, hear arguments, or remand an appeal to a hearing officer for further consideration or hearing.
- (d) Final orders shall be signed by the Chair or other member of the Commission. The original order shall be journalized, and a copy of the order placed in the case file. Copies of final orders of the Commission shall be sent by certified mail to the affected employee and by regular mail to the other parties and their representatives.
 - (1) Copies of orders returned to the Commission or unclaimed or refused shall be reissued by regular United States mail.
 - (2) Copies of final orders returned to the Commission as undeliverable shall be placed in the case file and the opposing party shall be notified.

Section 13. Last Chance Agreements

In an appeal of a removal order based upon a violation of a last chance agreement, the Commission or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority. Any Hearing Officer assigned by the Commission shall conduct the hearing and make his or her report accordingly.

RULE XIV: 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 vote of the Commission. Such action and the reasons therefore shall be entered in the minutes of this meeting.

RULE XV: SAVINGS CLAUSE

If any section or a part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

RULE XVI. IMPLEMENTATION AND SEPARABILITY

Section 1. Implementation

The Commission may issue memoranda to implement the provisions of these rules and to establish the necessary forms of procedures, which carry out its obligations under the Constitution of the State of Ohio, the Codified Ordinances of the City of Streetsboro, and the rules adopted thereunder. Any such memorandum shall be distributed to all departments, boards, and commissions that may be affected by the contents of the memorandum.

Section 2. Separability

Each rule of the Commission and each section of each rule is an independent rule. The holding of any rule or section to be void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.

ADOPTION OF RULES

These Revised Rules and Regulations of the City of Streetsboro Civil Service Commission as set forth in the preceding pages are hereby approved and adopted by the members of the Streetsboro Civil Service Commission, subject to final approval and adoption by the City Council of the City of Streetsboro. Said Rules and Regulations shall be effective ten (10) days following the date of signing by members of the Commission, after City Council Approval.