

CITY OF UPPER ARLINGTON CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

Adopted October 2012

Updated September 2013

Updated August 2015

Updated October 2015

Updated January 2017

Updated January 2018

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RULES AND REGULATIONS

RULE 1 - DEFINITIONS OF TERMS

1. **Allocation** – The determination of the class to which a position belongs. “Allocate” means to perform the allocation.
2. **Applicant** – A person requesting consideration for employment in a class in the classified service or unclassified service.
3. **Appointing Authority** – The officer, commission, board or body having the power of appointment to, or removal from a position in the classified service and unclassified service.
4. **School District** – The Upper Arlington City School District.
5. **Civil Service** – For purposes of these Rules, all offices and positions of employment and trust in the service of the City and the School District not otherwise excluded therefrom.
6. **Class (or Classification)** – A group of positions with the same descriptive title having similar duties and responsibilities and requiring similar qualifications and which can be distinguished from other groups of positions, (e.g. Administrative Assistant) There may be only one position in a particular class, (e.g. Police Chief)
7. **Class Series** – As adopted by the Commission, two or more classes which are similar as to type of work but which differ as to degrees of responsibility, difficulty, complexity, skill, and/or technical knowledge and which have been arranged in a ladder of steps in a normal line of promotion.
8. **Classified Service** – Includes employment positions in the service of the City and the School District that are subject to examination and not specifically excluded and placed in the unclassified service.
9. **Commission** – The Civil Service Commission of Upper Arlington, Ohio.
10. **Condition of Employment** – A condition under which an individual accepts appointment to a particular position which determines the duration of the employment or limits the number of hours to be worked (i.e., limited, seasonal or part-time).
11. **Continuous Testing** – A condition under which applications for a class are accepted for

examination on a daily basis and without a specified filing deadline.

12. **Day or Days** – Unless expressly provided, as "business days", a time duration specified as a number of days shall be computed as calendar days.
13. **Demotion** – A change to a classification which has a lower starting rate of pay.
14. **Department** – Any department, office, commission, board or other body as defined under the City Charter or Upper Arlington City Codes or Ordinances which has an Appointing Authority.
15. **Eligible** – A person who has satisfactorily met all qualifications and requirements for employment in the job class for which the person has made application and whose name appears on an eligible list as provided in Rule 8.
16. **Intermittent** – Means an appointment where an employee works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable and is generally characterized as requiring less than one thousand hours per year.
17. **Non-competitive class** – Means those positions described in U.A.C.O. 149.03(B)(2).
18. **Non-competitive examination** – Means any method or written device by which a prospective employee's qualifications to hold a position in the non-competitive class may be determined (e.g. resume, application, interview, license or certification).
19. **Position** – Any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant or occupied (part-time or full-time) and it may be designated regular, limited or seasonal.
20. **Psychometric Standards** – The standards, principles and procedures in consonance with the American Psychological Association "Standards of Educational and Psychological Tests", the American Psychological Association, Division of Industrial Organizational Psychology's "Principles for the Validation and Use of Personnel Selection Procedures" and professionally accepted publications in the areas of statistics and personnel selection.
21. **Reallocate** – The act of changing the allocation of a position from one class to another.
22. **Seasonal Employment** – Employment which is for a duration of time established to coincide with the seasonal nature of the work to be performed.
23. **Seniority** – An employee's length of continuous service in a class, in classes within a class series or all classes with the City or the School District respectively, in paid status

depending on the question involved. Service with both the City and the School District shall not be combined for this purpose. Resignation, other than to immediately accept another position with the same employer, retirement, discharge for cause, and any other separation from employment shall constitute a break in continuous service. Part-time service shall be prorated. See Rule 7(F) regarding special rules regarding military service and its effect on seniority.

24. **Status** – The nature of employment held by an employee, (i.e., permanent, probationary, provisional or emergency.)
25. **Transfer** – A reassignment of an employee from a position in one department, commission, or office to another position in the same class in another department or division within a department, commission, or office.
26. **Unclassified Service** – Comprises positions which shall be exempt from examination and whose applicants or incumbents may not appeal to the Commission. All positions specifically designated by U.A.C.O. 149.03(A) as unclassified.

RULE 2 - GENERAL PROVISIONS

Rule 2 A. Purpose and Policy of Rules.

It is the purpose of these Rules and the policy of the Commission to establish procedures for addressing personnel transactions. These Rules are meant to insure that appointments, promotions and demotions, disciplinary action, and other things coming within the purview of these Rules regarding classified employees, will be based on the qualifications, merit and fitness of the individual concerned. The Commission also recognizes that such personnel actions should not be unlawfully based on an individual's race, color, religion, sex (gender); genetics, national origin, age, handicap, political opinions, or physical disability; provided that nothing herein shall prevent the City from using a bona fide occupational qualification.

Rule 2 B. Citation of Rules.

The Rules of the Civil Service Commission, Upper Arlington, Ohio may be cited by the designation "Rules" followed by the number and section, such as "Rule 2(B)".

Rule 2 C. Positions Covered by Rules.

1. Except as otherwise provided herein, these Rules shall apply to all positions and employees in the classified service of the City and the School District. 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 an 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. Where the federal legislation and/or guidelines 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. If these Rules conflict with federal legislation and/or guidelines, then the federal legislation and/or guidelines shall control.

2. 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 of the City Charter or City ordinances indicate 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, except to the extent that the City has limited itself in the City Charter. 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 their lawful authority. The Rules are not intended to interfere with any laws adopted under Art.II, § 34 of the Ohio Constitution.

3. A Charter provision will prevail over any conflicting City ordinance or resolution. An ordinance or resolution will prevail over any conflicting Rule herein. Any applicable collective bargaining agreement between a group of employees and the City or the School District that provides for binding arbitration of grievances and that conflicts with the Charter, an ordinance, a resolution, or these Rules will prevail over any of the foregoing, pursuant to Chapter 4117 of the Ohio Revised Code, unless the subject matter is not enforceable through the override provisions of O.R.C. 4117 (for example, certain residency or public records provisions) or is not a proper subject for collective bargaining (for example, military personnel retain certain rights under O.R.C. 4117.10 and 5923.05 and

employees convicted of felonies can lose certain rights pursuant to O.R.C. 124.34, all notwithstanding any collective bargaining agreement).

4. In consultation and cooperation with the School District, the Commission has adopted Rules 101 to 112 that are only applicable to classified employees of the School District. Rules 101 through 112 shall prevail over any conflicting provisions of Rules 1 through 18. Provisions of the Ohio Revised Code regarding employees of the School District, shall prevail in the event that any of these Rules (1-18 and 101-112) conflict with such provisions of the Ohio Revised Code.

RULE 3 - ADMINISTRATION OF THE OFFICE

Rule 3 A. Commission.

The Commission shall be composed of three members who shall be appointed and serve in the manner provided for in U.A.C.O. 149.01.

Rule 3 B. Officers of the Commission.

At their first meeting each year the Commission shall designate one of its members as president and one as vice president and shall appoint a secretary and such other officers and employees as it may determine to be necessary and as Council may approve. In the absence of the President at any meeting, the Vice President will serve as temporary chair or the Commission may designate one of its members to serve as temporary chairman. In the absence of the Secretary at any meeting, the Commission may designate an Acting Secretary.

Rule 3 C. Secretary.

The Secretary of the Commission shall be the chief administrative officer and chief examiner. The Secretary shall serve at the pleasure of the Commission. ~~Under the direction of the Commission,~~ ~~the~~The Secretary shall have charge of the preparation of examination schedules, conduct examinations and check and approve payrolls in accordance with Rule 13, certify eligibles and keep records, and prepare the annual report to City Council. The Secretary shall attend all Commission meetings and keep the minutes thereof. The Secretary shall keep in the form of minutes a record of the official actions of the Commission and shall prepare and deliver or cause to be delivered notices and other communications ordered by the Commission. The Secretary shall properly furnish Appointing Authorities with eligibility lists and shall maintain an official

roster. The Secretary shall perform such other duties as the Commission shall prescribe. Except as prohibited by the Charter or Council, the Commission may delegate to the Secretary the following various functions or actions prescribed in these Rules to be performed or taken by the Commission: (1) ministerial functions and actions; (2) the functions that the ~~Commission~~Commission is specifically authorized by law to delegate to a designee; and (3) the Commission's various other functions; but all subject to the Commission's review, control, and final decision.

RULE 4 - COMMISSION MEETINGS

Rule 4 A. Regular Meetings.

The Commission shall hold regular meetings at such times and places as may be designated by motion of the Commission.

Rule 4 B. Special Meetings.

1. The President or any two Commissioners may call special meetings of the Commission by giving not less than forty-eight hours written notice of such meeting to each Commissioner. The notice shall indicate the subject or subjects to be considered and no other business shall be considered, except by and with the consent of all three Commissioners.
2. The notice requirements may be waived by each and/or all Commissioner that did not receive timely notice of the special meeting.
3. If a Commissioner is not present at a special meeting, no other business shall be considered which was not set forth in the notice of the meeting.
4. Notice of any special meeting shall be given to the public and the media in accordance with the Open Meetings law.

Rule 4 C. Executive Sessions.

The Commission may meet in executive session that is not open to the public. No formal action shall be taken at such sessions, according to O.R.C. 121.22 as amended from time to time. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be convened to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee,

unless such employee requests a public hearing. The motion and vote to hold the executive session shall state which one or more of these purposes are the purposes for which the executive session is being held, but need not name the person who is to be considered during the session. Executive session may also be held for other reasons enumerated in O.R.C. 121.22 and in the other laws and regulations incorporated therein as amended from time to time.

Rule 4 D. Public Meetings.

All regular and special meetings shall be open to the public, except for those portions of the meeting where the Commission properly enters into an executive session.

Rule 4 E. Conduct of Meetings.

The President shall preside over and conduct all meetings and sessions of the Commission. In the event the President fails to attend a meeting, the meeting shall be conducted as provided in Rule 3(B). All Commission members, including the President, shall have one vote. A minimum of two votes shall be required to take any action.

Rule 4 F. Quorum.

Two members of the Commission shall constitute a quorum.

Rule 4 G. Minutes.

The Commission shall keep minutes of its proceedings. The minutes shall include the time, place and votes of each member. The open session portion of the meeting shall be taped. The minutes shall be transcribed and presented to the Commission for approval at the next scheduled meeting. The minutes need only reflect the general subject matter of discussions in executive sessions held pursuant to Rule 4(C). After approval the President or presiding officer at the prior meeting shall sign the minutes. All approved minutes are open to the public.

RULE 5 - CLASSIFICATION

Rule 5 A. Classification Plan.

1. Pursuant to U.A.C.O. 149.04, O.R.C. 124.40(A), and O.R.C. 124.11 and notwithstanding O.R.C. 124.14(B)(4), the Commission shall adopt a classification plan for the classification and standardization of all positions within the classified service. All positions in the service of the

City, not designated by U.A.C.O. 149.03(A) as unclassified, shall be in the classified service and subject to the Rules of the Commission.

2. All positions or single positions, whether classified or unclassified, shall have a corresponding class description.

3. Class specifications shall include, but not be limited to: the title of the class; the definition of the class; examples of tasks performed by employees in the class; the minimum qualifications for appointment to the class and knowledge, skills, abilities and personal characteristics related to the successful performance in the class.

4. Class descriptions of positions in the unclassified service shall contain the title of the class, a general definition of the class and examples of tasks performed. The information in the description shall be sufficient to identify the basis for the unclassified status.

5. Except for those specific positions expressly designated by U.A.C.O. 149.03(A), the Commission may reassign to a proper classification those positions that have been assigned to an improper classification. The Commission has authority to classify jobs so pay may be assigned with equity, but the Commission will not set pay ranges or rates for any classification or for an employee seeking to have his or her classification assigned to a higher pay range, except to the extent Commission is specifically delegated such responsibility and authority by City Council.

Rule 5 B. Competitive and Non-Competitive Classes.

1. At the time a classification is created, the Appointing Authority with the approval of the Commission shall determine whether the class is competitive or non-competitive in accordance with U.A.C.O. 149.03(B) and O.R.C. 124.11(B)(1) and (2).

2. At the request of the Secretary or the Appointing Authority the assignment of a class as competitive or non-competitive shall be reviewed by the Commission and if warranted, appropriate changes will be made.

3. In determining whether a class shall be designated competitive or non-competitive, the Commission shall consider the following factors:

- (a) Whether testing is practicable according to accepted psychometric standards.
- (b) Whether the positions in the class require peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as demonstrated by:
 - (i) the level of education, the field of study and the degree of specialization required;

- (ii) the kind, level and amount of work experience required;
- (iii) a special license or certificate required.
- (c) Whether the class consists of unskilled positions for which it is impractical to test competitively.
- (d) Any other relevant information.

Rule 5 C. Changes to the Classification Plan.

At the request of the Commission, Secretary, or an Appointing Authority, the classification plan may be ~~changed or~~ amended by the creation, abolishment, merger or revision of classes. The Human Resources Director may approve amendments, other than abolishment and changes from classified to unclassified, to the Classification Plan and forward those changes to the Secretary. Any change involving abolishment or a change to unclassified service shall always be heard and approved by the Commission unless the change is set forth under U.A.C.O. 149.03(A). The Secretary shall provide the Commission a copy of the amended Classification Plan within five days after receiving the approved changes from the Human Resources Director. ~~The change must be made in a public meeting of the Commission.~~

Rule 5 D. New Positions and Changes in Existing Positions.

1. When the Appointing Authority creates new positions or changes the duties and responsibilities of existing positions, the Appointing Authority shall give a full statement of the circumstances to the ~~Commission~~ Human Resources Director. The statement shall include, but not be limited to, a description of duties and conditions of employment, if any.
2. After investigation and/or review of the report relating to the classification the ~~Commission~~ Human Resources Director shall assign or reassign every position as determined by an analysis of the class description. The ~~Commission~~ Human Resources Director will consider the factors listed in Rule 5.E.8 as applied to the duties the position is expected to perform, in order to determine the proper classification. Any action may by the Human Resources Director under this section may be appealed to the Commission.
3. No new positions shall be added to the City's authorized strength table for a department or division except as authorized by City Council.

Rule 5 E. Use of the Classification Plan (Job Audit).

1. The provisions of the classification plan shall be observed in the handling of all personnel actions and activities in the classified service.
2. The title assigned to positions shall be used in all personnel records and in all other communications.
3. The listings of illustrative tasks performed by employees in a class are descriptive and explanatory, but are not inclusive or exclusive.
4. The Appointing Authority is responsible for maintaining the integrity of the classification plan by assigning employees duties appropriate for their class as described in these Rules and the class specifications. This does not mean that an employee may not be assigned duties that are not specifically set forth in his or her job description or classification specification - rather, as a rule, an employee should be assigned duties such that, if that employee's job were audited, the classification that most accurately describes the employee's duties should be the current classification, taking into consideration the duties performed over the period of time referenced in 8 (b) below.
5. The Commission, the Appointing Authority, or a classified employee in the position at

issue may request a job audit. The Commission shall cause the job audits to be conducted unless otherwise prohibited by a collective bargaining agreement.

6. A request for a job audit by a classified employee that is in the affected position and that is not serving a probationary period shall be done in the following manner:

- (a) A request for a job audit shall be filed with the Secretary or his designee. The request shall be dated and time stamped and the Secretary or his designee shall forward any necessary audit forms to the employee for completion and at the same time notify the affected Appointing Authority of the audit request. The notice shall include a request to the Appointing Authority to submit the current position description and any comments concerning the duties of the past.
- (b) The employee shall return audit forms to the Secretary or his designee within 30 days of receipt. The Appointing Authority shall forward the requested position description and other forms, as well as any comments of the Appointing Authority, to the Secretary or his designee within 30 days of receipt of the request.
- (c) The Commission or the Secretary or his designee may request additional information from the employee, the Appointing Authority, or from a consultant selected by the Commission.

7. The Appointing Authority's request for a job audit shall be conducted in the following manner unless such audit is otherwise prohibited by a collective bargaining agreement.

- (a) The Appointing Authority's request shall include the name of the employee whose position is to be audited, the name of the employee's immediate supervisor, the current position description reflecting the duties currently being performed by the employee.
- (b) A request for a job audit shall be filed with the Secretary or his designee. The request shall be dated and time stamped and the Secretary or his designee shall forward any necessary audit forms to the Appointing Authority for completion and at the same time notify the affected employee of the audit request. The employee may submit the same information that he or she would have submitted if he or she had requested an audit.
- (c) The Appointing Authority and the employee shall return audit forms, as well as any comments of the Appointing Authority or the employee, to the Secretary or his designee within 30 days of receipt.

- (d) The Commission or the Secretary or his designee may request additional information from the employee, the Appointing Authority, or from a consultant selected by the Commission.
8. Audit Findings:
- (a) The audit findings will be premised upon the information and statements provided. The information and statements submitted will be compared to the existing classification specifications. The classification which most accurately describes the duties performed shall be assigned to the position.
 - (b) The duties must satisfy the distinguishing characteristics of the higher classification for a substantial amount of time (at least twenty percent of the time represents a standard guideline, unless another percentage has been stated in the class specifications) before the employee qualifies for reclassification to such higher class. Other factors, including the table of organization of a department may be used to determine the classification of a position and to distinguish among classifications.
 - (c) Examination of current duties. Position audits shall examine the duties currently assigned and performed; provided that the Commission will review the duties performed during the year preceding the audit to allow for changes in the operational demands relevant to the job, for example the cyclical nature of work performed by financial staff or by people who work outdoors. The audit report reflects duties at the time of the audit and shall reflect any change in duties if such has occurred since the date of the audit request. Duties performed while assigned in a temporary work level shall not be considered for purposes of a position audit.
9. Audit requests shall be deemed cancelled if:
- (a) The party requesting the audit submits a written withdrawal to the Secretary or his designee. Audit requests may be withdrawn any time until the final notice of classification is mailed.
 - (b) The employee requesting an audit fails to timely return the audit report form within 30 days.
 - (c) The Appointing Authority fails to submit a position description reflecting the employee's current duties if the Appointing Authority requested the position audit.
10. A position audit shall be deemed completed when the Secretary or his designee sends written notification of the results to the employee and the employee's Appointing Authority either by interdepartmental or United States mail. Any vote by the Commission as to the result of a job audit

must be taken at a public meeting.

11. Whenever a position is reclassified by the Commission, the employee's classification shall be changed in accordance with these Rules. The effective date of such change shall be the first day of the pay period following receipt of the audit request.

RULE 6 - ANNOUNCEMENTS AND APPLICATIONS

Rule 6 A. Examination Announcements.

1. Examinations shall be announced in public notices specifying the class title, definition, typical tasks, salary range, the application filing period, the time and place of the examination, examination components, applicant requirements, whether background investigations are applicable, and other information pertinent to the examination and/or classification. The ~~Commission-announcements~~ will also comply with any applicable special rules for firefighter promotional examination announcements ~~that are~~ required by O.R.C 124.45.

2. Announcement of the time and place of every competitive examination shall be posted on the bulletin board in the Municipal Services Center and one copy shall be sent to each City department for posting. For purposes of announcing examinations to employees, e-mail to an employee shall suffice as notice, in lieu bulletin board posting. Examinations may be otherwise advertised where necessary to recruit an adequate number of applicants.

3. Announcements and advertisements shall be submitted to the Secretary in a timely fashion and manner to provide the public reasonable notice of the time, place, and general scope of every competitive examination. Unless an emergency exists, reasonable notice shall mean not less than 30 days prior to the examination.

Rule 6 B. Job Announcements for Temporary Appointments and Appointments without Competitive Examination.

1. When there is a need to fill a vacant position for which there is no eligibility list, the Appointing Authority shall notify the ~~Commission-Secretary~~ that the vacancy exists. The appointment shall be governed by Rule 9(K) or 9(L).

2. The availability of a non-temporary appointment pursuant to ORC 124.30(A)(1) shall be announced in public notices specifying class title, definition, typical tasks, salary range, final date

on which applications will be accepted, minimum requirements, background investigations, if applicable, and any other information pertinent to the classification. The notice shall advise that the City is an equal opportunity employer.

3. All job announcements for positions open to the general public shall be posted for no less than five (5) business days.

4. The Appointing Authority or his or her designee shall be responsible for posting and/or e-mailing a copy of all job announcements within the department.

Rule 6 C. Applications and Applicants.

1. Qualifications of Applicants. Applicants for positions in the classified service shall meet such reasonable qualifications and requirements for a particular position as are prescribed therefor by law or by the Appointing Authority as to, physical condition, education, training, experience, and moral character. Provided, however, that no person shall be precluded from making application for, nor denied an appointment to a position, based on grounds of race, religion, age, political opinions, physical disability, color, handicap, sex (gender), genetics, creed, national origin, or ancestry except where based on a bona fide occupational qualification.

2. Applications. Applications for admission to any competitive examination must be completed within the time limits fixed by the ~~Commission~~Secretary or Human Resources Director on the forms approved by the ~~Commission~~Secretary, the Human Resources ~~Manager~~Director, or the testing service. Once the forms are approved, they may be made available to applicants by either the ~~Commission~~Secretary, or the Human Resources ~~Manager~~Director, or the testing service. The applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience. No disclosure shall be required as to religious or political affiliations nor as to racial or ethnic origin of the applicant.

3. Applications once filed become the property of the Commission and shall not be returned to the applicant.

Rule 6 D. Disqualification of Applicants and Eligibles.

1. Applicants may be rejected from consideration or refused admittance to any examination, and eligibles may be disqualified or removed from an eligible list, or a certification list, for, but

not limited to, the following causes:

- (a) Lack of any of the established minimum requirements or qualifications for the position for which the individual applies;
- (b) The individual has been convicted of or made an admission to any crime that is classified as a felony under the O.R.C. or any other state code or law of the United States.
- (c) The individual has been convicted of or made an admission to any crime that is classified as a misdemeanor under the O.R.C. or any other state code or municipal law, or law of the United States that was punishable by a potential jail sentence, regardless of whether one was actually imposed.
- (d) The individual has been dismissed from public employment for just cause;
- (e) The individual has made a false statement of material fact in the application, testing process, or during the hiring process;
- (f) The individual has practiced or attempted to practice deception or fraud on the application or examination or in securing his eligibility or appointment;
- (g) The individual has used, threatened to use, or attempted to use political influence in securing employment, reemployment, or promotion;
- (h) The individual cannot be located, fails to report for an interview or other step in the selection process as directed by the Commission or Appointing Authority and/or fails to report for duty as directed by the Appointing Authority;
- (i) The individual fails to pass any of the tests required for the position to which he seeks appointment or failed the oral review board.
- (j) The individual has been convicted for a crime involving moral turpitude or an offense of violence.
- (k) The individual has failed a required drug or alcohol screening test in that the test showed the presence of a drug of abuse as defined in O.R.C. 3719.011 and/or alcohol in a body fluid unless such substance is identified as a prescribed medication; however, this provision is only applicable to entry level applicants. Alcohol tests will be treated as medical tests subject to Rule 6.D.2.
- (l) The individual has a pattern of poor work habits and performance with previous employers. This includes but is not limited to excessive absenteeism, poor quality of

work, excessive tardiness, inability to get along with others in a work environment, or any thefts.

- (m) The individual fails to pass the medical examination required for the position.
- (n) The individual has a poor traffic record and is applying for a position which requires a driver's license and involves driving,
- (o) The individual has been dismissed from public or private employment for good cause.
- (p) The individual cannot speak, read, or write the English language and the work requires speaking, reading, or writing the English language.
- (q) The individual fails to report for an interview or other step in the selection process as directed by the Commission or Appointing Authority and/or fails to report for duty as directed by the Appointing Authority.

2. **Physical or Psychological Examinations.** Whenever physical or psychological qualifications are of especial importance, the applicants may be required to pass a physical or psychological examination and be certified as qualified in such respects, whether before admission to the examination, or before being placed on the appropriate eligible list, or before certification for appointment, as the ~~Commission~~Human Resources Director may deem advisable. Medical examinations will only be conducted after a prospective appointee has received a conditional offer of employment; except that the ~~Commission~~Human Resources Director may require that an applicant be medically examined prior to any test (e.g., a physical agility test) to determine the applicant's ability to participate safely in the test. When asking for such a medical opinion, the ~~Commission~~Human Resources Director will describe the agility or fitness test, and ask "Can this person safely perform this test?" Examinations must be job-related and based on business necessity. (See also Rule (7)(L) and Rule 7(M) below.) Applicants may appeal decisions made by the Human Resources Director to the Commission.

RULE 7 - EXAMINATIONS

Rule 7 A. General.

Examinations will be of such character and relate to such matters as will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the positions to

which they seek to be appointed.

Rule 7 B. Scheduling.

Competitive examinations will be scheduled by the Secretary or his designee in order to provide suitable eligible lists for the classified service. An examination may be postponed or cancelled with the approval of the Secretary.

Rule 7 C. Contents of Examination.

1. Examinations may consist of written tests, oral tests or interviews, physical fitness agility tests, psychological tests, polygraph tests, medical examinations which may include a drug screening test by urinalysis and/or blood test, demonstrations of skills, an evaluation of education, training and experience, video-based human relations tests, or any combination of one or more of the foregoing tests or interview process. These shall be given in successive stages. For efficiency purposes, not all stages of testing will be administered to all applicants; progression to successive stages of testing will be dependent upon performance in earlier stages of testing unless progression to successive stages is required by law. Failure in any stage may disqualify an applicant from further consideration, unless prohibited by law.
2. Competitive examinations shall relate to those matters which fairly test the relative capacity and qualifications of the applicant to discharge proficiently the duties of the class to which the individual seeks appointment. Competitive examinations may consist of written, oral, performance or physical fitness tests including oral review boards; medical examinations; drug screening; demonstrations of manual skill; evaluation of training and experience; evaluation by any other professionally accepted method including assessment center process; or any combination thereof. Competitive examinations may also include investigation of training, experience and background. Provided, however, an examination to fill one or more positions in the Police Division in a rank above police officer but below Chief, or in the Fire Division in the rank of Lieutenant, Captain, or Battalion Chief, shall also comply with applicable examination provisions of a collective bargaining agreement in force for such positions.
3. Necessary precautions shall be taken to protect the confidentiality of these materials, to provide a favorable test environment, and to insure fairness and security in the administration and grading process.

4. Examinations or parts thereof may be modified or voided by the Commission if it is determined that the results have been jeopardized.
5. For any competitive promotional examination (other than promotions to ranks higher than police officer or fire fighter in the Police and Fire Divisions, respectively) where the number of qualified applicants is less than or equal to the number of candidates who will be certified to the Appointing Authority to fill a vacancy, the Secretary may utilize the following examination procedure:
 - (a) The examination will consist of a 100% training and experience evaluation;
 - (b) the training and experience evaluation shall be a review of the minimum qualifications for the test; and
 - (c) any applicant who meets the minimum qualifications will be considered to have passed the test with a grade of 70%.
6. Written examinations may be conducted by a national or regional testing company on multiple examination dates at multiple locations. The Secretary may determine which examination dates are used in creating the eligible list to ensure a sufficient pool of qualified candidates and timely filling of vacancies reported by the Appointing Authority.

Rule 7 D. Competitive Examinations.

1. There shall be two types of competitive examinations, open competitive and promotional competitive.
2. Open competitive examinations shall be open to all applicants who meet the minimum requirements listed in the specification for the class being tested.
3. All examinations for promotions shall be competitive and limited to present City employees and may be conducted in the same manner as examinations as described in Rule 7.
4. In all cases where vacancies are to be filled by promotion, the Secretary shall certify to the Appointing Authority the names of the three persons having the highest rating. The method of examination for promotions, the manner of giving notice thereof, and the rules governing the same shall be in general the same as those provided for original examination except as otherwise provided in these Rules.

Rule 7 E. Eligibility for Promotion -- Police and Fire Division.

Before being eligible for examination for promotion to the next higher grade in either the Division of Police or Division of Fire, a person shall have completed a minimum of three years in the

respective division. Additionally, for grades other than the lowest supervisory grade, a person shall have completed a minimum of one year and currently hold a position in the grade next below that for which the examination is to be held. Probation time shall not be included in determining the minimum times for persons seeking to take the examination for promotion to the lowest supervisory grade. Persons already in the lowest supervisory grade or higher, seeking to take the examination for promotion to the next higher grade, shall be eligible for examination if they have completed the probationary period in their current grade. The date of the scheduled examination shall be the date for determination of eligibility.

Rule 7 F. Method of Grading Examination.

An examination for any position shall be proportionally graded on a scale of 0 to 100, 100 being the maximum possible score attempt without rounding out numbers. On entrance written examinations the minimum passing grade shall be 70%, on promotional written examinations the minimum passing grade shall be 70% on each graded phase of the exam, however, if less than 60% of the examinees attain a raw score of 70%, a flexible passing point based upon standard deviation shall be used. An applicant's final grade shall take into consideration all phases or stages of the examination process, and may include credits for education, training, certifications, licenses, experience, and other qualifying factors as determined by the ~~Commission~~[Human Resources Director](#).

Medical examinations, psychological tests, and physical fitness or agility tests shall be administered on a pass/fail basis only, and shall not enter into the computation of an applicant's final passing grade.

Rule 7 G. Service Credits.

1. Seniority Credit. Seniority credit shall only apply to public safety forces and only for promotional situations. Total number of completed years and days of service in the division, from the original date of appointment to the first scheduled examination date, shall be calculated (overall total).

- (a) The number of years and days of all interruptions of service, except for that occasioned by service with the Armed Forces of the United States provided that the employee meets the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) or a comparable Ohio statute that mandate that the employee will continue to

receive service credit during this period, shall be subtracted from the overall total to arrive at the adjusted total for which seniority credit will be given.

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

(c) The addition of seniority credit computed as above shall not exceed ten percent (10%) of the final total grade ~~to be computed as the Commission may direct~~. Seniority in service shall be added to the promotional examination grade, but no credit for seniority or any other reason unless applicant achieves at least the minimum passing score on the examination without such extra credit. To clarify, no credit for seniority will be added unless the applicant has attained a total overall passing score taking into consideration all phases of examination, not counting such credits. That overall passing score will be 70%, unless the Commission establishes a different passing score prior to the examination. So, for example, if the overall passing score is 70%, and if an applicant scores 70% on the written examination, but scores only 69% when the assessment center and all other phases of the examination are taken into consideration, the applicant will not have passed the overall examination, no credit for seniority will be added, and the applicant will not be placed on the eligible list.

(d) All grades, ~~as determined by the Secretary or other examiner,~~ shall be approved by the ~~Commission~~ Secretary or the Human Resources Director before they may be considered final.

(e) The names of all applicants who receive a final grade of 70% or more shall, after approval of the ~~Commission~~ Secretary, be ~~recorded in the minutes of the Commission and~~ entered on the appropriate eligible ~~List~~ list in the order of their relative standing. The eligible list shall be limited to those applicants achieving at least a minimum passing score on the examination without counting such credit.

2. Whenever two or more applicants for an original appointment have identical final grades, their names shall be arranged on the eligible list in the order in which their birthdays fall within their particular year of birth, irrespective of the specific year of birth. In the event there is a tie, the names shall be arranged by virtue of a coin flip conducted by the Secretary or City Manager

and ~~member of the Commission~~the Human Resources Director. In the case of promotional examination whenever two or more persons have identical final grades, the following criteria shall be utilized in sequence until the tie is broken:

- (a) Present rank;
- (b) Date of appointment to present rank;
- (c) Date of appointment to next lower rank; and
- (d) Date of appointment to division.

3. Reserve/Auxiliary Credit. Members of the Upper Arlington Reserve & Auxiliary Police Force may be eligible for additional points when applying as a candidate to take the entry level written exam for Police Officer. To be eligible, said members must meet the requirements listed below. These additional points will be added to the test score of those individuals who pass the minimum acceptable grade.

- (a) Only those persons who are currently active members of the Upper Arlington Reserve & Auxiliary Police Force as authorized under U.A.C.O. 143.08, will receive additional points. Within thirty (30) days of testing and prior to any close date, the member must forward with the application to the ~~Commission~~Secretary, a letter from the Chief of Police that states the candidate meets the following conditions:
 - (i) the member has a minimum of three (3) full years of service with the Upper Arlington Reserve and Auxiliary Program;
 - (ii) the date the member began initial service with the Reserve & Auxiliary Program;
 - (iii)the member has been in compliance with all General Orders and the Rules & Regulations of the Upper Arlington Division of Police and of the Reserve & Auxiliary Program; and
 - (iv)the member has not received any form of disciplinary action while serving as a member of the Reserve & Auxiliary Program.
- (b) Members, who file this letter and pass the written test, will have points added to their passing grade based on the number of years of service as stated below:
 - (i) Three (3) years of service but not more than four (4) years: 3 points
 - (ii) Four (4) years of service but not more than five (5) years: 4 points
 - (iii)Five (5) or more years of service: 5 points

(c) Five (5) points is the maximum additional amount to be given under this section.

4. Military credit. Applicants with prior military experience may be eligible for additional points when applying as a candidate to take the entry level written exam for Fire Fighter, Police Officer, or any other entry level position requiring a written exam. The additional points will only be added to the test score of those individuals who pass the minimum acceptable grade.

(a) To be eligible for the additional points, applicants must submit within thirty (30) days of testing and prior to any close date proof of honorable discharge from any branch of the United States Military as evidenced by a Department of Defense Form DD-214.

(b) Applicants that timely file the required documentation and pass the written test will have five points added to their passing grade.

Rule 7 H. Inspection of Promotional Examinations.

After a written promotional examination has been held and prior to the grading of such examination papers, each participant in a police or fire promotional examination shall have a period of five (5) business days to inspect the questions, the rating key or answers to the examination and to file any protest he may deem advisable. The protests shall be in writing and shall remain anonymous to the Commission. The Commission will ordinarily consider protests at the next regular Commission meeting, but may advance or delay consideration for good cause. All protests shall be considered by the Commission and its decisions shall be final. If an error in the rating key or answers is found, then all candidates will be electronically notified of the revised rating key within five (5) business days of its finding. No additional protests may be filed.

Rule 7 I. Retests.

1. Eligibility. In cases in which continuous recruiting is in effect for non-seasonal classes, examinees who have been admitted to an examination for a class shall not be admitted to take another examination for the same class for a period of six (6) months from the date last examined. In cases of continuous recruiting for seasonal classes, applicants who failed a prior exam shall not be approved to retest for the same class for a period of thirty days from the date last examined. Examinees may take no more than two (2) retests for seasonal classes and one (1) retest for non-seasonal classes in any twelve (12) month period. Any applicant whose name is removed from an eligible list by action of the Secretary ~~and/or~~ the Commission, in accordance with these Rules,

shall not be approved to retest in that class for a period of one (1) year from the date of removal.

2. Effect of Retest. An examinee who takes a second examination for a class, while his name is on an eligible list for that class, shall have the grade and be ranked based upon the grade obtained on the second examination. If the examinee fails the retest after having passed the original examination, the examinee's name shall be removed from the eligible list.

Rule 7 J. Notice of Results.

1. After the grading of a competitive examination has been completed, all test participants shall be notified in writing of their final grade and relative position on the eligible list established as a result of the examination.

2. Immediately following written notification to the applicants, there will be an inspection period during which examinees may inspect their answer sheets for possible grading errors by comparing them with a keyed answer sheet provided by the ~~Commission Secretary~~ or ~~answer key provided by the Commission's~~ Human Resources Director's chosen testing vendor. The inspection period shall be five (5) calendar days for examinations given for seasonal positions and ten calendar days for all other examinations. No examinee may see the test materials after an examination has been given, except for a reasonable review period at the test site immediately following promotional examinations for purposes of appealing specific test items.

3. A clerical error in the grading of a test paper that is noted during the applicable inspection period shall be corrected by the ~~Commission Secretary~~ and reported to the Commission. The report shall be included in the minutes of the next Commission meeting. No eligible list shall be effective and no certification shall be made therefrom prior to the lapse of the appropriate inspection period.

Rule 7 K. Non-competitive Examinations.

1. The Appointing Authority may post a job announcement in the manner provided by Rule 6(B)(3) and open examinations for any position in a non-competitive class upon determining that there is a vacancy to be filled for that position. The Appointing Authority may take these actions prior to notifying the Secretary of the vacancy as required in Rule 9A.

2. Non-competitive examinations, if administered, shall consist of an evaluation of the applications to determine if the applicants meet the minimum requirements of the class specifications for the class being examined. Non-competitive examinations may also consist of other components to determine if the applicants can perform the duties of the class. Applicants who meet the minimum requirements shall have their name placed on the eligible list.

3. Applicants shall be notified in writing the order in which their name appears on the eligible list for the class examined.

Rule 7 L. Medical Examinations.

1. Applicants may be required to undergo and pass a medical examination and/or psychological examination as determined by the ~~Commission~~ Human Resources Director. Medical examinations will only be conducted after a prospective appointee has received a conditional offer of employment; except

that the ~~Commission- Human Resources Director~~ may require that an applicant be medically examined prior to any test (e.g., a physical agility test) to determine the applicant's ability to participate safely in the test. When asking for such a medical opinion, the ~~Commission- Human Resources Director~~ will describe the agility or fitness test, and ask "Can this person safely perform this test?" Examinations must be job-related and based on business necessity.

2. Employees may be required by an Appointing Authority ~~or designee with the approval of the Commission-~~ to undergo a medical and/or psychological examination in order to determine whether an employee is physically and/or psychologically fit to perform assigned work. Such examinations must be job related and based on a business necessity.

3. An applicant who fails the medical and/or psychological examination shall be so notified, shall not be eligible for appointment to the position sought and such person's name shall be removed from the eligible list.

4. If an applicant or employee is deemed by the ~~Commission- Appointing Authority or designee~~ to be temporarily physically or psychologically unfit to perform the assigned work on the job for which application has been made, such person may request a temporary leave of absence or a temporary waiver of eligibility for appointment as provided in these Rules.

5. The medical and psychological examinations provided for in this Rule shall be conducted by licensed physicians or a licensed professional in accordance with generally accepted medical practices and any medical standards established by the Commission. A medical determination that a condition would adversely affect job performance constitutes failure of the medical and grounds for removal from the applicable eligible list, if any.

Rule 7 M. Physical and Psychological Examinations for Police and Fire.

1. In addition to any other examination of employees under these Rules, no person will be eligible to receive an original appointment to the Police Division or Fire Division as a police officer or firefighter under the civil service laws, in particular O.R.C. 124.41 and 124.42, respectively, unless he or she has, not more than one hundred twenty (120) days prior to appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that he or she meets the physical requirements necessary to perform the essential functions of a police officer or firefighter,

respectively, as established by the Commission.

2. The City will only have such an examination conducted after the prospective appointee has received a conditional offer of employment. The City will pay the fee for the physical examination. The appointing authority shall file the report or findings of the licensed physician with the Police and Firemen's Disability and Pension Fund within one hundred (100) days of the date the employee becomes a member of the fund (the latter usually being the date of hire).

Rule 7 N. Medical Records.

The Commission, Secretary, and Human Resources Director shall keep medical records confidential to the extent required by any applicable state, city or federal laws or regulations (e.g., Americans with Disabilities Act, Health Insurance Portability and Accountability Act). Such laws and regulations generally prohibit the release of medical records without the employee's permission.

RULE 8 - ELIGIBLE LISTS

Rule 8 A. Competitive Examination Eligible Lists.

After the completion of the competitive examination, which shall include completion of all successive stages of testing, an eligible List-list shall be prepared. The list shall be composed of the persons whose average grade in the examinations is not less than 70% and who are otherwise eligible for appointment. Names shall be in the order of the final ranking based upon the grades earned, with ties broken as prescribed by Rule 7(G)(5).

Rule 8 B. Non-competitive Examination Eligible Lists.

After the completion of each non-competitive examination, an eligible list shall be prepared including the names of all applicants who met the minimum requirements for the examination. The Secretary shall certify the eligible list for a position in a non-competitive class upon request of the Appointing Authority as provided in Rules 9(A) and 9(B). Such eligible list shall be effective, and the Appointing Authority may appoint from the eligible list pursuant to Rule 9(J) and 9(M), upon the list's certification by the Secretary. The Secretary shall strike the name of any applicant who is disqualified for any of the reasons set forth in Rule 6(D) before certifying the eligible list. For eligible lists certified by the Secretary under this Rule, neither the

Appointing Authority nor the Secretary shall be required to send notice of certification as provided in Rule 9(C) unless the Appointing Authority wants to interview applicants on the list after certification of the list, in which case notice shall only be sent to those applicants whom the Appointing Authority wants to interview. The Secretary shall report the Secretary's certification of this eligible list to the Commission at its next meeting.

Rule 8 C. Consolidation of Lists.

The Commission may, at any time, and regardless of the number of persons on an eligible list, consolidate two or more eligible lists for the same classification. Eligible persons on such consolidated lists shall be ranked in accordance with grades achieved, provided, however, that no person shall remain on such consolidated list for more than one (1) year from the date of certification of the original examination passed unless such period of eligibility is extended by affirmative action of the Commission. If the Commission consolidates two or more lists and a person who is ranked on an existing list retests for that same classification, he or she will be ranked according to his or her most recent score.

Rule 8 D. Interpretation.

For purposes of this Rule, eligible list or lists are not abolished when consolidated and do not lose their identity by virtue of consolidating action which is intended to mean no more than the integration of two or more separate ~~Lists~~lists for the same position.

Rule 8 E. Addition by Reinstatement.

1. Following Separation or Reduction in Rank without Fault. Upon written request, the name of an individual may be placed at the top of the eligible list for the classification from which the employee was separated or reduced in rank if all of the following apply:

- (a) the request is made within one (1) year from the date of separation or reduction in rank;
- (b) the individual was separated from the service or reduced in rank without fault or delinquency (e.g. resignation in good standing, retirement, voluntary demotion or termination as a result of a condition of employment); and
- (c) the employee held permanent status in the class.

If a question arises as to whether the individual was separated from the service in good standing or was reduced in rank without fault, the Secretary shall investigate the cause and

circumstances surrounding the separation or reduction. An individual who resigned in lieu of disciplinary action shall be deemed not to have resigned in good standing. Retirement of an employee at the employee's own request shall be considered a resignation.

2. Following a Layoff. The name of an employee who is reduced in rank or separated from employment as a result of a layoff shall automatically be reinstated to the eligible list for the classification from which the layoff occurred:

- (a) if the employee has permanent status in the class; or
- (b) if the employee had received an original appointment to the class and was serving a probationary period at the time of the layoff.

3. Following separation due to injury or physical disability incurred in the performance of duty. Upon written request, a public safety employee separated due to injury or physical disability incurred in the performance of duty shall be reinstated immediately upon filing with the chief of the fire division or the chief of the police division a written application for reinstatement, to the office or position held at the time of such separation, after passing a physical examination showing that the person has recovered from the injury or other physical disability.

4. A name reinstated to the eligible list, unless removed in accordance with these Rules, shall remain on the list for a period of one (1) year or until the list expires, whichever occurs later, or in the case of the reinstatement as a result of a layoff for two (2) years.

Rule 8 F. Expiration of Eligible Lists.

1. Non-competitive Lists. Except as otherwise provided herein, non-competitive eligible lists shall expire at the end of one (1) year, unless extended by action of the ~~Commission~~Secretary. In the event the Secretary opens a non-competitive class for continuous testing, the name of each eligible shall remain on the ~~List-list~~ for a period of one (1) year. Such list may be amended by the Appointing Authority by the addition of a newly eligible applicant or by the deletions of names at request of applicant.

2. Competitive Lists. The term of all competitive eligible lists shall be one (1) year unless extended by action of the ~~Commission~~Secretary. No extension may result in an eligible list being in effect for more than two (2) years.

3. All eligible lists shall automatically terminate when exhausted or when a more recently

prepared list is certified.

4. The Commission may at any time, abolish an eligible list when the number of eligible persons therein is reduced to three (3) or less persons for a police or fire promotional ~~List-list~~ or ten (10) or less persons for other lists.

5. The expiration of an eligible list shall not cause a list of names certified from that list to expire. The certification list shall continue in force until:

- (a) the appointing authority elects not to appoint from the list because he or she has already made the number of appointments he or she intended when requesting the list;
- (b) one or more persons on the list have declined appointment or failed to report and the appointing authority elects to use a new eligibility list created by the ~~Commission~~ Secretary for the classification; or
- (c) the appointing authority elects not to use the list under Rule 9(B).

Rule 8 G. Addition by Layoff from Another Jurisdiction.

1. Upon written request, the name of an individual formerly employed as a law enforcement officer by another Ohio political subdivision may be placed on the current eligible list for the entry level position of Police Officer if all of the following apply:

- (a) the request is made within one (1) year from the date of individual's layoff from the political subdivision;
- (b) at the time of the layoff the individual has completed any probationary period, was not under any suspension or last chance agreement, and was in good standing with the political subdivision; and
- (c) the individual has been certified by the Ohio Peace Officer Training Academy.

If a question arises as to the whether the individual was in good standing, the Secretary shall investigate the cause and circumstances surrounding the separation or reduction. An individual who was laid off at a time when disciplinary proceedings were pending shall be deemed not to have been in good standing.

2. A name added to the eligible list pursuant to this section may be considered for selection or appointment notwithstanding Rule 9B.

3. A name added to the eligible list pursuant to this section, unless removed in accordance with these Rules, shall remain on the list for a period of one (1) year or until the list expires,

whichever occurs later.

RULE 9 - CERTIFICATION OF APPOINTMENTS AND PROMOTIONS.

Rule 9 A. Notice of Vacancy.

Whenever a vacancy exists in the classified service or a new position is created, the Appointing Authority shall promptly notify the Secretary of the fact. When any position is to be filled, the Appointing Authority shall make a request to the Secretary for the certification of the names of eligibles for such position and shall state the duration of the employment, the conditions of employment and the duties to be performed. Whenever practical, the request shall be submitted not less than fifteen (15) calendar days before the date the vacancy is to be filled.

Rule 9 B. Certification of Eligibles.

1. Upon receipt of a request for certification, the Secretary shall certify to the Appointing Authority the names of the candidates on the eligible list for the class or grade to which the position belongs. Except as provided for exceptional appointments authorized by ORC 124.30 or promotional appointments, the Appointing Authority shall appoint in the following manner: each time a selection is made, it shall be from one of the names that ranks in the top ten names on the eligible list or in the top twenty-five per cent of the eligible list, whichever is greater and any name placed on the eligible list pursuant to Rule 8(G). But, in the event that ten or fewer names are on the eligible list, the Appointing Authority may select any of the listed candidates.
2. No person shall be certified from an eligible list more than three times to the same Appointing Authority for a position of the same classification, except at the request of the Appointing Authority, and subject to the following provisions:
 - (a) If any certification results in the appointment of an employee who at the time of certification held the same position as other than a permanent employee, no consideration shall be charged to other persons included in the certification.
 - (b) If a certification eligible list is not used by the Appointing Authority, no consideration shall be charged to the persons included on the certification.
 - (c) Certifications for seasonal appointment shall be charged separately from those for permanent appointment. The acceptance or declination of any such seasonal appointment shall not affect

the right of an eligible to remain on the certification eligibility list for appointment to a different appointment category.

- (d) Whenever a certification is made to fill more than one position under these Rules, those persons who are dropped after four considerations shall be considered as having been certified four times.
- (e) An eligible who has declined appointment because of the salary offered will be removed from the eligible lists for positions at the same or lower salary.

Rule 9 C. Notice of Certification.

Written notice of certification, directing the persons certified to report for an interview with the Appointing Authority, shall be mailed by the Secretary or the Appointing Authority at the time the certification is submitted to the Appointing Authority. If an eligible, so notified, fails to report within six (6) business days, his or her name shall be removed from the eligible list.

Rule 9 D. Disqualification from Eligible List.

1. The name of any person appearing on an eligible list who:
 - (a) fails to report, or arrange to report, or arrange within a reasonable time for an interview with an appointing authority;
 - (b) fails to respond to a notice from the Commission, Secretary or Human Resources Director;
 - (c) provides incorrect or incomplete information to the Commission, Secretary or Human Resources Director;
 - (d) fails to respond to a request for information during background checks;
 - (e) declines an appointment without reason satisfactory to the Commission, Secretary or Human Resources Director; or,
 - (f) who cannot be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The potentially disqualified person shall be notified concerning the application of this rule unless his or her whereabouts are unknown. The disqualified candidate's name may again be certified from the eligible list only where a thoroughly satisfactory explanation of the circumstances is made to

the Commission. In the event of the refusal of an appointment by an eligible candidate, the appointing authority shall so notify the Commission Secretary.

2. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from eligible lists for classes in which the starting salary is equal or lower.

3. If, at any time after the creation of an eligible list, the Commission Human Resources Director has reason to believe that any person whose name appears on any list is disqualified from appointment because of false statements made on his or her application, inability to perform the job duties, lack of a necessary license, lack of insurability, or for other comparable reasons; such person shall be notified and given an opportunity to be heard. If such person shall fail to appear for hearing, or upon being heard, fail to satisfy the Commission, his or her name shall be removed from such eligible list.

Rule 9 E Removal from Eligible List.

Names may be removed from an eligible list by the Secretary in accordance with these rules, for the following reasons:

1. The written request of the eligible;
2. The expiration or revocation of the list;
3. Failure of the person listed on the eligible list to fulfill all of the requirements and qualifications set out by or under these rules;
4. The refusal or neglect of the eligible within three (3) business days after notice of appointment to accept appointment upon certification, unless a waiver of such appointment is sought by the eligible and approved by the Commission Human Resources Director;
5. The death of the eligible; or
6. Fraud or false statements in application or examination.

The Secretary shall report the Secretary's removal of names from an eligible list to the Commission at its next meeting.

Rule 9 F. Duty of Eligibles to Update Address.

Each person on an eligible list shall file with the ~~Commission-Secretary or Human Resources Director~~ written notice of any change of address, and failure to do so may be considered sufficient reason for not certifying his or her name to the appointing authorities for future appointment.

Rule 9 G. Military Service.

Any person on an eligible list, who fails to report to the Appointing Authority when so notified to do so, or is unable to accept an appointment when offered by reason of being in military service, shall not by reason of such failure be removed from the eligible list provided, however, that the ~~Commission-Secretary~~ shall make no further certifications as to his eligibility until the person notifies the ~~Commission-Secretary or Human Resources Director or Appointing Authority~~ of a change in status which would permit the person to appear and accept an appointment. However, if and to the extent the person is entitled to be certified under USERRA or a comparable Ohio law, the person will be so certified.

Rule 9 H. Revocation of Appointment.

Whenever an eligible person fails to report for duty after appointment, for reasons not satisfactory to the Appointing Authority, the Appointing Authority may revoke the appointment and the person's name shall be removed from the eligible list by the Secretary.

Rule 9 I. Reappointment or Reinstatement.

The Appointing Authority may, but is not required to (except as mandated by USERRA or a comparable Ohio law), reappoint or reinstate a former employee to the employee's former or like position without reference of the matter to, or request for certification from, the ~~Commission-Secretary~~, provided, however, that such former employee's service was terminated under honorable conditions, that such individual still meets the minimum qualifications for the classification, and such reappointment or reinstatement is made within one (1) year from the termination date of his former employment. The Appointing Authority must report the reinstatement to the ~~Commission-Secretary~~, so the ~~Commission-Secretary~~ may certify that person's proper employment for payroll purposes.

Rule 9 J. Appointments.

An original or promotional appointment to a vacancy in the classified service with an available individual from a certified eligible list shall be permanent, upon satisfactory completion of the applicable probationary period. The term "available" shall be construed to mean persons responding to interviews, willing to accept appointment and meeting the prescribed physical and medical standards.

Rule 9 K. Non-temporary Appointments.

For positions in competitive classes, whenever there are urgent reasons for filling a vacancy, in any position in the classified service and the ~~Commission-Secretary~~ is unable to certify to the Appointing Authority a list of persons eligible for appointment to such position pursuant to a competitive examination, the Appointing Authority may nominate a person to the Commission for non-competitive examinations and if such nominee is certified by the Commission as qualified after such non-competitive examination, the nominee may be appointed to fill such vacancy. The appointment shall not become permanent until the person shall have successfully completed the probationary period or served continuously in the position for six (6) months, whichever is longer. However, a person appointed to a promotional position in the Police or Fire Department under this rule shall not achieve permanent status merely by serving in the position.

Rule 9 L. Temporary and Other Exceptional Appointments.

1. Temporary Appointments. A temporary appointment may be made without regard to the rules of R.C. 124.01 to 124.64. Except as otherwise provided in R.C. 124.30(A), the temporary appointment may not continue longer than one hundred and twenty days. Where a position is vacant for a temporary period by reason of sickness, disability or other approved leave of absence of a regular employee a temporary appointment may be made for a period longer than one hundred and twenty days and may continue during the period of sickness, disability, or other approved leave of absence. Successive temporary appointments to the same position shall not be made under this rule. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing on the register for permanent employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent

appointment to a permanent position. All temporary appointments shall be promptly reported to the Commission [and Secretary](#).

2. Temporary Seasonal Appointments. Where the services to be rendered by an employee are for seasonal employment, the appointing authority may, but is not required to, select from among persons honorably separated from the previous season. Alternatively, or in addition, the appointing authority may select from among applicants who apply for seasonal employment during an application period established by the appointing authority. Notice of such application period shall be posted in the same manner as the appointments set forth in Rule 6(B), although the appointment shall be temporary and shall not be considered a reinstatement, regardless of whether the employee worked for the City previously. Examination for seasonal employment may be competitive or non-competitive. The period of temporary service shall not be counted as a part of the probationary service in case of subsequent appointment to a permanent position. Neither temporary nor seasonal appointment shall become permanent employees, except as made through the regular appointment process to fill a permanent full-time or permanent part-time position.

3. Lack of Tenure for Certain Exceptional Appointments. Persons who receive temporary or intermittent appointments are in the unclassified service and shall serve at the pleasure of their Appointing Authority. Intermittent and temporary appointments shall be reported to the Commission [and Secretary](#).

4. Extraordinary Appointment under Total Suspension of Rules. In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of O.R.C. 124.01 to 124.64, 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 annual report of the Commission with the reasons for the suspension.

Rule 9 M. Certification of Eligibles on Non-competitive Lists.

Whenever a position in a non-competitive class is to be filled and an eligible list for the

appropriate class exists, the Secretary shall certify to the Appointing Authority all names that appear on the eligible list. The Appointing Authority shall appoint a person whose name appears on the eligible list regardless of the order of the names.

Rule 9 N. Tenure.

The tenure of every classified employee shall be during good behavior and sufficient service. No employee shall be discharged, reduced in pay or position, laid off, transferred, reprimanded or discriminated against due to such employee's race, color, religion, national origin, political opinions, age, physical disability or sex (gender). genetics unless such age, physical ability, handicap or sex (gender) is a bona fide occupational qualification.

Rule 9 O. Effects of Certification with Conditions of Employment.

If an appointment with a condition of employment as defined in Rule 1(11) is made from an eligible ~~List~~list, the acceptance or declination of such an appointment shall not affect the right of the eligible to be certified for a full-time position.

Rule 9 P. Grant Eligible List for Appointments to Positions Funded by State or Federal Grants.

Whenever a position is funded by a state or federal grant that contains specific hiring requirements, the Appointing Authority may request the Secretary to certify a grant eligible list of the names of the candidates on the eligible list for the class or grade to which the position belongs that meet the specific hiring requirements of the state or federal grant. The Appointing Authority shall fill the position funded by the state or federal grant by appointing from the grant eligible list in the same manner as provided in Rule 9(B).

RULE 10 - PROBATIONARY PERIOD

Rule 10 A. Probationary Period.

1. Pursuant to U.A.C.O. 149.05 all original and promotional appointments shall be for a probationary period of one year. For police officers, the period shall begin from the date of certification or promotion pursuant to O.R.C. 109.77. (or as determined by a collective bargaining agreement or the School District.)
2. In the event that a probationary employee does not perform the regular duties of the position for 30 days or longer as a result of sick leave, injury leave, light duty, disability leave or any other reason, or in the event the Appointing Authority deems it necessary in order to give the employee additional time to demonstrate satisfactory performance, the probationary period may be extended for a period up to the length of the original probationary period.
3. To extend the probationary period, the Appointing Authority must notify the employee prior to the original probationary period termination date. The notice must identify: the reason(s) therefore and the new probationary termination date. The Appointing Authority must submit a copy of the notice to the Commission ~~and Secretary on or~~ within thirty days after the date it was given to the employee.
4. No appointment or promotion shall be deemed final until the employee has satisfactorily served an entire probationary period.

Rule 10 B. Probationary Termination.

1. There shall be no appeal of any kind from the action of the Appointing Authority removing an employee during the probationary period.
2. The above rule shall apply to promotions from one classified position to another classified position, but the employee will have a right to return to the position held prior to the promotion, not necessarily in the same department or division, if the employee is found to be unsatisfactory in the promoted position. Promotions to unclassified positions have no similar right to return.

RULE 11 - TRANSFERS, LAYOFF POLICIES AND PROCEDURES

Rule 11 A. Transfers.

1. The ~~Secretary~~Human Resources Director may, upon the request of the Appointing Authorities involved, authorize the transfer of an employee in the classified service from a position in one department or division, ~~commission or agency~~ to another position in the same class in another department or division, ~~commission or agency~~. An interdepartmental transfer of an employee involving a change in classification may be accomplished only in the manner provided elsewhere in these Rules.
2. Nothing herein shall be construed as prohibiting an Appointing Authority from authorizing an intradepartmental transfer within the same class to which the employee was appointed. The Commission and Secretary shall be notified of such intradepartmental transfer only if it is to another division within the department, ~~commission or agency~~.
3. Transfers of safety forces personnel from the Police Division or the Fire Division to the other are prohibited.

Rule 11 B. Layoff Policies and Procedures.

1. Reduction in Classified Personnel The Appointing Authority shall determine in which classification(s) and department or division layoffs will occur. Whenever it becomes necessary to reduce the number of employees in a department or division of the City because of a reorganization, an abolishment of positions or the lack of work or funds, the Appointing Authority shall file a statement of rationale and supporting documentation with the Commission and Secretary at least thirty days prior to the expected day of the layoff specifying the class(es) in which the layoff is to occur and the numbers of employees to be laid off in each class.
2. Certification of Layoff - The Commission shall certify to the Appointing Authority the names of those employees to be laid off in each class by department or division based on seniority points. Layoff of employees shall occur inversely in order of seniority and the employee's ability to perform the remaining work without further training. In the event that two or more employees of the same status in the same classification are subject to layoff and have the same seniority points, the order of layoff shall be according to their most recent performance evaluations. The employee with the lower overall evaluation total shall be laid off first. Employees shall be laid off in the following order:

- (a) Part-time, seasonal employees in the same classification who have not completed their probationary period.
 - (b) Part-time, seasonal employees in the same classification who have completed their probationary period.
 - (c) Full-time, seasonal employees in the same classification who have not completed their probationary period.
 - (d) Full-time, seasonal employees in the same classification who have completed their probationary period.
 - (e) Part-time, permanent employees in the same classification who have not completed their probationary period.
 - (f) Part-time, permanent employees in the same classification who have completed their probationary period.
 - (g) Full-time, permanent employees in the same classification who have not completed their probationary period.
 - (h) Full-time, permanent employees in the same classification who have completed their probationary period.
3. Seniority Points - Layoff of employees within each appointment category shall be made inversely to their seniority points. Each employee shall receive five (5) seniority points for each completed month of continuous service.
- (a) Any full-time permanent employee who has served as a temporary, seasonal, or probationary employee and who has achieved full-time permanent status with no interruption in service shall receive seniority including the period served in a temporary, seasonal, or probationary status.
 - (b) Any personal leave without pay or disciplinary action in excess of fourteen (14) consecutive calendar days, shall be subtracted from an employee's continuous service except sick leave or military leave.
 - (c) The continuous service of an employee who has resigned and been reinstated shall begin from the time of the last reinstatement and no seniority credit shall be given for the prior service.
4. Notice of Layoff - Each employee in the classified service subject to a layoff shall be

given a written notice of the layoff by the Appointing Authority at least fourteen (14) calendar days prior to the effective date of the layoff which includes the reason for layoff, the effective date of the layoff, the right of the employee to bump another employee, and that the employee must exercise any bumping rights within five business days of the receipt of layoff notification, and recall rights.

5. Appeal of Layoff - Each employee in the classified service subject to a layoff may appeal a layoff action to the Commission within ten (10) calendar days of the receipt of the notice of layoff or the date the employee was displaced (bumped). The filing of an appeal does not stay the layoff or bumping. The Commission shall make a determination within (60) calendar days of a properly filed appeal as to whether the layoff was for reason of economy and/or efficiency and whether it was procedurally correct and made in good faith. If the Commission finds in favor of the employee, then the Commission may order that the employee be reinstated with back pay.

6. Bumping - A laid off employee may have bumping rights within the same class or to a lower class within the same class series. A bumped employee has the same bumping rights as a laid off employee.

(a) Same Class: A laid off employee shall have bumping rights within the same class against less senior employee(s), so that the least senior employee(s) in the class, up to the total number bumped, will be displaced.

(b) Class Series: If an employee has no opportunity to bump within the same class, then the employee shall have bumping rights against less senior employee(s) holding a position in the next lower class within the series, to like effect. If no bumping opportunity is available, the same right shall extend to the next and each lower class until the class series is exhausted.

7. Recall - The names of employees who have been laid off or bumped to a lower class due to layoff action shall be placed on the appropriate recall list. The names shall be listed in order of seniority points and appointment category for a period of one year.

(a) The names of laid off employees shall be placed on recall lists for each class in the class series equal to or lower than the class in which the employee held a position at the time of layoff

(b) In the event a full-time, part-time or seasonal vacancy exists in a class in which a layoff has occurred, the vacancy shall be filled by the individual highest on the recall list for that class. No other individual shall be hired or promoted into that class until all laid off persons on the recall list for that class are reinstated or decline the position when it is offered.

(c) Any employee accepting or declining reinstatement to the same class from which the

employee was laid off or bumped shall be removed from the recall list.

(d) Any employee accepting or declining re-re-employment to a class lower in the class series than the class from which the employee was laid off shall be removed from that list for the lower class.

(e) Any employee reinstated or reemployed under this section shall not serve a probationary period upon reinstatement or re-employment except that an employee laid off during a probationary period shall begin a new probationary period.

8. The Human Resources ~~Manager~~Director shall establish and adopt such procedures, policies and maintain records necessary to carry out the provisions and intent of this Rule. Layoff notices may be served as provided for orders under Rule 12(C).

RULE 12 - DISCIPLINE AND APPEALS

Rule 12 A. Discipline by the Appointing Authority.

1. An Appointing Authority may discharge, reduce in pay or position, suspend, or reprimand (verbal or written) an employee for:

- (a) incompetency;
- (b) inefficiency;
- (c) dishonesty;
- (d) insubordination;
- (e) neglect of duty;
- (f) inability to perform the job;
- (g) drunkenness on the job;
- (h) giving or receiving a bribe;
- (i) violation of a prescribed City work rule or a department work rule;
- (j) the illegal use, possession or sale of any drug, narcotic, barbiturate, amphetamine, hallucinogen, drug of abuse, or controlled substance, as defined under the laws of the United States, State of Ohio and/or City of Upper Arlington, or another affected municipality;
- (k) any failure of good behavior, or for any other act of misfeasance, malfeasance and/or

nonfeasance in the position;

- (l) illegal political activity as defined under the laws of the State of Ohio, City of Upper Arlington and/or these Rules;
- (m) any violation of the laws of the United States, the State of Ohio and/or City of Upper Arlington or another municipality deemed related to the job to be performed by the employee, irrespective of whether the conduct occurred while the employee was on duty;
- (n) any violation of Rule 16;
- (o) discourteous treatment of the public or coworkers;
- (p) neglect or willful damage to public property, or wasteful use of public supplies or equipment; and
- (q) absence without approved leave for any period of time or the failure to report to duty after leave has expired.

- 2. The enumeration of these causes shall not be construed as exclusive.

Rule 12 B. Discipline - Uniform Ranks.

Unless addressed in an applicable collective bargaining agreement, disciplinary action taken against classified employees shall be taken as provided in these Rules.

Rule 12 C. Disciplinary Action by the Appointing Authority.

1. The Appointing Authority shall prepare written charges and specifications and deliver the same either personally or by certified mail to the employee's address on file with the ~~Commission~~ Human Resources Director and to the ~~Commission~~ Secretary. Regarding service on the employee, the Appointing Authority may also leave a copy of the charges and specifications at the employee's usual place of residence with an adult residing therein, or the employee's address of record, with an adult residing therein. If the service by certified mail is returned with an endorsement showing the service was refused or unclaimed, then the charges and specifications or the order of involuntary disability separation may be sent by ordinary mail, evidenced by a certificate of mailing, and the same shall be deemed served on the third calendar day after the order is mailed.

2. The Appointing Authority shall give the employee an informal hearing wherein the employee will have the opportunity to be heard in the employee's own defense with respect to

the charges and specifications. The employee is entitled to legal representation at all stages to be provided for at his expense.

3. Unless otherwise agreed by the Appointing Authority and the employee, or authorized by the Commission, no material changes in the charges and specifications shall be made, unless the Appointing Authority decides to withdraw the charges and serve the employee with a new order of charges and specifications on or before the new effective date. Non-material changes, amendments or supplements to the charges and specifications may be made at any ~~time~~time prior to the ultimate determination by the Commission on an appeal.

4. An employee may be relieved of duty without pay pending the appointing authority's final determination of the charges and specifications. If the charges and specifications are determined in favor of the employee, either by the Appointing Authority or by the Commission on an appeal, the employee shall be paid and receive all benefits to which the employee is entitled for the time the employee was relieved of duty without pay.

Rule 12 D. Employee Appeals.

Any employee with appeal rights in the classified service, may, within 10 days from the date of service upon the employee of a decision or order resulting in his suspension, reduction or change in rank or class, and/or compensation, or his discharge, file an appeal, in writing, with the Commission; provided that a classified employee who is not a Fire Department or Police Department Chief or member may only appeal a suspension of more than three (3) days; and provided that appeals of reclassifications shall be filed, in writing, within thirty calendar days after receiving the notice of the results of the audit. A copy of the audit decision letter shall be attached to the appeal. Unless extended, such appeal shall be heard by the Commission within 30 days from the date of the filing of the appeal; the 30-day hearing of the appeal may be extended upon motion by appellant, appellee or on the Commission's own order. The Commission may affirm, disaffirm or modify the action of the Appointing Authority. An employee may not appeal the terms of a Last Chance Agreement which is offered by the Appointing Authority as an alternative to discipline or termination. There shall be no appeal from any action of an Appointing Authority except as expressly provided herein.

Rule 12 E. Setting the Appeal.

1. Upon receipt by the Commission of an appeal, the Appointing Authority issuing such decision or order shall be notified by the Commission of the appeal. Upon receipt of such appeal, the Commission shall review the appeal and determine the time, date and place of the hearing. All parties shall be notified in writing by the Commission of the time, place and date of the hearing of the appeal.

2. Requests for Subpoenas. The parties to the appeal may make requests to the opposing party or the Commission for documents. In any case of disobedience or neglect of any subpoena or the refusal of any witness to testify regarding any matter upon which the witness may lawfully be interrogated, upon request of any party to the appeal and for good cause shown, the Commission shall apply to the Court of Common Pleas of Franklin County, or any judge thereof, to compel obedience and/or issue and enforce contempt citations as provided by law against such disobedient person.

Rule 12 F. Hearing Procedure.

1. The Appointing Authority shall have the burden of going forward with the presentation of evidence. In matters in which the jurisdiction of the Commission is at issue, the party seeking to invoke the jurisdiction of the Commission shall have the burden of going forward.

2. The Commission shall rule on all matters of evidence. In so doing, the Commission shall not be strictly bound by the Rules of Evidence.

3. All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.

4. All parties shall have the right to:

- (a) Offer and examine witnesses to present evidence in support of their case;
- (b) Cross-examine adverse witnesses; and
- (c) Proffer evidence into the record if its admission has been denied.

5. The Commission shall maintain a record of its hearings for not less than 90 calendar days from the date of its final decision or as otherwise required by law. Such record need not be stenographically taken. Parties seeking a stenographic record must acquire such stenographic record at their own expense.

6. Any hearing may be continued by the Commission at the request of either party or the Commission.

Rule 12 G. Decisions.

1. The Commission may affirm, disaffirm or modify the action of the Appointing Authority.
2. In reviewing an employee's termination for violation of a Last Chance Agreement, the Commission may not review or modify the terms of the Last Chance Agreement but shall only determine if the employee violated the agreement.
3. The Commission's decision shall be in writing and delivered personally or by regular mail to the parties, at their addresses set forth in the Commission's records, or to their legal counsel, if any.

Rule 12 H. Resignation Before Decision.

The acceptance by an Appointing Authority of the resignation of a person who has been disciplined and who has appealed to the Commission will be considered a withdrawal of the charges. Unless agreed to the contrary, the resignation will be recorded as a resignation not in good standing and the proceedings shall be dismissed without judgment.

Rule 12 I. Trial Board.

1. Pursuant to O.R.C. 124.34, the Commission may appoint a trial board or hearing officer to hear appeals of employees.
2. Each trial board or hearing officer shall be appointed by the Commission. The trial board shall consist of three (3) members. One (1) member shall be a Commissioner, who shall preside at the hearing. The two (2) remaining members shall be chosen by the Commission from: the Secretary and/or any names mutually submitted by the appellant and the Appointing Authority.
3. The trial board or hearing officer shall have the same power and authority in conducting hearings as granted the Commission. The presiding Commissioner shall designate who shall prepare a report which includes the trial board or hearing officer's findings of fact and its recommendation whether to affirm, modify or reverse the decision being appealed.
4. The trial board or hearing officer's report shall be submitted to all Commissioners. A copy of the report shall be sent to the parties, and their legal counsel of record, if any, by regular mail together with a notice stating the time and date of the public meeting at which the appeal will be

considered by the Commission.

5. The Commission will review the trial board's or hearing officer's report and will decide the appeal. Unless the Commission determines that further evidence is warranted, the appeal will be decided based upon the information contained in the report. Further evidence will not be permitted if the party requesting its admission had knowledge of it and an opportunity to present it at the hearing on the matter.

Rule 12 J. Felony Convictions.

1. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an 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 employee's reinstatement.

2. A person convicted of a felony immediately forfeits the person's status as a classified employee on and after the date of conviction for the felony. If an 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 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.

Rule 12 K. Administering Oaths.

In the course of any investigation or hearing conducted by the Commission, the Secretary, a Commission hearing officer or a trial board, the individual presiding at such hearing shall have the power to administer oaths and affirmations to witnesses and to take testimony relative to any matter which the Commission, the Secretary, the hearing officer or the board has authority to investigate or hear.

RULE 13 - CERTIFICATION OF PAYROLL

Rule 13 A. Payroll Requirements.

Heads of departments and officers in the service of the City and School District shall furnish the

~~Commission Secretary~~ a payroll showing the names of the persons to be paid, the title of the position held, or kind of service performed by these persons, the rate of amount of compensation to which each person named therein is entitled, and the period for which ~~he-the person~~ is to be paid, and shall certify that the persons named therein have been appointed, promoted, reduced, suspended, or laid off or are being employed in pursuance of the civil service law and the Rules adopted by this Commission; and that the persons described as, or proposed to be paid as laborers are employed at ordinary unskilled labor.

Rule 13 B. Comparison with Roster.

1. Roster: The ~~Commission or its designee~~ Human Resources Director shall keep a complete roster of all persons in the classified service. It shall show in reference to each of such persons, the person's name, address, the date of appointment to or employment in such service, the person's salary or compensation, the tide of the place or office which the person holds, the nature of the duties thereof, and, in case of the person's removal or resignation, the date of the termination of such service.
2. The ~~Commission-Human Resources Director~~ shall cause such payrolls and estimates for services to be compared with the official roster maintained by the ~~Commission-Human Resources Director~~ and shall attach its approval or disapproval to the ~~Commission and the~~ auditor or other proper officer.

Rule 13 C. Duty of Financial Officer.

It shall be unlawful for the auditor or for any fiscal officer of the City or School District to draw, sign or issue, or to authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the City or School District, to pay any salary or compensation to any person unless the payroll shall bear the certificate of the Commission, that the persons named in such payroll have been appointed and are being employed in pursuance of the law and the rules adopted thereunder.

Rule 13 D. Duty of Treasurer.

It shall be unlawful for the treasurer or other public disbursing officer of the City or School District to pay any salary or compensation for services to any person unless the payroll or account for such salary or compensation shall bear the certificate of the Human Resources

Director on behalf of the Commission that the persons named therein have been appointed or employed in accordance with the civil service provisions of the City Charter and of the rules established thereunder.

Rule 13 E. Payrolls Prepared by Electronic Data Processing Equipment.

1. Where estimates, payrolls, or accounts are prepared by electronic data processing equipment and methods, the Commission or Secretary may develop methods for controlling the input or verifying the output of such equipment to ensure compliance with Chapter 124 of the Revised Code and the rules adopted thereunder. Unless the Commission or Secretary adopts some other method, the following shall apply: when an Appointing Authority takes one of the personnel actions described in Rule 13(A), the Human Resources Manager~~Director~~ will generate a Personnel Action Form and e-mail it to the Secretary, who will then issue a certification to the Finance Department that the personnel action has been taken in accordance with Chapter 124 of the Ohio Revised Code; upon receipt of such certification of the Secretary, the Finance Department will make the necessary change to the payroll.

2. Any estimates, payrolls, or accounts prepared by these methods shall be subject to special audit at any time.

RULE 14 - REPORTS BY APPOINTING AUTHORITIES

In order that the Commission may keep proper records of changes in the service, each Appointing Authority shall make available to the Commission ,or Secretary, the following matters, as well as other matters as set forth in these Rules:

1. Appointments; whether emergency, temporary, , original or promotional;
2. Conditions of employment; whether limited, part-time or seasonal;
3. Refusal or neglect to accept appointment by a person certified or failure to appear for an interview;
4. Transfer from one division to another, one department to another, or from one payroll to another;
5. Change in compensation;
6. Separation from service;

7. Charges and specifications for purposes of demotion or discipline;
8. Disciplinary action taken by the Appointing Authority (with the exception of oral or written reprimands);
9. Leave of absence and return from leave of absence;
10. Creation, merger or abolition of any position;
11. Any material change in the duties or responsibilities of a classified employee;
12. Absence from duty without leave;
13. Change in name or address of an employee;
14. Information and/or reports required by a Federal or State agency.

RULE 15 - RECORDS

The Commission Rules, minutes, classification plan, eligible lists, official roster of City employees and those other records defined as public records in accordance with applicable state law, shall be open to the public. Such records may be inspected during regular business hours at the Commission office, subject to reasonable conditions prescribed by the Secretary. All examinations and examination materials and papers are the property of the Commission and shall be kept confidential to the maximum extent permitted by law. Other papers, records and supporting documents of the Commission may, at the discretion and with the consent of the Commission, be open to public inspection. All examinations and recommendations of former employees shall not be open to public inspection.

RULE 16 – PROHIBITED ACTIVITIES

Rule 16 A. Prohibited Activities.

No person shall:

1. willfully or corruptly, or in cooperation with one or more persons defeat, deceive or obstruct any person with respect to that person's right of examination, appointment or employment arising under City ordinances or under these Rules;
2. falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the City Ordinances or

these Rules;

3. make any false representations concerning the results of examinations or concerning any person examined;
4. 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 or certified, or to be appointed, employed or promoted;
5. impersonate any other person, or permit or aid in any manner any other person to impersonate any person in connection with any examination, registration, appointment, application or request to be examined or appointed;
6. furnish any false information in connection with any examination, appointment or application;
7. make known or assist in making known to any applicant for examination any question to be asked on such examination;
8. discriminate against an individual because of such individual's race, color, religion, sex (gender), genetics, physical disability, age, national origin, political opinions, or handicap unless such sex (gender), age or physical ability is a bona fide occupational qualification;
9. secure or attempt to secure a waiver of appointment from an eligible by misrepresentation, threat or promise;
10. at any examination, by themselves or in cooperation with one or more persons, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance; or
11. obtain possession of any confidential examination materials or papers of the Commission without authorization to do so.

Rule 16 B. Penalty.

The name of any person who has been found to have committed any of the prohibited activities listed above shall be stricken from all civil service eligible lists and registers and such individual shall not be permitted to take part in any examination for a position with the City. The Secretary shall notify any individual whose name is so stricken in writing.

Rule 16 C. Notice of Action.

If a City employee commits any of the prohibited activities listed above, in addition to the action provided in Section B, the Secretary shall notify the appropriate Appointing Authority of the conduct who may take disciplinary action, including discharge, as deemed warranted.

RULE 17 - RULES AND REGULATIONS

Rule 17 A. Adoption, Amendment or Rescission of Rules.

The Commission shall have the power to adopt, amend or rescind these Rules, or any part thereof, by a majority vote of the Commission.

Rule 17 B. Notice.

Unless declared an emergency, no Rule or amendment thereto passed by the Commission shall go into effect until it has been posted on the bulletin board of the Municipal Services Center for at least 10 days subsequent to passage.

Rule 17 C. New Rules.

These Rules shall supersede all other rules.

RULE 18 - SAVINGS CLAUSE

If any section or part of a section of these Rules is held by a Court of competent jurisdiction to be invalid or unconstitutional, this shall not invalidate or impair the validity, force, and effect of any other section or part of a section of these Rules. If it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the invalidated or unconstitutional section, then it also shall be construed invalid or unconstitutional.

**UPPER ARLINGTON CITY SCHOOL DISTRICT
CIVIL SERVICE RULES**

RULE 101 – PURPOSE AND SCOPE

Rule 101 A. Purpose.

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In consultation and cooperation with the Board of Education of the Upper Arlington Public School District, the Civil Service Commission of the City of Upper Arlington is adopting these Rules 101 through 112 (“District Rules”) under which the Board of Education’s classified employees are to be accorded the rights granted under Chapter 124 of the Ohio Revised Code. It is the purpose of these District Rules to establish procedures governing personnel matters for classified employees of the Upper Arlington Public School District. It is the intent of these District Rules to insure that all personnel transactions involving the classified civil service will be based on the merit, fitness, and qualifications of applicants without regard to their race, color, religion, sex, national origin, political opinions, age or disability, unless such age, sex or disability is a bona fide occupational requirement.

Rule 101 B. Scope.

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These District Rules address the terms and conditions of employment of classified personnel in the Upper Arlington Public Schools including but not limited to kitchen helpers, cooks, head cooks, bus drivers, mechanics, custodians, maintenance personnel (groundkeepers, technicians, general maintenance), secretaries, and clerks.

1. **Application of Chapter 124 of the Ohio Revised Code:** These District Rules are intended to expand upon and supplement the requirements in Chapter 124 of the Revised Code. For any issue these District Rules do not specifically address, the Board will be subject solely to the limitations contained in Chapter 124 of the Ohio Revised Code, elsewhere in federal and state law, and in any applicable collective bargaining agreement.
2. **Relation to Collective Bargaining Agreement:** Except for the conducting and grading of examinations, the rating of candidates, the establishment of eligible lists and original appointment from such lists, all matters pertaining to wages, hours, or terms and other conditions of employment shall be subject to the applicable collective bargaining agreement and shall not be governed by these District Rules. If a collective bargaining agreement covering some or all of the Board’s classified employees contains binding arbitration of grievances, that grievance

procedure shall be in lieu of any employee appeal that could otherwise be made to the Commission.

3. **Unclassified Service:** All positions in the Unclassified Service shall be exempt from the requirements of these District Rules.

RULE 102 – DEFINITIONS

1. **Applicant** means a person who has filed a written application as required by Rule 104.
2. **Appointment or Appoint** means the act of designating an individual for a Position.
3. **Board** means the Upper Arlington School District Board of Education.
4. **Certify** means the process of providing to the Board the names on an Eligible List or a certified Layoff list.
5. **Classification** means the categorization of a Position as either Classified Service or Unclassified Service, and within the Classified Service, as either in the Competitive Class or the Noncompetitive Class.
6. **Classified Service** means all nonteaching, noncertified Positions within the District not specifically included in the Unclassified Service.
7. **Competitive Class** means all Positions for which it is practicable to determine the merit and fitness of Applicants by competitive Examinations. The Superintendent or designee shall have discretion to determine which Positions meet this definition.
8. **District** means the Upper Arlington School District.

9. **Eligible** means an Applicant for Appointment to a Position subject to these Rules who has passed an Examination and met any and all other requirements for Appointment.

10. **Eligible List** means the names of Applicants who fulfill the Examination requirements, arranged in order of Examination grade.

11. **Emergency Appointment** means an appointment to a position to meet an emergency situation as determined by the Board of Education, subject to section 124.30 of the Revised Code, and limited to a maximum of 120 days.

12. **Employee** means any person who holds a Position subject to these Rules.

13. **Examination** is a process for determining the qualifications of candidates or potential candidates for employment, often done in stages or different parts. The process is to determine the aptitude and skill and background qualifications of potential or actual Applicants for a position subject to these Rules. Examination may consist of one or more of the following: a performance skills test, a paper-pencil or online test, an informal rating system of an Applicant's credentials and/or documents submitted for a position, like a resume, standardized questions for the position, the results of a structured interview, and/or an overall rating or assessment of an Applicant's qualifications.

14. **Layoff** means the act of discontinuing the employment of an individual by the Board pursuant to Rule 109.

15. **Noncompetitive Class** means all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character and unskilled positions for which it is impracticable to give competitive examinations, as may be determined by the Superintendent or designee.

16. **Position** means any specific job within a class characterized by certain specified duties, and calling for the exercise of certain duties and certain responsibilities by an individual in such Position.

17. **Promotion** means the placement of an Employee in a Position the Classification that carries a higher salary range than the Position previously held.

18. **Provisional Appointment** means an appointment made without competition, in the classified service, in the absence of an eligible list certified by the Board of Education or Superintendent and continuing only until appointment from an eligibility list can be made or until certification is made pursuant to Rule 112.

19. **Reassignment** means the act of moving a person in the classified service to a similar position in the same classification in another building, office, or department.

20. **Reclassification** means the act of changing the class of an existing position to another class.

21. **Reduction** means the act of shortening the hours and/or pay for a specific position or class because of a material change of duties, change in organizational structure, job consolidation, lack of funds, lack of work for reasons of efficiency, or similar non-disciplinary reason.

22. **Seasonal Employment** means employment that is for a duration of time established to coincide with the seasonal nature of the work to be performed.

23. **Substitute Employee** means a person temporarily appointed to fill a position held by another on a casual or as needed basis while the person who holds the position is absent.

24. **Unclassified Service** means all Positions within the District that are Board members, business manager, administrative officers, the Superintendent, assistant superintendents, the Treasurer, principals, assistant principals, instructors, teachers, librarians, other employees licensed under section 3319.22 of the Ohio Revised Code, positions for which a permit or license is required under section 3319.088 of the Ohio Revised Code, employees engaged in educational or research duties with the District, any unskilled laborer position the Superintendent finds impractical to include within the Classified Service, and the following clerical or administrative support positions to which employees are appointed by the Board: four (4) Executive Assistants.

25. **Uniformed Service and Service in the Uniformed Service** has the same meaning as in the “Uniformed Services Employment and Reemployment Rights Act of 1994,” 38 U.S.C. 4303.

RULE 103 – CLASSIFICATION PLAN

Rule 103 A. Classification of Positions

The Superintendent or designee shall establish, and may modify or rescind, a job classification plan for all positions subject to these Rules. The Superintendent or designee shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied.

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Rule 103 B. Modifications of Classifications

Prior to modifying the Classification of a Position, the Superintendent or designee shall send written notice of the proposed change to affected Employees two weeks before such a modification is final. If the proposed change will affect an Employee’s pay, this written notice must include a notification of the Employee’s new class, pay range, and salary or wage rate.

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RULE 104 – APPLICATIONS

Rule 104 A. Applications Required.

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All persons applying for a Position subject to these Rules must file a written application, as required by the Superintendent or designee.

Rule 104 B. Falsification Grounds for Termination.

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Falsification of any information on an application will be grounds for termination of employment.

RULE 105 – EXAMINATIONS

Rule 105 A. Examinations Required.

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All Applicants to the District for Positions in the Classified Service shall be subject to Examination.

Rule 105 B. Educational Requirements.

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A particular educational requirement may be a condition of taking an Examination only if such a requirement is expressly imposed by Ohio or federal law, or is determined by the Superintendent or designee to be job-related, such as holding a particular license(s) or certificate(s).

Rule 105 C. Examinations Open.

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All Examinations for Positions in the Classified Service shall be public and open to all Applicants who meet the requirements of the Position or Positions.

Rule 105 D. Examination Announcement.

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1. **Announcements Required:** Before holding any Examination for Applicants to a Position or Positions in the Classified Service, the Superintendent or designee shall publicly announce when and where that Examination will take place, and to what Position or Positions the Board seeks Applicants.
2. **Minimum and Maximum Requirements:** An Examination announcement shall notify Applicants of any established minimum or maximum requirements for that Examination.

Rule 105 E. Content of Examinations:

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1. **Design of Examinations:** Examinations shall be designed to fairly test the relative capacity of persons examined to discharge the particular duties of the Position for which Appointment is sought. Examinations may impose requirements on or test an Applicant's education, training, capacity, knowledge, aptitude, skill, manual dexterity, physical fitness, psychological fitness, age, physical condition, ability to labor, honesty, sobriety, industry, and/or experience in the work or employment for which the application is made. The Superintendent or designee has discretion to create or choose an Examination within these requirements.
2. **Structure of Examinations:** Examinations may include structured interviews; assessment centers; work simulations; Examinations of knowledge, skills, and abilities; and any other testing methods the Superintendent or designee deems acceptable.
3. **Prohibited Content:** No question on an Examination shall relate to an Applicant's political or religious opinions or affiliations.

Rule 105 F. Accommodations.

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If possible, special Examinations will be administered to Applicants who are legally blind

or legally deaf.

Rule 105 G. Additional Credit.

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No additional credit may be added to any Applicant's Examination score, including pursuant to the Veteran's Preference described in Rule 105(H), below, unless an Applicant achieves at least the minimum passing grade on the Examination before any extra credit is calculated.

Rule 105 H. Veteran's Preference.

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1. **Additional Credit of Twenty Percent:** All Applicants who receive a passing grade on an Examination shall receive an additional credit of twenty percent of the person's total grade on the Examination taken, if they meet all requirements of subparts (a) and (b), below.

- a. The Applicant has completed Service in the Uniform Services, has been honorably discharged from the Uniformed Services or has been transferred to the reserve with evidence of satisfactory service; and who is a resident of Ohio.
- b. The Applicant is a member of a reserve component of the armed forces of the United States, including the Ohio National Guard, and has completed more than 180 days of active duty service pursuant to an executive order of the President of the United States or an Act of Congress of the United States, and has filed a certificate of service or honorable discharge with the Superintendent or designee.

2. **Additional Credit of Fifteen Percent:** All Applicants who receive a passing grade on an Examination shall receive an additional credit of fifteen percent of the Applicant's total grade on the Examination taken, if they meet the requirements of the following sentence and do not meet the requirements of Rule 105(H)(1), above. The Applicant is a member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, who successfully completes the member's initial entry-level training.

RULE 106 – ELIGIBLE LISTS

Rule 106 A. Applicants to be Placed on an Eligible List.

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The Superintendent or Designee shall certify Applicants who fulfill the requirements, as determined by Examination, and place them on an Eligible List for the Position sought, in order of the rating received on the Examination. If more than one Applicant receives the same rating, the higher ranking Applicant shall be the Applicant who submitted his or her Application first.

Rule 106 B. General Eligible Lists.

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At his/her discretion, the Superintendent or designee may maintain a General Eligible List for a Position in the Noncompetitive Class, which he/she may use at any time to fill a Position in the Noncompetitive Class. If placed on a General Eligible List, an Applicant shall remain on the General Eligible List for one year, unless the Applicant asks the Superintendent or designee to be removed from the General Eligible List. When a General Eligible List is reduced to three names or fewer, the Superintendent or designee may prepare a new General Eligible List.

Rule 106 C. Specific Eligible Lists.

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At his/her discretion, the Superintendent or designee may create a Specific Eligible List applicable to a particular Position he/she seeks to fill in either the Competitive Class or the Noncompetitive Class. An Applicant placed on a Specific Eligible List will only be considered Eligible for the particular Position specified for the Specific Eligible List; the Applicant is not considered Eligible for Employment in other Position at the District. If the Superintendent or designee determines a Specific Eligible List is too small, he/she may, at his/her discretion, conduct the same Examination it initially used to create the Specific Eligible List, and add to the Specific Eligible List any additional Applicant who achieves a qualifying score.

RULE 107 – APPOINTMENTS

Rule 107 A. Appointments.

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The Superintendent may recommend, and the Board may, in its sole discretion, make Appointments from any of the top ten Applicants on an Eligible List, or the top twenty-five percent of Applicants on an Eligible List, whichever is greater. If fewer than ten Applicants are on an Eligible List, the Board may Appoint any of the Applicants on the Eligible List.

Rule 107 B. Vacancies to be Filled by Promotions.

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To the extent practicable, vacancies shall be filled by Promotions of Employees. The Superintendent or designee shall have sole discretion to determine when and if a Promotion is practicable.

Rule 107 C. Board not Required to Make an Appointment.

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Nothing in these Rules shall be interpreted to require the Superintendent or designee to make a recommendation or the Board to make an Appointment as a result of creating a Specific or General Eligible List.

Rule 107 D. Roles of the Superintendent and Treasurer.

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The Superintendent is the chief executive officer with authority to recommend appointment, lay-off, demotion, reduction or removal of classified employees. However, the Treasurer, rather than the Superintendent, shall have this authority with regard to employees directly engaged in the day-to-day fiscal operations of the District.

RULE 108 – PROBATIONARY PERIOD

Rule 108 A. Probationary Period.

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All Appointments to the Classified Service shall be for a probationary period. The Superintendent shall establish the probationary period for each Position subject to these Rules. The established probation period may be between sixty days and one year and shall be included in the job description for each classified Position. In the event that a probationary employee does not perform the regular duties of the position for 30 days or longer as a result of sick leave, injury leave, light duty, disability leave or any other reason, or in the event the Superintendent deems it necessary in order to give the employee additional time to demonstrate satisfactory performance, the probationary period may be extended for a period up to the length of the original probationary period. To extend the probationary period, the Superintendent must notify the employee prior to the original probationary period termination date. The notice must identify the reason(s) therefore and the new probationary termination date.

Rule 108 B. Removal or Reduction during Probationary Period.

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No Appointment is final until the conclusion of the probationary period. During the probationary period, the Board on the Superintendent's recommendation has the sole discretion to terminate a person's employment.

RULE 109 – LAYOFFS

Rule 109 A. Rationale.

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The Board may lay off Employees subject to these Rules under any of the conditions described in subsections (1) through (3), below. The Board shall have sole discretion to determine if the conditions for a Layoff exist.

1. **Lack of Funds.** Lack of funds means there is a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations.

2. **Lack of Work.** Lack of work means a current or projected decrease in workload that requires a reduction of current or projected staffing levels in the District, or in a particular department or Position.

3. **Abolishment of Positions.** Abolishment of Positions means the deletion of a Position or Positions from the District, or from a particular department or Position, because of a reorganization for the efficient operation of the District, because of economic factors, or because of Lack of Work.

Rule 109 B. Procedure.

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1. **Notice:** Whenever the Board determines a Layoff subject to these Rules is necessary, a notice of rationale and supporting evidence shall be sent to the member of the Classified Service affected by the proposed Layoff before notices of Layoff or abolishment are distributed.

2. **Determination of Positions to be Laid Off**

a. **Discretion:** The Board has discretion to determine the Classifications of Positions to be laid off and the number of Employees to be laid off within each Classification. In determining which Employee or Position to lay off, the Board may consider any lawful factor it deems relevant.

b. **Order:** Layoffs shall be made in the following order:

- i. Part-time probationary Employees; followed by
- ii. Full-time probationary Employees; followed by
- iii. Full or part-time provisional Employees; followed by
- iv. Part-time nonprobationary Employees; followed by
- v. Full-time nonprobationary Employees.

c. **Displacement**

- i. **Right to Displacement:** Where Layoffs are based on Abolishment of Positions, the laid off Employee shall have displacement rights as

described in section 124.321(D)(3) of the Ohio Revised Code. All other laid off Employees shall have displacement rights as described in section 124.324 of the Ohio Revised Code.

- ii. **Limitations to Displacement Rights:** A laid off Employee may not displace an Employee in a Position for which the laid off Employee does not meet the qualifications, as determined by the Superintendent. Any laid off Employee wishing to exercise displacement rights must give written notice to the Superintendent or designee within five days following receipt of the Layoff notice.

d. Layoff Lists

- i. **Placement on the Layoff List:** An Employee who is laid off or displaced to a Position with lower pay shall be placed on a Layoff list for one year following the Layoff or displacement. The Employee on the Layoff list with the most total service time in the District will be placed at the top of the Layoff List, followed by other laid off or displaced Employees ranked in descending order of seniority. If an Employee on the Layoff list accepts or declines reemployment to a Position in the same Classification from which he or she was laid off or displaced, that Employee shall be removed from the Layoff list.
- ii. **Appointment from the Layoff List:** During the one-year period following an Employee's placement on a Layoff list, the Superintendent will not hire or promote anyone not on the Layoff list into a Position within the Employee's former Classification until all persons on the Layoff list for that Classification who are qualified to perform the duties of the Position are reinstated or decline the Position when it is offered.
- iii. **Appeals:** An employee who is laid off pursuant to this Rule may challenge said layoff pursuant to the procedure laid out in Rule 111.

RULE 110 – RECORD-KEEPING

Rule 110 A. List of Positions.

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The Superintendent or designee shall maintain a list of Positions that are in the Classified Service. This list shall also note whether a Position in the Classified Service is in the Competitive Class or the Noncompetitive Class.

Rule 110 B. Public Records.

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All records created pursuant to, and relating to, these Rules shall be public records law, within the requirements and limitations of section 149.43 of the Ohio Revised Code, and applicable Board Policies.

RULE 111 – TENURE; REDUCTION; SUSPENSION; REMOVAL; APPEAL

Rule 111 A. Tenure.

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The tenure of every employee in the Board's classified service shall be during good behavior and efficient service and no such employee shall be reduced in pay or position, suspended, or removed except as provided in Rule 109, or for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other failure of good behavior, or any other act of misfeasance, malfeasance, or nonfeasance in office. In case of reduction (demotion), suspension of more than three working days or removal, the Board of Education shall furnish such employee with a copy of reduction (demotion), suspension, or removal which order shall state the reasons therefore. Such order shall be filed with the Civil Service Commission.

Rule 111 B. Suspension; Reduction; Removal.

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Before implementing a suspension, reduction (demotion) or removal of a classified employee, the Superintendent or designee shall hold a conference with the employee to give the employee an opportunity to learn the reasons for intended disciplinary action and to challenge the reasons or otherwise explain his/her behavior. The employee has the right to be represented

at the conference. If the Superintendent or designee determines that the employee's continued presence on the job prior to the conference poses a danger to persons or property or a threat to disrupting operations, he/she may suspend the employee for up to three days pending the conference to determine final disciplinary action.

Rule 111 C. Appeal.

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Within ten calendar days following the filing of an order for reduction (demotion), suspension for more than three days, or removal, the employee may file an appeal in writing with the Board of Education. In the event such an appeal is filed, the Board of Education or its designee shall hear such an appeal within forty-five calendar days from and after its filing. By its own action or through its designee the Board of Education may affirm, disaffirm, or modify the judgment of the Superintendent or designee, and shall send its decision to the employee via certified mail. The affected employee may challenge the Board of Education's decision by filing an appeal with the City of Upper Arlington Civil Service Commission within ten calendar days of receiving the decision of the Board of Education via certified mail.

RULE 112 – SEPARABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of these Rules, for any reason, is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions or sections of these Rules.