

CIVIL SERVICE RULES

THE CITY OF SHAKER HEIGHTS

Adopted June 10, 1974

Amended to February 10, 2014

CIVIL SERVICE COMMISSION

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CIVIL SERVICE

Civil service laws and rules are intended to establish a merit system whereby selections for appointments and promotions in select classifications may be made upon the basis of demonstrated relative fitness, without regard to political considerations or other patronage, and to safeguard incumbents of such offices and positions against unjust charges of misconduct, or inefficiency, or from being unjustly discriminated against, or removed for religious or political reasons or affiliations, or otherwise except for good cause.

The Civil Service Commission of the City of Shaker Heights has jurisdiction over positions in the classified service of said City.

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**RULES OF THE CIVIL SERVICE COMMISSION
OF SHAKER HEIGHTS**

Adopted: June 10, 1974
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FOREWORD

The Civil Service Commission of the City of Shaker Heights, Ohio, hereby promulgates its rules governing the civil service of the City of Shaker Heights.

RULE 1 - DEFINITION OF TERMS

Section 1.1 **Definitions**

The several terms hereinafter mentioned whenever used in these rules or in any regulations in force thereunder shall be construed as follows:

1. **Appointing Authority** The Mayor, other officer, board or commission having the power of appointment to or removal from any classified position in the City.
2. **Assembled Examination** Examinations given to a number of candidates gathered together in one or more designated centers.
3. **Certification** Act of supplying names from an official eligible list (and recording thereon) to the Appointing Authority for purposes of employment selection.
4. **City** The City of Shaker Heights.
5. **Civil Service** Includes all classified positions of employment in the service of the City.
6. **Class** Is used to designate one or more positions sufficiently distinct from all other positions in duties, responsibilities and qualifications required to warrant a separate title.
7. **Classification** Is a term used to designate the process by which the proper title and level for each position is determined.
8. **Classified Service** Includes all full-time, sworn police officers employed by the City excluding the Chief of Police, Assistant Chief(s) of Police, Police Commander(s) and Police Captain(s), and all sworn employees of the Fire Department of the City except the Fire Chief and Assistant Fire Chief(s); and any other position explicitly identified by the City and the Commission.
9. **Commission** The Civil Service Commission of the City of Shaker Heights.
10. **Competitive Examination** An examination given for the purpose of determining the relative rank of those qualifying and establishing an eligible list arranged in the order of merit.
11. **Demotion** The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate due to disciplinary reasons, incapacity to perform the work, inefficiency, unsatisfactory work performance, or by request of the employee.
12. **Eligible List** A list of names of persons found qualified either through examination or re-employment procedure for the purpose of filling vacancies in the classified

service.

13. **Employee** One who serves the City in the classified civil service.
14. **Employee Status** A term utilized to describe an employee's title, salary range, and type of employment (temporary, seasonal, permanent, etc.).
15. **Open Examination** An examination open to all persons, whether employed by the City or not, who meet the qualifications and comply with the prescribed requirements for admission thereto.
16. **Permanent Employee** Any employee in the classified service who, following certification, has completed the applicable probationary period and occupies a duly authorized position involving full-time, year-around service.
17. **Position** A group of current duties and responsibilities established by proper authority normally requiring the full-time services of one person.
18. **Promotion** A vertical movement from one class to a higher class, involving a change in grade and rate of compensation.
19. **Promotional Examination** An examination which is open only to employees who meet the qualifications set forth and given for the purpose of establishing an eligible list.
20. **Rules** Shall mean the rules of the Civil Service Commission of the City of Shaker Heights.
21. **Structured Interview** An interviewing technique designed in such a manner as to provide for a standardization of questions asked, the sequence in which they are asked, and the way in which replies are interpreted to provide for consistency between interviews in the obtaining of job-related information for the purpose of rating the candidate.
22. **Temporary Employee** An employee appointed for a specified period, or a special project, or one who is replacing a permanent employee on leave.
23. **Unclassified Service** All employees of the City who occupy positions other than those specified under "Classified Service". Employees in unclassified service serve at the pleasure of the City and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within these rules.
24. **Weights** As used in connection with examinations, indicate the relative importance of the subjects or parts of the examination.

RULE 2 - ADMINISTRATION

Section 2.1 Officers of the Commission

The Commission shall organize annually and shall designate one of its members as chair. In the absence of the chair at any meeting, the remaining members may designate one of their number to serve as temporary chair.

Section 2.2 Secretary and Administrator

Subject to approval of the City Council, the Commission shall appoint a person to act as Secretary and Administrator of the Commission who shall be responsible for extending administrative direction in the carrying out of all the duties, functions, and activities of the Commission. Such functions shall include complete and comprehensive classification and examining programs, certifying eligibles, maintaining all official records of actions, and other such duties as the Commission shall prescribe.

Section 2.3 Other Employees

The Commission may appoint other professional and clerical employees as necessary to carry out the merit system principles of the Civil Service within its annual appropriation.

Section 2.4 Special Examiners

The Commission may designate persons in or out of the Civil Service to serve as examiners or assistant examiners under its direction, with such compensation as may be agreed upon between the person so employed and the City, or without compensation.

Section 2.5 Meeting of the Commission: Quorum

Regular meetings of the Commission shall be held at such time and place as may be determined by resolution of the Commission, and no notice to Commission members of such regular meetings as established by resolution of the Commission need be given. Such resolution shall be posted in the office of the Secretary and Administrator. Special meetings may be called by the chair or by any two members of the Commission upon at least three days' notice. Notice may be waived by any member and appearance at a meeting without objection constitutes a waiver. Such notice may be verbal and shall state the subject to be considered. No other subject may be considered unless all members of the Commission are present. Two members of the Commission shall constitute a quorum for the transaction of business.

Section 2.6 Minutes

The minutes of the Commission shall record the following matters:

- (a) Reinstatement of former employee(s).
- (b) Replacement of names on and removal of names from an eligible list.
- (c) Approval of and changes in examination schedules.
- (d) Subjects and weights of examinations.
- (e) Any other action or report directed to be recorded by the Commission.

RULE 3 - CLASSIFICATION

Section 3.1 Classified Service

All full-time, sworn police officers employed by the City excluding the Chief of Police, Assistant Chief(s) of Police, Police Commander(s) and Police Captain(s), and all sworn employees of the Fire Department of the City except the Fire Chief and Assistant Fire Chief(s) shall constitute the classified service of the City of Shaker Heights. The City, with approval of the Commission, may designate additional employees as classified when it determines, in its sole discretion, it is appropriate to do so.

RULE 4 - APPLICATION FOR EXAMINATION

Section 4.1 Notice of Examination

Whenever the Commission shall decide that the good of the service will be promoted thereby, it may hold an examination for any office or position in the classified service. Adequate public notice of the time and place of every examination shall be given at least ten (10) days prior to the date thereof, on the bulletin boards at the City Hall and such other places as are deemed appropriate by the Commission. Whenever greater publicity shall be deemed necessary, in order to secure the number of applicants desired, notice of said examination also may be published in newspapers or the media. Such notice shall also contain such other information relating to the scope and character of the examination, and to the qualifications of applicants, as the Commission may deem proper.

If the examination is to be promotional, notices shall be distributed at least ten (10) days in advance of the examination date to each Department and recognized employee bargaining group in which there are employees eligible to apply.

Section 4.2 Applications

Applications for admission to any examination shall be made upon application forms approved by the Commission. All applications shall be legibly printed or written and applicants shall state under oath or affirmation all pertinent facts on the following subjects:

- (a) Name, address, and date of birth
- (b) Military service
- (c) Skills
- (d) Citizenship
- (e) Previous employment
- (f) Education
- (g) References, three persons not relatives
- (h) Such other information affecting the qualification of the applicant for admission to the examination as may be required of all such applicants by the Commission.

Section 4.3 Filing of Applications

Applications must be obtained at and filed at the Office of the Commission. Mailed applications shall be accepted only if received by the Commission before the time fixed in the notice as the last time for filing.

Section 4.4 Rejection of Applications

All applications shall be reviewed by an authorized representative of the Commission.

Applications may be rejected, if the applicant has not met the qualifications specified on the announcement by the date of the examination, or has intentionally made false statements on the application with regard to any material fact. Applications may be rejected for any just or reasonable cause which is job-related, as determined by the Commission.

Upon rejection of any application, the applicant shall be promptly notified of such fact and the reason therefor, whereupon he may, within three (3) working days after such receipt of such notice file a written complaint against such rejection. If any such complaint from a rejection is pending at the time an examination is scheduled to be held, the applicant shall be allowed to take the examination pending decision in such inquiry.

If the Commission finds the rejection justified, the examination paper shall not be included among those to be rated.

Section 4.5 Admission Cards

When examination admittance cards are used, the applicant shall bring this card to the examination and a person who does not present such a card shall not be admitted except by authority of the examiner-in-charge.

Section 4.6 Fingerprints

The Commission may cause fingerprints of applicants for certain responsible positions to be taken and processed.

RULE 5 - EXAMINATIONS, PROMOTIONS AND PROBATION

Section 5.1 Character of Examinations

Examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity of the persons examined to acquire the necessary knowledge and skill to discharge the duties of the position to which appointment is sought.

Section 5.2 Types and Methods of Examination

The Commission shall determine and state in the announcement of each examination whether it will be competitive or non-competitive, recruitment or promotional, continuous or any combination thereof.

Whenever it is determined that applicants are not available in sufficient numbers to justify holding assembled examinations, examinations for such classes may be administered on a continuous basis. Continuous examinations may be held without re-advertisement.

Section 5.3 Parts of Examination

The Commission, through its Secretary and Administrator and Staff, shall determine in the case of each examination the parts or subjects into which it shall be divided and the weight to be assigned to each part. The parts which shall be recognized may include: Written tests, oral tests, performance tests, evaluation of education and experience, evaluation of attendance, performance and conduct, physical examinations, medical examinations, and other such tests as the Commission deems appropriate.

No oral or written examination shall be held except in the presence of the examiner(s) duly assigned by the Commission.

- (a) Written tests may be either objective or essay type, to demonstrate the knowledge required in the position and to indicate the applicant's general educational attainment. A formal paper on one or more subjects may be required.
- (b) Oral tests shall consist of a structured interview between the applicant and the designated examiner(s) to measure the suitability of the applicant for the position as to such factors as job knowledge, appearance, personality, voice, poise, tact, alertness, and similar attributes.
- (c) Performance tests shall include such tests of ability and skill as will determine the competence of the applicant to perform the duties of the position.
- (d) Education and experience shall be rated by the examiner from the statements contained in the application and from such other sources as may be required.
- (e) Physical examinations, when required, may include tests of bodily condition, muscular strength, agility and physical fitness to perform the work of the position. Failure to reach satisfactory standards in this part of an examination shall cause the rejection of a candidate without regard to the grade(s) attained on other parts of the examination.
- (f) Medical and/or mental examinations as required by the Commission, must be satisfactorily passed by applicants. Failure to reach a satisfactory standard in this part of the examination shall cause the rejection of the candidate without regard to the grade attained on other parts of the examination.
- (g) To remain eligible for appointment as a police officer or firefighter in the classified service, the applicant shall be in good health and physically and mentally fit as determined by the Director of Health (or designee), concluding that the applicant has sufficient mental health, physical anatomy, body dimensions, and physical capacity and could otherwise discharge the duties in the department assigned without creating undue risk of injury or damage to the applicant, co-workers, or the persons to be served.

Medical and psychological examinations shall be administered by the City as a condition of employment after an offer of employment has been made. Should an applicant be deemed by the City to be physically or psychologically unfit to perform the duties of the position, the City may request that such person be removed from the eligibility list by the Civil Service Commission. Upon receiving such a request, the Commission shall determine, based upon the foregoing paragraph, whether such person shall be removed from the eligibility list, and such person shall be notified and provided a hearing before the Commission prior to the Commission's final determination regarding eligibility. Such person and the City may present witnesses, documents and other evidence they deem relevant at the hearing, in accordance with the rules of the Commission. The City and the applicant shall be advised in writing of the Commission's final determination. Unless the City requests that an applicant be removed from the eligibility list as set forth herein, the applicant shall remain on the list and be eligible for appointment as set forth in Section 6.7 of the Civil Service Rules.

Section 5.4 Licenses Required

Every person applying for examination for any position, the duties of which require a certificate or licenses of any agency

operating under the authority of any ordinance, statute, rule or regulation, of the City, State or the United States, shall present to the Commission at the time of application, his or her certificate or license or a certified copy thereof.

Section 5.5 **Scheduling Examinations**

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

Section 5.6 **Postponement and Cancellation**

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

Section 5.7 **Identity of Candidates**

The identity of all persons taking a competitive assembled written test shall be concealed by use of an identification number which shall be used on all examination papers. Any papers bearing any other identifying marks may be rejected.

Section 5.8 **Conduct of Examinations**

All examinations shall be conducted under the direction of the Commission by members of its staff or by special examiners designated by the Commission. No applicant shall be admitted to an examination after the advertised time for beginning the examination, except by special permission of the Examiner-in-Charge, who in his or her discretion, may admit the applicant.

Section 5.9 **Method of Rating**

- (a) Each part of an examination shall be separately rated. The final score for the total examination shall be rated on a scale in accordance with established practices. Where qualifying tests are given they may be rated separately and only those who attain a passing grade may be permitted to enter the remaining parts of the examination.
- (b) In all cases of a tie in examinations which did not include a structured interview, a structured interview may be required to resolve the tie, as determined by the Secretary and Administrator. In the alternative, for entry-level examinations, if a structured interview is not used to resolve tie scores, such ties shall be resolved by assigning the highest rank to the applicant whose application was first received in the Civil Service office, as evidenced by the date/time stamp on said application. Remaining tie scores shall be resolved in order of the date/time stamp, with the lowest rank being assigned to the candidate whose application was received last.
- (c) Application for Additional Credit for Police and Fire Entry Level Positions.
 - (i) Any candidate for a Police Department or Fire Department entry level position achieving a passing grade on the examination may apply for additional credit to be added to their score.
 - (ii) The total extra credits that may be added to the candidate's test score shall not exceed four percent (4%) of the total points available in the written examination.
 - (iii) Additional credit on an examination for an entry level position is available as follows:
 - A. *Military Service Credit:* An applicant shall be given a credit of one half percent (.5%) of the total available points on the written examination for every six (6) months of active military service up to a maximum of two percent (2%). In order to receive such credit, the applicant must submit a copy of form DD-214 showing honorable discharge or a certificate of service showing the applicant's service time on active duty.

- B. *Higher Education Credit*: An applicant shall be given a credit of one percent (1%) of the total available points on the written examination for having an Associate's Degree or two percent (2%) of the total available points on the written examination for having a Bachelor's Degree or higher degree. The applicant must submit a certified transcript or diploma signifying completion of the degree achieved.

Section 5.10 Eligible List

The names of those persons who attain a passing grade in competitive examinations shall be arranged in a list of descending order of the grade received. These lists after approval of the Commission shall constitute the eligible lists for positions in the class indicated by its title and shall be valid for six (6) months except as otherwise provided in Section 6.1 of these rules.

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

Candidates for employment who fail examinations may not participate in examinations for the same position for a period of six (6) months.

An eligible who has been certified three (3) different times without receiving appointment will be removed from the eligible list.

Section 5.11 Examination Papers

The detailed score of the successful candidates shall be kept on file by the Commission so long as the eligible list created from the examination remains in effect. These records may be inspected at the office of the Commission by any Appointing Authority to whom a certificate has been made from the list.

The papers of unsuccessful candidates may be destroyed after thirty (30) days from the date of posting of any such list. All examination papers of successful candidates shall be kept on file for ninety (90) days following the examination.

Section 5.12 Promulgation of Examinations

No examination shall be deemed to have been completed until the markings and results have been determined, and the Commission has promulgated the same. After receiving the results of an examination and before promulgation, if not satisfied, the Commission may reject it and order another examination held. No person taking an examination shall acquire any rights whatsoever until the Commission has examined and promulgated the list.

Section 5.13 Inspection of Examination Papers

References and oral rating sheets may be inspected by the applicant for promotional examinations at the discretion of the Secretary and Administrator and the availability of such reports for inspection shall be established and indicated on the notice of examination.

Any candidate may inspect the test and examination key during normal business hours after the examination has been graded. Within a period of fifteen (15) days after the date the test is given, a candidate may file a written objection with the Commission, stating the grounds therefor, to any question or answer in the examination key. If the Commission finds an error in the test or rating key, it shall publish a revised rating key within thirty (30) days of its finding of such error. The revised rating key shall then be available to participants. A candidate then has a period of ten (10) days subsequent to such determination of error to review and file any subsequent complaints relating to the change. The decision of the Commission shall be final. Inspection shall not be permitted of standardized tests prepared by experts retained by the Commission, where such inspection would tend to reduce the validity of test results.

Section 5.14 Promotions

Vacancies shall be filled by promotion wherever practicable. An advancement in rank classification, shall constitute promotion.

Section 5.15 **Police Service Promotions**

No person shall be examined for promotion or promoted to the position of sergeant unless, as of the date of the examination, such person is a duly certified police officer in the Shaker Heights Police Department and has completed three (3) years of continuous service as a police officer including at least two years of continuous prior service as a police officer in the Shaker Heights Police Department immediately preceding the date of the examination.

No person shall be examined for any position above the rank of sergeant or promoted unless he has been duly certified and has one (1) year of prior service in the Shaker Heights Police Department in the next lower rank.

All promotional examinations for the Department of Police ranks shall be conducted, graded, and processed in the same manner as other promotional examinations.

Section 5.16 **Fire Service Promotions**

Prior service for the purpose of this section shall mean total service in the Shaker Heights Fire Department.

No person shall be examined for promotion or promoted to a position of Lieutenant unless he has three (3) years of prior service as a Firefighter, as of the date of the examination.

No person shall be examined for promotion or promoted to any position above the rank of Lieutenant unless he has been duly certified and has one (1) year of prior service in the next lower rank.

All promotional examinations for the Department of Fire ranks shall be conducted, graded, and processed in the same manner as other promotional examinations.

Section 5.161 **Promotional Examination Qualification Period**

Notwithstanding the provisions of Sections 5.16 and 5.17, if any promotional examination is to be conducted in separate parts over a period of more than one day, any person who is within thirty (30) days of completing the required period of service as of the date of the first part of such examination, and is otherwise eligible, shall be considered eligible and shall be permitted to take such examination.

Section 5.17 **Promotional Examination**

Whenever there is a vacancy in a position in any department above the lowest grade, the Commission shall ascertain whether there are at least three employees who have served one (1) year except as set forth in Sections 5.16 and 5.17 or more in the next lower grade who are eligible and willing to compete to fill the vacancy. If it is found that there are at least three such employees, the vacancy shall be filled from an eligible list established by a competitive examination for promotion of such employees.

Section 5.18 **Appointment**

Whenever there are less than three employees in the next lower grade who are eligible and willing to compete, the Commission may hold a competitive examination to fill the vacancy, or if an eligible list is available from which to certify for such vacancy, the Commission may certify therefrom, or may permit the Appointing Authority to nominate one of such eligible employees for promotion without competition. In all cases of promotion without competition, however, the Appointing Authority shall submit a written statement showing that the duties performed by the employee nominated are a natural preparation for the higher position, and that such employee is entitled to promotion by reason of length of experience and effective performance.

Section 5.19 **Service Ratings**

Periodic service ratings relative to the attendance, conduct and efficiency of all permanent employees shall be made on forms and in the manner prescribed by the Commission. Such records shall be filed in the office of the Commission and shall be made a part of the official record of the employee.

In promotional examinations, efficiency in service shall form a part of the maximum marks attainable in such examinations. The weight to be given for efficiency in any promotional examination shall be fixed by the Commission at the time notice of the examination is given. When efficiency records covering the employees eligible for promotion do not exist, the

Commission shall investigate the work and conduct of such employees and allow such efficiency ratings as it may deem proper. When an examination for promotion has been completed, the Commission shall certify to the Appointing Authority the eligible having the highest overall rating, including service rating and examination score.

RULE 6 - ELIGIBLE LISTS, REQUISITIONS, CERTIFICATIONS, APPOINTMENTS

Section 6.1 Eligible Lists, Duration

The Commission shall maintain or will establish a list of eligibles in each class in the classified service for which examinations are given. Each list shall remain in force for six (6) months from the date of its promulgation unless a new examination is held sooner; each list shall automatically renew every six months for a total of up to two years in force, unless the Commission takes action to the contrary.

Section 6.2 Expiration of List

When an eligible list expires the names remaining thereon shall be placed on succeeding lists only as a result of passing a new examination.

Section 6.3 Disqualification of Eligible

If at any time after the creation of an eligible list the Commission has reason to believe that any person whose name appears on such list is disqualified for appointment because of incapacity developed subsequent to his or her examination, because of false statements made in the application or for other just and reasonable cause, said person shall be notified and given an opportunity to be heard. If said person shall fail to appear for such hearing, or it is established at such hearing that said eligible is disqualified or incapacitated for appointment, his name shall be removed from the eligible list.

Section 6.4 Change of Name and/or Address

Employees shall report changes of name or address promptly on appropriate forms to their department head. Such changes shall be promptly forwarded through channels to the Commission.

It shall be the responsibility of all applicants and eligibles to promptly notify the Commission of any change of name and/or address immediately upon such change.

Section 6.5 Removal from Eligible List

Names may be removed from an eligible list by action of the Commission for the following reasons in addition to those heretofore set forth:

- (a) Request of the eligible.
- (b) Failure to accept appointment upon certification unless a waiver is granted by the Commission.
- (c) Upon resignation, from promotional eligibility lists.
- (d) Any other just or reasonable cause as determined by the Commission.

Section 6.6 Notification

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

Section 6.7 Certification

- (a) Entry Level Certification for Police

When a request is received, certification shall be made from a Reinstatement List for the class of positions in question, one name for each vacancy to be filled. If there is no Reinstatement List, if the Reinstatement List does not have a sufficient number of persons for the number of vacancies, or if those on the Reinstatement List decline appointment, the twenty persons standing highest on the appropriate Eligible List shall be certified. The Secretary

and Administrator of the Commission may provide an additional name or names from the appropriate Eligible List if any of the persons certified are not interested, fail to appear for interview, decline appointment, or otherwise are not available to maintain the twenty person certification pool.

(b) Entry Level Certification for Fire

When a request is received, certification shall be made from a Reinstatement List for the class of positions in question, one name for each vacancy to be filled. If there is no Reinstatement List, if the Reinstatement List does not have a sufficient number of persons for the number of vacancies, or if those on the Reinstatement List decline appointment, the twenty persons standing highest on the appropriate Eligible List shall be certified. The Secretary and Administrator of the Commission may provide an additional name or names from the appropriate Eligible List if any of the persons certified are not interested, fail to appear for interview, decline appointment, or otherwise are not available to maintain the twenty person certification pool.

(c) Promotional Certification for All Classified Service

When a request is received, certification shall be made from a Reinstatement List for the class of positions in question, one name for each vacancy to be filled. If there is no Reinstatement List or if those on the Reinstatement List decline appointment, the three persons standing highest on the appropriate Eligible List shall be certified. The Secretary and Administrator of the Commission may provide an additional name or names from the appropriate Eligible List if any of the persons certified are not interested, fail to appear for interview, decline appointment, or otherwise are not available to maintain the three person certification pool.

(d) All Certifications

- (i) Every person who is certified, but not appointed, must be considered three times; however, certification for temporary appointment shall not be counted as one of such certifications.
- (ii) A certification will not be charged against persons who are within appointing range where the certification is issued to fill a position currently held by a provisional employee who has completed the prescribed probationary period and is within appointing range on the eligibility list.
- (iii) In all cases, certification shall be made without regard to race, color, religion, sex, national origin, age, ancestry, disability, sexual orientation or gender identity.
- (iv) If there are fewer than three names remaining on an appropriate Eligible List, these names may be certified and the Appointing Authority may select one or may reject the List.
- (v) In case an eligible person's name appears on more than one List, appointment to a position in one class may be considered a waiver for appointment from other Eligible Lists for classes the salary of which is equal or lower.

Section 6.8 **Notice of Certification**

Each candidate certified from a competitive list shall be notified in writing by the Appointing Authority (or representative) informing the candidate of the title of the position, the department in which the vacancy exists, and the time and place for interview. If any candidate fails to report for the interview at the time and place designated, or fails to accept appointment to the position, the Appointing Authority shall so notify the Commission who shall thereupon certify an additional name from the appropriate eligible list. Any candidate who fails to report for the interview or declines appointment shall be removed from the eligible list; provided, however, such candidate may appeal within ten (10) days to the Commission for reinstatement to the eligible list.

Section 6.9 **Request for Waiver**

A candidate desiring to file a request for waiver of certification and appointment or reinstatement, specifying reasons for such request must file same with the Commission within three (3) days after the eligible individual had been notified of his or her certification to the Appointing Authority. A certification is not charged if the waiver is approved.

Section 6.10 Appointments

The Appointing Authority shall appoint one of the persons certified within thirty (30) days after receipt of certification. The Secretary and Administrator of the Commission may grant additional time if justified.

Section 6.11 Temporary Employment

The acceptance or declination of a temporary appointment shall not affect the right of the eligible to certification for permanent employment.

Appointments may be made for temporary employment without examination without the consent of the Commission for a period not to exceed one hundred twenty (120) days. Extensions in increments of thirty (30) days, may be granted by the Secretary and Administrator.

Temporary appointments may not be made to fill regularly authorized vacant positions.

Section 6.12 Emergency Appointments

When an emergency arises such that in order to prevent the loss of public property, serious inconvenience to the public or damaging delay to the public service, the usual procedure of requisition and certification is not suitable, an Appointing Authority may immediately appoint a qualified person or persons for service during the existence of such emergency, but not to exceed one hundred twenty (120) days, except by consent of the Commission.

Section 6.13 Reinstatement

Any permanent employee who resigns without fault or delinquency and who, at the time of resignation, has been declared suitable for reappointment by the Appointing Authority may, with the approval of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar position in the same department or placed in a similar position in another department. If a vacancy does not exist, a reinstated employee shall be placed on a reinstatement list considered most appropriate by the Commission. Persons placed on reinstatement lists may at the discretion of the Commission, be reappointed before certifications are made from regular eligible lists. Previous total continuous service shall determine order of placement on reinstatement lists.

Reinstatement action shall originate only upon departmental request and after approval by the Appointing Authority. All reinstated employees must pass physical, medical and/or mental examinations as determined by the Commission.

Reinstated employees shall be credited for continuous service prior to resignation for purposes of seniority credit.

Section 6.14 Probationary Period

All original appointments to the police and fire departments shall be for a probationary period of two (2) years and the probationary period for the positions of police sergeant and lieutenant shall be for a period of two (2) years, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his or her probationary period. For cause the Appointing Authority may remove or reduce the probationary employee at any time during said probationary period. At the end of the probationary period, the Appointing Authority shall transmit to the Commission a record of the employee's service.

RULE 7 - MEDICAL EXAMINATIONS

Section 7.1 Medical Examinations

The Commission or Appointing Authority may require medical and/or mental examinations of an employee or class of employees for the purpose of determining their fitness for the positions they hold. Such medical and/or mental examination shall be made by a physician designated by the Commission and the results recorded and filed with the Commission. Employees found to be unfit for the duties of their positions are subject to be retired, suspended, transferred, demoted or dismissed as the facts may warrant after charges have been preferred and a hearing held before the Appointing Authority. Any employee retired, suspended, demoted, or dismissed under the provisions of this section have the right of appeal to the Commission.

RULE 8 - DEMOTION, SUSPENSION, REMOVAL

Section 8.1 General Limitations

No person in the classified service shall be reduced in pay or rank, laid off, suspended, removed or otherwise discriminated against by any Department Head or the Appointing Authority for religious or political reasons or affiliations, for reasons of race, color, religion, sex, national origin, age, ancestry, disability, sexual orientation or gender identity or any other reason not connected with the person's value to the service.

Section 8.2 Suspensions and Removals

- (a) The tenure of every employee in the classified service shall be during good behavior and efficient service; and no such employee shall be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by the Department Head or Appointing Authority, except as hereinafter provided.
- (b) For the purpose of discipline, the Department Head may suspend without pay, an employee, for a reasonable period, not exceeding thirty (30) days. A written report of any such suspension, the period thereof, and the reasons therefor shall be filed immediately with the Appointing Authority and the Commission.
- (c) For incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of public, neglect of duty, violation of applicable provisions of the Civil Service Laws of Ohio or of the Rules of this Commission or any other failure of good behavior, or any acts of misfeasance, malfeasance or nonfeasance in office, an employee may be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by the Appointing Authority.
- (d) Any employee who is suspended for a period not exceeding thirty (30) days, or otherwise discriminated against by his or her department head, may appeal to the Appointing Authority within ten (10) days from and after the effective date of such suspension or other discrimination by the Department Head. Any such appeal shall be made by filing with the Appointing Authority within said time, a written statement that the employee appeals from such order. In such event the Appointing Authority shall hear the appeal within ten (10) days and shall file a copy of its findings with the Commission.
- (e) No reduction, layoff, suspension for a period longer than thirty (30) days, discharge or other discrimination against any such employee by the Appointing Authority, shall become effective unless and until such Appointing Authority shall have (1) served upon such employee a written order of the particular action taken, which order shall specify one or more of the foregoing grounds or reasons, and also a sufficient statement of facts which will enable such employee to understand the charge and make an explanation, and to prepare his or her defense; (2) given such employee at least three (3) days in which to make and file a written explanation with the Appointing Authority; and (3) filed a copy of such order together with the explanation, if any, of the employee, with this Commission.
- (f) Any employee in the classified service who is so reduced, laid off, suspended for a period longer than thirty (30) days, discharged, or otherwise discriminated against by the Appointing Authority, may appeal to the Civil Service Commission within ten (10) days from and after the effective date of such reduction, layoff, suspension for a period longer than thirty (30) days, discharge or other discrimination by the Appointing Authority. Any such appeal shall be made by filing with the Commission within said time, a written statement that he appeals from such order. In such event, the Commission forthwith shall notify the Appointing Authority, and shall hear such appeal within thirty (30) days from and after its filing with the Commission, giving the appellant and the Appointing Authority not less than five (5) days' written notice of the time and place thereof.
- (g) On the hearing of an appeal, the Commission shall confine its consideration to the charges and specifications set forth in the order of the Appointing Authority, as filed with the Commission, and no substantial amendment of nor addition to the said charges and specifications will be permitted or considered by the Commission. The order of procedure and the conduct of the hearing shall be governed in general by Rule 11. Either party may personally represent himself or herself, or be represented by counsel.
- (h) If the appellant shall fail to appear at the time and place fixed by the Commission to prosecute his or her appeal, the appeal may be dismissed by the Commission. If the Appointing Authority shall fail to appear at such time and place and offer evidence in support of the charges and specifications, the Commission may hear evidence offered by the appellant and render its decision on the merits.

- (i) The acceptance by the Appointing Authority of the resignation of any such appellant before final action on the appeal by the Commission, will be considered as a withdrawal of the charges, and thereupon the appeal shall be dismissed without decision, and the separation of the employee thus resigning shall be entered as a resignation.

RULE 9 - ESTABLISHMENT OF REINSTATEMENT LISTS AND LEAVES OF ABSENCE

Section 9.1 Establishment of Reinstatement Lists

Permanent employees, separated through no action of their own for such reasons as lack of work, lack of funds, job abolishments, or other similar causes shall be placed on a reinstatement list for jobs or positions for which they are deemed eligible by the Commission in the reverse order of their lay-off.

Persons so separated who are qualified and eligible shall be reappointed before certifications are made from regular eligible lists.

A person shall remain on the reinstatement list for a period of time equivalent to his or her seniority not to exceed one year.

Section 9.2 Leaves of Absence

Leaves of absence without pay may be granted at the sole discretion of the Appointing Authority for a period not to exceed one (1) year. Written notice of all leaves of absence granted, stating the commencement and period thereof, shall be given to the Commission. Extensions aggregating more than one (1) year shall be granted only with the consent of the Commission.

RULE 10 - INVESTIGATION AND HEARINGS

Section 10.1 Authority to Investigate

The Commission may make investigations concerning any matter pertaining to the enforcement of the Rules affecting the merit system, the City Charter or City ordinances relating thereto. Should a violation be uncovered, the Appointing Authority shall be notified and/or other appropriate action taken.

Section 10.2 Administering Oaths; Subpoena Powers

Any Commission member or the Secretary and Administrator of the Commission shall have power to administer oaths and affirmations to witnesses and to take testimony concerning any matter which the Commission has authority to investigate.

The Commission shall have the power to subpoena and require the attendance of witnesses and the production of documents pertinent to the investigation.

Section 10.3 Conduct of Hearings

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

- (a) Hearings shall be public unless the Commission determines otherwise.
- (b) Each party may call witnesses to testify in his or her behalf. The Commission on its own initiative may call witnesses other than those called by either party if in its judgment the merits of the case so require. Subpoenas shall be issued by the Secretary and Administrator for witnesses when requested by either party or by the Commission.
- (c) Hearings shall commence with a reading of the written statement of charges certified to the Commission. If the appellant has replied in writing to the charges, such reply shall next be read. If the appellant has not made a reply to the charges, the appellant or the appellant's counsel may next make an oral statement of the objections to the charges. The removing officer shall begin the introduction of evidence and shall have the final rebuttal. Closing arguments will be permitted only with the permission of the Commission.

- (d) After notice of appeal is filed with the Commission, no material amendment may be made to the statement of the charges made at the time of demotion, suspension or dismissal. If the appellant files with the removing officer a written reply to the charges, such reply may not be materially amended. In all cases, the issues involved shall be confined to the truth or falsity of the allegations in the statement of charges.
- (e) In appeals from the order of the Appointing Authority demoting, suspending or removing any classified employee, the complete transcript of testimony and other evidence taken at the hearing before the Appointing Authority shall constitute the record. The record shall be filed with the Commission. Upon oral hearing, the Commission shall consider the record and may hear additional testimony and other evidence. In lieu of an oral hearing, an appeal may be submitted on the record before the Appointing Authority.
- (f) Upon the completion of all evidence introduced, the Commission may render its decision immediately, or may take the matter under advisement and render its decision within a reasonable time thereafter.
- (g) A copy of the decision shall be transmitted to the Appointing Authority and the appellant.
- (h) If the appellant shall fail to appear at the time fixed for the hearing, the Commission may hear the evidence and render judgment thereon. If the Appointing Authority (or authorized representative) fails to appear at the time fixed for the hearing, and if no evidence is offered in support of the charges, the Commission may render judgment as by default or may hear evidence offered by the appellant and render judgment thereon.

RULE 11 - AMENDMENTS TO THE RULES

Section 11.1 Procedure

Proposed amendments to the Rules shall be recorded in the minutes of the Commission at least one (1) week prior to adoption. A majority vote shall be required for adoption.

Section 11.2 Publication

The foregoing rules and all amendments thereto shall be published and released to all classified employees. All rules and amendments shall become effective on publication unless a different date is fixed in the resolution approving the amendment.

Section 11.3 Previous Rules Repealed

All previous rules of the Commission are hereby repealed.

RULE 12 – SEVERABILITY / CONFLICT

Section 12.1 Severability

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

Section 12.2 Conflict

In the event of a conflict between any provision of these Civil Service Rules and a provision of a collective bargaining agreement, the collective bargaining agreement shall control.

RULE 13 - WAIVER OF RULES

Section 13.1 Waiver of Rules

In specific cases where in the judgment of the Commission it is in the interest of the public service, any rule hereby adopted may be waived by a majority of the Commission, such action with the reasons therefor to be entered in the minutes of the meeting.

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