



## SHAKER HEIGHTS

### Civil Service Commission Agenda At City Hall Council Chambers Tuesday, July 12, 2022, 4:00 p.m.

This meeting will be held in person with a virtual option to join the Zoom meeting as a viewer or listener and to provide public comment during the meeting from a PC, Mac, iPad, iPhone, or Android device at <https://us06web.zoom.us/j/83640273402?pwd=V3Z3ZlFQ0Tmk1cEJkY3RJej84TnRrdz09> Passcode 33553400: Description: Civil Service Commission or join by phone at (833) 548-0276 (toll free); Webinar ID:836 4027 3402 Passcode: 33553400. International numbers available at <https://us06web.zoom.us/u/kfCVBP96K>.

1. Approval of May 16, 2022 Minutes

Documents:

[051622 MINUTES.PDF](#)

2. Approval of July 1, 2021 Minutes

Documents:

[070121 MINUTES.PDF](#)

3. Memo regarding recommendations for Police Sergeant and Police Lieutenant promotional examination process

Documents:

[CIVIL SERVICE COMMISSION MEMO 7-8-2022.PDF](#)

4. Recommendation and approval of testing company for Police Sergeant and Lieutenant promotional examination

Documents:

[A - 2022 POLICE SERGEANT AND LIEUTENANT WRITTEN EXAM COST.PDF](#)

B - 2022 POLICE SERGEANT AND LIEUTENANT ASSESSMENT CENTER  
COST.PDF

5. Recommendation and approval of weights for Police Sergeant and Police Lieutenant promotional examination

Documents:

[C - EXAM WEIGHTS \(PROPOSED\).PDF](#)

6. Recommendation to limit the number of Police Sergeant candidates and Police Lieutenant candidates advancing to the assessment center
7. Presentation and discussion on Civil Service Rules for Police and Fire hiring
  - Section 5.2 Types and Methods of Examination
  - Section 5.9 Method of Rating
  - Section 6.7 Certification

Documents:

[D - RULES - AMENDED 3-9-2020 FINAL.PDF](#)

8. Schedule next meeting date and time

To request an accommodation for a person with a disability, call the City's ADA Coordinator at 216-491-1440, or Ohio Relay Service at 711 for TTY users.



# SHAKER HEIGHTS

**Civil Service Commission Minutes  
Virtual Meeting Due to COVID-19  
Public Health Emergency  
Monday, May 16, 2022 at 3:00 P.M.**

**Members Present:** Sandra I. Kiely, Chairperson  
Ronald Fountain, Commissioner  
Lee Trotter, Commissioner  
Sandra Middleton, Secretary and Director of Human Resources

**Others Present:** Jeri Chaikin, Chief Administrative Officer  
William Ondrey Gruber, Director of Law  
Jeffrey DeMuth, Chief of Police  
Patrick Sweeney, Chief of Fire  
Tim Grafton, Police Sergeant

The meeting was called to order by Chairperson Kiely at 3:00 p.m.

### **Approval of the April 20, 2021 Meeting Minutes**

Chairperson Kiely stated the first item was approval of the minutes. Sandy Middleton explained there were no minutes to approve because she was without an assistant at the time and the recordings are only kept for 90 days. There was discussion regarding what was done at the last meeting – removing people from the eligibility list similar to today. It was agreed that a summary of the last meeting would be done to document that the commission met.

### **Designate Chair for 2022**

Chairperson Kiely asked if either of the other members wanted to serve as Chair. Chairperson Kiely said she would be happy to serve, but someone would need to nominate her. Commissioner Fountain moved to nominate her and Commissioner Trotter seconded the motion. All voted in favor.

### **Recommendation to Remove Candidates from the Police Lateral Eligibility List**

Chairperson Kiely referred to the memo sent prior to the meeting. Sandy Middleton stated that she heard from a few candidates that withdrew their names, so the commission would not be voting on the entire list. The candidates that withdrew their names are Clifford Smith and Joseph Ostrowski, reducing the list to 17 for removal.

Chief DeMuth stated that of the 17, seven were interviewed or their qualifications were reviewed and they didn't believe they would be suitable candidates for the Shaker Heights Police Department. The rest have significant background information that would preclude them from being officers. Chief DeMuth stated that Sergeant Grafton would review that information, but requested that it be done in Executive Session and not be part of the normal public meeting. Law Director Bill Gruber stated that that would be permitted to discuss personnel.

#### **CITY OF SHAKER HEIGHTS**

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1400 F 216.491.1465 Ohio Relay Service 711  
[shakeronline.com](http://shakeronline.com) [www.shaker.life](http://www.shaker.life)

### **Executive Session**

Commissioner Trotter made a motion to go to Executive Session which was seconded by Chairperson Kiely.

Roll Call by Sandy Middleton

Ayes: Fountain, Trotter, Kiely

Nays: None

### **Removal of Candidates from the Police Lateral Eligibility List**

Commissioner Trotter made a motion to remove the following names which was seconded by Commissioner Fountain: Kevin Brown, Teresa Campbell, Darius Petraitis, Jon Bowers, Sean Cooper, Vincent Montague, Jr., Jalissee Jones, Perry Chronister, Trevon Richardson, Mark Flynn, Juan Goins, LaTasha Moore, Blake Rogers, James Wiles, Brandi Brown, Nicholas Deohring, and Sarah Taylor.

Roll Call by Chairperson Kiely

Ayes: Fountain, Trotter, Kiely

Nays: None

### **Future Meetings**

Sandy Middleton stated the commission needed to discuss how to meet in the future since they met via Zoom during the pandemic. Bill Gruber gave the background of the state and local rulings about virtual meetings. In March of this year, Council passed an ordinance to permanently allow for virtual, in-person, and hybrid meetings. The City is working on the technology for hybrid meetings. It should be permitted for the public to attend virtually when feasible. The commission will need to decide if it will allow members to attend virtually as well as anyone that wanted to appeal or come before the committee.

The council committees have all decided to meet virtually at all meetings except about four times a year to meet in person. The ABR, the Board of Zoning Appeals, Planning Commission, and the Board of Appeals have all decided to meet in person, but to allow attendance virtually by members, as long as they're on video. They're allowing applicants and appellants to appear virtually as long as they take the risk that if they can't get the technology to work, the city can continue with its meeting or they may have to postpone and reschedule an appellant or applicant. The council and Mayor asked that everybody look at this and make a decision now for going forward, but then evaluate it again in about six months. So, if you decide solely virtual meetings right now, you could always change your mind at any point in the future.

There was discussion about students being able to attend virtually. Chairperson Kiely stated that she would be fine either way due to proximity. Commissioner Fountain stated he preferred in-person because they needed the ability to have effective conversation. Commissioner Trotter stated he did not have a preference. Jeri Chaikin stated that most committees did not have the physical arrangements yet for hybrid meetings outside of the Council Chambers, but due to the size, the commission could host it there and permit attendance virtually. The microphones for that are on order for mid-summer.

Sandy Middleton stated that for the next meeting, both Chiefs have something to bring before the commission. Chief DeMuth stated they wanted to add conditions of lateral entry testing to the Civil

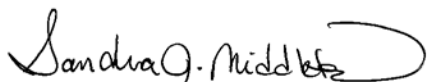
Service rules. There are 26 names remaining on the list, but good candidates may have been employed elsewhere, or may not be good candidates, so they should be through the list by the end of summer. Chairperson Kiely asked the Law Director about the timeframe for reviewing the rules. Bill Gruber stated they will work within any set deadline. Chairperson Kiely stated they may want to meet in person for that meeting. Any changes will require two readings.

Sandy Middleton stated the Fire Chief has some things to address, so they could standardize a monthly meeting, but when they go to the Civil Service rules, the two readings could be a week apart. Bill Gruber clarified that the changes did not have to happen all at once. Chairperson Kiely stated they could review the timely amendments while reviewing the other proposed changes. Bill Gruber stated, for example, that there are three different sections regarding how to handle an eligibility list.

Chief Sweeney stated the Fire Department had 10 new members of the department with a swearing in ceremony coming up on Friday. They also received a retirement notice for a Fire Lieutenant and that list recently expired around March 20, 2022. There are still some good candidates on that list and he wanted to discuss possibly extending the list so a promotion could be made off of that list. A few additional Lieutenants that will be retiring in 2024. Bill Gruber stated that the rules are not clear whether or not you can activate it after it is expired, but currently it can be extended if the list is still active. That will be up to the commission and the commission can clarify it for the future. Chairperson Kiely asked if they were permitted to vote on that during this meeting. Sandy Middleton stated advance notice is usually given to memorialize what will be discussed at the meeting.

Chairperson Kiely stated there could be two item on the agenda for the next meeting – considering the extension of the expired list for Fire and reviewing the rules regarding lateral transfers. Both commissioners agreed to that. Chairperson Kiely recommended a Doodle poll and Sandy Middleton agreed to that. The next meeting will be held via Zoom.

Chairperson Kiely adjourned the meeting at 4:00 p.m.



---

Sandra Middleton, Secretary  
Civil Service Commission



# SHAKER HEIGHTS

**Civil Service Commission Minutes  
Virtual Meeting Due to COVID-19  
Public Health Emergency  
Thursday, July 1, 2021 at 3:00 P.M.**

**Members Present:** Sandra I. Kiely, Chairperson  
Ronald Fountain, Commissioner  
Lee Trotter, Commissioner  
Sandra Middleton, Secretary and Director of Human Resources

**Others Present:** Jeri Chaikin, Chief Administrative Officer  
William Ondrey Gruber, Director of Law  
Jeffrey DeMuth, Chief of Police  
Patrick Sweeney, Chief of Fire  
James Heath, Assistant Chief of Fire  
Tim Grafton, Police Sergeant

The meeting was called to order by Chairperson Kiely at 3:00 p.m.

### **Approval of the April 20, 2021 Meeting Minutes**

Chairperson Kiely asked if there was a motion to approve April 20, 2021 meeting minutes, it was moved by Commissioner Fountain and seconded by Commissioner Trotter and minutes were approved.

### **Discussion of the Entry Level Firefighter/Paramedic Test Results**

Chief Sweeney stated that 91 applications were submitted for the test given on June 5. 81 of those applicants showed up to take the test. 66 passed it with a minimum 70% passing score. Sandy Middleton stated that the passing score had previously been set at 70%, and this item will be voted on later in the agenda to set the passing score.

Chief Sweeney reviewed the outreach regarding the exam: visiting about 40 locations with marketing material from Communications and Marketing, posters, and postcards. In comparison, University Heights gave a test recently and they only had 19 people take their exam. An exam was given in the Hillcrest area covering 8 cities and they had 200 take their exam with 141 passing. Commissioner Trotter clarified that their passing scores were also 70% and Chief Sweeney confirmed. Of the applicants, we had eight white females, eight African American males, one Hispanic male, one Hispanic female, and one biracial applicant. There are three white females and one African American male in the Top 20. There was discussion regarding there not being any females in the department for the last five or six years. The Chief stated that one of the applicants went to Shaker schools from kindergarten through high school and their family still lives in Shaker Heights.

Chairperson Kiely asked how many we were looking to hire. Chief Sweeney stated there are two position open that are not filled. There were four retirements in the last month. We had two

#### **CITY OF SHAKER HEIGHTS**

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1400 F 216.491.1465 Ohio Relay Service 711  
[shakeronline.com](http://shakeronline.com) [www.shaker.life](http://www.shaker.life)

positions with conditional offers of employment that were out there from the last list that we were able to fill in the last few weeks. Commissioner Fountain stated he knew two of the applicants on the list.

### **Approval of Passing Grade for Fire Entry-Level Examination Results**

Chairperson Kiely stated that they've consistently approved 70%. It was moved by Commissioner Fountain and seconded by Commissioner Trotter.

### **Approval of the Fire Eligibility List**

Chairperson Kiely stated there were 66 names on the list put before the Commission to approve. The demographics of the list were reviewed. Sandy Middleton stated that if you're looking at the passing grade, 80.3% were white males and 9.1% were white females, so 90% of the eligibility list was white candidates. Commissioner Trotter asked how this compares to previous tests. Sandy Middleton stated that this is within range of what we normally see. Sandy Middleton will send demographic information from the last few tests to Commissioner Trotter to review.

Commissioner Fountain asked how candidates with identical scores are ranked. Sandy Middleton responded that the tie breaker goes to whomever submitted their completed application first.

Chairperson Kiely asked when the last Firefighter/Paramedic Entry Level Test was given. Sandy Middleton stated it was 2017. Chairperson Kiely stated that for that exam, 118 took the exam, 100 which passed. The composition of that was 84% of the white males passed, 100% of the white females (there were two). So there were 90 white males, two females, six African American males, one Asian male, and one biracial.

The approval of the eligibility list was moved by Commissioner Fountain and seconded by Commissioner Trotter.

### **Certification of the List of the Top 20 Names**

The approval of the Top 20 on the eligibility list was moved by Commissioner Trotter and seconded by Commissioner Fountain.

Sandy Middleton stated that the recording of the meeting will be available on the website tomorrow.

### **Removal of Candidates from the Police Lateral Eligibility List**

Sandy Middleton stated that Section 6.3 gives the Commission the authority to remove a name or disqualify a person.

Sergeant Grafton asked to have two candidates removed so they will be able to further investigate their list for potential applicants. The background investigations were initiated. They were forwarded all corresponding paperwork that needed to be returned to us and scheduled for assessments that were to be met by deadlines. One of them failed to respond to any of the assessments. The second individual failed to respond to the background investigator on several occasions. Sandy Middleton stated that Gene Sardon rescheduled his polygraph at least twice and was a no-call and no-show the last time which we are still charged \$400+ for the appointment. Sandy Middleton stated that Jonathon Kennerly received his results letter in April with a May 1 deadline to do an online Practical Law Enforcement assessment that takes about 20 minutes, but he has not completed that. If those names are removed, we can move on to other applicants in the pool.



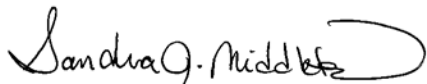
Sergeant Grafton stated that within the last 48 hours, Gene Sardon reached out to his background investigator and said he would send an Email requesting his name be withdrawn, but that Email was not received. Sandy Middleton stated that a certified letter and Email was sent to both individuals telling them they had the right to appear today and appeal having their names removed.

Commissioner Fountain stated that based on that information, these individuals have chosen not to participate further and moved to approve the removal of Gene Sardon and Jonathon Kennerly from the Lateral Eligibility List. Chairperson Kiely seconded the motion. Commissioner Trotter confirmed he was in agreement.

Chairperson Kiely asked if another meeting should be scheduled. Sandy Middleton stated she and Bill Gruber were going to give updates on the rules and do a training for the commission. A meeting will then be scheduled to go over the rules and see where the commission desires to change the rules.

Bill Gruber stated that starting today, all public bodies, subject to state law have to meet in person. They can't meet virtually any longer, but City Council passed an ordinance allowing all of its public bodies to meet virtually through September 7. They did pass a resolution with some rules that Council will meet that for its regular work session and regular meetings of the months of July and August in person. This commission must continue to meet in person unless the Chair and the administration discuss and decide otherwise. He stated that the goal of the administration is to have in person meetings with the ability to have virtual attendance, so hybrid meetings, but those details are still being discussed. Jeri Chaikin stated that the only place where they're able to do that is in Council Chambers at the Council table.

There being no further business, the meeting was adjourned at 3:34 p.m.



---

Sandra Middleton, Secretary  
Civil Service Commission



## Memorandum

To: Members of Civil Service Commission  
From: Sandra Middleton, Director of Human Resources  
cc: Mayor David E. Weiss  
Chief Administrative Officer Jeri E. Chaikin  
Date: July 8, 2022  
Re: Recommendations for Police Sergeant and Police Lieutenant promotional examination process

---

On May 18, 2022, Sergeant John Pizon retired. His retirement leaves a vacancy in the rank of Sergeant in the Shaker Heights Police Department.

The Police Department includes four platoons. Currently, two of the platoons have one Lieutenant and one Sergeant. The other two platoons have two Sergeants. The desired organizational structure, a return to a previous organizational structure, would allow for one Lieutenant and one Sergeant on each platoon. In short, it is a departmental necessity to move from three Lieutenants to five. This restructuring would not add any new supervisory positions and would not increase the Police budget.

Civil Service Rule 4, Section 5.14 states that vacancies shall be filled by promotion wherever practical. An advancement in rank classification shall constitute promotion. A candidate must be a Sergeant to be eligible for advancement to Lieutenant that causes a vacancy at the Sergeant rank. Therefore, the Shaker Heights Police Department is requesting promotional examination processes for both Police Lieutenant and Police Sergeant to fill the one Lieutenant and subsequently two Sergeant vacancies.

The most recent Lieutenant and Sergeant promotional eligibility lists expired on April 16, 2020. Prior to the expiration of both lists, five Police Officers were promoted to Police Sergeants and two Police Sergeants were promoted to Police Lieutenants.

The 2018 promotional process was administered by BCG Consulting Group. The examination process consisted of six test components. One component included a community presentation exercise staffed by three Shaker Heights resident volunteers for 20% of the overall grade. 25% of the overall grade came from a

Structured Oral Interview with a three person panel that consisted of a Shaker Heights Police Department Assistant Chief or Police Commander and two representatives from other certified CALEA agencies.

The City is recommending changing the Police promotional process to mirror that of the Fire promotional process. The recommended process will include a study period prior to taking a written examination consisting of a combination of questions from the reading material and questions on Shaker Heights Police Department general orders and procedures. It is recommended that the written examination be 40% of the overall grade and the 10 people with the highest scores on the written examination be allowed to move to the assessment center portion of the promotional process. The City is recommending Clancy and Associates to write and prepare the semi-custom written examination.

The City is recommending using the International Association of Chiefs of Police to administer the assessment center portion of the promotional process. This portion will consist of three components weighted equally at 20% of the overall grade making the assessment center weighted 60% of the overall grade. The three components of the assessment center will include written problem-solving, oral presentation, and role play/subordinate counseling session.

The notice of the promotional examination process will go out as soon as possible with the written examination to be held in October.

**2022 POLICE PROMOTIONAL - WRITTEN EXAM COSTS**

	<b>CLANCY &amp; ASSOCIATES</b>	<b>INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE</b>
<b>Written Test - Semi-Custom</b>	\$1050 up to six candidates; \$15 per test above six	\$16,000
<b>Review of Appeals</b>	\$100 for every 10 appeals	Included
<b>Misc. Fees</b>		
<b>Mileage (\$.60 per mile)</b>	\$24	
<b>Total Written Test - Lieutenant</b>	\$1074*	\$16,000 for both tests
<b>Total Written Test - Sergeant</b>	\$1404**	
<b>*BASED ON 6 Lieutenant Applications</b>		
<b>** BASED ON 15 Sergeant Applications</b>		

**2022 POLICE SERGEANT AND POLICE LIEUTENANT ASSESSMENT CENTER  
COST ESTIMATES**

	<b>INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE</b>	<b>CLANCY &amp; ASSOCIATES</b>
<b>Assessment Center</b>	up to 6 candidates - 1 day - \$5,900	up to 5 candidates - \$5300
	8 to 12 candidates - 2 days - \$8,900	up to 5 additional candidates - \$2650 (Can perform 5 per day)
<b>Misc. Fees</b>		
<b>GRAND TOTAL</b>	<b>\$14,800</b>	<b>\$15,900.00</b>
	(2 days Sergeants)	(2 days Sergeants)
	(1 days Lieutenants)	(2 days Lieutenants)
<b>Based on 6 Lieutenant Candidates</b>		
<b>Based on 10 Sergeant Candidates</b>		

**CITY OF SHAKER HEIGHTS, OH**  
**POLICE LIEUTENANT & SERGEANT 2022 EXAM**  
**PROPOSED ASSESSMENT CENTER TEST COMPONENTS & WEIGHTS**

TEST COMPONENT	RECOMMENDATION - 2022	TEST COMPONENT	2018	2014	2011	2006 & 2003
WRITTEN PROBLEM SOLVING	33.3%	STRUCTURED ORAL INTERVIEW	25%	25%	20%	20%
ROLE PLAY/SUBORDINATE COUNSELING SESSION	33.3%	IN-BASKET EXERCISE	15%	15%	16%	16%
ORAL PRESENTATION	33.3%	B-PAD	15%	15%	16%	16%
		PROMOTABILITY INDEX: SUPERVISORY	0%	10%	16%	16%
		BACKGROUND & EXPERIENCE RATING	15%	15%	16%	16%
		WRITTEN	10%	0%	16%	16%
		ROLE PLAY	20%	20%		
<b>TOTAL</b>	<b>100%</b>	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Exhibit C

CIVIL SERVICE RULES

THE CITY OF SHAKER HEIGHTS

Adopted June 10, 1974

Amended to March 9, 2020

CIVIL SERVICE COMMISSION

Sandra I. Kiely, Chair  
Lee A. Trotter  
Ronald G. Fountain

Jeri E. Chaikin,  
Secretary and Administrator

## **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.



## TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Foreword	4
RULE 1 - DEFINITION OF TERMS	4
RULE 2 - ADMINISTRATION:	
2.1 Officers of the Commission	5
2.2 Secretary and Administrator	5
2.3 Other Employees	6
2.4 Special Examiners	6
2.5 Meeting of the Commission: Quorum	6
2.6 Minutes	6
RULE 3 - CLASSIFICATION:	
3.1 Classified Service	6
RULE 4 - APPLICATION FOR EXAMINATION:	
4.1 Notice of Examination	6
4.2 Applications	7
4.3 Filing of Applications	7
4.4 Rejection of Applications	7
4.5 Admission Cards	7
4.6 Fingerprints	7
RULE 5 - EXAMINATIONS, PROMOTIONS AND PROBATION:	
5.1 Character of Examinations	7
5.2 Types and Methods of Examination	7
5.3 Parts of Examination	8
5.4 Licenses Required	8
5.5 Scheduling Examinations	9
5.6 Postponement and Cancellation	9
5.7 Identity of Candidates	9
5.8 Conduct of Examinations	9
5.9 Method of Rating	9
5.10 Eligible List	10
5.11 Examination Papers	10
5.12 Promulgation of Examinations	10
5.13 Inspection of Examination Papers	10
5.14 Promotions	10
5.15 Police Service Promotions	11
5.16 Fire Service Promotions	11
5.161 Promotional Examination Qualification Period	11
5.17 Promotional Examination	11
5.18 Appointment	11
5.19 Service Ratings	11
RULE 6 - ELIGIBLE LISTS, REQUISITIONS, CERTIFICATIONS, APPOINTMENTS:	
6.1 Eligible Lists, Duration	12
6.2 Expiration of List	12
6.3 Disqualification of Eligible	12
6.4 Change of Name and/or Address	12
6.5 Removal from Eligible List	12

6.6	Notification	12
6.7	Certification	13
6.8	Notice of Certification	13
6.9	Request for Waiver	13
6.10	Appointments	14
6.11	Temporary Employment	14
6.12	Emergency Appointments	14
6.13	Reinstatement	14
6.14	Probationary Period	14
RULE 7 - MEDICAL EXAMINATIONS:		
7.1	Medical Examinations	14
RULE 8 - DEMOTION, SUSPENSION, REMOVAL:		
8.1	General Limitations	15
8.2	Suspensions and Removals	15
RULE 9 - ESTABLISHMENT OF REINSTATEMENT LISTS AND LEAVES OF ABSENCE:		
9.1	Establishment of Reinstatement Lists	16
9.2	Leaves of Absence	16
RULE 10 - INVESTIGATION AND HEARINGS:		
10.1	Authority to Investigate	16
10.2	Administering Oaths; Subpoena Powers	16
10.3	Conduct of Hearings	16
RULE 11 - AMENDMENTS TO THE RULES:		
11.1	Procedure	17
11.2	Publication	17
11.3	Previous Rules Repealed	17
RULE 12 – SEVERABILITY / CONFLICT:		
12.1	Severability	17
12.2	Conflict	17
RULE 13 - WAIVER OF RULES:		
13.1	Waiver of Rules	17
INDEX		18

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

Adopted: June 10, 1974

Amended: March 9, 2020

**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**

- (a) 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.
- (b) Any permanent employee eligible for a service retirement under the Ohio Police and Fire Pension Fund may request consideration for a post-retirement rehiring to the position he or she held at the time of retirement, if rehiring is permitted in the employee's bargaining agreement. If all the conditions required in the Retire/Rehire Article of the applicable bargaining agreement are met, the Appointing Authority may approve the rehiring after retirement at its discretion, and shall implement the rehiring pursuant to the conditions listed in the bargaining agreement.

### **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.

### INDEX

	<u>SECTION</u>	<u>PAGE</u>
ABSENCE, Leave of	9.2	15
ADDRESS, Change of	6.4	12
ADMINISTERING OATH	10.2	16
ADMINISTRATOR OF COMMISSION	2.2	5
ADMISSION CARDS	4.5	7
AMENDMENTS		
to rules, procedure	11.1	17
to rules, publication	11.2	17
to rules, repeal	11.3	17
APPEAL, from decision of department head	8.2(d)	15
APPLICATION		
filing of	4.3	7
fingerprints	4.6	7
for examination admission	4.2	7
rejection of	4.4	7
APPOINTING AUTHORITY, appeal to	8.2(d)	15
defined	1.1(1)	4
reductions and suspensions	8.2(c)	15
APPOINTMENTS	5.18	11
	6.10	14
emergency	6.12	14
temporary	6.7	12
	6.11	14
ASSEMBLED EXAMINATION, defined	1.1(2)	4
CANCELLATION, OF EXAMINATION	5.6	9
CANDIDATES, identification number	5.7	9
unsuccessful	5.10	10
CERTIFICATION	6.7	12
defined	1.1(3)	4
for temporary appointment	6.7	12
not charged when	6.7	12
notice of	6.8	13
request for waiver	6.9	13
CHANGE, of address notice	6.4	12

of name notice	6.4	12
CHARGES, WITHDRAWAL OF	8.2(i)	16
CITY, defined	1.1(4)	4

	<u>SECTION</u>	<u>PAGE</u>
CIVIL SERVICE, defined	1.1(5)	4
CIVIL SERVICE COMMISSION	2.1	5
administrator of	2.2	5
chair	2.1	5
meetings	2.5	6
minutes	2.6	6
officers	2.1	5
quorum	2.5	6
secretary of	2.2	5
temporary chair	2.1	5
CLASS, defined	1.1(6)	4
CLASSIFICATION, defined	1.1(7)	4
CLASSIFIED SERVICE	3.1	6
defined	1.1(8)	4
COMMISSION, defined	1.1(9)	4
administer oaths	10.2	16
hearings (see hearings)	10.3	16
subpoena power	10.2	16
COMPETITIVE EXAMINATION, defined	1.1(10)	4
CONDUCT OF EXAMINATION	5.8	9
CONFLICT	12.2	17
DEFINITION OF TERMS	1.1	4
Appointing Authority	1.1(1)	4
assembled examination	1.1(2)	4
certification	1.1(3)	4
City	1.1(4)	4
Civil Service	1.1(5)	4
class	1.1(6)	4
classification	1.1(7)	4
classified service	1.1(8)	4
Commission	1.1(9)	4
competitive examination	1.1(10)	4
demotion	1.1(11)	4
eligible list	1.1(12)	4
employee	1.1(13)	5
employee status	1.1(14)	5
open examination	1.1(15)	5
permanent employee	1.1(16)	5
position	1.1(17)	5
promotion	1.1(18)	5

promotional examination	1.1(19)	5
rules	1.1(20)	5
structured interview	1.1(21)	5
temporary employee	1.1(22)	5
unclassified service	1.1(23)	5
weights	1.1(24)	5

	<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
--	-----------------------	--------------------

DEMOTION, defined	1.1(11)	4
DEPARTMENT HEAD, appeal from decision of	8.2(d)	14
discipline by	8.2(d)	14
suspension by	8.2(b)	14
DESTRUCTION OF EXAMINATION PAPERS	5.11	10
DISCIPLINE, BY DEPARTMENT HEAD	8.2(b)	15
EDUCATION	5.3(d)	8
ELIGIBLE, disqualification	6.3	12
with three different certifications	5.10	10
ELIGIBLE LIST	5.10	10
defined	1.1(12)	4
duration	6.1	12
expiration	6.2	12
name on more than one	6.7	12
removal from	6.5	12
EMERGENCY APPOINTMENTS	6.12	14
EMPLOYEE, defined	1.1(13)	5
of commission	2.3	6
permanent, defined	1.1(16)	5
reinstatement	6.13	14
status, defined	1.1(14)	5
temporary, defined	1.1(22)	5
EMPLOYMENT, temporary	6.11	14
EXAMINATION, admission cards	4.5	7
admission to	4.5	7
application for	4.2 & 4.3	7
assembled, defined	1.1(2)	4
cancellation	5.6	9
character of	5.1	7
competitive, defined	1.1(10)	4
conduct of	5.8	9
education and experience	5.3(d)	8
fingerprints	4.6	7
identification number	5.7	9
medical, pre-employment	5.3(f)	8
medical, post-employment	7.1	14
mental	5.3(f)	8
method of rating	5.9	9
notice of	4.1	6

open, defined	1.1(15)	5
oral	5.3(b)	8
papers	5.11	10
papers, destroyed	5.11	10

<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
-----------------------	--------------------

EXAMINATION (Continued)		
papers, inspection of	5.13	10
parts of	5.3	8
performance	5.3(c)	8
physical	5.3(e)	8
postponement	5.6	9
promotional, defined	1.1(19)	5
promulgation of	5.12	10
scheduling of	5.5	9
tardiness	5.8	9
types and methods	5.2	7
written	5.3(a)	8
EXAMINERS, SPECIAL	2.4	6
EXPERIENCE	5.3(d)	8
FINGERPRINTS	4.6	7
FOREWORD		4
GENERAL LIMITATIONS	8.1	15
GRADING OF EXAMINATION	5.9	9
HEARINGS, charges read	10.3(c)	16
conduct of	10.3	16
decision	10.3(f)	16
failure to appear at	10.3(h)	16
notice of appeal	10.3(d)	16
notice of decision	10.3(g)	16
public	10.3(a)	16
record	10.3(e)	16
waiver of oral	10.3(e)	16
witnesses	10.3(b)	16
IDENTIFICATION NUMBER	5.7	9
INSPECTION, of examination papers	5.13	10
INTERVIEW, STRUCTURED, defined	1.1(21)	5
INVESTIGATION, authority to conduct	10.1	16
LATENESS TO EXAMINATION	5.8	9
LAY-OFFS	8.2	15
appeal	8.2(f)	15
appeal, dismissal of	8.2(h)	15

duration of	8.2(e)	15
reinstatement lists	9.1	16
LEAVES OF ABSENCE	9.2	16
LICENSE, REQUIRED	5.4	8

	<u>SECTION</u>	<u>PAGE</u>
LIST, eligible	5.10	10
defined	1.1(12)	4
reinstatement, establishment of	9.1	16
MEDICAL EXAMINATION	5.3(f)	8
	7.1	14
MEETINGS OF COMMISSION	2.5	6
minutes of	2.6	6
notice of	2.5	6
special	2.5	6
MENTAL EXAMINATION	5.3(f)	8
MINUTES, of meetings of Commission	2.6	6
NAME, change of	6.4	12
on more than one eligible list	6.7	12
removal from eligible list	6.5	12
NOTICE, of certification	6.8	13
of meeting	2.5	6
of meeting waived	2.5	6
of vacancy	6.6	12
OATH, ADMINISTER	10.2	16
OFFICERS OF COMMISSION	2.1	5
OPEN EXAMINATION, defined	1.1(15)	5
ORAL EXAMINATION	5.3(b)	8
PERFORMANCE TESTS	5.3(c)	8
PERMANENT EMPLOYEE, defined	1.1(16)	5
PHYSICAL EXAMINATION	5.3(e)	8
POSITION, defined	1.1(17)	5
POSTPONEMENT OF EXAMINATION	5.6	9
PROBATIONARY PERIOD	6.14	14
PROMOTION, defined	1.1(18)	5
PROMOTIONAL EXAMINATION, defined	1.1(19)	5
employee qualifications	5.17	11

fire service	5.16	11
police service	5.15	11
PROMOTIONS, fire service	5.16	11
police service	5.15	11
QUORUM OF COMMISSION	2.5	6
	<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
RATING, of examination	5.9	9
of service	5.19	11
REDUCTIONS, duration	8.2(e)	15
duration, appeal	8.2(f)	15
duration, appeal, dismissal	8.2(h)	15
general limitations	8.1	15
REMOVALS	8.2	15
appeal	8.2(f)	15
REINSTATEMENT LISTS, establishment of	9.1	16
REINSTATEMENT OF EMPLOYEE	6.13	14
RESIGNATION	8.2(i)	16
RULES, AMENDMENTS TO, procedure	11.1	17
publication of	11.2	17
RULES, defined	1.1(20)	5
repealed	11.3	17
waiver of	13.1	17
SCHEDULING OF EXAMINATION	5.5	9
SECRETARY, OF COMMISSION	2.2	5
SERVICE RATINGS	5.19	11
SEVERABILITY	12.1	17
SPECIAL EXAMINERS	2.4	6
SPECIAL MEETINGS OF COMMISSION	2.5	6
STRUCTURED INTERVIEW, defined	1.1(21)	5
SUBPOENA POWER	10.2	16
SUSPENSIONS	8.2	15
duration	8.2(d)&(e)	15
duration appeal	8.2(f)	15
duration appeal, dismissal of	8.2(h)	15
TARDINESS FOR EXAMINATION	5.8	9
TEMPORARY APPOINTMENT	6.7	12
TEMPORARY EMPLOYEE, defined	1.1(22)	5

employment	6.11	14
TENURE	8.2(a)	15
UNCLASSIFIED SERVICE, defined	1.1(23)	5

	<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
UNSUCCESSFUL CANDIDATES	5.10	10
examination papers destroyed	5.11	10
VACANCY, NOTICE OF	6.6	12
WAIVER, of certification	6.9	13
of rules	13.1	17
WEIGHTS, defined	1.1(24)	5
WRITTEN EXAMINATION	5.3(a)	8