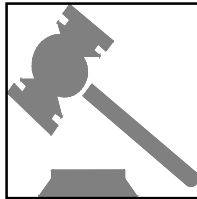


CIVIL SERVICE COMMISSION
of the
CITY OF GALION, OHIO
RULES AND REGULATIONS



Adopted by Commission: 09/09/02

Adopted by City Council: 10/08/02

Rules Amended and Adopted by Commission: 05/09/05

Rules Amended and Adopted by City Council: 05/24/05

Rules Amended and Adopted by Commission: 02/22/10

Rules Amended and Adopted by City Council: 06/22/10

Rules Amended and Adopted by Commission: 04/23/18

Rules Amended and Adopted by City Council: 08/15/18

Prepared by:
Clemans, Nelson & Associates, Inc.
485 Metro Place South, Suite 200
Dublin, OH 43017
614-923-7700 / 800-383-0787
www.clemansnelson.com

TABLE OF CONTENTS

	<u>Page</u>
Preamble.....	1
<u>RULE ONE — APPLICABILITY OF RULES</u>	2
1.01 Scope of the Rules and Jurisdiction of the Commission	2
1.02 Construction	2
1.03 Adoption, Amendment, Rescission	3
1.04 New Rules	4
1.05 Savings Clause.....	4
<u>RULE TWO — DEFINITIONS</u>	5
2.01 Definitions	5
<u>RULE THREE — GENERAL PROVISIONS</u>	10
3.01 Structure of the Commission.....	10
3.02 Duties of the Commission	10
3.03 Officers and Agents of the Commission	13
3.04 Removal	15
3.05 Meetings of the Commission.....	15
3.06 Procedure for the Adoption, Amendment, or Rescission of Rules	16
3.07 Service Lists.....	17
<u>RULE FOUR — CLASSIFICATION</u>	19
4.01 Classification Plan	19
4.02 Reclassification	20
4.03 Notification of Employees	20
<u>RULE FIVE — CLASSIFIED AND UNCLASSIFIED SERVICE</u>	21
5.01 Division of the Civil Service, Classified/Unclassified	21
<u>RULE SIX — APPLICATIONS</u>	25
6.01 Generally.....	25
6.02 Application Forms.....	25
6.03 Method of Filing Application Forms	25

TABLE OF CONTENTS

	<u>Page</u>
6.04	Residency/Citizenship..... 26
6.05	Age Restrictions: Police and Fire 26
6.06	Fitness for Service..... 26
6.07	Promotional Restrictions: Police and Fire 27
6.08	Character and Fitness 28
6.09	Licenses, Certificates, Education, and Training 28
6.10	Disqualification of Applicants..... 29
6.11	Notice of Acceptance or Rejection of Application 29
6.12	False Statements 29
6.13	EEO Applicant Flow Information 30
6.14	Application for Examination 30
6.15	Separate Examinations for Police and Fire..... 30
6.16	Performance Deposits 31
<u>RULE SEVEN — EXAMINATIONS</u>	32
7.01	General 32
7.02	Types of Examinations..... 32
7.03	Single or Separate Examinations 34
7.04	Competitive Examinations and Required Number of Candidates 34
7.05	Examinations for Original Appointments Without Competitive Examination 34
7.06	Examinations for Promotion Without Competitive Examination 35
7.07	Examination Notices and Sites 35
7.08	Scope of Examinations: Subjects/Study Materials..... 36
7.09	Original Appointment Exams: Police and Fire 37
7.10	Limitation on Original Appointments: Police and Fire 37
7.11	Medical, Physical, Psychological, or Drug Testing..... 37
7.12	Admission of Applicants to Examination..... 38
7.13	Identity of Entrance Examiners Concealed 38
7.14	Extension of Time in Examination 39
7.15	Visitors at Examinations 39
7.16	Postponement or Cancellation of Examination 39
7.17	Waiver..... 39
7.18	Promotional Examinations Generally..... 39
7.19	Promotional Examinations: Police and Fire..... 40
7.20	Frauds in Examinations Prohibited..... 40

TABLE OF CONTENTS

	<u>Page</u>
<u>RULE EIGHT — GRADING, ADDITIONAL CREDIT, AND INSPECTION</u>	42
8.01 Minimum Passing Score	42
8.02 Original Appointment Veteran’s Credit.....	42
8.03 Original Appointment Training Credit: Police and Fire	43
8.04 Original Appointment Certification Credit: Water & Wastewater Departments	43
8.05 Promotional Education, Training, and Seniority Credit	43
8.06 Addition of Credits.....	45
8.07 Inspection and Grading of Examination Papers	45
<u>RULE NINE — ELIGIBLE LISTS</u>	48
9.01 Preparation of Certified Eligible Lists	48
9.02 Term of Eligible Lists.....	48
9.03 Ties: Original Appointment Eligible Lists	49
9.04 Ties: Promotional Eligible Lists	49
9.05 Military Service and Eligibility Lists	49
9.06 Disqualification from Eligible List	50
9.07 Removal from an Eligible List	51
9.08 Duty of Eligibles	52
9.09 Revocation of Eligible List.....	52
9.10 Separate Lists for Police and Fire	52
<u>RULE TEN — APPOINTMENTS IN GENERAL</u>	53
10.01 Appointments in General	53
10.02 Appointment Procedure/Number of Names Certified	53
10.03 Probationary Periods.....	54
10.04 Removal or Reduction During Probation	55
10.05 Temporary or Exceptional Appointments	55
10.06 Permanent Classified Status.....	57
10.07 Promotional Appointments: Police and Fire	57
<u>RULE ELEVEN — TENURE, REDUCTION, SUSPENSION, REMOVAL, AND DEMOTION</u>	58
11.01 Tenure of Office.....	58
11.02 Procedure in General	59

TABLE OF CONTENTS

	<u>Page</u>
11.03	Procedure: Police and Fire 60
11.04	Disciplinary Action 61
11.05	Disciplinary Suspension 62
11.06	Absence Without Leave..... 62
11.07	Procedure for Removal, Suspension, or Reduction 62
11.08	Future City Employment Restricted 63
11.09	Procedure for Employees Covered by Collective Bargaining Agreements 63
11.10	Felony Convictions..... 63
 <u>RULE TWELVE — HEARING PROCEDURE</u> 64	
12.01	Time of Hearing; Notifications 64
12.02	Amendments to Orders 64
12.03	Hearing Procedure..... 65
12.04	Rules of Evidence; Representation by Counsel 66
12.05	Burden of Proof 66
12.06	Hearsay 66
12.07	Discovery 66
12.08	Subpoenas 66
12.09	Witnesses..... 67
12.10	Motions..... 67
12.11	Record of Hearings 67
12.12	Resignation Before Final Action 67
12.13	Trial Board/Hearing Officer 68
12.14	Last Chance Agreements 69
 <u>RULE THIRTEEN — LAYOFFS AND TRANSFERS</u> 70	
13.01	Layoffs or Reductions in General 70
13.02	Exclusive Rule 70
13.03	Determination of Reason for Layoff or Abolishment..... 70
13.04	Calculation and Use of Retention Points..... 70
13.05	Notice..... 71
13.06	Recall List 72
13.07	Displacement into Vacant Position 72
13.08	Appeals 72
13.09	Temporary Transfers 72

TABLE OF CONTENTS

	<u>Page</u>
13.10 Permanent Transfers	73
<u>RULE FOURTEEN — REINSTATEMENTS AND LEAVES OF ABSENCE</u>	74
14.01 Leaves of Absence	74
14.02 Reinstatements in General.....	74
14.03 Reinstatements/Disability Retirement: Police and Fire	75
<u>RULE FIFTEEN — FEDERAL AND STATE OCCUPATIONAL PROGRAMS</u>	77
15.01 City Participation	77
15.02 Status of Program Participants.....	77
<u>RULE SIXTEEN — PROHIBITIONS</u>	78
16.01 Political Activity Prohibited	78
16.02 Fraud in Examinations Prohibited	78
16.03 Payment for Appointment or Promotion Prohibited.....	79
16.04 Abuse of Official Power for Political Reasons Prohibited	80
16.05 Abuse of Political Influence	80
16.06 False Statements	80
16.07 Violations	80
16.08 Prosecutions	81
Appendix A	82
Appendix B	84
Appendix C	86

PREAMBLE

The following Rules and Regulations are adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Galion, Ohio, under the authority of the Ordinances of the City and Chapter 124 and other provisions of the Ohio Revised Code (“Revised Code” or “R.C.”), and Articles XV and XVIII and other provisions of the Constitution of the State of Ohio.

Inquiries regarding Civil Service matters or Rules should be addressed to the Civil Service Commission, City of Galion, 301 Harding Way East, Galion, Ohio 44833.

CIVIL SERVICE COMMISSION

RULE ONE

APPLICABILITY OF RULES

1.01 Scope of the Rules and Jurisdiction of the Commission

- A. These Rules shall be applicable to all Civil Service matters, except to the extent these Rules have been superseded by collective bargaining agreements between the City of Galion, Ohio, Galion Health District, or the Galion City School District and a public employee collective bargaining representative, or by ordinance, to the extent that the subject of said collective bargaining agreement(s) or any section thereof is an acceptable one for such an agreement under the Ohio Revised Code and/or as the Ohio Revised Code is interpreted by currently relevant case law. Certain of these rules will also apply to the unclassified service, as the rule or context indicates, for example where it is necessary to identify who is in the unclassified service, as opposed to the classified service. A reference to the “classified service” in certain instances in these rules shall not indicate intent to apply the remaining rules to the unclassified service. Classified employees appointed to and classified positions created by any program developed and funded by federal legislation shall be covered by these rules if these rules are not in conflict with federal legislation and/or guidelines. Where the federal legislation and/or guidelines require that these rules be extended to unclassified employees or positions where the rules would not normally apply, the rules will be so extended only to the extent necessary to ensure the receipt of the funding or to comply with the federal mandate.

- B. No person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted, or reduced as an officer or employee in the Civil Service of the City of Galion, the Galion Health District, or the Galion City School District in any manner or by any means other than those prescribed in these Rules, except as provided in A above or Rule 1.02. The same shall apply to those employees of the School District and the Health District that come under the jurisdiction of the Commission for the particular matter at issue.

1.02 Construction

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

An ordinance will prevail over any conflicting Rule. Any collective bargaining agreement that provides for binding arbitration of grievances and that conflicts with an ordinance, a resolution, or these Rules will prevail over the ordinance, resolution or Rule, pursuant to Chapter 4117 of the Ohio Revised Code, unless the subject matter is not a proper subject for collective bargaining (for example, certain public records provisions), or is a matter that is not enforceable through the override provisions of R.C. Chapter 4117 (for example, military personnel retain certain rights under R.C. 4117.10 and 5923.05; and employees convicted of felonies can lose certain rights pursuant to R.C. 124.34; all notwithstanding any collective bargaining agreement). Applicable federal laws and Regulations shall prevail over any and all of the above. Citations in these Rules to state and federal laws and Regulations and City ordinances are meant to incorporate amendments to same as they are made from time to time.

For the convenience of the Commission and the public, certain of these Rules indicate some of the instances where the City has elected to supersede state law.

The term "ordinance" in these Rules is meant to include formal ordinances, resolutions, or any other actions of Council that are sufficient to carry out exercises of Home Rule or other powers of Council. References to "Rules" and "Regulations" are interchangeable, unless indicated otherwise.

1.03 Adoption, Amendment, Rescission

- A. Unless otherwise indicated, these Rules and any amendment, revision, or rescission of the same shall be in full force and effect from and after their publication and adoption by the Civil Service Commission of the City of Galion, Ohio, provided that any Rules that supersede state law and require a ordinance or an action of City Council for their effect will take effect in accordance with the action of Council.

- B. Public notice as to the adoption, amendment, or rescission of any Rule of the Civil Service Commission must be given to the local news media at least 30 days prior to the date set for hearing and consideration of the Rule.
- C. The public notice must contain a statement of the Commission's intention to alter or adopt a Rule, and a statement as to the subject matter of the Rule to be affected. In addition, the notice must contain the date, time, and place set for the consideration of the Rule change.
- D. A copy of the full text of any proposed Rule, or Rule change shall be submitted to the Mayor, the Superintendent of the School District and the Commissioner of the Health District at least ten (10) days prior to the date set for consideration.
- E. Civil Service Commission Rules, once adopted by a majority vote and entered into the minutes, will be submitted to City Council for adoption as an ordinance. Copies of the Rules or Rule changes, together with the minutes of the Civil Service Commission adopting the change and a copy of the ordinance enacting the change, will be kept by the designee of the Commission and made available to any person upon request.

1.04 New Rules

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

1.05 Savings Clause

If any section or part of these Rules or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any chapter or section is restrained by a court, the remainder of these Rules and any amendments shall not be affected and shall remain in full force and effect, unless the context of the Rules as a whole indicates that section should be invalidated as well to conform with the Commission's intent.

RULE TWO DEFINITIONS

2.01 Definitions

Whenever used in the Civil Service Rules and Regulations the terms listed below shall be construed as follows:

- A. "Allocation" means the determination by the Commission of the class to which a position belongs.
- B. "Applicant" means a person requesting consideration for examination or employment in a class in the classified service of the City of Galion, the Galion Health District, or the Galion City School District.
- C. "Appointing Authority" means the officer, commission, board, or body having the power of appointment or removal from positions in the classified service and shall include but not be limited to the following:
 - 1. Mayor of the City;
 - 2. Director of Service;
 - 3. Director of Safety;
 - 4. City Auditor;
 - 5. Director of Law.
 - 6. School District's designated appointing authority
 - 7. Board of the Health District
- D. "Available Vacancy" means an existing funded position, not currently filled by an incumbent, which the Appointing Authority desires to fill. The existence of vacant positions on an Appointing Authority's table of organization shall not mean that a position is an available vacancy.
- E. "Certification" means the process of providing to an Appointing Authority the names on an eligible list or layoff list.
- F. "Certified Eligible List" means an official list certified and issued to an Appointing Authority of individuals available for employment from an eligible list.
- G. "Civil Service" includes all offices and positions of trust or employment in the service of the City of Galion, the Galion City Health District, and the Galion City School District.

- H. "Class" is used to designate one (1) or more positions sufficiently distinct from all other positions in duties, responsibilities, and qualifications required to warrant a separate title.
- I. "Classification" means a class as provided in subsection (H) hereof or the process by which the proper title and level for each position is determined.
- J. "Classified Service" means those persons in the employ of the City of Galion, Ohio, the Galion Health District, or the Galion City School District, who are now in competitive Civil Service status due to their job positions pertinent to the local situation. All other employees and positions shall be "unclassified." City ordinance, or in the absence of controlling ordinance, state law, shall determine those positions that are unclassified, and the rights of the affected employees shall be determined accordingly. See Rule 1.02 Construction.

In any situation in which the status of an employee, as being either classified or unclassified, is in issue, the burden shall be upon the Appointing Authority to establish such status by a preponderance of evidence.

- K. "Clerk" means the Clerk of the Civil Service Commission of the City of Galion, Ohio.
- L. "Commission" means the Municipal Civil Service Commission of the City of Galion, Ohio.
- M. "Competitive Examination" means an examination given for the purpose of determining the relative rank of those qualifying and establishing an eligible list arranged in the order of placement as a result of an examination procedure and these Rules.
- N. "Day" means calendar days unless otherwise specified.
- O. "Demotion" means except as otherwise provided herein, or in R.C. Chapter 124, the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.
- P. "Eligible" means an applicant for appointment or promotion to a classification who has passed an examination and met other requirements for the classification, and who is willing to accept appointment.

- Q. “Eligible List” means a list of names and test scores of individuals who, through examination, have been found qualified for the same, and each of whom has been afforded a specific competitive rank in relation thereto by arrangement based on total scores achieved.
- R. “Employee” means any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority.
- S. “Examination” means an evaluation of one (1) or more applicants’ suitability for employment in a particular position and/or classification in accordance with these Rules. Examinations may consist of an evaluation of training and experience or a written, oral, or other test (see Rule 7.02 types of examinations). The type of examination may depend on the position to be filled.
- T. “Exempt Appointment” means an appointment to a position which is not subject to an examination or Civil Service tenure.
- U. “He” is a masculine pronoun which, whenever it or its derivatives are mentioned, shall include the feminine pronoun “she” and its derivatives.
- V. “Intermittent appointment” means an appointment where an employee works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable and is generally characterized as requiring less than 1000 hours per year.
- W. “Municipal Service” shall include those positions in the Classified Service of the City, the City Health District, and the City School District.
- X. “Noncompetitive Examination” means an open examination, given to determine those qualified to fill appointments to positions requiring peculiar and exceptional qualifications of a scientific, professional, educational, or managerial character or positions where it is impractical to develop and administer competitive examinations.
- Y. “Notice” means the mailing by regular U.S. mail addressed to the latest address provided in writing to the Commission by the person to be notified or by actual delivery to the person or entity of any notice required under these Rules.
- Z. “Open Competitive” or “Competitive Entrance” examination means an examination open to all persons, whether or not employed by the City,

Health District, or School District, who meet the qualifications and comply with the prescribed requirements for admission thereto.

- AA. “Permanent Employee” means any employee in the classified service holding a position that requires working a regular schedule of 26 biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.
- BB. “Position,” when used by itself, shall refer to any specified office, employment, or job calling for the performance of certain duties, either full-time or part-time, and for the exercise of certain responsibilities by one (1) individual.
- CC. “Position Classification” means the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.
- DD. “Promotion” means the act of placing an employee in a position, the classification for which carries a higher salary range or rate than that of the position previously held by the employee.
- EE. “Promotional Competitive Examination” means a competitive examination which is open only to current employees who meet the qualification and eligibility requirements set forth.
- FF. “Rules” means the Rules and Regulations of the Municipal Civil Service Commission of the City of Galion, Ohio.
- GG. “School District” means the Galion City School District.
- HH. “Specification” means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification; which may include classification title and number, a statement of job functions, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for the performance of each duty, worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.
- II. “Status” means the nature or type of employment held by a city, health district or school district employee under the classified service.

- JJ. “Temporary appointment” means an appointment for a limited period of time, fixed by the Appointing Authority and approved by the Mayor for a period not to exceed 120 days, and in no case shall successive temporary appointments be made. A temporary appointment longer than 120 days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence. Persons who receive temporary appointments are in the unclassified Civil Service and serve at the pleasure of the Appointing Authority.

- KK. “Unclassified Service” means all offices and positions that are exempt from Civil Service examination and which provide no Civil Service tenure under the law. Unclassified status may be determined as provided for in R.C. 124.11(A) or (C) or other Revised Code provisions, or by local ordinance, and the rights of the affected employee are determined accordingly.

- LL. “Weights” means the relative importance of the subjects or parts of an examination as expressed in percentages, proportions, or ratios as determined by the Commission.

RULE THREE

GENERAL PROVISIONS

3.01 Structure of the Commission

The Mayor shall appoint three (3) persons, one (1) for a term of two (2) years, one (1) for a term of four (4) years, and one (1) for a term of six (6) years, who shall constitute the Civil Service Commission of the City of Galion, Ohio, the Galion City School District and the Galion Health District. Each alternate year thereafter the Mayor shall appoint one (1) person, as successor of the member whose term expires, to serve six (6) years. A vacancy shall be filled by the Mayor for the unexpired term.

3.02 Duties of the Commission

The Civil Service Commission shall:

- A. prescribe, amend, and enforce Rules not inconsistent with Chapter 124 of the O.R.C. (except to the extent inconsistencies have been adopted by Home Rule), for the classification of positions in the Civil Service of the City, the Galion City School District, and the Galion Health District; for examinations therefore and resignations therefrom; for appointments, promotions, removals, transfers, layoffs, suspensions, reductions, and reinstatements to those positions; and for standardizing positions and maintaining efficiency;
- B. classify positions in the service of the City, School District, and Health District;
- C. prepare, conduct, and grade or assign a person to prepare, conduct, and grade all examinations (including noncompetitive examinations) for positions in the classified service;
- D. prepare and maintain eligible lists containing the names, scores, and rankings of all persons qualified for positions in the classified service;
- E. recommend to the Mayor of the City an individual to be appointed as the Clerk of the Commission to assist and serve the Commission in its exercise of its duties, powers, functions, and responsibilities;
- F. maintain a journal, which shall be open to the public for inspection, in which the Commission shall keep a record of its proceedings and of the

vote of each of its members upon every action taken by it, along with a record of the Commission's final decisions pertaining to classification or reclassification of positions in classified service of the City and the assignment or reassignment of employees to specific position classifications;

- G. keep and maintain the following records:
 - 1. a compilation and listing of all of the current and existing authorized positions within the Civil Service of the City;
 - 2. a current description as to the duties and responsibilities of the same; and retain on file documents and records related to job and employment actions as to each such position;
 - 3. a record of all applications and all examinations conducted by the Commission;
 - 4. service lists (rosters) of all persons in the Civil Service paid directly by warrant of the City, containing the information specified in Rule 3.07 below;

- H. hear appeals provided for by law, including: appeals of Appointing Authorities from decisions of the Civil Service Commission relative to classification or reclassification of any position in the classified service under the jurisdiction of that Appointing Authority; appeals of employees in the classified service from final decisions of the employee's Appointing Authority relative to reduction in pay or position, job abolishment, layoff, suspension, fine, or discharge, or final decisions of the Appointing Authority or the Civil Service Commission relative to assignment or reassignment to a new or different position classification or a refusal to reclassify the employee's position; however, adverse actions based on certain felony convictions may not be appealed, per R.C. 124.34 (A); furthermore a party may not file a second appeal from a decision of the Commission that resulted from an appeal in the first place — although, the Commission may allow motions for reconsideration;

- I. subpoena and require the attendance and testimony of witnesses and/or the production of books, papers, records, and other documentary evidence pertinent to any matter which the Commission has the authority to investigate, into which it has the authority to inquire, or which it has the authority to hear;

- J. annually prepare and submit to the Mayor a budget and request for appropriations for the next fiscal year of the City, which the Commission deems appropriate and sufficient to defray the costs and expenses of the operation thereof;
- K. make reports from time to time, as the City Council and/or Mayor require, of the manner in which the law and the Rules and Regulations of the Commission have been and are being administered in the City, the Galion City School District, and the Galion Health District;
- L. prepare and file with the Clerk of the City Council an annual report as to the operation and activities of the Commission;
- M. keep and maintain a compilation and listing of all of the current and existing authorized positions within the Civil Service of the City, the Galion City School District, and the Galion Health District; retain on file a current description as to the duties and responsibilities of the same; and retain on file documents and records related to job and employment actions as to each such position;
- N. exercise all other powers and perform all other duties with respect to the Civil Service of the City, the Galion City School District, and the Galion Health District, as prescribed in Chapter 124 of the O.R.C. and conferred upon the Director of Administrative Services and the State Personnel Board of Review of the State of Ohio with respect to the Civil Service of the State of Ohio;
- O. make reports from time to time as the State Personnel Board of Review (SPBR) requests of the manner in which the law and the Rules and Regulations of the Commission have been and are being administered in the City; the Commission shall file its Rules and an annual report with the SPBR (the annual report may be the same as that submitted to the Mayor);
- P. appoint such additional referees (including hearing officers), inspectors, examiners, clerks, assistants, and/or other employees as are necessary to assist and serve the Commission in its exercise of its duties, powers, functions, and responsibilities and/or contract for such services (e.g. consulting services to assist with classification of positions per R.C. 124.14), provided that City Council has properly approved and appropriated the funds for the expense associated with the foregoing; furthermore, the Commission may delegate any functions it performs as

the City equivalent of the Ohio Director of Administrative Services to any other City administrative office, or make use of such personnel or services as the City shall provide to assist the Commission.

- Q. The Commission may permit electronic posting, filing, and serving of documents. However applicants, employees filing appeals, and other interested parties may not rely on this rule alone. If the Commission determines to allow the use of electronic posting, or service, for a particular purpose, the Commission will announce it through a web-site posting, exam notice, procedural order, or similar means. If a person is unsure if it is allowed, he or she should contact the Commission's Secretary.

3.03 Officers and Agents of the Commission

- A. At its annual organizational meeting, the Civil Service Commission shall elect one (1) of its members as Chair of the Commission, and one (1) as Vice Chair, who shall serve for the remainder of the calendar year and it shall be the duty of the Chair:
1. to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission;
 2. to sign the minutes of all action taken by the Commission;
 3. to preside at all meetings of the Commission;
 4. to work with the City Auditor regarding the payment of money from the accounts and funds of the Commission;
 5. to ensure that the Annual Report, as required by R.C. 124.40, is assembled and transmitted to the State Personnel Board of Review in a timely manner.

In the absence of the Chair, the Vice Chair shall act as Chair of the Commission.

- B. The Commission shall appoint and employ a suitable person to act as Secretary to the Commission, who shall also act as its Clerk. In the absence of the Secretary, the Commission may appoint a member of the Commission or another person to act as the temporary Secretary of the

Commission in the place of the Secretary. The Secretary shall perform the following duties:

1. attend all meetings of the Commission and keep the minutes thereof;
2. keep in the form of minutes a record of the official actions of the Commission;
3. be available in the municipal administration building during regular business hours for the purpose of receiving calls, accepting service of filings, and providing access to Commission records;
4. process all applications;
5. accurately and properly maintain all of the records of the Commission;
6. keep all files in proper order;
7. prepare and deliver, or cause to be delivered, notices, and other communications ordered by the Commission;
8. properly furnish Appointing Authorities with eligibility lists;
9. maintain an official roster and service lists;
10. handle such correspondence as the Commission shall determine, including the preparation of the budget and annual report;
11. on authorization from the Chair, sign all warrants or orders for the payment of money on behalf of the Commission;
12. make available to the public those documents deemed to be public records under the terms of R.C. 149.43;
13. perform other duties as assigned by the Commission.

In the absence of the Clerk, the Commission may recommend to the Mayor another employee of the City, or it may designate a member of the Commission or another person to act as the temporary interim Clerk of the Commission in the stead of the Clerk.

C. The Civil Service Commission may appoint hearing officers, special examiners, and additional clerks, assistants, and other employees, contract for services, or make use of service of the City, as provided in Rule 3.42(K) above.

D. Expenses and Salaries of the Commission

The expenses and salaries, if any, of the Commission shall be determined by Council.

3.04 Removal

Upon the receipt of a report from the State Personnel Board Review, charging a member of the Civil Service Commission with violating or failing to perform the duties imposed by law, or willfully or through culpable negligence violating the law by failure to perform his or her duties as a member of said Commission, along with the evidence on which the report is based, the Mayor shall forthwith remove the member. In all cases of removal, an appeal may be had to the Common Pleas Court of Crawford County, Ohio, to determine the sufficiency of the cause for removal. The Mayor may at any time remove any member of the Civil Service Commission for inefficiency, neglect of duty, or malfeasance in office, having first given the member a copy of the charges against him or her, and an opportunity to be publicly heard in person or by counsel in his or her defense.

3.05 Meetings of the Commission

A. The first annual meeting of the Civil Service Commission shall be its organizational meeting. The Commission shall hold such other meetings as may be called by the Chair of the Commission, or by two (2) members thereof.

B. All meetings of the Civil Service Commission are open to the public except as set forth in R.C. 121.22 and this Rule.

C. General minutes shall be taken at all Civil Service Commission meetings and shall be open to public inspection.

D. The Chair of the Commission may, on his own initiative, and shall, upon the request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of notice of such meeting. Two (2) members of the Commission

shall constitute a quorum at any meeting of the Commission, and it shall require the affirmative vote of at least two (2) members to adopt any motion or resolution.

- E. Notice of any meeting of the Civil Service Commission must be given to the local news media not less than 24 hours in advance of the meeting.
- F. In the event of an emergency, the Chair, the members calling the meeting, or a designee must immediately notify the local news media concerning the time, place, and purpose of the meeting.
- G. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be convened to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, or an employee of the Galion Health District or Galion City School District, unless such employee requests a public hearing.
- H. The order of business for meetings of the Commission shall be:
 - 1. roll call;
 - 2. disposition of unapproved minutes;
 - 3. reports;
 - 4. unfinished business;
 - 5. new business;
 - 6. adjournment.

3.06 Procedure for the Adoption, Amendment, or Rescission of Rules

- A. Public notice as to the adoption, amendment, or rescission of any Rule of the Civil Service Commission must be given to the local news media at least 30 days prior to the date set for hearing and consideration of the Rule.
- B. The public notice must contain a statement of the Commission's intention to alter or adopt a Rule, and a statement as to the subject matter of the Rule to be affected. In addition, the notice must contain the date, time, and place set for the consideration of the Rule change.
- C. A copy of the full text of any proposed Rule or Rule change shall be submitted to the Mayor, the Superintendent of the School District and the

Commissioner of the Health District at least ten (10) days prior to the date set for consideration.

- D. Civil Service Commission Rules, once adopted by a majority vote and entered into the minutes, will be submitted to City Council for adoption as an ordinance. Copies of the Rules or Rule changes, together with the minutes of the Civil Service Commission adopting the change and a copy of the ordinance enacting the change, will be kept by the designee of the Commission and made available to any person upon request.
- E. Commission rules shall be adopted at an open meeting by a majority vote and entered into the minutes. Interested parties may provide input in writing preferably in advance, or offer written or oral input at the meeting(s) called to consider the rules or rule changes. Copies of the rules or rule changes, together with the minutes of the Commission adopting the change, will be kept by the designee of the Commission and made available to any person upon request. Due notice of the contents of such rules and of all changes shall be given to appointing authorities affected by such rules, and such rules shall also be printed for public distribution.

3.07 Service Lists

- A. Separate rosters, known as "service lists," of the City, School District, and Health District shall contain the following:
 - 1. the name of every person employed by the City, School District, and Health District;
 - 2. the date of appointment;
 - 3. the title of the position;
 - 4. the date of termination of employment or separation therefrom, if any;
 - 5. the designation of said employee and the position in which he or she serves as being in the classified or the unclassified service.
- B. In the case of rosters of classified positions, the rosters shall also show the following:
 - 1. the dates of promotions, if any;

2. the dates of suspension, if any; and
 3. in the case of termination of employment or separation therefrom, if any, the cause for same.
- C. Service lists shall be filed with the Commission and kept by the Secretary, and the lists shall be updated and revised periodically by written notice from the respective appointing authorities.

RULE FOUR CLASSIFICATION

4.01 Classification Plan

- A. The Civil Service Commission shall establish and may modify or repeal, by Rule, a job classification plan for all classified positions, officers, and employment situations in the employ of the City of Galion, the Galion School District, and the Galion Health District.

- B. Positions in the Civil Service of the City, the City School District, and the Health District shall be classified in accordance with the classification plan, which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike as to warrant, shall be allocated to the same class with a title which shall be descriptive of the duties performed, and which will allow for the assignment of pay ranges with equity.

The Commission has authority to classify jobs so pay may be assigned with equity, but the Commission will not set pay ranges or rates for any classification or for an employee seeking to have his or her classification assigned to a higher pay range.

- C. The Commission shall prepare a class specification for each job classification setting forth a class title, salary range, typical duties and responsibilities, and the necessary qualifications. The Commission shall also, by rule, assign related classifications that form a career progression to a classification series. The Commission shall, by rule, assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned.

- D. Where particular licenses or attributes, such as insurability, are essential characteristics or functions of a position, the class series specification may be amended to so reflect. Such amendments may be requested by the Appointing Authority or may be made independently by the Civil Service Commission, and must be reflected on the minutes of the Commission.

- E. An employee may be assigned duties that are not specifically set forth in his or her job description or classification specification – however, as a rule, an employee should be assigned duties such that, if that employee’s job were

audited, the classification that most accurately describes the employee's duties should be the current classification.

4.02 Reclassification

- A. When the Commission proposes to reclassify any employee so that the employee is adversely affected, the Commission shall give the employee and the employee's Appointing Authority a written notice setting forth the proposed new classification, pay range, and salary, and the Commission and the Appointing Authority shall issue the additional notices required in R.C. 124.14(D).
- B. Upon the request of any classified employee who is not serving a probationary period, the Commission shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The Commission shall give to the employee affected and to the employee's Appointing Authority a written notice of the Commission's determination whether or not to reclassify the position or to reassign the employee to another classification. The Commission may also determine the most appropriate classification for a position on its own volition, or at the request of an Appointing Authority.

4.03 Notification of Employees

Whenever the classification title of a position is changed other than by promotion or demotion, the Commission shall notify in writing, any employee affected by the change as well as the employee's Appointing Authority.

RULE FIVE
CLASSIFIED AND UNCLASSIFIED SERVICE

5.01 Division of the Civil Service, Classified/Unclassified

The Civil Service of the City of Galion, Ohio, of the Galion City School District, and of the Galion Health District shall be divided into the classified service and the unclassified service:

A. Unclassified Service

The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required under these Rules:

1. all officers elected by popular vote, or persons appointed to fill vacancies in such offices;
2. the members of all boards and commissions, and the heads of departments appointed by the Mayor of the City; except that this rule does not exempt the Chief of Police or the Fire Chief (if any);
3. employees of the City Council of the City of Galion, Ohio, who are engaged in legislative duties;
4. up to four (4) clerical and administrative support employees for the City Council of the City;
5. up to four (4) clerical and administrative support employees for each of the principal appointive executive officers, boards, or commissions of the City authorized to appoint the same, except the Civil Service Commission of the City;
6. assistants to the Law Director of the City;
7. such students in normal schools, colleges, and universities of the State of Ohio who are employed by the City in student or intern classifications;
8. such unskilled labor positions as the Commission may find it impracticable to include in the competitive classified service; provided such exemptions shall be by order of the Commission,

duly entered on the record of the Commission with the reasons for each such exemption;

9. deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;
 10. employees who receive temporary or intermittent appointments, per R.C. 124.30;
 11. employees appointed to administrative staff positions for which the appointing authority is given specific statutory authority to set compensation;
 12. persons who lose their classified status due to a conviction of a felony within the meaning of R.C. 124.34;
 13. employees of the School District or the Health District that are unclassified in accordance with the laws of the State of Ohio;
 14. other positions designated as unclassified by ordinance or other law.
- B. Omission of any such unclassified position or person from the foregoing specific list of unclassifieds shall not be construed as an intention to render that person or position classified.
- C. Within 60 calendar days after taking office, each elective officer and each principal appointive officer, board, commission, or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution, shall designate each position for which exemption from the competitive classified service is claimed under the provisions of R.C. 124.11(A)(8) and Rules 5.02(A)(4) and (5). If, at the expiration of 60 calendar days after taking office, (A)(8) exemptions have not been designated by the appointing officer, board, or commission as herein provided, the (A)(8) exemptions already designated and in effect will be continued in effect. At any time the appointing officer, board, or commission determines to change a designation of a position as unclassified under paragraph (A)(8) or has not used all of the allowable (A)(8) exemptions, the officer, board, or commission may designate one or more additional positions as exempt under (A)(8), as long as the total number do not exceed the maximum number allowed under (A)(8). The

selection of exempted positions may be reconsidered by an Appointing Authority if a reorganization of his/her agency occurs during his/her term of office as a result of legislative action.

- D. The mere failure of an employee's Appointing Authority to file a statement with the Commission indicating that the employee is in the unclassified Civil Service, or the mere late filing of such a statement, does not prevent the employee from being in the unclassified service.

E. **Classified Service**

The classified service shall comprise all persons in the employ of the City of Galion, Ohio, the Galion City School District, and the Galion Health District not specifically included in the unclassified service. The classified service shall consist of two (2) classes, which shall be designated as the competitive class, and the unskilled labor class:

1. The competitive class shall include all positions and employments in the service of the City of Galion, Ohio, the Galion City School District, and the Galion Health District for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment may be given in all positions in the competitive class which are not filled by promotion, reinstatement, transfer, or reduction, as provided by these Rules, by appointment from those certified to the appointing officer in accordance with these Rules.
2. The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the Civil Service Commission. The Civil Service Commission shall require applicants for registration in the labor class to furnish such evidence or take such tests as the Civil Service Commission considers proper with respect to residence, physical capacity to perform the essential functions of the position applied for, with or without reasonable accommodations, honesty, capacity, industry, and experience in the work or employment for which he applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of an appointing officer, stating the kind of labor

needed, the pay and probable length of employment and the number of the employed, the Civil Service Commission shall certify from the highest on the list double the number to be employed; from this number the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

- F. A class specification shall be prepared for each job classification setting forth a class title, salary range, typical duties and responsibilities, and the necessary qualifications. This class specification shall set forth the factors and conditions, which are essential characteristics or functions of the class; and also those factors or conditions which differentiate it from other classes.

RULE SIX APPLICATIONS

6.01 Generally

All applications, whether for employment or for examination, must be made upon forms or in the manner prescribed by the Civil Service Commission and shall require the applicant to personally certify the truth and accuracy of the information contained in the application. All application forms, whether paper or electronic, must be completed in their entirety, printed legibly in ink when on paper and submitted to the Commission in a timely manner. The Commission will provide a reasonable accommodation, if necessary, to assist an applicant in completing the application.

No applications shall be accepted after the date for filing has passed.

6.02 Application Forms

At the first meeting of the Civil Service Commission following January 1, of each year, the Commission will review the prescribed form, or forms, make any changes that are deemed necessary, and, by majority vote, approve the form or forms to be used for the next ensuing year.

Application forms shall be provided by the Civil Service Commission and shall be available in the office of the Mayor, online, or at other locations as announced by the Civil Service Commission.

To the extent that the same are reasonably necessary in the application process, the Civil Service Commission may require of applicants such references as to the character of the applicant provided by persons having knowledge of the same as the Commission may require.

The application forms of individuals who successfully complete applications, and are placed on eligible lists shall be retained by the Civil Service Commission during the effective period of the eligible list. The application forms of individuals who are appointed to or employed in any classified Civil Service position shall be retained by the Civil Service Commission during the tenure of said employee.

6.03 Method of Filing Application Forms

Fully completed applications containing or accompanied by all of the information and accompanied by all of the documentation solicited by the application or the

job notice, and executed by the applicant or his or her properly authorized agent, shall be filed with the Clerk of the Civil Service Commission or with such other employee, agent or method of the Appointing Authority as is indicated in the job notice. The date of the receipt of each application shall be noted on the same. The Clerk of the Civil Service Commission shall maintain registers that contain the name of each applicant, the date of the receipt of the application thereof, and the documents that accompany the same.

6.04 Residency/Citizenship¹

Every applicant for examination or employment must be a citizen of the United States of America or have a valid permanent resident card.

6.05 Age Restrictions: Police and Fire

A. Police Department — Minimum Age for Application

No person shall be eligible to receive an original appointment as a Police Officer, unless that person has reached the age of 21. Applicants for original appointment examination to the Police Department must not have attained the age of 36 years on or before the date of appointment.

B. Fire Department — Minimum Age for Application

No person shall be eligible to receive an original appointment, as a Firefighter, unless that person has reached the age of 18. Applicants for original appointment examinations in the Fire Department must not have attained the age of 40 years on or before the date of appointment.

6.06 Fitness for Service

A. Every applicant appointed to or employed in the Civil Service shall be physically and psychologically able, with or without reasonable accommodation, to perform the essential functions of the position to which he is appointed, or in which he is employed.

B. Applicants to whom conditional offers of employment in positions within the Division of Police and the Division of Fire of the City of Galion shall be required to undergo psychological evaluations, medical examinations, and drug testing administered by appropriate, licensed medical professionals

¹Will depend upon Supreme Court review.

selected and designated by the Commission, and to provide information as to their physical and psychological health which is relevant to their ability to perform the essential functions of the position in relation to which a conditional offer of employment has been tendered, with or without reasonable accommodation. Results of physical and psychological health tests will be provided to the Police and Firemen's Disability and Pension Fund as required. The Civil Service Commission may order physical agility tests where applicable.

- C. The Commission may require that applicants, to whom conditional offers of employment in positions within other divisions or departments have been tendered, undergo such medical examination or testing, or provide such information, on the condition that such requirements are uniform as to all positions within an employment classification.

6.07 Promotional Restrictions: Police and Fire

- A. Vacancies above the rank of regular Firefighter in the Fire Department, and above the rank of Police Officer in the Police Department, shall be filled by promotion from among persons holding the next immediately lower rank.
- B. Whenever a vacancy occurs in the promoted ranks of the Fire Department, no person shall be eligible to take the promotional examination unless he has served at least 48 months in the next immediately lower rank, not including the probationary period.
- C. Whenever a vacancy occurs in the promoted ranks of the Police Department, no person shall be eligible to take the promotional examination unless he or she has served at least 24 months in the rank of Police Officer, not including the probationary period. In the event a vacancy occurs in the next higher promoted ranks no person shall be eligible to take a promotional examination unless he or she has served at least 24 months in the next immediately lower rank, not including the probationary period.
- D. If, even by waiving the time-in-rank requirement for non-probationary employees, there are not two (2) people eligible to take the promotional examination, the Civil Service Commission shall open the test to probationary employees in that rank.

- E. If, even by opening the test to probationary employees, there are not two (2) people eligible to take the promotional examination, the Civil Service Commission shall allow the non-probationary persons in the then next lower rank to compete with those persons in the rank lower than the position to be filled.
- F. The above process shall be repeated in a downward progression until such time as there are at least two (2) candidates to take the competitive examination.

6.08 Character and Fitness

Satisfactory information produced at any time to the Civil Service Commission, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to the successful performance of the employment sought; or of his pattern poor work habits and performance with previous employers; or of his dismissal for good cause, including delinquency or misconduct, from any branch of public service; or for his conviction of a felony; or of his current illegal use of drugs; or of his infamous or notoriously disgraceful conduct; or that he, in relation to the application process, has made false statements of any material fact; or that, in relation to his application or examination, in establishing his/her eligibility, and/or in securing his/her appointment, the applicant has practiced, or attempted to practice any deception or fraud shall justify the Civil Service Commission, before an examination, in refusing to permit the examination of an applicant, or, after testing, in refusing to certify the applicant as eligible for employment or appointment. In relation to such inquiries the Civil Service Commission may require such certificate of persons having knowledge of the applicant as the good of the Civil Service may require.

6.09 Licenses, Certificates, Education, and Training

Every applicant shall have, and shall be able to demonstrate that he or she possesses, the required licenses and certifications, and the educational, training, or equivalent qualifications required of the position for which application is made. A candidate shall provide the Civil Service Commission with reasonable and adequate proof thereof when the Commission requests such information from all candidates for a position, or when the Commission has sufficient reason to believe that the applicant may not possess such qualifications. The Commission shall not establish educational prerequisites, in particular, unless they are necessary to the performance of the position for which the examination

is conducted. (See also Regulation 7.02 regarding educational requirements as a condition for examination.)

6.10 Disqualification of Applicants

The completed application and requested documentation, information, and material requested therewith and secured in relation thereto shall be the sole criteria in determining an applicant's eligibility for an examination. Information showing that an applicant meets all of the minimum qualifications as stated in an examination announcement must appear on the application itself. No additional information will be accepted after the application filing deadline. Failure of an applicant to indicate on his application the qualifications as to education, certification, licensing, or any other requirement shall be sufficient cause to exclude an applicant from examination. A defective or incomplete application may be corrected by the applicant, and resubmitted by the filing deadline. Certification of an individual to an eligible list who has not met all of the requirements of these Rules shall not be considered a waiver of any requirements of the same, and shall not bar removal of the applicant from an eligible list by the Civil Service Commission as a result of said failure.

6.11 Notice of Acceptance or Rejection of Application

Whenever an application shows that an applicant is not qualified under these Rules for consideration for a position for which he has made application, or that the application is not in reasonable and substantial compliance with the same, the Clerk of the Civil Service Commission, or the Commission shall reject the application, and the Clerk, forthwith thereafter, shall afford the applicant written notice of said action and of the reason for the same. Applicants whose applications are accepted shall be given written notice of the date, time, and place of examination. Such notices shall be given at a reasonable time before the examination date, and shall apprise applicants that reasonable accommodations are available to disabled persons to afford them access to the examination process.

6.12 False Statements

Fraudulent conduct or false statements by the applicant, or by others with his connivance, in any application or examination shall be deemed cause for exclusion of an applicant from any examination, or for removal of his name from an eligible list, or for discharge from service after appointment or employment, provided that the name of no person shall be removed from an eligible list, and

no person shall be dismissed from service under this provision without an opportunity to be heard by the Civil Service Commission. Where an applicant is excluded from an examination, he shall be heard by the Clerk of the Civil Service Commission.

6.13 EEO Applicant Flow Information

The Civil Service Commission shall design and approve for use a form to be used in documenting EEO applicant flow statistics.

This EEO applicant information flow sheet shall be furnished to all applicants for employment or examination.

The completion of the EEO applicant flow information sheet by applicants for testing or employment shall be wholly voluntary, and no applicant shall be adversely affected in any way for having refused to complete such form.

Once completed, EEO applicant flow information sheets shall be physically separated from the application and separately filed as a confidential EEO compliance record.

6.14 Application for Examination

All applicants for positions in the classified service shall be subject to examination.

Examinations shall be open and competitive and shall be comprised of two (2) types:

- A. Original appointment examinations
- B. Promotional Examinations

6.15 Separate Examinations for Police and Fire

Separate examinations shall be given for positions in the Police Department and Fire Department, and separate Rules may apply with respect to each as provided in these Rules and R.C. Chapter 124.

In both the Police Department and the Fire Department, different tests will be given for original and promotional appointments.

6.16 Performance Deposits

- A. In the administration of any original appointment examination the Civil Service Commission may require a performance deposit from all applicants for a specific test.
- B. The performance deposit for a specific test will be in an amount determined by the Commission and may not be more than \$50.00.
- C. The performance deposit will be a cash deposit.
- D. This performance deposit must be submitted with the individual's completed application to take the test when it is submitted.
- E. This performance deposit will be returned to the applicant at the test site when the completed test is submitted for grading.
- F. Any applicant who fails to report for and take the test will forfeit his performance deposit to the City of Galion.

RULE SEVEN EXAMINATIONS

7.01 General

The following are the rules for examinations, except to the extent these rules have been superseded by a collective bargaining agreement between the employer and a public employee collective bargaining representative, or by ordinance (See Rule 1.02: Construction).

- A. All applicants for positions in the classified Civil Service shall be subject to examination, except for applicants for positions in professional or certified service, and to all limitations set forth in these Rules as to residence, education, license, certification, habit, and moral character, and to the requirement that each applicant be able, with or without reasonable accommodation, to perform the essential functions of the position for which he has made application.

- B. Examinations may consist of one (1) test, or of more than one (1) test in combination. Tests may be written, oral, demonstration of ability to perform essential functions, or an evaluation of training and experience, and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the person for which appointment is sought. Where minimum or maximum requirements are established for any examination, the same shall be specified in the examination announcement. Examinations may be conducted by a professional testing entity that can accommodate civil service requirements and fairly test candidates.

7.02 Types of Examinations

There shall be two (2) types of examinations administered by the Civil Service Commission in accordance with these Rules, to wit: examinations for original appointments, and examinations for promotion. Examinations for original appointments shall be open to all individuals who otherwise qualify for appointment to or employment in a position under these Rules. The Commission shall decide whether a position will be filled by promotional examination, rather than open-competitive examination, except to the extent eligibility for promotion is mandated by law (for example, regarding police promotions) or a Collective Bargaining Agreement. The Commission may consult with the appointing authority when making the determination.

If the examination is promotional, the Commission shall decide which classes of employees may take the examination, whether the employees must be certified in their current positions, and whether they must have completed their probationary periods in order to compete. The Commission may also determine that other persons in the classified service are eligible to compete in a promotional examination, if they otherwise meet the minimum qualifications for the promotional position.

Examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. Examinations may consist of one test or of more than one test in combination. Tests may be written, oral, physical, demonstration of ability to perform essential functions, or an evaluation of training and experience, and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position or classification for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examination of knowledge, skills, and abilities, and any other acceptable testing methods. Where minimum or maximum requirements are established for any examination, the same shall be specified in the examination announcement.

The Commission shall prescribe the subjects of each examination and the relative weights to be assigned thereto, if any; provided that any such determination must have been made prior to the date of such examination. If the Commission assigns a score or weight to more than one component, the Commission must grade all such components for an applicant in order to determine whether he or she passed.

On the other hand, if an applicant cannot meet a minimum qualification for the job (e.g., a required license, certification, etc.) the Commission need not conduct an examination for him or her, because it would not matter what he or she scored.

Educational requirements for examination shall only apply to positions for which educational requirements are expressly imposed by the Ohio Revised Code or federal requirements or to positions for which the Commission determines that the educational requirements are job-related.

7.03 Single or Separate Examinations

A. Generally

The Commission may use a single examination or separate examinations to evaluate applicants for similar positions or classifications in the service of appointing authorities under the jurisdiction of the Commission. However, examinations for the Police Department or Fire Department shall not be combined with examinations for other departments.

B. Separate Examinations for Police and Fire

As noted above, separate examinations shall be given in the Police Department and the Fire Department (and separate from each other), and separate rules may apply. Moreover resulting eligibility lists will only be used within the Police Department and Fire Department, respectively, and each will not be combined with eligibility lists from other departments (See Rule 9.09: Separate Lists for Police and Fire Departments). In addition, within the Police Department and the Fire Department, different tests will be given for original and promotional appointments.

7.04 Competitive Examinations and Required Number of Candidates

No competitive examination will normally be administered unless there are at least two (2) applicants eligible to compete. Furthermore, if fewer than a sufficient number of people apply or are eligible to compete in a competitive examination, the appointing authority may request approval of an appointment without competitive examination.

7.05 Examinations for Original Appointment Without Competitive Examination

Whenever there are urgent reasons that an Appointing Authority must fill a vacancy, and the Civil Service Commission cannot certify a sufficient list of eligibles, the Appointing Authority may submit the nominee's name and qualifications, along with any required supporting documentation, to the Commission, so the Commission may conduct an examination and determine whether to certify the nominee as qualified. If the Commission certifies the person as qualified, the Appointing Authority may then appoint that person, who shall be designated as "appointed without competitive examination."

Any employee in the classified service of the City who is appointed to a position under Section 124.30 of the Ohio Revised Code, and either demonstrates merit

and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six (6) months of continuous service, whichever is longer, shall become a permanent appointee in the classified service at the conclusion of that period. This provision shall not apply to temporary appointments or to promotional positions in the Police Department or Fire Department.

7.06 Examinations for Promotion Without Competitive Examination

Under the following conditions, the Commission may authorize the Appointing Authority to nominate a qualified person for promotion without competitive examination under R.C. 124.30:

1. a promotional vacancy exists in the classified service;
2. there are urgent reasons for filling the vacancy;
3. no sufficient eligibility list is in effect for that position;
4. no other applicable law or ordinance prohibits promotion without competition; and
5. the Commission decides that it is not necessary or practicable to conduct a competitive examination.

The Commission must approve the person's qualifications for the position, considering the requirements for the class, before the appointment is made. A person appointed to a promotional position in the Police Department or Fire Department under this Rule shall not achieve permanent status merely by serving in the position.

7.07 Examination Notices and Sites

- A. Examinations for original or promotional appointments shall be held at such times and in such places as the Civil Service Commission deems appropriate, and shall be administered in accordance with the applicable sections of R.C. 124, any applicable exercise of Home Rule, and these Regulations.
- B. Printed public notice of each examination for **original appointment** in the classified service shall be given through the local newspapers and shall be posted in conspicuous places in the City office or school buildings at least two (2) weeks prior to the last date for filing application, and shall include

the time, place, and general scope of the competitive examination. In addition, the Commission may cause the notice to be given or posted in such other places as it may deem advisable.

- C. Notice of **promotional examinations**, except for promotional examinations for positions in the Fire Department or Police Department shall be posted in conspicuous places in each department in which employees would be interested and eligible to compete for such promotion. Such notices shall be posted at least two (2) weeks prior to the last date for filing application, and shall include the time, place, and general scope of the competitive examination.
- D. The notice of the holding of a promotional examination for a position or positions in a Fire Department or Police Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination.
- E. Notices of all examinations for original appointments in the classified service may also be distributed to such persons or organizations as the Commission may deem to be interested in the positions to be filled.

7.08 Scope of Examinations: Subjects/Study Materials

Examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capability of the person being examined to discharge the particular duties of the position for which appointment is sought.

The Commission shall prescribe the subjects of each examination and the relative weights to be assigned thereto; provided that any such determination must have been made prior to the date of such examination.

Study materials, when reasonably available, shall be placed on closed reserve at the Galion Public Library. Such materials may then be signed out for two (2) hour periods. The materials may not be removed from the library and will not circulate overnight.

The Commission provides these materials as a courtesy and not as a matter of right and assumes no responsibility for lost, stolen, misplaced, or unavailable study materials.

7.09 Original Appointment Exams: Police and Fire

In relation to examinations for positions within the Division of Police and the Division of Fire of the City, examinations for original appointments may include written testing, oral testing, and/or an assessment center.

7.10 Limitation on Original Appointments: Police and Fire

Positions above the rank of Police Officer in the Police Department or regular Firefighter in the Fire Department may not be filled by original appointment.

7.11 Medical, Physical, Psychological, or Drug Testing

A. General:

Whenever physical or psychological qualifications are of especial importance, the applicant shall be required to pass a physical or psychological examination and be certified as qualified in such respect, whether before admission to the examination, or before being placed on the appropriate eligible list, or before certification for appointment, as the Commission may deem advisable. Medical examinations will only be conducted after a prospective appointee has received a conditional offer of employment.

Examinations must be job-related and based on business necessity.

B. Controlled Substances:

Drug testing examinations shall include a screening for the use of controlled substances, and will be conducted in accordance with any applicable state or federal laws and Regulations regarding same.

C. By Whom Conducted:

Physical, psychological, or drug screening examinations, whenever required by the Commission, shall be made by a licensed or certified professional designated by the Commission, who shall furnish a certificate as to the applicant's fitness for duty, with or without reasonable accommodation.

D. For purposes of this Rule, physical, psychological, or drug screening reports generated for initial hire, promotions, or other employment

purposes do not constitute a record of “medical treatment” and are therefore public records.

E. Reasonable Accommodation:

Any applicant or candidate who feels that he has been adversely affected by the physical element may request that a “reasonable accommodation” be investigated by the Appointing Authority.

Requests for such accommodation must be filed as soon as reasonably possible, must be in writing, and must outline the accommodation requested. Such requests must be filed with the Commission and with the Appointing Authority.

The Commission will then schedule an informal fact-finding meeting to discuss the issue of accommodation and will release its finding within five (5) working days of the conclusion of the informal fact-finding. Such meetings will be held in executive session.

7.12 Admission of Applicants to Examination

- A. No applicant shall be admitted to any assembled examination more than 30 minutes after the advertised time of beginning such examination, nor after any applicant competing in any such examination has completed his work and left the examination room, whichever shall occur earlier, except by special permission of the person in charge, who, in his discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.
- B. Any applicant admitted to an assembled examination after its advertised time of beginning must complete the examination at the advertised ending time, and shall receive no extension of time, except as set forth in 7.12, *infra*.

7.13 Identity of Entrance Examinees Concealed

The identity of all persons taking competitive entry level assembled examinations shall be concealed by the use of an identification number which shall be used on all examination papers. Each applicant who is admitted to the examination shall be assigned a number by which that applicant shall be known during the examination and consideration process. Any examination bearing the name of

the applicant or any other identification mark shall be rejected and the candidate so notified.

7.14 Extension of Time In Examination

No applicant shall be given a longer time on any subject than has been prescribed by the Commission for the completion of an examination.

Separate time limits may be established as a reasonable accommodation to a handicapped or disabled applicant.

Requests for additional time, or accommodation, must be submitted with supporting documentation at the time of filing application for the examination.

7.15 Visitors at Examinations

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

7.16 Postponement or Cancellation of Examination

A scheduled examination may be canceled or postponed by order of the Civil Service Commission, for any adequate reason. Reasonable efforts shall be made to notify each qualified applicant of the cancellation or postponement and will include written notice to the applicant's last known post office address, except under circumstances which make written notice impracticable.

7.17 Waiver

In the event an individual who has not met the requirements of these Rules is permitted to take an examination, the same shall not be deemed to be a waiver of any requirements established by these Rules.

7.18 Promotional Examinations Generally

- A. Vacancies in positions in the classified service above entry level shall be filled insofar as practicable by promotions. All examinations shall be competitive and may include written tests, oral tests, and/or assessment centers, and shall relate to those matters which test the ability of the person being examined to discharge the particular duties of the position sought.

- B. The identity of all examination applicants shall be concealed by the use of an identification number which shall be used on all examination papers. This identification number shall be used from the beginning of the examination until all the examination papers have been rated. Any papers bearing the name of the applicant, or any other identification mark, shall be rejected and the applicant so notified.

7.19 Promotional Examinations: Police and Fire

- A. Promotional examinations for positions within the Division of Police and Fire shall relate to those matters which test the ability of the person examined to discharge the particular duties of the position sought and may be in writing or other forms, provided, however, that in examinations for positions requiring the operation of machines, or equipment, practical demonstration tests of the operation of such machines or equipment may be part of the examination, so long as said demonstrations and tests afford consideration of reasonable accommodations which may be necessary for disabled persons to permit them to perform the essential functions of the position to which appointment is sought.
- B. The public notice of a holding of a promotional examination for a position or positions in the Division of Police and Fire shall, unless waived by all persons eligible to participate, be published not less than 30 days prior to the examination, and shall contain a description of the source of the material from which any written examination questions are prepared. Such source material shall be readily accessible to the examinees. Failure to comply with this requirement shall render void the pursuant examination. This paragraph shall not prohibit the use of questions having answers based upon experience in the fire service within the Division of Police and Fire of the City of Galion, Ohio.
- C. Examinations for promotion in the Police Department and Fire Department shall be competitive and may be written, oral, or demonstration of skill or an evaluation of training and experience.

7.20 Frauds in Examinations Prohibited

Frauds in examinations are prohibited. In accordance with R.C. 124.58, and the authority of the Civil Service Commission to control examinations, no person or officer shall:

- A. willfully or corruptly by himself or herself or in cooperation with one (1) or more persons defeat, deceive, or obstruct any person in respect to his or her right of examination, appointment, or employment arising under the Civil Service laws or any Rules and Regulations prescribed pursuant thereto;
- B. willfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of the Civil Service law, or aid in so doing, or willfully or corruptly make any false representations concerning the same or concerning any person examined;
- C. willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified;
- D. willfully or corruptly personate any other person or permit or aid in any manner any other person to personate him or her in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed;
- E. furnish any false information about himself or herself or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed;
- F. make known, or assist in making known to any applicant for examination, any questions to be asked on such examination;
- G. (for any applicant taking an examination) assist any other applicant in any manner whatsoever; or
- H. personally solicit a favor from any member of the Commission or appointing officer, or have any person in his or her behalf solicit a favor.

Any applicant in any examination found to be using any means of unauthorized information, other than that provided in the examination itself, such as memoranda, pamphlets, electronic aides, or books of any kind to assist him or her in answering the questions, shall have his or her examination papers taken up and filed with a "0" marking, when the circumstances justify such action.

RULE EIGHT
GRADING, ADDITIONAL CREDIT,
AND INSPECTION

8.01 Minimum Passing Score

- A. The Civil Service Commission shall endeavor to ascertain the minimum passing grade, as determined by the compiler of any professionally prepared Civil Service test. When available in advance, this information will be included on all test notices.
- B. Applicants must achieve the minimum passing score, excluding any additional credits provided by these Rules, as a prerequisite for further consideration for employment or appointment, and for certification to an eligible list.
- C. Where such minimum passing grade is unavailable in advance from the professional testing service, the minimum passing grade shall be one standard above the mean.
- D. If the test includes multiple portions, for example, the use of a written test plus an oral test, the Commission will score all portions of the test before determining that an applicant can receive extra credit that can only be granted to those achieving the minimum overall passing score (for example, seniority credit on a promotional exam). Applicants must be allowed to take all portions of the test that are scored. Applicants must achieve the minimum overall passing score, excluding any additional credits provided by these Rules, as a prerequisite for further consideration for employment or appointment in the classification tested, and for certification to an eligible list.

8.02 Original Appointment Veteran's Credit

Any applicant for original appointment who is a resident of Ohio, who has completed service in the uniformed services as described in R.C. 124.23, who was honorably discharged or transferred to reserve duty with evidence of satisfactory service, and who otherwise meets the qualifications of that section, may file with the Commission a certificate of service or honorable discharge for extra credit for such service. The applicant must submit proof of prior to participation in the examination. The Commission shall grant additional credit of 20% of the total grade given in the regular examination to any applicant who files for the extra

credit and qualifies, provided that he or she has first received a passing grade on the examination.

Such requests for uniformed service credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of uniformed service as described above. Uniformed service credit requested after the final date for test application will not be honored.

Applicants eligible for veterans credit on original examination shall receive a priority in ranking over nonveterans who obtain an identical grade.

8.03 Original Appointment Training Credit: Police and Fire

All applicants may receive additional credit of 10% of their passing score for each of the following certifications: Ohio Peace Officer Training Council training, Ohio Firefighter I and II training, and/or paramedic certification. Evidence of certification must be filed at time of application. For purposes of this paragraph, "current certification" shall be evidenced by the presentation of a certificate dated within one (1) year of the date of application, or a sworn statement by the applicant that such certification is currently in force and effect and that all requirements for maintaining such certification as current have been met.

8.04 Original Appointment Certification Credit: Water & Wastewater Departments

All applicants for original appointment who possess a valid Ohio Class Water or Wastewater Treatment Plant Operator's license may file with the Commission at the time of application, a current copy of said license, whereupon they shall receive an additional credit of 10% of their total score received, provided that they have achieved the minimum passing grade for such examination without regard to this or other such credit.

8.05 Promotional Education, Training and Seniority Credit

A. Applicants for Chief of Police shall be entitled to the following additional credit (provided they have achieved the minimum passing grade for such examination without regard to this or other such credit) if applicable, not to exceed 15% (credits are accumulative up to a maximum of 15%).

2.5% Will be awarded for completion of each of the following programs including but not limited to: PELC, FBI-National Academy, NUTI

School of Police Staff and Command, Southern Police Institute, and CLEE (Certified Law Enforcement Executive).

- 5% Associate's Degree in Criminology/Criminal Justice, Police Science, Public Administration, or other closely related field.
- 10% Bachelor's Degree in Criminology/Criminal Justice, Police Science, Public Administration, or other closely related field.
- 15% Master's Degree in Criminology/Criminal Justice, Police Science, Public Administration, or other closely related field.

B. Applicants for Fire Chief shall be entitled to the following additional credit (provided they have achieved the minimum passing grade for such examination without regard to this or other such credit) if applicable, not to exceed 15% (credits are accumulative up to a maximum of 15%).

2.5% Will be awarded for completion of each of the following programs including but not limited to: Executive Fire Officer (EFO) Program, Ohio Fire Executive (OFE) Program, and Chief Fire Officer (CFO).

5% Associate's Degree in Fire Science.

10% Bachelor's Degree in Public or Fire Administration, or other closely related field.

15% Master's Degree in Public or Fire Administration, or other closely related field.

C. In promotional examinations, additional credit for uninterrupted seniority within the department shall be added to the examination grade. No credit for seniority shall be added to an examination grade unless the applicant achieves at least the minimum passing score on the examination, absent any extra credit. For purposes of this section, departmental service interrupted by either military duty or job-related injury shall not constitute a break in seniority.

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

- E. In computing the credit for seniority in the Division of Fire, one-half (.5) of the credit set out in subsection C above shall be given for one-half (.5) year of service. Credit for service shall be based only on service with the same Appointing Authority.

8.06 Addition of Credits

- A. Applicants for original appointment other than to the Police Department, Fire Department, and Water/Wastewater shall be entitled to only such credit as is set forth in Section 8.02 (relating to veterans credit).
- B. Applicants for original appointment to the Police Department and Fire Department shall be entitled to only such credit as is set forth in Section 8.02 (relating to veteran's credit) and Section 8.03 (relating to training credit).
- C. Applicants for promotional appointments to the Police and Fire Departments shall be entitled to credit for efficiency in service/conduct and capacity in office as set forth in Appendices A-C.
- D. Applicants for promotional appointments other than police, fire, and water and wastewater departments shall be entitled to only such credit as is set forth in Section 8.05 (relating to seniority credit).
- E. In scoring all original and promotional examinations, no additional credit shall be given to any applicant, unless such applicant has achieved the minimum passing grade as determined prior to the addition of any additional credit and had filed with the Commission at the time of filing application for the examination, such proof of credit as is required by the Commission under these Rules.
- F. In calculating the amount of any education training, seniority, or veteran credit which an applicant who has achieved the minimum passing grade may be entitled to, the amount of such credit shall be the product of the applicable credit percentage multiplied by the initial passing grade attained by the applicant without regard to any other available credit.

8.07 Inspection and Grading of Examination Papers

- A. After any promotional competitive examination has been held, and prior to the grading of such examination papers, any participant in said examination shall have a period of five (5) business days, exclusive of

Saturdays, Sundays, and holidays, in which to inspect the questions, the scoring keys or answers to the examination, and to file any protest he may deem advisable. Such protests must be in writing, contain the authority relied upon, and shall remain anonymous to the Commission. All protests with respect to rating keys or answers shall be determined by the Commission within a period of not more than five (5) business days following the date on which the final protest is received, exclusive of Saturdays, Sundays, and holidays; and the Commissioners decision shall be final. If the Commission finds an error in the scoring key or answers, it shall publish a revised scoring key within five (5) business days of the date of its determination of such error or errors. The revised scoring key or answer shall then be available to participants for a period of five (5) business days, exclusive of Saturdays, Sundays, and holidays, subsequent to the publication of the revised scoring key. Inspection shall not be permitted of standardized tests prepared by experts outside of the City's service.

- B. A written report of the grades of the applicants shall be submitted by the testing entity to the Civil Service Commission, and the results posted at the office of the Mayor and the Civil Service Commission.
- C. After notice of a score has been received, each participant shall have the right to inspect his own examination papers together with the rating key. Inspection must occur within five (5) days following the posting of the grades. The Commission shall consider all protests, make changes as warranted, and then establish the eligible list. No grades shall be changed after the posting of any eligible list.
- D. All papers, except actual examinations to be given, medical records, EEO information, or recommendations of former employers submitted by participants in any examination shall be open to public inspection during office hours upon application to the Commission, provided such application is made during the period in which persons whose names appear on the eligible list resulting from such examination are eligible for appointment. For purposes of this Rule, physical, psychological, or drug screening reports generated for initial hire, promotions, or other employment purposes do not constitute a record of "medical treatment" and are therefore public records.
- E. Any person who inspects the questions, scoring keys, or answers during the periods set forth in Paragraphs (A) or (C), or pursuant to Paragraph (D)

of this section, shall be thereafter prohibited from taking the same examination for such a position in the classified service; provided, however, that the Commission may waive this prohibition if it finds that the examination and scoring key or answers are not similar to those of the examination that had been examined.

RULE NINE ELIGIBLE LISTS

9.01 Preparation of Certified Eligible Lists

The Commission shall prepare and keep open to public inspection, from the results of each examination, a certified eligible list of those persons whose general average score in the examination is not less than the minimum passing grade, and who are otherwise eligible for appointment. Such persons shall take rank upon the certified eligible list as candidates in the order of their relative excellence as determined by the examination and any credits, without reference to priority of the time of examination. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Commission may consolidate existing lists for the same class by rearranging the names of those eligible therein according to their score. All those persons whose names appear on an existing list, which is to be merged with a new list, shall have an opportunity to compete in the second examination and shall be given the standing on the combined list to which the higher grade received on either examination shall entitle him or her during the continuance of the first list and thereafter he or she shall rank in accordance with the grade received on the subsequent examination.

9.02 Term of Eligible Lists

An eligible list expires upon the filling or closing of the position, except a fire promotional list (see next paragraph). An expired eligible list may be used to fill a position of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired list be used more than one (1) year past its expiration date. The decision of whether to use an expired list shall be made by the Commission in consultation with the appointing authority.

An eligible promotional list for service within the fire department shall continue for two (2) years. If a vacancy occurs prior to the expiration of the two (2) year period, the list shall continue for the purpose of filling the vacancy until the vacancy has been filled.

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

- A. the appointing authority elects not to appoint from the list because the position is closed or the appointing authority has already made the number of appointments he or she intended when requesting the list;
- B. one or more persons on the list have declined appointment or failed to report and the appointing authority elects to use a new eligibility list created by the Commission for the classification;
- C. the appointing authority elects not to use the list under Rule 10.02(A).

9.03 Ties: Original Appointment Eligible Lists

In the event that two (2) or more applicants receive the same score in an original appointment examination, priority in the time of filing the application with the Commission shall determine the order in which their names shall be placed on the eligible list; provided that applicants eligible for veterans preference under these Rules shall receive priority in rank on the eligible list over nonveterans on the list with a rating equal to that of the veterans. Ties among veterans shall be decided by priority of the filing of the application.

9.04 Ties: Promotional Eligible Lists

Regarding eligible lists for original appointment, in the event that two (2) or more applicants receive the same score in an original appointment examination after adding any applicable extra credit, priority in the time of filing the application with the Commission shall determine the order in which their names shall be placed on the eligible list; provided that applicants eligible for veterans preference under R.C. 124.23 shall receive priority in rank on the eligible list over nonveterans on the list with a rating equal to that of the veterans. Ties among veterans shall be decided by priority of the filing of the application.

Regarding eligible lists for promotion, in the event that two (2) or more applicants receive the same ratings on a promotional examination after adding any applicable extra credit, seniority shall determine the order in which names shall be placed on the eligible list.

9.05 Military Service and Eligibility Lists

Any person on an eligible list who fails to report to the Appointing Authority when notified to do so or is unable to accept an appointment when offered by reason of being in uniformed service, shall not by reason of such failure be

removed from the eligible list. If and to the extent the employee is entitled to be certified under USERRA or a comparable Ohio law, he will be so certified.

9.06 Disqualification from Eligible List

- A. The name of any person appearing on an eligible list who:
1. fails to report or arrange within six (6) days from date of notification (Saturday, Sunday, City holiday excluded) for an interview with the appropriate Appointing Authority;
 2. fails to respond to a notice from the Commission;
 3. fails to report for work after accepting appointment;
 4. fails to pass a qualifying test prior to appointment;
 5. lacks any of the established requirements for the classification;
 6. has made false statements on his or her application;
 7. separates from employment with the City of Galion, the Galion Health District, or the Galion City School District;
 8. has received a permanent appointment through certification from an eligibility list for another position of equal or more salary or rate;
 9. has become incapacitated subsequent to examination;
 10. has had errors discovered in the computation of the examination score of the eligible;
 11. has requested that his or her name be removed;
 12. fails to file with the Commission written notice of change of address, or, for whom notification is provided by postal authorities of their inability to locate him or her at last known address;
 13. becomes deceased;
 14. for any of the reasons set forth in Chapter Nine which would have caused his or her application to have been rejected;

shall not thereafter be certified to any Appointing Authority as eligible for appointment. The potentially disqualified person shall be notified concerning the application of this section unless his or her whereabouts are unknown. The disqualified candidate's name may again be certified from the eligible list only where a thoroughly satisfactory explanation of the circumstances is made to the Commission. In the event of the refusal of an appointment by an eligible candidate, the Appointing Authority shall so notify the Commission.

- B. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from eligible lists for classes in which the salary is equal or lower.
- C. If, at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list is disqualified from appointment because of false statements made on his or her application, inability to perform the job duties, lack of a necessary license, lack of insurability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person shall fail to appear for hearing, or upon being heard, fail to satisfy the Commission, his name shall be removed from such eligible list.

9.07 Removal from an Eligible List

Names may be removed from an eligible list by the Civil Service Commission in accordance with these Rules, for the following reasons:

1. the written request of the eligible;
2. the expiration or revocation of the list;
3. failure of the person listed on the eligible list to fulfill all of the requirements and qualifications set out by or under these Rules;
4. the refusal or neglect of the eligible within three (3) days after notice of appointment to accept appointment upon certification, unless a waiver of such appointment is sought by the eligible and approved by the Civil Service Commission;
5. the failure of the Appointing Authority to select the eligible upon more than three (3) certifications;

6. the death of the eligible; or
7. fraud or false statements in the application or examination.

9.08 Duty of Eligibles

Each person on an eligible list shall file with the Commission written notice of any change of address, and failure to do so may be considered sufficient reason for not certifying his or her name to the Appointing Authorities for future appointment.

9.09 Revocation of Eligible List

An eligible list may be revoked and another examination ordered only when, in the judgment of the Commission, such action is deemed advisable by reason of errors, fraud, or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application or the payment of an additional fee. No certified eligible list shall be altered or revoked, except upon written notice to all persons whose standing may be affected and upon an entry in the minutes of the Commission of the reasons for such alteration or revocation.

9.10 Separate Lists for Police and Fire

Notwithstanding 9.01, separate eligible lists shall be maintained for original and promotional appointments in Police and Fire Departments. No person may be transferred from one list to the other, and appointments and promotions shall be made only from the eligible lists maintained by each department. Furthermore, appointments and promotions outside the Police Department shall not be made from the eligible lists maintained for the Police Department, nor shall appointments and promotions for the Police Department be made from a list not maintained for the Police Department; and appointments and promotions outside the Fire Department shall not be made from the eligible lists maintained for the Fire Department, nor shall appointments and promotions for the Fire Department be made from a list not maintained for the Fire Department.

RULE TEN

APPOINTMENTS IN GENERAL

10.01 Appointments in General

Vacancies in positions in the classified service are not to be filled or required to be filled until such time as the position is certified as vacant with a need for appointment thereto by the Appointing Authority.

Appointments to all positions in the classified service, other than those that are filled by exempt promotion, transfer, or reduction, as provided in Sections 124.01 to 124.64 of the Revised Code, and the Rules and Regulations of the Commission shall be made only from those persons whose names are certified to the Appointing Authority in accordance with these Rules.

10.02 Appointment Procedure/Number of Names Certified

A. Certification of Names for Appointment

Except as otherwise provided in R.C. 124.30 (See Rule 10.06: Temporary or Exceptional Appointments), R.C. 124.31 (relating to promotions), R.C. 124.27, and these Rules, the appointing authority shall appoint in the following manner: each time a selection is made, it shall be from one of the names that ranks in the top twenty-five percent (25%) of the eligible list. But in the event that ten (10) or fewer names are on the eligible list, the appointing authority may select any of the listed candidates. Each person that qualifies for veterans preference under Rule 8.03 and who is a resident of Ohio and whose name is on the eligible list is entitled to preference in original appointment to any such competitive position over all other persons with equal standing on the eligible list.

If an eligible list becomes exhausted and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified. The Commission may also approve a temporary or exceptional appointment (See Rule 10.06: Temporary and Exceptional Appointments).

B. Certification of Names for Promotional Appointment

When vacancies are to be filled by promotion, the Commission shall certify to the appointing authority only the names of the three (3) persons having

the highest ratings on the eligible list. When the promotion is within the Police Department and subject to R.C. 124.44 or the Fire Department and subject to R.C. 124.45, the Commission shall certify the name highest on the eligibility list. Where appropriate, the Commission may approve a temporary or exceptional appointment.

C. Notification of Unclassified Appointment and Information to Be Provided to the Appointee

1. Within ninety (90) days after an appointing authority appoints an employee to an unclassified position in the City, the appointing authority shall notify the Commission of that appointment.
2. On the date an appointing authority appoints an employee to an unclassified position in the City, the appointing authority shall provide the employee with written information describing the nature of employment in the unclassified civil service. Within thirty (30) days after the date an appointing authority appoints an employee to an unclassified position in the City, the appointing authority shall provide the employee with written information describing the duties of that position. Failure of the appointing authority to provide the written information described in this division to the employee does not confer any additional rights upon the employee in any appellate body with jurisdiction over an appeal of the employee.
3. The Commission shall develop and provide each appointing authority in the City with a general written description of the nature of employment in the unclassified civil service that shall be provided to employees under Rule 10.02(C)(2).

10.03 Probationary Periods

- A. Except for original appointments to the Police Department as a Police Officer or the Fire Department as a Firefighter, all original appointments, including provisional appointments made pursuant to 124.30 of the Revised Code, shall be for a probationary period of 120 days or for a period determined by the terms of any applicable collective bargaining agreement. All promotional appointments including Police and Fire Department (except for Chief of Police and Chief of Fire) shall be

probationary for a period of 120 days or for a period determined by the terms of any applicable collective bargaining agreement.

- B. Original appointments to the Police Department and to the Fire Department shall be for a probationary period of one (1) year.
- C. No promotion shall be final until the appointee has satisfactorily served his probationary period.
- D. Service as a provisional employee in the same or similar class shall be included in the probationary period.
- E. Probationary period for Chief of Police and Chief of Fire shall be one (1) year.
- F. At the end of the probationary period, the Appointing Authority shall transmit to the Civil Service Commission, or the Clerk of the Civil Service Commission, indication of the appointee's successful completion of the probationary period.

10.04 Removal or Reduction During Probation

If the service of a probationary employee is unsatisfactory, he or she may be removed or returned to his or her prior position without right of appeal at any time during the probationary period. Unless the probationary appointee has been previously removed, the Appointing Authority shall immediately notify the Commission if the appointment is to be terminated during the last ten (10) days of the probationary period. Such notification shall be in writing and state the reasons therefore. Removal or reduction may be made under the provision of Rule Nine at any time.

10.05 Temporary or Exceptional Appointments

Positions in the classified service may be filled without competition as follows:

- A. Appointments without Competitive Examination

Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify names to the Appointing Authority from an eligible list compiled after a competitive examination, the Appointing Authority may nominate a person to the Commission for noncompetitive examination. If such nominee is certified by the Commission as qualified after such noncompetitive examination,

that person may be appointed to fill such vacancy. The appointment shall not become permanent until the person shall have successfully completed the probationary period or served continuously in the position for six (6) months, whichever is longer. A person appointed to a promotional position in the Police Department under this Rule shall not achieve permanent status merely by serving in the position.

B. Temporary Appointments

A temporary appointment may be made without regard to the Rules of R.C. 124.01 to 124.64. Except as otherwise provided in R.C. 124.30(A), the temporary appointment may not continue longer than 120 days. Where a position is vacant for a temporary period by reason of sickness, disability, or other approved leave of absence of a regular employee a temporary appointment may be made for a period longer than 120 days and may continue during the period of sickness, disability, or other approved leave of absence.

Successive temporary appointments to the same position shall not be made under this Rule. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing on the register for permanent employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position. All temporary appointments shall be promptly reported to the Civil Service Commission.

C. Temporary and Intermittent Employees Unclassified

Persons who receive temporary or intermittent appointments are in the unclassified service and shall serve at the pleasure of their Appointing Authority.

D. Suspension of Rules

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of R.C. 124.01 to 124.64 and these Rules requiring competition in such case, but no such suspension

shall be general in its application. All such cases of suspension shall be reported in the annual report of the Commission with the reasons for this suspension of the Rules. Employees appointed under this Rule shall achieve permanent status, upon satisfactory completion of the required probationary period or completion of 180 days of continuous service in the position, whichever is longer. (May be able to use this for Police and Fire Chief.)

10.06 Permanent Classified Status

Any employee in the classified service of the City who is appointed to a position under Section 124.30 of the Ohio Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six (6) months of continuous service, whichever is longer, shall become a permanent appointee in the classified service at the conclusion of that period. Once an employee achieves permanent status, that employee may not be displaced from his or her position due to the certification of another person from an eligible list.

10.07 Promotional Appointments: Police and Fire

With the exception of the Chief in the Division of Police, and the Chief in the Division of Fire, in the case of a promotional appointment to be made in the Division of Police or Fire, the Commission shall certify to the Appointing Authority the name of the person standing highest on the list. Upon such certification, the Appointing Authority shall appoint the person certified within 30 days of certification; 10 days in the case of an appointment within the Division of Fire. If there is no eligible list for the rank in which the available vacancy occurred, the Commission, within 60 days of such vacancy occurring shall hold a competitive promotional examination. After such examination has been held in the Division of Fire, an eligible list shall be established within 20 days of the final date of the revised rating key or answer inspection date and the Civil Service Commission shall certify the person receiving the highest grade.

RULE ELEVEN
TENURE, REDUCTION, SUSPENSION,
REMOVAL AND DEMOTION

11.01 Tenure of Office

The following are the Rules for tenure in office for employees in the classified service, except to the extent these Rules have been superseded by a collective bargaining agreement between the City and a public employee collective bargaining representative, or by ordinance (See Rule 1.02: Construction).

- A. The tenure of every officer or employee in the classified service of the City of Galion, the City of Galion School District, and the Galion City Health District, holding a position under Chapter 124 of the Revised Code, shall be during good behavior and efficient service, and except in cases of layoff or job abolishment, or as otherwise provided by the Revised Code or these Rules, no such officer or employee shall be reduced in pay or position, suspended, removed, or have the officer's or employee's longevity reduced or eliminated, except as provided in Section 124.34 of the Revised Code, and these Rules, for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work Rule, violation of such sections of the Revised Code or the Rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office, or any violation of the Rules and Regulations of the Galion Police Department, Galion Fire Department, City of Galion, City of Galion School District, and the Galion City Health District. The denial of a one-time pay supplement or a bonus to an officer or an employee is not a reduction for purposes of this rule. This rule is meant to reflect R.C. 124.34, and not to expand or limit the tenure rights conferred by it.
- B. A finding of the Ohio Ethics Commission, based upon a preponderance of the evidence that the facts alleged in a complaint under Section 102.06 of the Revised Code constitute a violation of Chapter 102, Section 2921.42 or Section 2921.43 of the Revised Code may constitute grounds for dismissal.
- C. Failure to file a statement or falsely filing a statement required by Section 102.02 of the Revised Code may also constitute grounds for dismissal.

- D. Special provisions in 124.40 establish tenure and the grounds for suspension and/or removal of the Chief of Police and Chief of Fire, and shall apply unless superseded by ordinance.

11.02 Procedure in General

- A. In any case of reduction, suspension of 40 or more work hours for an overtime-exempt employee or 24 or more work hours for an employee required to be paid overtime, fine of 40 or more work hours for an overtime-exempt employee or 24 or more work hours for an employee required to be paid overtime, or removal, the Appointing Authority shall serve the affected employee with a copy of the order of reduction, suspension, fine, and/or removal. Such order shall state the reason(s) therefore. Probationary employees who are removed or reduced must be notified, but need not be served an "order." (See Rules 11.02(D) and (E) regarding reductions, fines, suspensions, and removals in the Police and Fire Departments.)
- B. Within ten (10) days following the date on which the order is served, a classified employee may file a written appeal with the Commission, unless the employee was removed for a felony within meaning of R.C. 124.34 (or was removed or reduced during the probationary period). For purposes of that section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first.

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

- C. In the event such an appeal is filed, the Commission shall forthwith notify the Appointing Authority and shall hear, or appoint a trial board to hear, such appeal within 30 days from the filing of the appeal with the Commission. The Commission or trial board may affirm, disaffirm, or modify the judgment of the Appointing Authority.

- D. Notwithstanding the above, the tenure and the grounds and procedures for reductions, suspensions, fines, demotions, or removals of members of the Police and Fire Departments who are not subject to a collective bargaining agreement are governed by the Ohio Revised Code and City Ordinances, including, but not necessarily limited to R.C. 124.34(C), 124.40, 737.052, and/or 737.12. Except to the extent these provisions have been superseded by ordinance, the Commission will take those procedures into account when hearing appeals regarding same.

11.03 Procedure: Police and Fire

- A. In the case of suspension for any period of time, or demotion, or removal of the Chief of the Division of Police or Chief of the Division of Fire, or any other member of the Police or Fire Department, the Appointing Authority shall furnish such Chief or member of the department with a copy of the order of suspension, demotion, or removal. Such order shall state the reason(s) therefore and shall be filed with the Commission. The procedures set forth in Rule 12 shall apply.
- B. The Mayor has the exclusive right to suspend the Chief of the Police or Fire Departments. If either Chief is so suspended, the Mayor shall certify such fact together with the cause for such suspension to the Commission which within five (5) days from the date of receipt shall proceed to hear such charges and render judgment thereon.
- C. Within ten (10) days following the filing of such order, such Chief or member of the department may file a written appeal with the Commission, except for employees removed or reduced their probationary period. In the event such an appeal is filed, the Commission shall forthwith notify the Appointing Authority and shall hear, or appoint a trial board to hear, such appeal within 30 days from the filing of the appeal with the Commission. The Commission or trial board may affirm, disaffirm, or modify the judgment of the Appointing Authority. An appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas of Crawford County, Ohio. Such appeal shall be taken within 30 days from the finding of the Commission.

11.04 Disciplinary Action

- A. The Appointing Authority may suspend with or without pay, demote, discharge, or reprimand an officer or employee for:
1. neglect of duty;
 2. absence without leave for any period of time;
 3. incompetency;
 4. inefficiency;
 5. conduct unbecoming an employee in the public service;
 6. intoxication in the course of employment;
 7. the illegal use, sale, or possession of a drug of abuse as defined in Section 513.01 of the Galion Codified Ordinances;
 8. disorderly conduct while on duty;
 9. insubordination;
 10. offensive conduct toward fellow employees, superiors, or the public in the course of employment;
 11. willful violation of any provision of law governing the Civil Service or Rules or Regulations of the Commission;
 12. conviction of a felony or of a misdemeanor involving moral turpitude;
 13. conviction of any law deemed related to the job to be performed by the officer or employee, although an actual conviction is not a prerequisite for discipline or discharge for an act or omission that would amount to a crime;
 14. negligent or willful damage to public property;
 15. wasteful use of public supplies or equipment;
 16. negligent, improper, or inefficient handling or accounting for public funds or accounts; or violation of any departmental Rule or

Regulation respecting the handling or accounting of public funds or accounts;

17. engaging in any political activity which is prohibited by Civil Service law or the Rules of the Commission; and
18. for any other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance, or nonfeasance in office.

B. The Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

11.05 Disciplinary Suspension

An officer or employee may be suspended for a period not to exceed 24 hours for disciplinary purposes without a right of appeal to the Civil Service Commission.

11.06 Absence Without Leave

Absence from duty without leave for any period of time; or the failure to report for duty after leave has expired, shall be considered "neglect of duty" and a cause for removal.

11.07 Procedure for Removal, Suspension, or Reduction

A suspension, removal, or demotion pursuant to R.C. 124.34 of an employee by an Appointing Authority shall not become effective until such Appointing Authority has first:

1. held a predisciplinary meeting at which the employee is apprised of the alleged transgressions and of the proposed disciplinary action;
2. served such employee a written order of discipline which contains one (1) or more statutory reason(s) for the grounds for discipline with such specifications of facts as shall fairly allow the employee to defend; and

3. filed a copy of such order of removal with the Commission within the time allowed.

11.08 Future City Employment Restricted

Any permanent officer or employee who is discharged from the service with the City of Galion, the Galion Health District, or the Galion City School District, or resigns therefrom while not in good standing (see Rule 12.12) shall be disqualified from taking any Civil Service examination for employment with the City, the Health District or the City School District.

11.09 Procedure for Employees Covered by Collective Bargaining Agreements

The procedures for discipline or removal of employees covered by a collective bargaining agreement are governed by that agreement, or are governed by these Rules where the agreement makes no provision. The Commission will not take jurisdiction of appeals over subjects governed by a collective bargaining agreement that provides for binding arbitration of grievances.

11.10 Felony Convictions

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.

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

RULE TWELVE HEARING PROCEDURE

12.01 Time of Hearing; Notifications

Upon receipt from an employee or officer in the classified service of the City of a timely appeal from an order of removal, reduction in pay or position, of 40 or more work hours for an overtime-exempt employee or 24 or more work hours for an employee required to be paid overtime, or fine of 40 or more work hours for an overtime-exempt employee or 24 or more work hours for an employee required to be paid overtime, the Commission shall set a time and place to hear such appeal and shall notify the appropriate Appointing Authority, as well as the employee and his or her attorney, if known, of the time and place of the hearing. Such notice must be in writing and mailed to the last known post office address of each party no less than ten (10) calendar days prior to the hearing date; however, this time limit may be waived by the Commission at the employee's request.

Appeals of reclassifications shall be filed, in writing, within 30 calendar days after receiving the notice of the results of the audit. A copy of the audit decision letter shall be attached to the appeal.

The mere failure of an employee's Appointing Authority to file a statement with the Civil Service Commission indicating that the employee is in the unclassified Civil Service, or the mere late filing of such a statement, does not prevent the board from determining that the employee is in the unclassified Civil Service. In determining whether an employee is in the unclassified Civil Service, the board shall consider the inherent nature of the duties of the employee's classification during the two (2) year period immediately preceding the Appointing Authority's appealable action relating to the employee.

12.02 Amendments to Orders

Amendments to appealable orders may be made by the Appointing Authority at any time, provided the employee and his or her attorney, if any, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as provided herein. The Appointing Authority may also completely rescind the order on or before the effective date; and if the Appointing Authority does so, the rescission will not bar the filing of another order, even if based on the same allegations.

Nonmaterial changes, amendments or supplements to the charges and specifications may be made at any time prior to the ultimate determination by the Commission.

12.03 Hearing Procedure

The Commission shall first determine whether it has jurisdiction. The Commission may, for example, dismiss a case where the Commission's jurisdiction has been negated by an applicable collective bargaining agreement. In disciplinary cases, the Commission shall review the order of discipline or inquire what other action was taken by the appointing authority that generated the appeal, determine whether the order or action entitles the employee to a right to appeal, inquire whether and how the employee was served with the order of discipline, if any; and if the Commission determines that it appears that it does have jurisdiction.

Hearings before the Commission may be public except when the nature of the charge may be offensive to public morality and decency. In such cases, the Commission may order the hearings closed to the general public, unless the employee requests that the hearing be public. By agreement of the parties, or if the discussion of any issue or item would violate any person's right to privacy, other than an employee requesting a public hearing, the Commission may conduct an *in camera* review of that matter.

In the hearing of such appeals, the order of procedure shall be as follows:

- A. The Appointing Authority taking action affecting the employee shall present his evidence in support of the charges and specifications.
- B. The employee affected shall then produce such evidence as he may wish to present to refute such charges.
- C. The Appointing Authority may offer evidence in rebuttal. The Commission may, in its discretion, hear final arguments.
- D. Either party may call the other, or agents, officers, or employees of the same as a cross-examination.
- E. In a case where the appointing authority contests that it took the "appealable" action alleged by the employee, the employee must first present evidence that the action occurred. The appointing authority may refute that evidence, and the employee may then rebut.

12.04 Rules of Evidence; Representation by Counsel

The Rules of Evidence prevailing in civil actions in the Ohio courts of general jurisdiction are to be used as evidentiary guidelines in hearings before the Civil Service Commission. The Commission may permit the introduction of evidence otherwise excludable under such Rules where a foundation, establishing the reliability and credibility of the evidence, its relevance and materiality, and its necessity, has been established. The appellee and appellant may be represented by counsel or other representative. The Civil Service Commission may be represented by independent legal counsel and the cost of such representation will be paid by the City.

12.05 Burden of Proof

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

12.06 Hearsay

The Commission may permit the introduction of evidence otherwise excludable as hearsay provided there is established some foundation as to its reliability and its necessity.

12.07 Discovery

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

12.08 Subpoenas

Either party may request that a subpoena be issued by the Commission. Such requests shall be submitted no later than seven (7) days prior to the hearing. Such request must be accompanied by a completed subpoena form. Subpoenas *duces tecum* shall be submitted no later than ten (10) days prior to the hearing. It is the responsibility of the requesting party to serve the subpoena. The Commission may call witnesses other than those requested by the parties.

12.09 Witnesses

All witnesses must testify under oath or affirmation.

12.10 Motions

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

12.11 Record of Hearings

The Commission may record hearings either by the use of a stenographer or through the use of a magnetic tape or digital media.

12.12 Resignation Before Final Action

The acceptance by an Appointing Authority of the resignation of a person discharged, before the final action by the Commission, will be considered a withdrawal of the charges. Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

12.13 Trial Board/Hearing Officer

The Commission may appoint a trial board or hearing officer to hear an appeal as provided in Rule 11.02. When the Commission exercises its discretion to do so, the following procedure shall apply before the Commission takes final action on the appeal. Hearing officer shall have the same meaning as trial board for purposes of this section.

- A. The hearing officer shall submit a report to the Commission in each appeal considered by the hearing officer for the Commission.
- B. No objection may be made to any decision of a hearing officer prior to the submission of the hearing officer's report and recommendation. Written objections to reports and recommendations shall be filed within ten (10) calendar days after receipt of the report and recommendation(s). Written replies to objections shall be filed within ten (10) days after the opposing party's objection has been filed.
 - 1. If service or delivery of a report and recommendation is refused, unclaimed or sent to the wrong address due to a party's failure to notify the Commission of a change of address, it shall be deemed received by the party three (3) calendar days after such mailing. A certificate of mailing shall be considered sufficient proof of mailing.
 - 2. The Commission may extend the time to file objections or responses to the report and recommendation.
 - 3. Objections to reports and recommendations should include a brief statement of the case and a concise statement of each area of disagreement with supporting arguments and memoranda. All parties' objections or responses must be limited to evidence presented at the hearing. Objections and responses to objections containing arguments based on evidence not already in the record may be stricken.
 - 4. No objection without a certificate of service may be considered by the Commission.
- C. The Commission may accept, reject, or modify, in whole or in part, any report and recommendation of the hearing officer. The Commission may also receive additional evidence, hear arguments, or remand an appeal to a hearing officer for further consideration or hearing.

- D. Final orders shall be signed by the Chair or other member of the Commission. The original order shall be journalized and a copy of the order placed in the case file. Agreement of not less than two (2) Commission members shall be required to reject or modify any report and recommendation of the hearing officer. If no such agreement is reached, the report and recommendation of the hearing officer shall be deemed affirmed as the final order of the Commission but shall not have any precedential value.

Copies of final orders of the Commission shall be sent by certified mail to the affected employee and by regular mail to the other parties and their representatives.

1. Copies of orders returned to the Commission or unclaimed or refused shall be reissued by regular United States mail.
2. Copies of final orders returned to the Commission as undeliverable shall be placed in the case file and the opposing party shall be notified.

12.14 Last Chance Agreements

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

RULE THIRTEEN LAYOFFS AND TRANSFERS

13.01 Layoffs or Reductions in General

Whenever any permanent office or position in the classified service, except in the Police and Fire Departments, is abolished or made unnecessary, or the person holding such office or position is laid off, the procedure outlined in Sections 124.321 through 124.327 of the Revised Code shall be followed.

Layoffs, reductions or abolishments in the Police or Fire Departments for causes other than those outlined in Section 124.34 of the Revised Code shall be made in accordance with the provisions of Section 124.37 of the Revised Code.

13.02 Exclusive Rule

The Administrative Rules of the Ohio Department of Administrative Services shall not apply to layoffs or abolishments in the City of Galion.

13.03 Determination of Reason for Layoff or Abolishment

The Mayor shall determine whether a lack of funds or a lack of work exists and shall file a statement of rationale and supporting documentation with this Commission prior to sending the layoff notices. The Mayor shall determine whether any position(s) shall be abolished and upon a determination to abolish shall file a statement of rationale and supporting documentation with this Commission prior to sending the notice(s) of abolishment.

13.04 Calculation and Use of Retention Points

R.C. 124.321 through 124.328 and R.C. 124.37 provide that employees shall be laid off in descending order of retention points. "Retention points" means the system of points given to employees to determine the order of layoff.

- A. Layoff and displacement shall be governed by retention points.
- B. An employee's total retention points shall be the sum of the base points plus the retention points assigned for continuous service with the City of Galion.
- C. The Appointing Authority shall compute the total retention points for each employee in the classifications affected by a layoff or position

abolishment, including the classifications in which displacement may occur.

- D. The Appointing Authority shall submit the required information to the Civil Service Commission for verification. Notification by Appointing Authorities to affected employees shall not occur prior to the Commission's verification of retention points.
- E. Employees shall be assigned a base of one hundred (100) retention points. Computation of retention points for continuous full-time service shall be made by crediting each employee with one (1) retention point for each biweekly pay period of continuous service. Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (.5) point for each biweekly pay period of continuous service.

13.05 Notice

- A. Provide written notice to each affected worker no less than fourteen (14) days prior to the planned effective date of layoff or abolishment.
- B. Such notice shall contain:
 - The reason for the layoff or abolishment;
 - The effective date;
 - The employee's accumulated retention points;
 - A copy of the retention points calculations for all positions in the affected classification;
 - Notification as to whether the affected worker has known displacement rights;
 - Notification of right of the affected worker to exercise such bumping rights if such election is date stamped by the Commission no later than the fifth calendar day following the date on which the layoff notice/abolishment notice was furnished to the affected worker.

13.06 Recall List

Once any bumping has been exhausted, the Safety Service Director shall notify the Commission of the final placement of workers and shall provide a copy of applicable recall lists for each affected classification.

13.07 Displacement into Vacant Position

At any time immediately prior to, or simultaneous with the implementation of a layoff in a promoted classification, the City may, at its discretion, elect to expand the ranks of any classification that would otherwise be filled by original appointment so as to create positions that may be filled through displacement.

Such positions shall be regarded as having been filled from a recall list, even if there is no gap in compensable service by the affected employee.

13.08 Appeals

Any employee who is laid off or displaced through bumping by the lay off process may appeal to this Commission as provided by the Ohio Revised Code. However, for an employee displaced through bumping the scope of such appeal shall be limited to the calculation of the retention points only, and may not address the cause of the layoff or abolishment.

13.09 Temporary Transfers

- A. An employee holding a position in the classified Civil Service may be temporarily transferred from his original position to a similar position, for a period not to exceed 30 days, or for a longer period not to exceed 90 days if agreed to by the employer and the employee.
- B. No employee shall be temporarily transferred more than once during any six (6) month period without the approval of the Civil Service Commission.
- C. If the Civil Service Commission approves a second temporary transfer within any six (6) month period, and the employee objects to the transfer because the temporary transfer is not necessary for the efficient operation of the office, the employee may appeal the temporary transfer to the Civil Service Commission. If the Civil Service Commission finds that the appeal of the employee is well taken, the Commission shall not approve the temporary transfer. If the Civil Service Commission finds that the appeal is not well taken, the Commission shall approve the temporary transfer.

13.10 Permanent Transfers

- A. Subject to the other provisions of these Rules, an Appointing Authority may, with the approval of the Civil Service Commission, permanently transfer an employee in the classified service from his position to a similar position in another office, department, or division of the same Appointing Authority.
- B. For the purposes of this Rule, a “permanent transfer” is any transfer in excess of 30 days unless the employee and the employer have agreed to a temporary transfer of a longer period, not to exceed 90 days.
- C. The Appointing Authority requesting the permanent transfer shall notify the employee and the Civil Service Commission in writing of the request to transfer.
- D. If the Civil Service Commission determines that the transfer is not necessary for the efficient operation of the office, department, or division, the Commission shall not approve the transfer and shall notify the Appointing Authority and the employee in writing that the transfer is not approved. If the Civil Service Commission determines that the transfer is necessary for the efficient operation of the office, department, or division, the Civil Service Commission shall notify the Appointing Authority and the employee involved in writing that the transfer is approved.

RULE FOURTEEN REINSTATEMENTS AND LEAVES OF ABSENCE

14.01 Leaves of Absence

An Appointing Authority may, with the consent of the Commission, grant a leave of absence to an employee in the classified service for a period not to exceed six (6) months. Upon the expiration of such leave of absence, such officer or employee shall be reinstated. However, if the officer or employee is a provisional appointee under Section 124.30 of the Revised Code, the leave of absence, is subject to the establishment of an eligible list and terminates automatically in case an eligible list for said position is established at any time during the period of leave of absence. All such leaves of absence granted by the Appointing Authority shall be referred to the Commission promptly for approval, in order that the Civil Service data of such absentees may be protected.

Seniority credit shall accumulate only if the leave of absence is related to law enforcement, education, or military service.

Notwithstanding the other provisions of this Rule, if an employee meets the requirements for preserving or accumulating seniority or other rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA), or a comparable Ohio statute, the Commission will honor the requirements of USERRA or the Ohio statute when applying these Rules.

14.02 Reinstatements in General

This Rule applies to persons who are separated from service, not to persons who are on an approved leave of absence. Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his or her part, and other than for disability, may, upon recommendation of the Appointing Authority and with the consent of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same office or position in the same department. Such reinstatement may be predicated upon the person passing a physical examination made by a licensed physician and showing the person can perform the essential functions of the job.

If such separation is due to injury or physical or psychiatric disability, the person shall be reinstated in the same office held or in a similar position to that held at

the time of separation, within 30 days after written application for reinstatement if (a) the person passes a physical or psychiatric examination made by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife showing that the person has recovered sufficiently from the injury or physical or psychiatric disability to perform the essential functions of the position to which he or she would be reinstated; and (b) if the application for reinstatement is filed within two (2) years from the date of separation; and (c) if the application is not filed after the date of service eligibility retirement. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife shall be designated by the Appointing Authority and shall complete any written documentation of the physical examination. [See R.C. 124.32]

The Appointing Authority must report the reinstatement to the Commission, so the Commission may certify that person's proper employment for payroll purposes.

14.03 Reinstatement/Disability Retirement: Police and Fire

- A. Any person holding an office or position under the classified service in the Police Department or Fire Department who is separated therefrom due to injury or physical disability incurred in the performance of duty shall be reinstated immediately, or one suffering injury or physical disability incurred other than in the performance of duty may be reinstated, upon filing with the Chief of the Police Department or Chief of the Fire Department, a written application for reinstatement, to the office or position held at the time of such separation, after passing a physical examination showing that the person has recovered sufficiently from the injury or other physical disability to perform the essential functions of the position to which he or she would be reinstated. The physical examination shall be made by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within two (2) weeks after application for reinstatement has been made, provided such application for reinstatement is filed within five (5) years from the date of separation from the department, and further provided that such application shall not be filed after the date of service eligibility retirement. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife shall be designated by the Police and Fire Pension Board and shall complete any written documentation of the physical examination. [See R.C. 124.50.]

- B. Any person who holds an office or position under the classified service in the Police Department or Fire Department, and who resigns therefrom, may be reinstated to the rank of Policeman or Firefighter upon (a) filing a written application for reinstatement with the Commission (and a copy with the Chief of Police or Chief of Fire) within one (1) year from the date of resignation, and (b) passing a physical examination disclosing that the person is physically fit to perform the essential functions of the office of Police Officer or Firefighter. Any person reinstated pursuant to the authority of this Paragraph (B) shall not receive credit for seniority earned prior to resignation and reinstatement and shall not be entitled to reinstatement to a position above the rank of Police Officer or Firefighter, regardless of the position the person may have held at the time of the resignation.

**RULE FIFTEEN
FEDERAL AND STATE
OCCUPATIONAL PROGRAMS**

15.01 City Participation

The Rules of the Commission shall not be construed as prohibiting City, Health District, or School District participation in federal or state programs whose purpose and funding is intended to provide temporary and gainful occupation designed specifically for beneficiaries who are unemployed, underemployed, or otherwise considered to be disadvantaged.

15.02 Status of Program Participants

- A. Participants in federal or state programs referred to above who are assigned to City, Health District, or School District worksites to qualify for benefits shall not be considered as being in the service of the City, Health District, or School District.
- B. The provisions of these Rules shall not apply to such participants, except as otherwise required by controlling federal or state laws or guidelines.

RULE SIXTEEN PROHIBITIONS

16.01 Political Activity Prohibited

- A. No officer or employee in the classified service of the City of Galion, Ohio, of the Galion City School District, or the Galion Health District shall engage in partisan political activity and shall not to that extent:
 - 1. directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution to any political party or for any candidate for public office;
 - 2. nor shall any such person solicit, directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in such classified service;
 - 3. nor shall any such officer or employee be an officer in a political organization or take part in politics other than to vote as he pleases, and to express freely his political opinions.
- B. This provision shall not prohibit officers or employees of the City of Galion, Ohio, of the Galion City School District or of the Galion Health District from making personal political contributions.

16.02 Fraud in Examinations Prohibited

Fraud in examinations are prohibited. In accordance with Section 124.58 of the Revised Code. No person or officer shall:

- A. willfully or corruptly by himself or in cooperation with one (1) or more persons defeat, deceive, or obstruct any person in respect to their right of examination, appointment, or employment arising under the Civil Service laws or any Rules and Regulations prescribed pursuant thereto; or
- B. willfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of the Civil Service law, or aid in so doing; or

- C. willfully or corruptly make any false representations concerning the results of such examinations or concerning any person examined; or
- D. willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed, or promoted; or
- E. willfully personate any person or permit or aid in any manner any other person to personate him in connection with any examination, registration, or appointment or application or request to be examined, registered, or appointed; or
- F. furnish any false information about himself or any other person, in connection with any examination, registration, or appointment or application or request to be examined, registered, or appointed; or
- G. make known, or assist in making known to any applicant for examination, any questions to be asked on such examination; or
- H. for any applicant taking an examination to assist any other applicant in any manner whatsoever; or
- I. personally solicit a favor from any member of the Commission, appointing officer, or any person in his behalf; or
- J. any applicant in any examination found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him in answering the questions, shall have his examination papers taken up and filed with a "0" marking, when the circumstances justify such action.

16.03 Payment for Appointment or Promotion Prohibited

No applicant for appointment or promotion in the classified Civil Service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

16.04 Abuse of Official Power for Political Reasons Prohibited

No officer or employee of the City of Galion, Ohio, of the Galion City School District, or of the Galion Health District shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, or discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

16.05 Abuse of Political Influence

No person who holds any public office, or who has been nominated for, or who seeks nomination or appointment to any public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or to aid any person in securing for him/herself, or for another any office or employment in the classified service of the City of Galion, Ohio, of the Galion City School District, or of the Galion Health District, or any promotion or increase in salary therein, as a reward for political influence or service. No person, by means of threats or coercion, shall induce or seek to induce anyone in the said classified service to resign his position, or to waive his right to certification, appointment, or promotion.

16.06 False Statements

Fraudulent conduct or false statements by an applicant or by others with his connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of his name from an eligible list, or for discharge from the service after appointment from certification.

16.07 Violations

After a Rule hereunder has been established and published by the Civil Service Commission, no person shall make an appointment to office or select a person for employment contrary to such Rule, or willfully refuse or neglect to comply with or to conform to the sections of these Rules, and, to the extent that the same are applicable, Chapter 124 of the Ohio Revised Code, or willfully violate any section of the same. If any person who is convicted of a willful violation described herein holds any public office or place of public employment, such position shall be rendered vacant by reason of said conviction.

16.08 Prosecutions

Prosecutions for violations under these Rules and/or Chapter 124 of the Ohio Revised Code in relation to the Civil Service of the City of Galion, Ohio, the Galion City School District, and the Galion Health District, or by any officer or employee of the same, shall be instituted by the Civil Service Commission of the City of Galion, Ohio, through the legal department of the City of Galion, Ohio, or by such Civil Service Commission through special counsel.

APPENDIX A

Fire Department Promotional (Captain) EFFICIENCY IN SERVICE /CONDUCT AND CAPACITY IN OFFICE

Employee being reviewed _____ Date of review _____

1. Total Seniority	
<p>To calculate: Credit for seniority shall equal, for the first four (4) years of service, 1% of the total grade attainable in the promotion examination; and, for each of the fifth (5th) through fourteenth (14th) years of service, six-tenths of 1% (.6) of the total grade attainable.</p>	<p>Years of Service:</p>
Points Awarded	
2. Qualifications for the position (maximum 13 points)	
<p>Current rank immediately below position sought (add 3 points) Each Certification / Degree as outlined in the Current CBA: (add 1 point each)</p> <ul style="list-style-type: none"> a. Instructor-EMS b. Instructor-Fire c. Certified Fire Safety Inspector d. Associates Degree in fire science from an accredited college or university e. Bachelor's Degree in Fire Administration or Public Administration from an accredited college or university f. Advanced Fire Investigation (CFEI, or 36hrs beyond basic investigation) g. Company Officer Development I,II, & III. h. Leadership Series I,II, & III i. Ohio Fire Executive j. Executive Fire Officer k. Vehicle Maintenance Technician l. Paramedic Coordinator m. SCBA Maintenance Technician n. Training Coordinator <p>NFA Fire/EMS Related Management/Leadership Training- Other than those listed in CBA (1 Point each)</p>	
Points Awarded	
3. Work/disciplinary record	
<p><i>Employee Evaluations- previous years score</i></p> <p>73-80 points (add 5 points) 65-72 Points (add 2 points) 57-64 Points (No points awarded) 56 or fewer Points (Subtract 2 points)</p>	
Points Awarded	
<p><i>Availability for overtime (hours worked/comp)</i></p> <p>100-200 hours in last year (add 0 points) or <50% call ins 200-300 hours in last year (add 2 points) or <70% call ins 300+ hours in the last year (add 5 points) or >71% call ins</p>	
Points Awarded	
<p><i>Discipline in file (review of last 5 years of employment)</i></p> <p>No disciplinary actions (add 5 points) Group I offense (subtract 2 point for each) Group II offense (subtract 3 points for each) Group III offense (subtract 4 points for each)</p>	
Points Awarded	

TOTAL SCORE (<i>maximum score – 30 points</i>)	

APPENDIX B

Fire Department Promotional (Lieutenant) EFFICIENCY IN SERVICE /CONDUCT AND CAPACITY IN OFFICE

Employee being reviewed _____ Date of review _____

1. Total Seniority	
<p>To calculate: Credit for seniority shall equal, for the first four (4) years of service, 1% of the total grade attainable in the promotion examination; and, for each of the fifth (5th) through fourteenth (14th) years of service, six-tenths of 1% (.6) of the total grade attainable.</p>	Years of Service:
Points Awarded	
2. Qualifications for the position (maximum 13 points)	
<p>Current rank immediately below position sought (add 3 points) Each Certification / Degree as outlined in the Current CBA: (add 1 point each)</p> <ul style="list-style-type: none"> a. Instructor-EMS b. Instructor-Fire c. Certified Fire Safety Inspector d. Associates Degree in fire science from an accredited college or university e. Bachelor's Degree in Fire Administration or Public Administration from an accredited college or university f. Advanced Fire Investigation (CFEI, or 36hrs beyond basic investigation) g. Company Officer Development I,II, &III. h. Leadership Series I,II, & III i. Ohio Fire Executive j. Executive Fire Officer k. Vehicle Maintenance Technician l. Paramedic Coordinator m. SCBA Maintenance Technician n. Training Coordinator <p>NFA Fire/EMS Related Management/Leadership Training- Other than those listed in CBA (1 Point each)</p>	
Points Awarded	
3. Work/disciplinary record	
<p><i>Employee Evaluations- previous years score</i> 50-55 points (add 5 points) 46-49 Points (add 2 points) 41-45 Points (No points awarded) 40 or fewer Points (Subtract 2 points)</p>	
Points Awarded	
<p><i>Availability for overtime (hours worked/comp)</i> 100-200 hours in last year (add 0 points) or <50% call ins 200-300 hours in last year (add 2 points) or <70% call ins 300+ hours in the last year (add 5 points) or >71% call ins</p>	
Points Awarded	
<p><i>Discipline in file (review of last 5 years of employment)</i> No disciplinary actions (add 5 points) Group I offense (subtract 2 point for each) Group II offense (subtract 3 points for each) Group III offense (subtract 4 points for each)</p>	
Points Awarded	

TOTAL SCORE (<i>maximum score – 30 points</i>)	

APPENDIX C

Galion Police Department Promotional (Lieutenant) EFFICIENCY IN SERVICE /CONDUCT AND CAPACITY IN OFFICE

Employee being reviewed _____ Date of review _____

1. Total Seniority	
<p>To calculate: Credit for seniority shall equal, for the first four (4) years of service, 1% of the total grade attainable in the promotion examination; and, for each of the fifth (5th) through fourteenth (14th) years of service, six-tenths of 1% (.6) of the total grade attainable.</p>	
2. Qualifications for the position (maximum 5 points)	
<p>Each certification as outlined in the CBA: (add 1 point each)</p> <ul style="list-style-type: none"> a) Instructor b) Evidence Technician 1 c) Evidence Technician 2 d) Evidence custodian e) Accident reconstruction f) Traffic Crash I and II g) TAC h) Associate degree in law enforcement or business administration i) Bachelor's degree in law enforcement or business administration j) Master's degree in law enforcement or business administration k) Dual commission in police and fire l) First Line Police Supervision m) Certified Crime Prevention Specialist n) 95% firearms qualification score during the last qualification in a calendar year to be applied to the subsequent calendar year. o) ARIDE (Advanced Roadside Driving Enforcement Training) p) Interview and Interrogation (Reid or Wicklander-Zuwalski) q) CIT Training r) EMT-B s) Any certification subsequently mutually agreed upon by the City and the Union 	
3. Work/disciplinary record	
<p><i>Attendance pattern</i> (sick time taken in conjunction with FMLA will not count towards the total hours missed) 0-12 sick hours missed days in last year (add 2 points) 13-24 sick hours missed days in last year (add 1 point)</p>	

*Candidate to be evaluated
by the Chief of Police*

Exceeds expectations - 2
Meets expectations - 1
Below expectations - 0

<i>Available for overtime</i> 20-40 hours in last year (add 1 point) 40+ hours in the last year (add 3 points)		
<i>Discipline in file</i> (review of last 5 years of employment) If multiple group offenses are related to the same disciplinary action, points will only be deducted for the highest-level offense. No disciplinary actions (add 5 points) Group I offense (subtract 2 point for each) Group II offense (subtract 3 points for each) Group III offense (subtract 4 points for each)		
4. Previous job performance/ability		
Quality of work		
Ability to work with others		
Ability to complete tasks independently		
Has taken part in continuing education opportunities		
Has needed skills		
TOTAL SCORE (maximum score 30 points)		