

**RULES AND REGULATIONS  
OF THE**

***MUNICIPAL CIVIL SERVICE COMMISSION***

**OF THE CITY OF  
SANDUSKY, OHIO**

Adopted:

March 21, 2002

**Civil Service Commission Members:**

Carl McGookey, Chairperson

Janice Alexander

Vincent Rhodes

## TABLE OF CONTENTS

	<b><u>PAGE</u></b>
Preamble	1
<b><u>RULE ONE – APPLICABILITY OF RULES</u></b>	<b>2</b>
1.01 Scope of Rules	2
1.02 Purpose	2
1.03 Adoption, Amendment, Rescission	2
1.04 Publication	3
1.05 New Rules	3
1.06 Saving Clause	3
<b><u>RULE TWO – DEFINITIONS</u></b>	<b>4</b>
<b><u>RULE THREE –GENERAL PROVISIONS</u></b>	<b>7</b>
3.01 Appointments	7
3.02 Duties	7
3.03 Removal	8
3.04 Officers and Agents of the Commission	9
3.05 Meetings of the Commission	10
3.06 Procedure for the Adoption, Amendment, or Rescission of Rules	11
3.07 Service Lists	11
<b><u>RULE FOUR – CLASSIFICATION</u></b>	<b>13</b>
4.01 Job Classification Plan	13
4.02 Position Audits and Reassignments	13
4.03 Incumbents of Positions Reclassified Due to Changes Made to the Classification	14
4.04 Appeal of a Reclassification	14
<b><u>RULE FIVE – CLASSIFIED AND UNCLASSIFIED SERVICE</u></b>	<b>15</b>
5.01 Classified Service	15
5.02 Division of the Civil Service, Classified/Unclassified	15
5.03 Unclassified Exemptions	17
5.04 Flexible-Hours Employees	18
5.05 Overtime Exempt	18

## TABLE OF CONTENTS

		<u>PAGE</u>
<b><u>RULE SIX – APPLICATIONS</u></b>		19
6.01	Generally	19
6.02	Forms	19
6.03	Residency Requirements	19
6.04	Age Restrictions: Police and Fire	20
6.05	Fitness for Service	20
6.06	Character & Fitness	21
6.07	Education	21
6.08	Licenses & Certificates	21
6.09	Method of Filing	21
6.10	Notice of Acceptance or Rejection of Application	22
6.11	Disqualification of Applicants	22
6.12	False Statements	22
6.13	EEO Applicant Flow Information	23
6.14	Application for Examination	23
6.15	Police and Fire Separate	23
 <b><u>RULE SEVEN – EXAMINATIONS</u></b>		 24
7.01	General	24
7.02	Types of Examinations	24
7.03	Separate Examinations	24
7.04	Examinations; Provisional Appointments	25
7.05	Examination Notices and Sites	25
7.06	Scope of Examination: Subjects/Study Materials	26
7.07	Original Appointment Exams: Police and Fire	26
7.08	Medical, Physical, Psychological, or Drug Testing	27
7.09	Admission of Applicants to Examination	28
7.10	Identity of Entrance Examiners Concealed	28
7.11	Extension of Time in Examination	28
7.12	Visitors At Examinations	28
7.13	Postponement or Cancellation of Examination	28
7.14	Waiver	29
7.15	Promotional Examinations	29
7.16	Limitation on Original Appointments: Police and Fire	29
7.17	Promotional Examinations: Fire	29
7.18	Reasonable Accommodations for Disabled Examinees	30

<b><u>RULE EIGHT – GRADING, ADDITIONAL CREDIT, AND INSPECTION</u></b>		31
8.01	Minimum Passing Score	31
8.02	Original Appointment Veteran’s Credit	31
8.03	Promotional Seniority Credit	31
8.04	Addition of Credits	32
8.05	Inspection and Grading of Examination Papers	32
<b><u>RULE NINE – ELIGIBLE LISTS</u></b>		34
9.01	Preparation of Eligible Lists	34
9.02	Term of Eligible List	34
9.03	Ties—Original Appointment Eligible Lists	34
9.04	Ties—Promotional Eligible Lists	34
9.05	Disqualification from Eligible List	35
9.06	Removal from an Eligible List	36
9.07	Duty of Eligibles	36
9.08	Revocation of Eligible List	36
9.09	Separate Lists for Police and Fire	36
<b><u>RULE TEN – APPOINTMENTS &amp; PROMOTIONS</u></b>		37
10.01	Appointments in General	37
10.02	Appointment Procedure/Number of Names Certified	37
10.03	Removal from Eligible List	38
10.04	Veterans Preference on Original Appointments	38
10.05	Probationary Periods	38
10.06	Removal or Reduction During Probation	38
10.07	Provisional Service	39
10.08	Promotional Appointments: Police and Fire	39
10.09	Promotional Restrictions: Police & Fire	39
10.10	Temporary or Exceptional Appointments	40
<b><u>RULE ELEVEN – TENURE, REDUCTION, SUSPENSION, REMOVAL, AND DEMOTION</u></b>		42
11.01	Tenure of Office	42
11.02	Procedure in General	42
11.03	Procedure: Police and Fire	43
11.04	Disciplinary Suspension	43
11.05	Absence Without Leave	43
11.06	Procedure for Removal, Suspension, or Reduction	43

## TABLE OF CONTENTS

	<u>PAGE</u>
<b><u>RULE TWELVE – HEARING PROCEDURE</u></b>	45
12.01 Time of Hearing: Notifications	45
12.02 Amendments to Orders	45
12.03 Hearing Procedure	45
12.04 Rules of Evidence: Representation by Counsel	46
12.05 Burden of Proof	46
12.06 Hearsay	46
12.07 Discovery	46
12.08 Subpoenas	46
12.09 Witnesses	46
12.10 Motions	46
12.11 Record of Hearings	47
12.12 Resignation Before Final Action	47
12.13 Trial Board/Hearing Officer	47
<b><u>RULE THIRTEEN – PERFORMANCE EVALUATIONS</u></b>	50
13.01 General	50
13.02 Purpose	50
13.03 Content of Performance Evaluation	50
13.04 Conduct of Performance Evaluation	51
13.05 Review by Employee	51
13.06 Appeal of Performance Evaluation by the Employee	51
<b><u>RULE FOURTEEN – LAYOFFS, TRANSFERS AND REASSIGNMENTS</u></b>	53
14.01 Layoffs and Job Abolishments in General	53
14.02 Retention Points	53
14.03 Displacement Rights	54
14.04 Notification of Layoff, Displacement and Recall	55
14.05 Establishment of Layoff Lists	55
14.06 Recall from Layoff	55
14.07 Appeal of Layoff or Reduction	56
14.08 Layoffs or Reductions in the Police and Fire Departments	56
14.09 Temporary Transfers	56
14.05 Permanent Transfers	56

## TABLE OF CONTENTS

	<u>PAGE</u>
<b><u>RULE FIFTEEN – REINSTATEMENTS AND LEAVES OF ABSENCE</u></b>	58
15.01 Reinstatements in General	58
15.02 Leaves of Absence	58
<b><u>RULE SIXTEEN – REDUCTIONS OR REMOVALS FOR PHYSICAL OR MENTAL INCAPACITIES</u></b>	59
16.01 Voluntary Reduction	59
16.02 Voluntary Disability Separation	59
16.03 Involuntary Disability Separation	59
16.04 Reinstatement	60
<b><u>RULE SEVENTEEN – PROHIBITIONS</u></b>	62
17.01 Political Activity Prohibited	62
17.02 Fraud in Examinations Prohibited	62
17.03 Payment for Appointment or Promotion Prohibited	63
17.04 Abuse of Official Power for Political Reasons Prohibited	63
17.05 Abuse of Political Influence	63
17.06 False Statements	64
17.07 Violations	64
17.08 Prosecutions	64

**PREAMBLE**

The following Rules and Regulations are hereby adopted in accordance with the authority conferred upon The Municipal Civil Service Commission of the City of Sandusky, Ohio, under the authority of Article XV of the Constitution of the State of Ohio and under Chapter 124 of the Ohio Revised Code (ORC), and the Charter of the City of Sandusky.

Inquiries regarding Civil Service Rules and Regulations, or other related matters should be addressed to the Civil Service Commission, City of Sandusky, 222 Meigs Street, Sandusky, Ohio 44870.

**CIVIL SERVICE COMMISSION**

Carl McGookey

Janice Alexander

Vincent Rhodes

Debbie S. Leslie, Co-clerk

Lisa A. Hoffman, Co-clerk

**RULE ONE**  
**APPLICABILITY OF RULES**

**1.01 Scope of Rules**

These rules shall be applicable to all civil service matters except to the extent that the same are superseded or preempted by the specific terms, provisions, and or contents of a collective bargaining agreement entered into by and between the City and a public employee collective bargaining representative, pursuant to Chapter 4117 of the Ohio Revised Code, to the extent that said preemption is permitted by law.

**1.02 Purpose**

The Civil Service Commission hereby adopts the following rules for the administration of the Civil Service system for the City of Sandusky, Ohio.

The purpose of these rules is to implement and to give effect to the provision of Article XV, Section 10, of the Ohio Constitution. The reasons for the adoption of these rules are as follows:

1. To establish for the City of Sandusky a system of personnel administration based on merit principles and personnel methods, governing the appointment, promotion, transfer, layoff, removal, and discipline of its employees.
2. To provide an equal opportunity to all qualified citizens to compete for employment on a basis of demonstrated merit and fitness.
3. To establish and maintain a uniform and equitable plan of classifications based upon the duties and responsibilities of positions.
4. To promote high morale among City employees by providing good working conditions and opportunities for promotions.
5. To develop a program of recruitment, training, advancement, and tenure that will make a career in City service attractive to citizens who possess both ability and integrity.

**1.03 Adoption, Amendment, Rescission**

These rules, and any amendments, revisions, or rescissions 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 Sandusky, Ohio.



#### **1.04 Publication**

No rule, or amendment, revision, or rescission of the same shall be effective until notice of the same with summary of its content has been prominently displayed in the places of employment of the City of Sandusky, Ohio, which are frequented on a regular basis by classified employees and offices of said entities in the discharge of their official duties, and the content of the same has been made available for public review.

#### **1.05 New Rules**

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

#### **1.06 Saving Clause**

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

**RULE TWO**  
**DEFINITIONS**

The terms herein specified, and as used in the Rules and Regulations of the City of Sandusky, Ohio Municipal Civil Service Commission, or in the Administration of the Civil Service Laws, shall be defined as follows:

- A. “**Appointing Authority**” refers to the officer, Commission, Board, or body having the power of appointment to or removal from positions in any office, department, Commission, or Board, and shall include, but not be limited to, the following:
  - 1. City Manager of the City of Sandusky; and
  - 2. Others as may be determined by the Commission
- B. “**Available Vacancy**” refers to 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.
- C. “**Certification**” refers to the process of providing to an appointing authority the names on an eligible list or layoff list.
- D. “**Certified Eligible List**” refers to the official listing of a name or names by the Commission to an appointing authority as being qualified for appointment to fill vacancies in the service.
- E. “**City**” refers to the City of Sandusky, Ohio.
- F. “**Civil Service**” refers to and includes all officers and positions of trust or employment in the service of the City of Sandusky, Ohio.
- G. “**Classified Service**” means those persons in the employ of the City of Sandusky, Ohio, who are now in Civil Service status due to their job positions pertinent to the local situation. All other employees and positions shall be “Unclassified,” as provided for in ORC 124.11(A) or (C). 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.
- H. “**Clerk**” refers to the either of or both of the Co-clerks of the Civil Service Commission of the City of Sandusky.
- I. “**Commission**” refers to the Municipal Civil Service Commission of the City of Sandusky, Ohio.

- J. **“Day”** refers to calendar days unless specified otherwise.
- K. **“Eligible”** refers to 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.
- L. **“Eligible List”** refers to a list of names and test scores of individuals who, through testing and other qualifications of a position, 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.
- M. **“Employee”** refers to any person holding a position subject to an appointment, removal, promotion, or reduction by an appointing authority.
- N. **“Exempt Appointment”** refers to an appointment to a position that is not subject to an examination, or civil service tenure.
- O. **“He”** is a masculine pronoun, which whenever it or its derivatives are employed, shall include the feminine pronoun “she” and its derivatives.
- P. **“Municipal Service”** refers to and includes those positions in the Classified Service of the City of Sandusky, Ohio.
- Q. **“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 individual.
- R. **“Position Classification”** shall refer to the arrangement of positions into classes, including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.
- S. **“Promotion”** refers to 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.
- T. **“Rules”** refers to the Rules and Regulations of the Municipal Civil Service Commission of the City of Sandusky, Ohio.

- U. **“Specification”** refers to 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.
  
- V. **“Unclassified Service”** shall comprise those positions set forth in Paragraph (A) or (C) of Section 124.11 of the ORC, as applied to the Civil Service of the City of Sandusky, Ohio.

**RULE THREE**  
**GENERAL PROVISIONS**

**3.01 Appointments**

The City Commission shall appoint three (3) persons, one for a term of two years, one for a term of four years, and one for a term of six years, who shall constitute the Civil Service Commission of the City of Sandusky, Ohio. Each alternate year thereafter the City Commission shall appoint one person, as successor of the member whose term expires, to serve six years. A vacancy shall be filled by the City Commission for the unexpired term. At the time of appointment, not more than two members of the Civil Service Commission shall be adherents of the same political party.

**3.02 Duties**

The Civil Service Commission shall:

- A. Prescribe, amend, and enforce rules not inconsistent with Chapter 124 of the ORC, except to the extent permitted by the Charter of the City: for the classification of positions in the civil service of the City; for examinations therefore and resignations therefrom; for appointments, promotions, removals, transfers, layoffs, suspensions, reductions, and reinstatements therein; and for standardizing positions and maintaining efficiency therein;
- B. Prepare, conduct, and grade or assign a person to prepare, conduct, and grade all examinations for positions in the classified service;
- C. Prepare and maintain eligible lists containing the names, scores, and rankings of all persons qualified for positions in the classified service;
- D. Recommend to the City Manager of the City an individual or individuals to be appointed as the Clerk or Co-clerks of the Commission to assist and serve the Commission in its exercise of its duties, powers, functions, and responsibilities;
- E. Hear appeals, as provided by these rules, of employees in the classified service from final decisions of the appointing authority of the employee;
- F. Maintain a journal which shall be open to the public for inspection, in which shall be kept a record of all of the proceedings of the Commission and of the vote of each of its members upon every action taken thereby;

- G. 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;
- H. Annually prepare and submit to the City Manager 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;
- I. Make reports from time to time, as the City Commission and/or City Manager 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;
- J. Prepare and file with the Clerk of the City Commission an annual report as to the operation and activities of the Commission;
- K. Keep and maintain a compilation and listing of all of the current and existing authorized positions within the Civil Service of the City; 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; and
- L. Exercise all other powers and perform all other duties with respect to the civil service of the City, as prescribed in Chapter 124 of the ORC 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.

### **3.03 Removal**

In the event that a member of the Civil Service Commission violates or fails to perform the duties imposed by law, or willfully or through culpable negligence violates the law by failure to perform duties as a member of said Commission, the City Commission shall forthwith remove the member. In all cases of removal, an appeal may be had to the Common Pleas Court of Erie County, Ohio, to determine the sufficiency of the cause for removal. The appeal shall be taken within ten days of the action of removal. Should the court disaffirm the judgment of the City Commission, the member shall be reinstated to his former position on the Civil Service Commission. The City Commission 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, and an opportunity to a public hearing in person or by counsel in his defense.

### **3.04 Officers and Agents of the Commission**

- A. At its annual organizational meetings, the Civil Service Commission shall elect one of its members as Chair of the Commission, 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 ensure that the Annual Report, as required by ORC 124.40, is assembled and transmitted to the State Personnel Board of Review in a timely manner.

In the absence of the Chair, the remaining members of the Commission shall designate one of their number to serve as the Temporary Chair of the Commission.

- B. The Commission shall recommend to the City Manager a suitable person or persons to act as Clerk or Co-clerks to the Commission and 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 ORC 149.43;
13. perform other duties as assigned by the Commission.

In the absence of the Clerk or both Co-clerks, the Commission may recommend to the City Manager another employee of the City, or it may designate a member of the Commission or another person to act as the temporary intern Clerk of the Commission in the stead of the Clerk or Co-clerks.

- C. The Civil Service Commission may designate special examiners or contract for the preparation or administration of examinations.

### **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 ORC 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 twenty-four (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, 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 thirty, (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 City Manager at least ten (10) days prior to the date set for consideration.
- D. Civil Service Commission rules shall be adopted by a majority vote and entered into the minutes. Copies of the rules or rule changes, together with the minutes of the Civil Service Commission adopting the change will be kept by the designee of the Commission and made available to any person upon request.

### **3.07 Service Lists**

These separate rosters, known as "service lists" of the City of Sandusky, Ohio, contains the names of every person employed by the same; the date of his appointment; the title of his position; the dates of promotions, if any; the dates of

suspension, if any; the date of termination of employment or separation therefrom, if any, and the cause for the same; the designation of said employee and the position in which he serves as being in the classified or the unclassified service of the City; and, in the case of an employee and/or position which is designated as being in the unclassified service, an indication of reason and justification for such designation shall be created and approved by the City Manager of the City of Sandusky. Such lists shall be filed with the Civil Service Commission and kept by the Clerk, and the lists shall be updated and revised periodically by written notice from the respective appointing authorities.

**RULE FOUR**  
**CLASSIFICATION**

**4.01 Job 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 Sandusky.
- B. Positions in the Civil Service of the City 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 so 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.
- C. 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, as specified in Rule 4.01(A).
- 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.

**4.02 Position Audits and Reassignments**

The Commission shall assure that all positions are standardized. Any employee or his authorized representative or any Appointing Authority desiring to submit facts concerning classification of positions for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classifications of positions exist, the Commission may reallocate any position to the appropriate classification as is necessary to provide an equitable, just, and proper classification. When the Commission proposes to reclassify any employee so that the employee is adversely affected, the Commission shall give the affected employee, and the affected employee's Appointing Authority, written notice setting forth the proposed new classification, pay range and salary.

Upon the request of any classified employee who is not serving a probationary period, the Commission shall perform a job audit to review the duties assigned to and/or performed by the incumbent to determine whether the position is properly classified.

#### **4.03 Incumbents of Positions Reclassified Due to Changes Made to the Classification**

Whenever positions are allocated to a new classification due to the merger, abolition, modification, or creation of classifications and/or classification specifications, the employee assigned to any such position shall be reassigned to the position. Any such employee reassigned shall not be subject to civil service examination for the subsequent classification and shall be automatically certified in the subsequent classification.

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.

#### **4.04 Appeal of a Reclassification**

Any employee or Appointing Authority may appeal the reclassification of any position to the Commission within thirty days after receiving the notification of reclassification.

## **RULE FIVE**

### **CLASSIFIED AND UNCLASSIFIED SERVICE, FLEXIBLE-HOURS EMPLOYEES AND OVERTIME EXEMPT**

#### **5.01 Classified Service**

The classified service includes the competitive classified civil service of the City of Sandusky, Ohio. No person shall be admitted to the Classified Service, other than as a temporary employee, unless said person has fully and completely complied with all the requirements of these Rules, except as otherwise provided under the Charter of the City of Sandusky, Ohio, or the laws of the State of Ohio.

#### **5.02 Division of the Civil Service, Classified/Unclassified**

The civil service of the City of Sandusky, Ohio 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 City Manager of the City of Sandusky, Ohio, or by and with the City Manager's consent, except as otherwise provided herein. This Rule does not exempt the Chiefs of the Divisions of Police and Fire of the City of Sandusky, Ohio, who shall be appointed pursuant to the provisions of the Charter of the City;
3. Employees of the City Commission of the City of Sandusky, Ohio, who are engaged in legislative duties;
4. Three (3) clerical and administrative support employees for the City Commission of the City of Sandusky, Ohio;
5. Three (3) clerical and administrative support employees for each of the principal appointive executive officers, boards, or commissions of the City of Sandusky, Ohio, authorized to appoint the same, except the Civil Service Commission of the City of Sandusky, Ohio;

6. Bailiffs, constables, official stenographers, and commissioners of the Municipal Court of Sandusky, Ohio, and such officers and employees of such Court for which the Civil Service Commission finds it impracticable to determine fitness by competitive examination; and
7. Assistants to the Law Director of the City of Sandusky, Ohio.
8. 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.
9. Such unskilled labor positions as the Civil Service Commission may find impracticable to include in the competitive classified service; provided such exemptions shall be by the order of the Civil Service Commission and duly entered on the record of the Civil Service Commission with the reasons for such exemption.

B. Classified Service

The classified service shall comprise all persons in the employ of the City of Sandusky, Ohio, 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 Sandusky, Ohio, 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 to be 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.

- C. 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.

### **5.03 Unclassified Exemptions**

- A. Requesting Exemptions

The appointing authority may request exemptions under section 124.11(A) of the Revised Code, in accordance with the rules prescribed by the Commission. The request for exemptions must contain: copies of position descriptions which reflect the actual duties of the positions for which the exemption is requested, a current table of organization which shows the relationship affected, and justification for the exemption.

- B. Time Limits for Claiming Exemptions

Within 90 days of taking office, the appointing authority wishing to exempt positions under the personal exemptions provisions of Section 124.11(A)(8) of the Revised Code must file the appropriate documents with the Commission. After the 90 days has expired, no further exemption requests under Section 124.11 (A)(8) of the Revised Code will be authorized. Once authorized, such exemptions will remain in effect until removed by the appointing authority unless reorganization occurs due to a legislative action during the appointing authority's term. A new appointing authority not wishing to change exemptions need not file new exemptions with the Commission. In such an instance, personal exemptions under the provisions of Section 124.11 (A)(28) will be carried from one administration to another.

Other exemptions requested under Section 124.11(A) of the Revised Code may be claimed at any time which is convenient to the appointing authority. This includes the fiduciary or administrative exemptions under the provisions of Section 124.11 (A)(9) of the Revised Code.

An appointing authority may claim personal exemptions under section 124.11(A)(28) of the Revised Code, within 90 days after the adoption of this procedure.

#### **5.04 Flexible-Hours Employees**

The appointing authority may designate the number of employees in an agency or department who are flexible-hours employees. The appointing authority may establish for each flexible-hours employee a specified minimum number of hours to be worked each day that is consistent with the Federal Labor Standards Act of 1938. A flexible-hours employee is defined as an employee who may work more or less than eight hours on any given day so long as he works forty hours in the same week. The appointing authority must file with the Commission the names of the flexible-hours employees, along with a position description and justification for this designation.

#### **5.05 Overtime Exempt**

The appointing authority of an agency or department may designate positions, for which the duties are professional, administrative or executive in nature as is consistent with the Federal Labor Standards Act of 1938, as overtime-exempt. An employee who holds a position that is overtime-exempt shall not be eligible for overtime compensation. The appointing authority must file with the Commission the names of the employees holding the overtime exempt position, along with a position description and justification for this designation.



## **RULE SIX**

### **APPLICATIONS**

#### **6.01 Generally**

All applications, whether for employment or for examination, must be personally signed and upon forms prescribed by the Civil Service Commission. All application forms must be completed in their entirety and legibly printed in ink or type written and submitted to the Civil Service Commission on or before the last date for receiving applications as announced by the Civil Service Commission.

#### **6.02 Forms**

Application forms shall be provided by the Civil Service Commission and shall be available in the office of the City Manager 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 Residency Requirements**

Every applicant for a position in the classified civil service within the Division of Police and the Division of Fire of the City of Sandusky, Ohio, as a condition of said employment, at the time of his appointment or employment, or within a period of one year thereafter, shall establish and maintain during his tenure with either said Division a bona fide residence within the area bounded and described herein below, to wit:

From a point on the Southern shore of Lake Erie which would be intersected by the Northerly extension of State Route 61; Southerly following Route 61 to its intersection with the Ohio Turnpike; Westerly following the Ohio Turnpike to its intersection with the West boundary of Erie county; Northerly following the West boundary of Erie County to its intersection with Sandusky Bay; Easterly following the shoreline of Sandusky Bay and Lake Erie to the starting point; including the City of Sandusky, Ohio, and both sides of every street or road which form a part of the boundary of said area, except including only the North side of the boundary formed by the Ohio Turnpike.

Failure to comply with the residency requirements shall be cause for automatic disqualification from employment with the City of Sandusky and shall not be appealable.

#### **6.04 Age Restrictions: Police and Fire**

##### **A. Police Minimum Age for Application**

Applicants for original appointment examination to the Police Department must have attained the age of twenty-one (21) years on or before the date of the written examination.

##### **B. Fire Department Minimum Age for Application**

Applicants for original appointment examinations in the Fire Department must have attained the age of eighteen (18) years on or before the date of the written examination.

#### **6.05 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 Sandusky shall be required to undergo psychological evaluations, medical examinations and drug testing administered by appropriate, licensed medical professionals 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. 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.

## **6.06 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 of 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 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.

## **6.07 Education**

Every applicant shall have, and shall be able to demonstrate that he has completed a minimum of a high school education, or G.E.D. equivalent, as well as any other education and training which is a prerequisite and requirement of the position for which he makes application, and shall provide the Civil Service Commission with reasonable and adequate proof thereof.

## **6.08 Licenses and Certificates**

Every applicant shall have and shall be able to demonstrate that he has secured and holds such licenses and certificates which are prerequisites of the position for which he makes application, and shall provide the Civil Service Commission with reasonable and adequate proof thereof.

## **6.09 Method of Filing**

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 properly authorized agent, shall be filed with the Clerk of the Civil Service Commission or with such other employee or agent 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 which contain the name of each applicant, the date of the receipt of the application thereof, and the documents which accompany the same.

## **6.10 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.

## **6.11 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.

Applicants shall be responsible for apprising the Civil Service Commission of any changes in their address and or telephone numbers. Failure to do so may disqualify the applicant from the application 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.

The EEO applicant information flow sheet shall be furnished to all applicants for employment 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 Police and Fire Separate**

Separate examinations shall be given for positions in the Police Department and Fire Department, and separate rules may apply with respect to each.

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

**RULE SEVEN**  
**EXAMINATIONS**

**7.01 General**

- A. All applicants for positions in the classified civil service shall be subject to examination and may be subject to an interview, except for applicants for positions in professional or certified service, and as 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 test, or of more than one 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.
- C. Interviews may consist of 12 to 18 job-related questions. Interviews will be conducted by a committee of three people consisting of 1) the Director of Administrative Service or his/her designee; 2) the Human Resource Specialist or his/her designee; and 3) the Chief or Director of the open classification or his/her designee. The committee shall decide which applicants are to be interviewed after a review of their applications and their qualifications.

**7.02 Types of Examinations**

There shall be two 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. Examination for promotion shall be limited to members of the classified civil service who meet the requirements for promotion to a position under these rules.

**7.03 Separate Examinations**

Separate examinations shall be given and separate eligible lists shall be maintained by the Civil Service Commission as to the respective appointing authorities within the jurisdiction of the Civil Service Commission, and as to separate positions and classifications within the service of the same. No person may be transferred from one list to the other, but a single test or combination of tests may be utilized to examine and evaluate applicants for similar positions or classifications in the service of the two

appointing authorities. Appointments and promotions shall be effected only from the separate eligible lists which are applicable. Transfers of personnel from one appointing authority to the other, between the Division of Fire and the Division of Police of the City, or between said Divisions and any other division or department of the City are prohibited.

#### **7.04 Examinations: Provisional Appointments**

- A. No competitive examination will be administered unless there are at least two (2) applicants. In the event that only one (1) person applies for an original appointment examination, a provisional appointment may be made, provided that the appointee otherwise meets the minimum qualifications.
- B. A person serving as a provisional employee who passes an examination for the position which he holds shall be appointed as a permanent certified employee prior to the preparation of an eligible list by the Civil Service Commission.

#### **7.05 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 ORC 124 and these regulations.
- B. Printed public notice of each examination for original appointment in the classified service shall be placed in a newspaper of general circulation in the City on one (1) occasion not more than sixty (60) nor less than thirty (30) days prior to the examination date. Copies of said notice shall also be sent by the Clerk of the Civil Service Commission to the Clerk of the Common Pleas Court of Erie County, Ohio, with the request that it be posted in a conspicuous place in the Erie County Courthouse, and posted by the Clerk of the Civil Service Commission. All notices shall include the time, place, and general scope of the competitive examination. Notices may also be posted electronically by the Clerk of the Civil Service Commission.
- C. Notice of promotional examinations shall be posted by the Clerk of the Civil Service Commission in conspicuous places in each department in which employees would be eligible to compete for such promotion. Such notices shall be posted not more than sixty (60) nor less than thirty (30) days prior to the examination date, and shall include the time, place, and general scope of the competitive examination.
- D. Notices of all examinations for original appointments in the classified service may also be distributed to such persons or organizations as may be interested in the positions to be filled.

- E. The Commission may take such additional steps as it deems appropriate and advisable to effect notice of an examination, and to secure qualified applicants from the same. may also be distributed to such persons or organizations as may be interested in the positions to be filled.
- F. The Commission may take such additional steps as it deems appropriate and advisable to effect notice of an examination, and to secure qualified applicants from the same.

**7.06 Scope of Examination: Subjects/Study Materials**

Examinations for original appointment may include written testing. Written tests may be prepared, conducted and graded by disinterested persons retained by the Civil Service Commission.

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 person for which appointment is sought.

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

**7.07 Original Appointment Exams: Police and Fire**

- A. 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.
- B. No applicant shall be tested orally or participate in the assessment center unless he has completed the applicable written test, and, without consideration of any credits provided for by these rules, achieved the minimum passing score which has been predetermined by the Commission.
- C. If oral examinations of qualified applicants are given, they shall be prepared, conducted and graded by an Interviewing Board designated by the Civil Service Commission. A minimum grade of twenty-six percent (26%) on the oral portion of the examination, without consideration of any credits provided for by these rules, shall be required as a prerequisite for further consideration for employment or appointment, and for certification to an eligible list.



## **7.08 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.

### **B. Controlled Substances**

Such examinations shall include a screening for the use of controlled substances.

### **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. Results Confidential**

The results of physical, psychological or drug screening examinations shall be used solely to determine an applicant's eligibility to take an examination, or eligibility for appointment after an examination, and shall not become a part of the applicant's examination score. Records of such examinations shall be treated as confidential medical records to the extent allowed by law.

### **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 factfinding meeting to discuss the issue of accommodation and will release its finding within five (5) working dates of the conclusion of the informal factfinding. Such meetings will be held in executive session.

### **7.09 Admission of Applicants to Examination**

- A. No applicant shall be admitted to any assembled examination more than thirty (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 7.11, infra.

### **7.10 Identity of Entrance Examiners 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.

### **7.11 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.

### **7.12 Visitors At Examinations**

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

### **7.13 Postponement or Cancellation of Examination**

A scheduled examination may be cancelled 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 applicants last known post office address, except under circumstances which make written notice not practicable.

#### **7.14 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.

#### **7.15 Promotional Examinations**

- A. Vacancies in positions in the classified service 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.

#### **7.16 Limitation on Original Appointments: Police and Fire**

Positions above the rank of police officer in the Division of Police or regular firefighter in the Division of Fire may not be filled by original appointment.

#### **7.17 Promotional Examinations: Fire**

- A. Promotional examinations for positions within the Division of 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 Fire shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination, and shall contain a description of the source 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 Fire of the City of Sandusky, Ohio.

#### **7.18 Reasonable Accommodations for Disabled Examinees**

Reasonable accommodations may be made for the testing of examinees who are disabled. A disabled individual, for purposes of this ordinance, is any person who has a disability which substantially limits one or more major life activity such as performing manual tasks, walking, seeing, hearing, or speaking. The accommodations shall be those that can be reasonably made and that can be made for an examinee to perform the duties of a position within the classification tested. The Commission may solicit or use the services of a public or private agency to assist in making reasonable accommodations for a disabled applicant. The reasonableness of accommodations may take into consideration the practicality of the accommodations required, the cost of the accommodations and other relevant factors. If reasonable accommodations cannot be made, the examinee may be excluded from an examination. Examinees who wish to be accommodated are responsible for proposing a reasonable accommodation.

## **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.

#### **8.02 Original Appointment Veteran's Credit**

All applicants for original appointment who are veterans of military service, and a resident of Ohio, as described in ORC 124.23, may file with the Commission a certificate of military service or honorable discharge whereupon he shall receive additional credit of twenty percent (20%) of his total grade given in the regular examination, provided that he has received a passing grade.

Such requests for veteran's credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of military service as described above. Veteran's 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 non-veterans who obtain an identical grade.

#### **8.03 Promotional Seniority Credit**

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

- C. In computing the credit for seniority in the Division of Fire, one-half (1/2) of the credit set out in sub-section B above shall be given for one-half (1/2) year of service. Credit for service shall be based only on service with the same appointing authority.

#### **8.04 Addition of Credits**

- A. Applicants for original appointment shall be entitled to only such credit as is set forth in 8.02 (relating to veteran's credit).
- B. Applicants for promotional appointments shall be entitled to only such credit as is set forth in 8.03 (relating to seniority credit).
- C. 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 without the addition of any additional credit.

#### **8.05 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.
- 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 City Manager 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. Inspection shall not be permitted of standardized tests prepared by experts outside of the City's service.
- 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.
- E. Any person who inspects the questions, scoring keys, or answers during the periods set forth in Paragraph (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 its 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 Eligible Lists**

The Commission shall prepare and keep open to public inspection, from the results of each examination, an 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 be ranked upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligible candidates, 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.

**9.02 Term of Eligible List**

The term of eligibility of each list may be fixed by the Commission for at least one (1), but not more than two (2) years. When an eligible list is reduced to six (6) names or less, a new list may be prepared. Any list that has been in effect for more than one (1) year may, at the discretion of the Commission, be terminated at any time in the public interest.

**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 Section 124.23 of the Revised Code shall receive priority in rank on the eligible list over non-veterans 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**

In the event that two (2) or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which names shall be placed on the eligible list.



## 9.05 Disqualification from Eligible List

- A. The name of any person appearing on an eligible list who:
1. fails to report, or arrange within a reasonable time for an interview with an appointing authority; or,
  2. fails to respond to a notice from the Civil Service Commission; or,
  3. provides incorrect or incomplete information to the Civil Service Commission; or,
  4. fails to respond to request for information during background checks; or,
  5. declines an appointment without reason satisfactory to the Civil Service Commission; or,
  6. who cannot be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The potentially disqualified person shall be notified concerning the application of this section unless his 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 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.

### **9.06 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; and
6. The death of the eligible.

### **9.07 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 name to the appointing authorities for future appointment.

### **9.06 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 payment of an additional fee. No 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.

### **9.09 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.

**RULE TEN**  
**APPOINTMENTS AND PROMOTION**

**10.01 Appointments in General**

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 prescribed under such sections, shall be made only from those persons whose names are certified to the appointing authority.

**10.02 Appointment Procedure/Number of Names Certified**

- A. The appointing authority of a department in which a position in the classified service is to be filled shall notify the Commission of the classification title and the number of positions to be filled. Upon the receipt of this, the Commission shall, except as otherwise provided in ORC 124.27, 124.30 (relating to provisional appointments); and 124.31 (relating to promotions) of the Revised Code; and these rules, certify to the appointing authority the names and addresses of the ten (10) candidates standing highest on the eligible list for the class or grade to which the position belongs; provided that the Commission may certify less than ten (10) names if ten (10) names are not available. When less than six (6) names are certified to an appointing authority, appointment from that list shall not be mandatory.
  
- B. The appointing authority, having notified the Commission of the position to be filled, and having received such list may then appoint. Except as provided in 10.08 with respect to promotion within the Police and Fire Departments, the appointing authority shall fill such position by appointment of one (1) of the ten (10) persons certified to him. If more than one position is to be filled, the Commission may certify a group of names from the eligible list, and the appointing authority shall appoint in the following manner: Beginning at the top of the list, each time a selection is made, it must be from one of the first ten (10) candidates on the list who is willing to accept consideration for the position.
  
- C. 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.

### **10.03 Removal from Eligible List**

A person certified from an eligible list more than three (3) times to the same appointing authority for the same or similar positions may be omitted from future certification to such appointing authority, provided that certification for a temporary appointment shall not be counted as one of such certifications.

### **10.04 Veterans Preference on Original Appointments**

A veteran of military service, who has been honorably discharged or separated under honorable conditions therefrom, and who is a resident of Ohio, and whose name is on the eligible list for a position, shall be entitled to preference in an original appointment to such competitive position over any other person eligible for such appointment and standing on the list thereof with a rating equal to that of each such person.

### **10.05 Probationary Periods**

- A. All original appointments, including provisional appointments made pursuant to 124.30 of the Revised Code, shall be for a probationary period of one (1) year. All promotional appointments shall be probationary for a period of six (6) months.
- B. No promotion shall be final until the appointee has satisfactorily served his probationary period.
- C. Service as a provisional employee in the same or similar class shall be included in the probationary period.
- D. 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.

### **10.06 Removal or Reduction During Probation**

If the service of a probationary employee is unsatisfactory, he may be removed or returned to his prior position without right of appeal at any time during the probationary period. In the case of the removal of a probationary appointee, the appointing authority shall immediately notify the Commission when the appointment is to be terminated. Such notification shall be in writing and state the reasons therefore.

### **10.07 Provisional Service**

Any employee in the classified service of the City of Sandusky, who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification series for a period of two (2) years of continuous service, during which period no competitive examination is held, shall become a permanent appointee in the classified service at the conclusion of such two (2) year period.

### **10.08 Promotional Appointments: Police and Fire**

With the exception of the Chief and Assistant Chief in the Division of Police, and the Chief and the Assistant 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 names and addresses of the three (3) candidates standing highest on the eligible list for the class or grade to which the position belongs. Upon such certification, the appointing authority shall fill such position by appointment of one (1) of the three (3) persons certified to him

### **10.09 Promotional Restrictions: Police and Fire**

- A. With the exception of the Chief and Assistant Chief of the Division of Police and Chief and Assistant Chief in the Division of Fire, vacancies above the rank of regular firefighter in the Division of Fire, and above the rank of patrol officer in the Division of Police, shall be filled by a competitive examination for promotion from among persons holding the next immediate lower rank. No such position shall be filled by original appointment.
- B. Whenever a vacancy occurs in the promoted ranks, no person shall be eligible to take the promotional examination unless he has served at least twenty-four (24) months in the lower rank. When a vacancy occurs in a rank other than the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the promotional examination unless he has served twelve (12) months in the rank from which the promotion is to be made.
- C. If there are fewer than two (2) eligible people willing to take the promotional test, the time-in-rank requirement may be waived by the Civil Service Commission.
- D. If, even by waiving the time-in-rank requirement for non-probationary employees, there are not two (2) eligible people willing to take the promotional examination, the Civil Service Commission shall open the test to probationary employees in the lower rank.

- E. If, even by opening the test to probationary employees, there are not two (2) eligible people willing 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.
- G. If, after exhausting all ranks, two (2) eligible test takers cannot be located, then a provisional appointment can be made.

### **10.10 Temporary or Exceptional Appointments**

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

1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the Commission for non-competitive examination. If such nominee is certified by the Commission as qualified after such non-competitive examination, that person may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination. Such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the Commission. Such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six (6) month period from the date of such provisional appointment.
2. In case of an emergency, an appointment may be made without regard to these rules for a period not exceeding thirty (30) days, but in no case shall successive appointments be made.
3. 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 Section 124.01 to 124.06 of the Revised Code 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.

4. Where the services to be rendered by an appointee are for a temporary period, not to exceed six (6) months, and the need for such service is important and urgent, the appointing authority may select for such temporary service any person, including any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. 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 (Section 124.27, 124.27.1, 124.30 of the Revised Code). All such temporary assignments shall be promptly reported to the Civil Service Commission.
  
5. Interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall continue only during such period of sickness, disability, or other approved leave of absence, subject to rules to be provided for by the director. Persons who receive interim, temporary, or intermittent appointments shall serve at the pleasure of their appointing authority. Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.

## **RULE ELEVEN**

### **TENURE, REDUCTION, SUSPENSION, REMOVAL, AND DEMOTION**

#### **11.01 Tenure of Office**

- A. The tenure of every officer or employee in the classified service of the City of Sandusky, holding a position under Chapter 124 of the Revised Code, shall be during good behavior and efficient service. Except in case of layoff or abolishment or as otherwise provided by the Ohio Revised Code, no such officer or employee shall be reduced in pay or position, suspended, or removed, except as provided in Section 124.34 of the Revised Code for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, 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 Sandusky Police or Fire Division.
- 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 291.42 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.

#### **11.02 Procedure in General**

- A. In any case of reduction, suspension of more than three (3) working days, or removal (including a removal under 10.06), the appointing authority shall furnish the affected employee with a copy of the order of reduction, suspension, 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. Within ten (10) days following the filing of such order, the employee may file a written appeal with the Commission, unless the employee was removed or reduced during the 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 thirty (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.



- C. In cases of suspension, removal, or reduction in pay or position for disciplinary reasons, either the appointing authority or the officer or employee may appeal the decision of the Commission to the Court of Common Pleas of the County in which the employee resides in accordance with the procedure provided by Section 119.12 of the Revised Code. Such appeal shall be taken within ten (10) days from the date of notice of the finding of the Commission.

**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. 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 during the second half of the 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 thirty (30) days from the finding of the Commission.

**11.04 Disciplinary Suspension**

An employee may be suspended for a period of not to exceed three (3) working days for disciplinary purposes without a right of appeal to the Civil Service Commission.

**11.05 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.

**11.06 Procedure for Removal, Suspension or Reduction**

A suspension, removal or demotion pursuant to ORC 124.34 of an employee by an appointing authority shall not become effective until such appointing authority has first:

- A. Informed the employee of his right to have representation should an interview or investigation be conducted;

- B. Held a pre-disciplinary meeting at which the employee is apprised of the alleged transgressions and is informed of his right to have representation present;
- C. Served such employee a written order of discipline which contains one (1) or more reasons(s) for the grounds for discipline; and
- D. Filed a copy of such order of removal with the Commission within the time allowed.

**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, or suspension for more than three (3) working days, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee or his 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.

**12.02 Amendments to Orders**

Amendments to the orders of removal, reduction in pay or position, or suspension for more than three (3) working days, may be made by the appointing authority at any time, provided the employee or his attorney, if any, receives a copy of the amended order no less than ten (10) calendar days prior to the hearing date.

**12.03 Hearing Procedure**

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

1. The appointing authority taking action affecting the employee shall present his evidence in support of the charges and specifications.
2. The employee affected shall then produce such evidence as he may wish to present to refute such charges.
3. The appointing authority may offer evidence in rebuttal. The Commission may, in its discretion, hear final arguments.
4. Either party may call the other, or agents, officers or employees of the same on cross-examination.
5. The Commission will render a decision within a reasonable time from the date of hearing.

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.

#### **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.

#### **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. 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**

1. All motions shall state, with particularity, both relief sought by the moving party and the basis for granting such relief.

- a. All motions, together with supporting documentation, if any, shall be served on the opposing party.
  - b. 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.
2. Procedural motions, not determinative of the final outcome of the appeal, may be acted upon at 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, magnetic tape, or other recording technology.

#### **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. A 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 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 each 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.

**RULE THIRTEEN**  
**PERFORMANCE EVALUATIONS**

**13.01 General**

In addition to probationary period evaluations, performance evaluations relative to the conduct and capacity of all employees in the classified service may be made once each year by the Appointing Authority. Performance evaluations shall be used as a tool of communication, supervision and training. The Commission, in conjunction with the City Administration, shall prescribe the manner and forms of evaluation.

When evaluation reports have been marked, reviewed, and signed, a copy shall be furnished to the employee, a copy may be retained in the employee's department, and the original shall be forwarded to the employee's personnel file. A copy of the evaluation will be filed with the Commission.

**13.02 Purpose**

Promotional opportunities shall be dependent upon an employee maintaining satisfactory standards of efficiency and performance.

Employees with a performance rating of less than satisfactory for the year immediately preceding their step increment date shall not be eligible for a step increase until a satisfactory service rating is attained in either an annual or special evaluation.

Candidates for promotional examinations are required to have a satisfactory performance rating average for the year immediately preceding the examination.

Any case of the failure of a classified employee to perform his duties in a satisfactory manner may be cause for disciplinary action. The performance evaluation may be utilized in demonstrating an employee's unsatisfactory performance.

In the event an employee competing for a promotional position does not have a performance evaluation in the year preceding the closing date for the promotional exam, the employee will be given full credit for efficiency on the promotional examination.

**13.03 Content of Performance Evaluations**

The evaluation system shall incorporate the objectives of a performance evaluation, direct who is to complete evaluations and who is to be evaluated, indicate when evaluations are to be conducted, establish categories of performance evaluations which shall indicate the areas of performance to be evaluated, establish the guidelines for the categories of evaluation, and prescribe the forms for performance evaluations.



#### **13.04 Conduct of Performance Evaluation**

Each employee shall be evaluated by his immediate supervisor or as otherwise established by the Appointing Authority. If an employee has been reassigned to a new supervisor within the month preceding the date an evaluation is conducted, the new supervisor shall consult, where possible, with the previous supervisor in conducting the evaluation.

#### **13.05 Review by Employee**

Each employee shall be given the opportunity to review his evaluation prior to the time the evaluation is made a part of the employee's permanent personnel file. Upon review of the evaluation, the employee shall be required to acknowledge that he has reviewed the evaluation. Alterations made to an evaluation after the time the employee has reviewed his evaluation may only be made with notice to the employee or as a result of the appeal process.

#### **13.06 Appeal of Performance Evaluation by the Employee**

Any permanent employee who receives a below average performance evaluation shall have the right to appeal the rating to the Commission. The Commission must receive the appeal within ten (10) days of the receipt of the review of the evaluation. The request for review shall set forth supporting facts and evidence that the rating was not accurate.

Upon submission of a request for appeal of performance evaluations the Safety or Service Director, whichever is appropriate, shall submit a response to the request which response shall address the issues and allegations contained in the review request.

The Commission shall investigate and conduct the review as it deems most appropriate. The Commission shall make a determination and may order:

1. That the evaluation remain unaltered;
2. That individual ratings be raised or lowered; or
3. Any other appropriate remedy.

The Commission shall not alter performance evaluations unless the employee establishes by a preponderance of the evidence:

1. That the rater or other person abused his discretion, producing an inaccurate, unfair, or prejudicial evaluation;

2. That the evaluation was determined arbitrary or totally without regard to the employee's actual performance; or
3. That the employee's supervisor or other responsible person failed to substantially comply with the procedures established in completing or reviewing the evaluation.

**RULE FOURTEEN**  
**LAYOFFS, TRANSFERS AND REASSIGNMENTS**

**14.01 Layoffs and Job Abolishments in General**

Employees may be laid off for lack of work, lack of funds, or the abolishment of positions. An appointing authority may abolish positions as a result of a reorganization for efficiency purposes, for reasons of economy or for lack of work. Employees shall be laid off in the order set forth in this section within the primary appointment categories of part-time, seasonal, and full-time and other appointment categories as established by the Commission.

Whenever a reduction in force is necessary within each of the primary appointment categories, first seasonal, then part-time permanent, and then full-time permanent employees shall be laid off in the following order:

1. Employees serving provisionally who have not completed their probationary period after appointment;
2. Employees serving provisionally who have satisfactorily completed their probationary period after appointment;
3. Employees appointed from certified eligible lists or who are certified and who have not completed their probationary period after appointment.
4. Employees appointed from certified eligible lists or who are certified and who have successfully completed their probationary period after appointment.

The appointing authority shall determine the job classes and the number of employees in each class to be laid off.

**14.02 Retention Points**

Retention points to reflect systematic consideration of seniority and relative efficiency for all employees will be assigned by the Commission. Credit for relative efficiency may be less than but shall not exceed ten percent of total retention points.

A. Determination of Retention Points:

1. Employees shall be assigned one (1) seniority point for each completed 520 regular hours of regular (excluding overtime hours) of continuous service or 13 full weeks of service for a full-time employee. These seniority points shall be added to a base factor of one hundred (100) points, thus yielding total seniority points.

2. Employee shall be assigned efficiency points by: averaging the latest two annual performance evaluations; or using the latest performance evaluation, if less than two years of service; or using the latest probationary performance evaluation, if less than one year of service.

The Commission shall establish a formula for assignment of efficiency points using the performance evaluation instrument.

Employees who have not been currently evaluated shall be given the maximum number of efficiency points. In no event shall a special performance evaluation be conducted or used for purposes of computing efficiency points.

**B. Seniority and Efficiency Points**

In cases of identical retention points ratings, those employees having least seniority in terms of actual date of hire will be laid off first.

### **14.03 Displacement Rights**

A laid-off employee in the classified service has the right to displace the employee with the fewest retention points in the classification from which the employee was laid off or in a lower or equivalent classification, in the following order:

1. within the classification from which the employee was laid off;
2. within the classification series from which the employee was laid off; and,
3. in the classification that the laid off employee held immediately prior to holding the classification from which he was laid off, if the laid off employee was certified in the former classification.

This procedure shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority has been reached, and if necessary, laid off.

A laid off employee may not displace an employee in a classification if the laid off employee held the classification more than five years prior to the date on which he was laid off. No employee shall displace an employee for whose position or classification there exists minimum qualifications as established by a position description, classification specifications, or by bona fide occupational qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.

Employees shall notify the appointing authority, in writing, of their intention to exercise their displacement rights within five days after receiving notice of layoff.

#### **14.04 Notification of Layoff, Displacement and Recall**

Each employee to be laid off shall be given advance written notice of the layoff by the appointing authority. Such written notice shall be hand delivered to the employee at work or mailed certified mail to the last address on file with the appointing authority. If hand delivered such notice shall be given 14 calendar days before layoff and the day of hand delivery shall be the first day of the fourteen (14) day period. If mailed, such notice shall be given 17 calendar days before layoff and the day of posting shall be the first day of the seventeen 17 day period.

#### **14.05 Establishment of Layoff Lists**

Employees who have been laid off or have, by virtue of exercising their displacement rights, been displaced to a lower classification in their classification series, shall be placed on the appropriate layoff lists. Those employees with the most retention points within each category of order of layoff, as established above, shall be placed at the top of the layoff list to be followed by employees ranking in descending total retention order.

Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff. An employee who is laid off retains reinstatement rights in the agency from which he was laid off for one year from the date of layoff. During this one year period, the appointing authority shall not hire or promote anyone into that classification until all laid-off persons on the layoff list for that classification are reinstated or decline the position when it is offered.

#### **14.06 Recall from Layoff**

Each employee recalled from layoff shall be notified of the offer of reinstatement or reemployment by certified letter. The notice of reemployment shall contain a statement that refusal of reemployment shall result in removal of such employee's name from the jurisdictional layoff list. Each recalled employee shall be allowed 10 calendar days from the date of service of the letter to return to work, and such time limit shall be explained to the employee in the notification of recall letter.

In the event of extenuating circumstances (e.g., illness, injury, or other good cause as determined by the Commission) preventing the employee from returning within the above time limit, the employer shall grant a reasonable extension, not to exceed 60 days. In the absence of extenuating circumstances, an employee not accepting or declining reinstatement or reemployment within ten (10) days shall be deemed to have declined reinstatement or reemployment for purposes of removal under these rules.

For purposes of recall, it shall be the employee's responsibility to have a current address on file with the appointing authority.

#### **14.07 Appeal of Layoff or Reduction**

Any laid off or displaced classified employee may file a written appeal of the layoff or displacement with the Commission. Such appeal must be filed no later than 10 days after the receipt of the notice of the layoff or displacement notice.

#### **14.08 Layoffs or Reductions in the Police and Fire Departments**

Whenever it becomes necessary, in the Police and Fire Departments, through lack of work or funds, to reduce the force in such department. Such reduction in force shall be made by laying off by seniority within the rank(s) to be reduced in the department. If reductions in force are to be made in ranks above police officer or firefighter those individuals shall be permitted to displace younger employees in successively lower ranks according to length of continuous service. Credit for efficiency shall not be considered in reductions in the Police or Fire Department.

#### **14.09 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 thirty (30) days, or for a longer period not to exceed ninety (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.

#### **14.10 Permanent Transfer**

- A. Subject to the other provisions of these Rules, an appointing authority may, with 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 thirty (30) days unless the employee and the employer have agreed to a temporary transfer of a longer period, not to exceed ninety (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 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 FIFTEEN**

### **REINSTATEMENT AND LEAVES OF ABSENCE**

#### **15.01 Reinstatements in General**

Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his 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 or similar office or position in the same department within thirty (30) days after making written application for reinstatement. 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. Any person reinstated pursuant to the authority of this paragraph shall not receive credit for seniority earned prior to a resignation or reinstatement. Police and firefighters who resign shall not be entitled to reinstatement to a position above the rank of police officer or firefighter, regardless of the position/rank the person may have held at the time of resignation.

#### **15.02 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 service.



**RULE SIXTEEN**  
**REDUCTIONS OR REMOVALS FOR PHYSICAL**  
**OR MENTAL INCAPACITIES**

**16.01 Voluntary Reduction**

When an employee becomes physically or mentally unable to perform the essential functions of his position, either with or without reasonable accommodation, the appointing authority may, at the request of such employee and with the consent of the Commission, transfer him to a vacant position of lower grade which he has the ability to fill.

**16.02 Voluntary Disability Separation**

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his inability to perform the essential job duties of his position due to disabling illness, injury or condition.

Prior to approving an employee's request for a voluntary disability separation, the Appointing Authority may require the employee to submit to a medical or psychological examination. An employee who is granted a voluntary disability separation waives his right to a pre-separation hearing and to an appeal of the decision.

An employee who is granted a voluntary disability separation shall retain the right to be reinstated to his position for three years from the date the employee is no longer in active work status due to a disabling illness, injury or condition.

**16.03 Involuntary Disability Separation**

An Appointing Authority, with the approval of the Commission, may require an employee to submit to a medical or psychological examination. An Appointing Authority shall request that an employee submit to a medical or psychological examination, conducted in accordance with civil service law, prior to involuntarily separating the employee unless: 1) the employee is hospitalized at the time the action is to be taken; or, 2) the employee has exhausted his disability leave benefits.

When an Appointing Authority has received the results of a medical or psychological examination and initially determines that an employee is incapable of performing the essential job duties of the employee's assigned position due to a disabling illness, injury or condition, the Appointing Authority shall institute pre-separation proceedings. Under those proceedings, a hearing shall be scheduled and advance written notice of at least seventy-two hours shall be provided.

If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his essential job duties, then the Appointing Authority shall issue, and file with the Commission, an involuntary disability separation order. An employee so separated shall have the right to appeal in writing to the Commission within ten days following the filing of the order with the Commission.

#### **16.04 Reinstatement**

Any person holding an office or position under the classified service who is separated therefrom due to injury or physical disability and has been on an approved disability retirement under the Public Employee Retirement System (PERS) or the Police and Fireman Disability Pension Fund (PFDPF), and such retirement board certifies to the employer that the employee is physically and mentally capable of performing the duties of the same or similar position from which the employee was separated, the employee shall be restored to the same or similar position and salary as was held by the employee at the time of separation.

One who was separated due to injury or physical disability incurred the performance of duty may be reinstated immediately;

One who was separated due to injury or physical disability incurred other than in the performance of duty may be reinstated upon:

- A. Filing a written application with the Chief of the Division for reinstatement to the office or position held at the time of separation;
- B. Passing a physical examination conducted by a licensed physician designated by the Police and Fireman's Disability Pension Fund which certifies the person is able to perform the essential functions of the office or position within two (2) weeks after making application for reinstatement;
- C. Such application for reinstatement must be filed within three (3) years from the date of separation and the applicant shall not have attained service eligibility retirement.

Any person who holds an office or position under the classified service in the Police or Fire Department, who resigns therefrom, may be reinstated to the rank of policeman or fireman upon filing a written application for reinstatement with the Commission within one (1) year from the date of resignation. A copy of the application shall be filed with the Chief of such department and the person shall pass a physical examination, conducted by a licensed physician that certifies the person is physically fit to perform the essential functions of the office of firefighter or police officer (whichever is applicable). 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

firefighter or police officer, regardless of the position the person may have held at the time of the resignation.

If the appointing authority determines that an employee, who has been disability separated, has committed an act that is inconsistent with the employee's disabling illness or injury, then that act may be considered by the appointing authority when determining an employee's eligibility for reinstatement.

**RULE SEVENTEEN**  
**PROHIBITIONS**

**17.01 Political Activity Prohibited**

- A. No officer or employee in the classified service of the City of Sandusky, Ohio, 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 Sandusky, Ohio from making personal political contributions.

**17.02 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 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 solicit a favor; 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.

**17.03 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.

**17.04 Abuse of Official Power for Political Reasons Prohibited**

No officer or employee of the City of Sandusky, Ohio, 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.

**17.05 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 any office or employment in the

classified service of the City of Sandusky, Ohio, 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.

**17.06 False Statements**

Fraudulent conduct or false statements by an applicant or by others with his connivance, in any application for 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.

**17.07 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 violation described herein holds any public office or place of public employment, such position shall be rendered vacant by reason of said conviction.

**17.08 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 Sandusky, Ohio, or by any officer or employee of the same, shall be instituted by the Civil Service Commission of the City of Sandusky, Ohio, through the legal department of the City of Sandusky, Ohio, or by such Civil Service Commission through special counsel.