

# ATHENS MUNICIPAL CIVIL SERVICE COMMISSION RULES

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RULE I  
ADMINISTRATION

1. The Municipal Civil Service Commission of the City of Athens shall be composed of three (3) persons who shall be appointed and serve in the manner provided for in Section 124.40 of the Ohio Revised Code.

It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

2. The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, and the rules and regulations herein prescribed relative to civil service in the City of Athens and the Athens City School District.

3. The Commission shall elect one of its members as Chairman and one as Co-Chairman who shall serve until a new member is appointed and qualified at which time successors as Chairman and Co-Chairman shall be elected. It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission, to sign the minutes of all actions taken by the Commission.

The Chairman may on his own initiative, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such meeting. In the absence of the Chairman, the Co-Chairman shall act as Chairman. Two 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 members to adopt any motion or resolution.

4. The Commission shall adopt, amend and rescind rules not in conflict with Chapter 124 of the Ohio Revised Code when necessary.

5. The Commission shall (may) appoint the Human Resources Director to act as Secretary of the Commission. The Secretary shall attend all meetings of the Commission and keep minutes thereof; shall keep in the form of minutes a record of the official actions of the Commission; shall accurately and properly keep all the records of the Commission; shall keep all files in proper order; shall prepare and deliver or cause to be delivered, notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall certify payrolls, shall handle such correspondence as the Commission shall determine; and shall perform such other duties as may be required by the Commission.

6. The order of business for meetings of the Commission shall be:

- a. Roll Call
- b. Reading of the Minutes
- c. Disposition of Unapproved Minutes

- d. Unfinished Business – Reports
- e. New Business
- f. Adjournment

7. Whenever possible, Commission business will be handled via e-mail and documented to the file (see legal opinion).

8. Labor Union Agreements: Where a labor union agreement is in conflict with these rules, the labor union agreement, where the Ohio Revised Code allows, shall prevail.

## RULE II POWERS AND DUTIES OF THE COMMISSION

In accordance with Section 124.40 of the Ohio Revised Code, the Commission shall exercise the powers and perform the duties conferred upon the Director of Administrative Services and the State Personnel Board of Review which include:

1. To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in pay or position, job abolishment, lay-off, suspension, discharge, assignment or reassignment to a new or different position classification: the Commission may affirm, disaffirm, or modify the decisions of the appointing authorities as the case may be, and its decision is final;
2. To hear appeals, as provided by law, of appointing authorities relative to the classification or reclassification of any position or positions in the classified service under the jurisdiction of such appointing authority; the board may affirm, disaffirm, or modify the decisions and its decision is final;
3. To appoint a secretary necessary in the exercise of the powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of such secretary;
4. To maintain a journal which shall be open to public inspection, in which it shall keep a record of all its proceedings and of the vote of each of its members upon every action taken by it;
5. To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has authority or duty to administer and for the purpose of invoking the jurisdiction of the Commission in hearing appeals of appointing authorities and employees in matters set forth in divisions (1) and (2) of this section;
6. To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any

matter which it has authority to investigate, inquire into or hear in the same manner and to the extent as provided by division (D) of Section 124.09 of the Ohio Revised Code and all witness fees shall be paid in the manner set forth in said paragraph;

7. To prepare, conduct, and grade all competitive examinations for positions in the classified service;
8. To prepare, conduct, and grade all noncompetitive examinations for positions in the classified service;
9. To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service;
10. To prepare or amend specifications descriptive of duties, responsibilities, requirements and desirable qualifications of various classifications of positions in the municipal service;
11. To allocate and reallocate, upon its own motion or upon request of an appointing authority, any position, office, or employment in the municipal service to the appropriate classification on the basis of the duties, responsibilities, requirements and qualifications of such position, office, or employment;
12. To develop and conduct personnel recruitment services for positions in the municipal service;
13. To appoint such examiners, inspectors, clerks and other assistants as are necessary in the exercise of the powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of all such employees;
14. To keep records of its proceedings and records of all applications for examinations and all examinations conducted by it. The records of the Civil Service Commission shall be available for public inspection at all reasonable hours. All records shall be available except recommendations of former employers, records pertaining to physical or psychiatric examinations, adoption, probation and parole proceedings, and such other records as may be exempted by law. Information requested by telephone shall be limited to place of city employment, dates of city employment, and job classification. Mail inquiries, accompanied by a stamped, self-addressed envelope, shall be entitled to a copy of the requested records. A fee specified by the City of Athens will be charged for each copy requested. The Mayor, or any person designated by the Mayor, may for the purpose of investigation, have free access to all such records whenever the Mayor has reason to believe that Section 124.01 of the Ohio Revised Code, or the administrative rules of the Commission prescribed under such sections are being violated;

15. To prepare, continue, and keep in the office of the Commission, a complete roster of all persons in the classified service. This roster shall be open to public inspection at all reasonable hours. It shall show in reference to each of such persons: his name, address, the date of his appointment to or employment in such service, his salary or compensation, the title of the place or office which he holds, the nature of the duties thereof, and in case of his removal or resignation, the date of the termination of such service;
16. To make investigations concerning all matters touching the enforcement and effect of Sections 124.01 to 124.64 of the Ohio Revised Code, and the administrative rules of the Commission prescribed under such sections. In the course of such investigations, the Commission or its designee may administer oaths and affirmations, take testimony relative to any matter which the Commission has authority to investigate;
17. To make a report to the Mayor on or before the first day of February of each year, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of the purposes of Sections 124.01 to 124.64 of the Ohio Revised Code. The Commission shall also furnish any special reports to the Mayor whenever the same are requested by him. Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or commissioners;
18. To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with Chapter 124.40 of the Ohio Revised Code.

**RULE III**  
**DEFINITION OF TERMS**

The several terms herein specified whenever used in the Rules and Regulations of the Athens Municipal Civil Service Commission or in the administration of the Civil Service Laws shall be construed as follows:

1. "Commission" refers to the Municipal Civil Service Commission of the City of Athens, Ohio.
2. "Civil Service" refers to and includes all officers and positions of trust or employment in the service of the City of Athens and the Athens City School District.
3. The "Unclassified Service" shall comprise those positions set forth in paragraph (A) of Section 124.11 of the Ohio Revised Code as applied to the Civil Service of

the City of Athens and the Athens City School District with the following interpretation:

The jurisdiction should list all positions which are in the unclassified service. The list should include, but not necessarily be limited to, the following (See Appendix for 124.11 ORC):

- a. All elected officials
- b. Members of all Boards and Commissions
- c. All Department Heads excluding the Chief of the Police Department and the Chief of the Fire Department who are in the classified service
- d. Such school officials as would be covered under ORC 124.11(A)
- e. Such other positions in the City and the City School District as would be covered under ORC 124.11 (A)

Positions in the unclassified service shall be exempt from all examinations required by Sections 124.01 to 124.64 of the Ohio Revised Code.

4. The “Classified Service” shall comprise all persons in the employment of the City of Athens and the Athens City School District not specifically included in the unclassified service. The classified service shall be divided into the “Competitive Class” and the “Unskilled Labor Class” as provided for in paragraph (B) of Section 124.11 of the Ohio Revised Code.
5. “Position Classification” shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with duties and responsibilities of the position.
6. “Municipal Service” shall include those positions in the classified service of the City of Athens.
7. “School Service” shall include those positions in the classified service of the Athens City School District.
8. “Position” when used by alone shall refer to any specific 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.
9. “Appointing Authority” refers to the Officer, Commission, Board or Body having the power of appointment or removal from positions in the classified service and shall include the following:

The jurisdiction should list the position or positions which have the power to appoint or remove, generally the Mayor or the Safety/ Service Director

(upon approval of the Mayor) or the various Department Heads (upon approval of the Mayor).

10. The term “Employee” shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.
11. The masculine pronoun “He” and its derivatives, whenever employed, include the feminine pronoun and its derivatives.
12. The term “Office of the Commission” means the Office of the City Human Resources Director.

#### RULE IV POSITION CLASSIFICATION, RECLASSIFICATION AND AUDITS

Positions in the Civil Service of the City and of the City School District shall be classified in accordance with an established plan which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike to so warrant shall be allocated to the same class with a title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the class on a like basis.

A Class Specification shall be prepared for each class setting forth the class title, typical duties and responsibilities and the necessary qualifications. It shall set forth the factors and conditions which are essential characteristics of the class and also factors and conditions which separate it from other classes.

##### 1. Position Audits and Reassignments

The Commission, having standardized all positions, shall request the City of Athens and the Athens City School District to make periodic audits of those positions to ensure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for the 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 class as is necessary to provide an equitable, just and proper classification.

Any employee may request a review of the classification of his position for the purposes of determining whether the position is properly classified. The Commission shall give proper consideration to such request.

## 2. Notification of Employees

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

## 3. Appeal of a Reclassification

Any employee or appointing authority may appeal the reclassification of any position to the Commission within thirty (30) days after receipt of the notification of reclassification.

## 4. Reclassification

Any change of classification of an employee, or a merit increase for an employee other than proceeding to the next step of the pay ordinance, or a starting salary of a new employee other than one of the first two steps of the pay ordinance, shall not be approved without a hearing with the appointing authority before the full Commission. Each form for salary change, classification change, transfer or other change, commonly known as a DF-18, concerning an employee in the classified service, shall be sent to the office of the Civil Service Commission for approval.

# RULE V EXAMINATIONS

## 1. Site of Examination

Examinations may be held at such place or places as the City of Athens Human Resources Director deems advisable and shall be administered under its direction.

## 2. Notice of Examination

(A) Entrance Examination: Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the bulletin boards located in the City Building, and in such other places as may be deemed advisable, not less than two (2) weeks prior to the last day on which applications will be accepted for such examinations.

(B) Promotional Examination: Notice of competitive promotional examinations to be held shall be given by posting bulletins in conspicuous places in the departments whose employees may be interested or may be eligible for such promotion. Such notice shall be given not less than two (2) weeks prior to the last day on which applications will be accepted for the examination except in the Fire Department where such notice shall be given for not less than thirty (30) days prior to the examination.

### 3. Subjects and Weights

(A) Examinations shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Where minimum and/or maximum requirements are established for any examination, they shall be specified in the examination announcement. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto prior to the time of examination.

(B) Entrance Examinations: Examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity and physical or psychological fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experience.

(C) Promotional Examination: Promotional examinations ~~shall be in writing and~~ shall be given in accordance with Section 124.31 of the Ohio Revised Code. (See Appendix 124.31 ORC)

Promotions to positions above the rank of Patrol Officer in the Police Department shall be in accordance with the provisions of Section 124.44 of the Ohio Revised Code. (See Appendix for 124.44 ORC)

Promotions to positions above the rank of regular Firefighter in the Fire Department shall be in accordance with the provisions of Section 124.45, 124.46 and 124.48 of the Ohio Revised Code. (See Appendix for 124.45, 124.46 and 124.48 ORC)

The notice of the holding of a promotional examination for a position or positions in a Fire Department 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 material from which the examination questions are prepared. Such source material shall be readily accessible to the examinee. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions based on experience in the fire service with the Fire Department in which the promotional examination is being given.

### 4. Special Positions for Firefighters

Within any rank, the municipal council may establish such special positions having special duties with preferential pay as the council deems necessary, the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions. No special position established by council within a rank in a Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

## 5. Special Credits

(A) Credit for military service in entrance examinations: When proper proof of acceptable service in the armed forces of the United States, as defined in Section 124.23 of the Ohio Revised Code (See Appendix for 124.23 ORC), is presented to the Commission and such ex-service man or woman being otherwise eligible has received a passing grade in any regular entrance examination, he or she shall be granted additional credit of twenty percent (20%) of such grade, thereby receiving a final grade of twenty percent (20%) higher in view of the above mentioned service.

Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Human Resources Director with the application for the examination. Credit for military service will not be given if the request for such credit is received by the Human Resources Director after an eligible list for any examination has been established.

Credit for service in the armed forces of the United States shall not be a part of but shall be a credit to be added to the applicants earned grade resulting from the competitive examination provided that the applicant receives a passing grade in the competitive examination.

(B) Seniority Credit on Promotional Examinations:

Applicants taking promotional examinations shall receive credit for seniority, which shall be determined as follows: one (1%) percent of the total grade attainable in such examinations for the first four (4) years of service, and six-tenths (6/10%) percent of such total grade for each of the next ten (10) years of service.

Seniority points shall be added to the written test score and shall form a part of the final grade.

(C) Educational Credit on Promotional Exams:

Credit for education may be given as approved by the Commission. The additional credit will be a percentage of the passing score and added to the passing score. The percentage will not exceed seven percent (7%).

## 6. Physical Examination

Whenever, in the judgment of the Commission, physical qualifications are of special importance, the candidate shall be required to pass a physical examination, and be certified as qualified in such respect, either before admission to the examination, or before being placed on an appropriate eligible list, or before certification for appointment, as the Commission may deem advisable.

Physical examinations, whenever required by the Commission, shall be made by a licensed physician designated **or approved** by the Commission who shall furnish a certificate as to the applicant's physical condition.

The results of physical examinations, including physician's certificates shall be used solely to determine an applicant's eligibility to take an examination, to be placed on an appropriate eligibility list, or to be certified for appointment, and shall not become a part of the applicant's grade.

#### 7. Admitting Applicants to Examinations

No applicant shall be admitted to any assembled examination more than thirty (30) minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his work and left the examination room, 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.

#### 8. Length of Time for Examination

No applicant in any examination shall be given a longer time on any subject than prescribed by the Commission when examination questions are approved.

#### 9. Fraud in Examinations Prohibited

No person or officer shall:

(A) Willfully or corruptly by himself or in cooperation with one or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the Civil Service Law or under 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 a 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 other 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 question 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 have 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 zero marking when the circumstances justify such action.

#### 10. Visitors at Examination

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

#### 11. Inspection of Examination Papers

(A)Participants in any examination may inspect the examination questions together with the rating key during the period of time after the examination when the examination papers are being graded. After the posting of the examination grades, a participant may request to inspect his examination papers and the examination questions together with the rating key for a period of five (5) days (Saturdays, Sundays and holidays not included) in order to inform himself as to the markings given him on each subject or question. Any protest regarding the test items themselves or the grade given the participant must be filed with the commission in writing not more than five (5) days after the review of the test papers (Saturdays, Sundays and holidays not included) the Commission shall then give consideration to all protests and make such changes as are warranted. The Commission should then establish an eligible list and no grades shall be changed after the posting of the eligible list except that the Commission may always correct any clerical errors which may occur. Protest regarding the conduct of the examiners, the securing of unlawful assistance by a competitor or other such circumstances in connection with an examination as would call for an investigation on the part of the Civil Service Commission and which would require that the information submitted be given in confidence, need not be submitted in writing.

(B)Fire Promotional Examination: after a promotional examination has been held and prior to the grading of such examination papers, each participant in said promotional examination shall have a period of five (5) days, (Saturdays, Sundays, and holidays not included), to inspect the questions, the rating keys or answers to the examination, and to file any protest he may deem advisable. These protests shall be in writing 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) days, (Saturdays, Sundays and holidays not included), and its decision shall be final. If the Commission finds an error in the rating key or answer, it shall publish

a revised rating key within five (5) days of its finding of such errors. The revised rating key or answer shall then be available to participants for a period of five (5) days, (Saturdays, Sundays and holidays not included), subsequent to such determination or error or errors.

After the grading of such examination papers, any participant in the examination who deems his examination papers have been erroneously graded shall have the right to appeal to the Commission, and said appeal or appeals shall be heard by the Commission.

#### 12. Postponement of Examination

Examinations, unless postponed must be held upon the days fixed by the Human Resources Director. Examinations may be postponed by order of the Commission and such order shall designate the reason for the postponement.

#### 13. Religious or Political Opinion or Affiliation Questions Prohibited

No questions on any examination shall relate to religious or political opinions or affiliations.

#### 14. Additional Screening of Applicants:

Scores in the top 20%, including "Veteran's Preference" according to the written test score, should be considered towards further screening criteria. This would include all persons who obtain the score that is cut-off at the 20% ranking.

### RULE VI

#### ELIGIBLE LISTS

##### 1. Posting of Lists

The Commission shall prepare and keep open to public inspection from the results of each examination, an eligible list of the persons who have passed the examination and are eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades.

##### 2. Merging Eligible Lists

Whenever it becomes necessary, while an eligible list exists, to hold a subsequent examination in order to obtain additional eligible individuals, the Commission may consolidate the existing list with the new list by rearranging the names of those eligible therein according to their grade. All persons whose names appear on the existing list shall have the opportunity to compete in the second exam. Any person on such existing list who

takes the second examination shall be given the standing on the combined list to which the higher grade received on either examination shall entitle him during the continuance of the first list, and thereafter he shall rank in accordance with the grade received in the subsequent examination.

### 3. Duration of Lists

The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not less than one (1) nor more than two (2) years. 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, except a Fire Department promotional list which shall be in effect for two (2) years.

### 4. Identical or Tied Written Scores

In the event two or more applicants receive the same mark in open competitive 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 veteran's preference under Section 124.23 of the Ohio Revised Code shall receive priority rank on the eligible list over non-veterans on the list with a rating equal to that of the veteran. Ties among veteran shall be decided by priority of filing application. In the event of two or more applicants receiving the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list.

### 5. Transfer to Lower Class

At the discretion of the Commission, the name of any eligible may, at any time, upon his written request, be transferred to the eligible list for a lower class in the same series requiring qualifications of the same general character. He shall be ranked thereon according to his original grade.

### 6. Names Not to Be Certified for Appointment

The name of any person appearing on an eligible list who:

(A) Fails to report or arrange within six (6) days (Saturdays, Sundays and Holidays excluded) for an interview with an appointing authority;

(B) Fails to respond to a notice from the Civil Service Commission or the Human Resources Director;

(C) Declines an appointment without reasons satisfactory to the Civil Service Commission; or

(D) Who cannot be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list if satisfactory explanation of the circumstances is

made to the Commission. 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 other eligible lists for classes the salary of which is equal or lower.

#### 7. Disqualification of Eligibles

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 for appointment because of false statements made in his application, physical disability, 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.

#### 8. Change of Address

Each person on an eligible list shall file with the Human Resources Director, 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 appointments. The Human Resources Director shall make this requirement known to applicants.

#### 9. Revocation of 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. 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 reason for such alteration or revocation.

## RULE VII

### APPOINTMENTS

Appointments to all positions in the classified service that are not filled by promotion, transfer, or reduction as provided by the Civil Service Laws and the Rules of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Civil Service Laws and the Rules of the Commission. Procedures for creating eligibility lists will be approved by the Commission and added to these rules as addenda.

#### 1. Number of names to be certified; appointment from other appropriate lists.

The appointing authority of the department in which the position in the classified service is to be filled, shall notify the Commission of the fact, and the Commission shall, except as provided for in Section 124.30 and Section 124.32 of the Ohio Revised Code, certify to the appointing authority thereof the names and addresses of the ten candidates or twenty percent

(20%), whichever is higher, standing highest on the eligible list for the class or grade to which said position is classified. In the event that an eligible list becomes exhausted, through inadvertence or otherwise, and until a new list can be created, or when no eligible list for such position exists, names may be certified from an eligible list which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified.

## 2. Certification Not More Than Four Times

A person certified from the eligible list more than three (3) times to the same appointing authority, may be omitted from future certifications to that appointing authority.

## 3. One Of Ten Certified to Be Appointed

Upon receipt from the Commission of such list of eligible's for a position, the appointing authority shall fill such position by appointment of one of the ten or the top twenty percent (20%), whichever is higher, persons certified to him and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

## 4. Probationary Period; Probationary Removal or Reduction

All original and promotional appointments, including provisional appointments, shall be for a probationary period of not less than sixty (60) days nor more than one (1) year except original appointments to a Police Department as a police officer and original appointments to a Fire Department as a firefighter which shall be for a probationary period of one (1) year and no appointment or promotion is final until the appointee has satisfactorily served his probationary period. The length of a probationary period may be lengthened by a bargaining unit contract.

The probationary period of various classes of positions in the several services of the City of Athens is hereby fixed by the Commission under the provisions of Section 124.27 of the Ohio Revised Code as follows:

Jurisdiction should list the length of probationary periods for various classifications.

Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he may be removed or reduced at any time during his probationary period after completion of sixty (60) days or one-half of his probationary period, whichever is greater. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at any time during the ten-day period before the end of the probationary period, shall inform the Commission, in writing, of his decision either to make the appointment of the probationary appointee final or to remove such appointee. If the appointing authority's decision is to remove the appointee, his communication to the Commission shall state the reason for such decision.

## 5. Restriction as to Age, Physical Condition, or Other Requirement

Any restriction for appointment from an eligible list as to age, physical or other requirements shall be made prior to and stated in the bulletin announcing the examination and no eligible list shall be so restricted unless it had been announced in the examination bulletin. (See 5 A, below)

### (A) Physical Condition

A person selected for appointment from an eligible list and in the classified service, must be able to successfully pass a physical examination given by a physician of the Commission's choice. The Commission's physician shall issue a report on the physical condition of the applicant and the report shall be final as to the applicant's qualification or disqualification.

## 6. Provisional Appointments

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 and if such nominee is certified by the Commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from an eligible list prepared by the Commission and such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six-month period from the date of such provisional appointment.

## 7. Emergency Appointments

In case of an emergency, an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than thirty (30) days, and in no case shall successive temporary appointments be made; provided, however, that interim or temporary appointments, made necessary by reason of sickness or disability of the regular employee shall continue only during such period of sickness or disability.

Where the services to be rendered by an appointee are for a temporary period, not to exceed thirty (30) days, and the need of such service is important and urgent, the appointing authority may select for such temporary service 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 provision. The acceptance or refusal of a temporary appointment by an eligible shall not affect his standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

## 8. Temporary Appointments and Promotions

An interim or temporary appointment or promotion to a higher position without examination made necessary by reason of sickness or disability of a regular employee may be authorized by the Commission, except in the Police and Fire Departments, upon the written request of an appointing authority that shall set forth full information with the request. All such temporary promotions shall continue only during such period of sickness or disability and shall be recorded in the minutes of the Commission. Such temporary promotions shall be made, insofar as practicable, from the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

## 9. Exceptional Appointments

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 impractical and that the position can best be filled by a selection of designated person of high and recognized attainments In such qualities, the Commission may suspend the provisions of Sections 124.01 to 124.64 of the Ohio Revised Code requiring competition in such case, but no suspension shall be general in its application; and all such cases of suspension shall be reported in the minutes of the Commission and in the annual report with the reasons for the suspension.

## 10. Promotions

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. Promotional appointments shall be made in accordance with the provisions of Sections 124.27 and 124.31 of the Ohio Revised Code with the exception of those of patrol officer in the Police Department and of firefighter in the Fire Department. Promotion of patrol officer shall be made in accordance with the provisions of Section 124.44 of the Ohio Revised Code and the promotion of firefighter shall be made in accordance with the provisions of Section 124.45 of the Ohio Revised Code.

## 11. Original Appointments to The Police and Fire Departments

All original appointments to the Police Department or the Fire Department shall be made in accordance with Chapters 124.41, 124.42 and 124.43 of the Ohio Revised Code.

## 12. Length of Probationary Period for Police Promotions

Such probationary periods for promotional appointments within the Police Department shall be for a period of six (6) months.

## 13. Equal Employment Opportunity

All departments will comply with Equal Employment Opportunity Commission (EEOC) guidelines in their hiring.

## RULE VIII

### TRANSFERS, LAYOFFS, REINSTATEMENTS AND LEAVES

The City of Athens and the Athens City School District will submit their transfer, layoff, reinstatement, and leave policy/procedures plan to the Commission for inclusion as an addendum to these rules. Such plans may be through labor union agreements and/or City/School policy/procedure.

## RULE IX

### REDUCTIONS, SUSPENSIONS AND REMOVALS

The tenure of every officer or employee in the classified service of the City of Athens and the City School District shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, suspended, or removed except as provided in Section 124.32 of the Ohio Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of Sections 124.01 to 124.64 of the Ohio 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.

In any case of reduction, suspension for more than five (5) working days, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal which order shall state the reasons therefore. Such order shall be filed with the Commission.

Within ten (10) days following the filing of such order the employee may file an appeal, in writing, with the Commission. 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 and after its filing with the Commission and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay 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 in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code.

In the case of the suspension for any period of time, or demotion, or removal of a Chief of Police or a Chief of a Fire Department or any member of the Police or Fire Departments, the appointing authority shall furnish the Chief or member of the department with a copy of the order of suspension, demotion or removal, which order shall state the reasons therefore. Such order shall be filed with the Commission. Within ten (10) days following the filing of such order, the Chief or member of a department may file an appeal, in writing, with the Commission. 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 and after its filing with the Commission and it may affirm, disaffirm or modify the judgment of the appointing authority. An appeal on questions of law and fact from the decisions of the Commission may be made to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

The mayor has the exclusive right to suspend the Chief of the Police Department or the Chief of the Fire Department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause. If either the Chief of Police or the Chief of the Fire Department is so suspended, the mayor shall forthwith certify such fact, together with the cause of suspension, to the Commission, which within five (5) days from the date of receipt of the notice shall proceed to hear such charges and render judgment thereon, which judgment may affirm, disaffirm, or modify the judgment of the appointing officer, and an appeal of the decision of the Commission may be made to the Court of Common Pleas as provided in Section 124.34 of the Ohio Revised Code to determine the sufficiency of the cause of removal.

#### 1. Disciplinary Suspension

An employee may be suspended for a period of not to exceed five (5) working days for purposes of discipline without the right of appeal, except in the case of a Police Chief, Fire Chief or member of the Police or Fire Departments as described above; provided, however, that successive suspensions shall not be allowed.

#### 2. Absence Without Leave

Absences from duty without leave for any time or failure to report if leave has expired, shall be considered "neglect of duty" and cause for removal.

#### 3. Falsification in Application

Falsification of any statement in an application for examination shall be considered "dishonesty" and sufficient cause for removal.

#### 4. Procedure to Be Followed in Removals

The discharge of an employee by an appointing authority shall not become effective until such appointing authority shall have first:

(A) Served such employee a written order of removal, which order shall contain one or more statutory reasons for grounds for discharge, together with such specification of facts as shall place him fairly upon his defense;

(B) Filed with the Commission a copy of such order of removal

## 5. Appeal of Removal

Any such employee so removed may appeal from the order of such appointing authority to the Commission within ten (10) days after the effective date of such removal as set forth in the order of removal.

## RULE X

### HEARING PROCEDURE

#### 1. Time of Hearing; Notification

Upon receipt from an employee or officer in the classified service of the City of Athens or the City School District of a time appeal from an order of removal, reduction in pay or position, ~~or~~ suspension, or denial of promotion the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee and his attorney, if known, thereof.

#### 2. Amendments to Orders

Amendments to the orders of removal, reduction in pay or position or suspension for more than five (5) working days may be made by the appointing authority at any time provided the employee and his attorney, if any, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as herein provided.

#### 3. Hearing Procedure

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

(A) The appointing authority taking action affecting the employee shall adduce his evidence in support of the charges and specifications

(B) The employee affected shall then produce such evidence as may wish to present to refute such charges

(C) The appointing authority may offer evidence in rebuttal. The Commission may, at its discretion, hear arguments.

#### 4. Rules of Evidence; Representation by Counsel

The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel. A complete transcript or other recording of the hearing shall be made.

#### 5. 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 this resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

#### 6. Appeals to Higher Court; Transcript Required

Within thirty (30) days after filing the notice of appeal, the officer or body from which the appeal is taken shall, upon the filing of a praecipe, prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony and evidence offered, heard and taken into consideration in issuing the order appealed from. The costs of the appeal and shall be paid by the party ordering the transcript.

The costs of said transcript shall be as follows: the original transcript for filing in the court shall be \$1.50 for each page; the copy for appellant shall be \$.75 for each page.

The Secretary of the Civil Service Commission is authorized to require a deposit on any transcript prior to preparation at fifty percent (50%) of the estimated cost of the transcript.

#### ADDENDA I

Local Rules & Regulations Updates (including legal opinions)

#### ADDENDA II

Approved Testing & Selection Processes.)