

200 SOUTH HAMILTON ROAD
FAX: (614) 342-4190



GAHANNA, OHIO 43230-2996
TELEPHONE: (614) 342-4091

CIVIL SERVICE COMMISSION
www.gahanna.gov

CIVIL SERVICE RULES AND REGULATIONS

Paul Leithart, Chairman

David Schroeder, Vice Chairman

Katharine Essex

Judith Glenn

Stephen Renner

**Donna L. Jernigan, MMC,
Senior Deputy Clerk of Council**

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Rules and Regulations

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**RULES AND REGULATIONS
CIVIL SERVICE COMMISSION
OF THE
CITY OF GAHANNA, OHIO**

**RULE 1
DEFINITIONS OF TERMS**

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

Section 1.01 **Appointing Authority** refers to the person having the power of appointment or removal from positions in the classified service.

Section 1.02 **City** shall refer to the City of Gahanna, Ohio.

Section 1.03 **Civil Service** refers to and includes all officers and positions of trust or employment in the service of the City of Gahanna.

Section 1.04 **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.

Section 1.05 **Classified Service** shall comprise all persons in the employ of the City, not specifically included in the unclassified service.

Section 1.06 **Commission** refers to the Civil Service Commission of the City of Gahanna.

Section 1.07 **Department Head** refers to the person having the supervisory power for day to day operations of a City department.

Section 1.08 **Employee** shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing authority.

Section 1.09 **Position** when used by itself shall refer to any employment or job calling for the performance of certain duties, and for the exercise of certain responsibilities of the position.

Section 1.10 **Probationary Period**. All probationary periods shall, unless otherwise provided by labor contract, be uniform in all classes and shall be for a period of one hundred eighty (180) days. Probationary appointments are subject to removal without cause during the probationary period.

Probationary Period is that period of time set by contract or ordinance in which a classified employee may be terminated or removed without cause.

Section 1.11 Reallocate. To distribute and redistribute by a plan; allot; assign.

Section 1.12 Reclassify. To arrange or group; to place in a category; to put like civil service positions together.

Section 1.13 Unclassified Service shall comprise those positions set forth in Charter Article XIII, Section 13.03, Classified and Unclassified Service, of the City of Gahanna as it pertains to employees. Positions in the unclassified service shall be exempt from all examinations as it pertains to employees.

RULE 2 ADMINISTRATION

Section 2.01 Membership. The Civil Service Commission of the City of Gahanna shall be composed of five (5) members who shall be appointed and serve in the manner provided for in Article XIII, Section 13.01, of the Charter of the City of Gahanna.

Section 2.02 Duties. The Commission shall administer and enforce the Rules and Regulations herein prescribed and the Civil Service Laws relative to civil service in the City of Gahanna.

- a. The Civil Service Commission shall have the power to adopt rules and regulations concerning the selection, promotion, demotion, discipline, and removal of employees within the classified service of the City, provided that such rules and regulations for the classified service shall not take effect until approved by Council.
- b. It shall be the duty of each member of the Commission to attend meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

Section 2.03 Officers. One of the members of the Commission shall be elected as Chair and one member as Vice Chair at the Organizational Meeting of the Civil Service Commission each year.

It shall be the duty of the Chair to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, and to preside at all meetings of the Commission. In the absence of the Chair, the Vice Chair shall act as Chair. No less than three (3) members of the Commission shall constitute a quorum at any meeting of the Commission. It shall require the affirmative vote of a majority of the quorum to adopt any motion or resolution.

The Chair may on his own initiative, or shall, upon the request of the other four members of the Commission, call a special meeting of the Commission provided notice is given in writing to all members at least 24 hours prior to the time of such special meeting.

Section 2.04 Employee Records. The Human Resources Department shall prepare and maintain, in its office, an official roster of all classified employees of the City, showing with each name the position held, the date of appointment, and every change of status.

Section 2.05 Rules of Procedure. Rules of Procedure shall be adopted annually.

RULE 3

POSITION CLASSIFICATION

Section 3.01 **Classified Service.** All employees in the service of the city, except those in the unclassified service which are exempt by ARTICLE XIII, Section 13.03 of the Charter, shall be included in the classified service. The provisions of the Civil Service Rules shall be applicable to them subject to a labor agreement signed by the City.

Section 3.02 **Classification Plan.** A classification plan for the employees in the classified service shall be adopted and maintained by the Commission, which plan shall provide for the standardization and classification of all positions and employment in the classified service. All of the positions in the classified service shall be so grouped and arranged that each class shall consist of those positions so similar in respect to the duties, responsibilities and authority that the same descriptive title may be used to designate each position allocated in the class. Each position within a class shall require similar requirements as to education, experience, knowledge, proficiency, ability and other necessary qualifications.

Section 3.03 **Title.** Whenever a position shall have been allocated to its appropriate class, the title of such class shall become the title of the position.

Section 3.04 **Amendment of Classification Plan.** The classification plan may be amended by the Commission upon the request of a Department Head.

Section 3.05 **Establishment of New Positions.** Whenever a Department Head desires to establish any new position in the classified service, he shall present a statement of the proposed duties and responsibilities of such position, the conditions which made its establishment necessary, the qualifications which should be required and recommendations for title and rates of compensation. The Commission will make whatever investigation may be necessary in order to make proper determination on such request. If the new position is authorized it shall be classified and allocated to the proper class, and the Commission shall give notice to the Department Head of such action.

Section 3.06 **Reclassification of Existing Positions.** If the duties of an existing classified position are changed so that in effect the position no longer exists and it becomes necessary to create a new position to correspond to the current duties the appointing authority shall report this fact to the Commission with a full statement of circumstances and a description of the duties and changes. The Commission, at its discretion, shall inquire into or investigate what is presented and classify the position to an appropriate class consistent with the new duties.

Any changes made to positions during the collective bargaining process are final once the labor contract is approved by Council and the bargaining unit.

Section 3.07 Enforcement. Each Department Head is responsible for maintaining the integrity of the classification plan.

RULE 4

HIRING AND PROMOTIONAL PROCESS

Section 4.01 General Requirements. All positions within the classified service are subject to the application and examination provisions of these Rules. If the Commission concludes, upon recommendation of the Director of Human Resources, that an appropriate written test is not available for use to fill a particular position it shall determine that one and/or both of the following methods or procedures, in lieu of said written test, be used:

- a. A practical or performance test, and/or;
- b. Process of evaluating experience, references and an oral interview.

If it is determined that the interview process will suffice, the Human Resources Department shall submit to the Commission a ranking of candidates for review and certification. The list of candidates shall be certified as the eligibility list for that position, provided however that the Commission may, by motion, waive the certification process for the filling of a particular position upon the request of the Director of Human Resources.

Section 4.02 Applications. Except as otherwise specifically provided for by law or by the Rules of the Commission, all applicants must:

- a. File an application with the Human Resources Department by the specified time.
- b. Pay the filing fee established by the Commission.
- c. Meet the minimum requirements as stated in the examination announcement.
- d. General. Applicants for any class of position may be required to submit evidence that they possess the minimum qualifications set forth in the specifications for the class. A certificate, license or other evidence of competency may be required.
- e. Proof of Age. Applicants may be required to meet minimum age requirements.
- f. Acceptance or Rejection of Applications. The Director of Human Resources shall review all applications for completeness. An application lacking information or incorrectly filled out may be amended by the applicant prior to the examination, following notice to amend the same. The Director of Human Resources may, for sufficient cause, reject an application prior to the date of the

examination for which it is filed. In all cases of rejection an applicant shall be notified immediately of the rejection and the reason therefore. Upon rejection of an application any applicant shall have an opportunity to show cause to the Commission why the application should not have been rejected. The applicant shall submit his/her objection to the Civil Service Commission within seven (7) business days following notification of the rejection of the application. Any one of the following may be sufficient cause for rejecting an application:

1. Lacks one or more of the minimum qualifications set forth in the examination announcement.
2. Has been convicted of a felony.
3. Has made false statement of any material fact or practiced, or attempted to practice, any deception or fraud in the application.
4. Any other just and reasonable cause.

Section 4.03 Examinations. The Commission shall designate the Director of Human Resources to be the examining authority for hiring and promotional tests in the classified service. The Director of Human Resources shall designate the dates, time and place of each examination. The Commission, or its designee, along with the Director of Human Resources or designee shall prescribe the subjects of each examination and the relative weights to be attached thereto.

- a. Entrance Examinations shall be practical in character, and shall relate directly to those matters which fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought.
- b. Original Appointment Examination. A competitive examination shall require applicants for positions and places in the classified service to report to a designated place at a designated time to participate in tests prescribed and administered under the direction of the Director of Human Resources.
- c. Promotional Examination. Notice of competitive promotional examinations to be held shall be given by posting on bulletin boards in conspicuous places in the department whose employees may be qualified. Such notice shall be given not less than two (2) weeks prior to the examination or filing deadline. Vacancies in the classified service shall be filled by promotion of permanently

appointed classified employees in all cases where, in the judgment of the Commission, it is for the best interest of the service. Promotional examinations shall be held, unless there are fewer than three (3) people eligible to take the test; in that case the testing procedure shall be waived. Promotional examinations shall be practical in character, and shall relate directly to those matters which fairly test the relative capacity of the person examined to discharge the particular duties of the position for which promotion is sought. Promotional exams shall consist of one of the following or combination of the following:

Oral Interview or Examination, Practical or Performance Examination, Physical/Psychological Examination.

- d. Postponement and Cancellation. The Director of Human Resources or the Commission shall have the right to postpone or cancel any examination. A copy of the notice of cancellation or postponement shall be filed with the Civil Service Commission, posted in City Hall, posted on the City's website and notification made to all applicants.

Section 4.04 Eligibility. When promotional examinations are held, they shall be limited to employees who shall be permanently appointed, shall have served not less than a total of twelve (12) months after permanent appointment and whose most recent performance appraisal shall have been satisfactory. As far as practicable, promotions shall be made from the next lower class.

Section 4.05 Conduct of Examinations. All examinations shall be conducted under the direction of the Director of Human Resources and at least one (1) City employee.

- a. Time. The limit of time prescribed for each part of the examination shall appear in the general instructions and shall also be announced at the beginning of the examination.
- b. Admittance. Any person, who is not a candidate, shall not be present in the examination room except by special permission of the Director of Human Resources. Admittance to an examination shall be refused to an applicant arriving after the designated starting time for testing.
- c. Identification Procedures. All paper submitted by the candidate shall have their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified. The candidate shall be required to provide two (2)

forms of ID, one being a government issued ID bearing a photograph.

Section 4.06 Offenses in Examination.

- a. Frauds Prohibited. No person shall:
 1. 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.
 2. Make any false representations concerning the results of such examination or concerning any person examined.
 3. Furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.
 4. Impersonate another person, or permit or aid in any manner another person to impersonate an applicant, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.
 5. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.
 6. Make known or assist in making known to any applicant for examination, any question to be asked on such examination.
 7. Personally solicit a favor from any member of the Commission, appointing officer, or have any person on his/her behalf solicit a favor.
- b. Penalty for Deception. Any person or persons attempting to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his/her name stricken from the registers, and he/she shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for disciplinary action.

Section 4.07 Grading of Examinations.

- a. Method of Grading Examinations. The total grade attainable in each examination shall be 100%. A candidate who achieves a passing grade of 70% or above shall be eligible for consideration as a possible candidate for the position tested. In cases where an exam is requested and the testing company recommends what the passing score should be, the Commission may set a percentage other than 70% as the passing score, but must be done at the time of scheduling the test.
- b. Notification of Grade. Each candidate examined shall be notified of his/her grade and standing on the eligibility list.

Section 4.08 Inspection of Rating Keys. In examinations where the Commission considers it feasible, and a rating key is available to the City, for a period of ten (10) business days after the scores for the examination are mailed, candidates may inspect the rating key and questions in the office of the Director of Human Resources.

Section 4.09 Preservation of Examination Papers. Applications and examination papers of candidates who failed an examination shall be maintained in accordance with the Gahanna approved records retention schedule. Applications and examination papers of those passing shall be preserved for the life of the eligibility lists, except that test papers of those appointed from eligibility lists shall be retained in the individual personnel file of each appointee.

Section 4.10 Eligibility Lists.

The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission for a period of one (1) year from the date of the certification of the eligibility list. At the discretion of the Commission an eligibility list may be terminated before its expiration date or extended for an additional six (6) months.

- a. Tied Scores in Entrance Examination. In the event two or more candidates receive the same score in open competitive examination, names of all applicants receiving such score shall be placed on the eligibility list with the same ranking.
- b. Tied Scores in Promotional Examination. In the event of two or more candidates receiving the same score on a promotional examination, their names shall be placed on the eligibility list with the same ranking.

Section 4.11 Removal of Names from Eligibility Lists. The name of an eligible candidate shall be removed from an eligibility list by the Commission for one or more of the following reasons:

- a. Written request of the eligible candidate.
- b. Failure to appear or arrange for an interview or respond to communication from the Department Head.
- c. Failure to file with the Commission written notice of any change of address.
- d. Declining appointment in writing or failing to accept appointment.
- e. A disability that prevents the candidate from satisfactorily carrying out the essential duties of the position.
- f. Violating any of the prohibited actions described in Section 4.06 of these Rules.
- g. At the request of the Department Head for just cause.
- h. Recommendation from Director of Human Resources and/or Department Head as a result of an unfavorable background investigation.

Section 4.12 Restoration of Names to the Eligibility List. Any person whose name is removed from the eligibility list shall not thereafter be certified to any appointing authority as eligible for appointment. The candidate shall be notified to this effect.

A candidate may have his/her name restored to any eligibility list from which his/her name may have been previously removed upon presenting satisfactory reasons to the Commission.

Section 4.13 Military Service Credit

- a. Active Duty or Active Military Duty means full time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness.
- b. When a candidate has received a passing grade of seventy percent (70%), or the grade set by the Commission as passing for that particular position per Section 4.07(a) of the Rules & Regulations, in any regular entrance examination he/she shall be granted an additional credit of five (5) points for military credit.
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 Department with the application for the examination. Credit shall not be given if the request for such credit is received after an eligibility list has been established.

- c. Priority. In cases of tie scores in an examination, applicants entitled to veteran's preference credit shall be placed ahead of non-veterans.

Section 4.14 Credit for Service as Gahanna Reserve Officer for Police Radio Dispatcher/Communications Officer Position. When a candidate has received a passing grade of seventy percent (70%), or the grade set by the Commission as passing for that particular test, per Section 4.07a of the Rules & Regulations, in a police radio dispatcher/communications officer examination he/she shall be granted an additional credit of five (5) points for reserve credit.

Requests for reserve credit shall be submitted to the Human Resources Department along with the application for examination. Credit shall not be given if the request for such credit is received after an eligibility list has been established.

RULE 5

PERFORMANCE APPRAISAL

Section 5.01 Performance Appraisal. The Commission shall require the Department Head or designee to submit a performance appraisal of individual employees to the Director of Human Resources, when and as deemed advisable, but no less than every twelve (12) months.

Section 5.02 Dismissal of Inefficient Employees. It may be grounds for dismissal if an employee is unable to maintain a "meets expectations" performance appraisal each year.

Section 5.03 Appeal. An employee may appeal their performance appraisal to the Civil Service Commission only after all attempts are made to come to an agreement under the direction of the Director of Human Resources. If all attempts have been made and the employee remains dissatisfied following the decision by the Administrative Appeals Committee the employee may, within ten (10) business days of the decision, request a review by the Civil Service Commission. The Director of Human Resources shall send notice to the Commission stating that a solution could not be reached.

- a. This appeal must state specific reasons for the appeal, the points of disagreement, and contain any supporting documentation to support the employee's claim.
- b. After receipt of the appeal the Commission shall schedule an appeal hearing, within 60 days. The Commission shall provide written acknowledgment of receipt of the appeal and notice to the appellant, the Department Head, and the Director of Human Resources. Such notice will include the time and place of the scheduled Civil Service Commission appeal hearing.
- c. Documentation that will be presented during the hearing, including a list of witnesses, shall be received in the Civil Service office at least ten (10) days before the appeal hearing.

Section 5.04 Hearing Procedures. In the course of a hearing the Commission shall have the ability to require the attendance of witnesses and the production of pertinent documents, to administer oaths, and if necessary, to continue the hearing from time to time. All documentation requested by the Commission shall be received at least ten (10) days before the appeal hearing. The Commission may ask the appellant, the Department Head and/or the Director of Human Resources to present evidence. After due consideration of the evidence presented the Commission shall make its ruling in writing within ten (10) business days of the hearing completion.

RULE 6
POLICE CHIEF/DEPUTY POLICE CHIEF REVIEW BOARD

Section 6.01 Establishment of Police Chief/Deputy Police Chief Review Board. The Civil Service Commission, by rule and regulation subject to Council's approval, shall provide for and develop procedures for the operation of a review board to consider applicants for a vacancy in the Office of Chief of Police or Deputy Chief of Police. The Civil Service Commission shall adopt rules and regulations for the certification to the review board of the names of the applicants who receive a passing score on the written examination for the positions of Chief of Police or Deputy Police Chief without regard to whether or not any individual whose name is so certified has served previously within the Gahanna Police Department.

Section 6.02 Review Board Composition and Procedure. The review board established in Section 13.05 of the Charter shall consist of the following five (5) members: (1) a City elector selected by the Mayor; (2) a City elector selected by City Council; (3) a City elector selected by the City Attorney; (4) a member of the police officer bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police/Deputy Chief of Police; (5) a member of the police supervisory bargaining unit selected by the bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police/Deputy Chief of Police.

The herein organized review board shall interview each applicant certified to them, and thereafter shall submit to the Director of Public Safety the names of up to six (6) applicants whom the board, by consensus or by majority vote, finds to be the best qualified for appointment to the vacancy. The review board, in its discretion, may rank the candidates in order of preference. In making its selections, the review board shall consider each applicant's job experience, education, and work history, as well as the skills, knowledge, and abilities shown by the applicant during the review board process. In carrying out its duties the review board may consult with individuals and organizations outside the Police Department and the City.

RULE 7

REINSTATEMENT AND LAYOFFS

Section 7.01 Layoff Procedure. Whenever it becomes necessary in any office or department, other than the police department, to reduce the number of employees within a class, probationary appointees, if any, shall be laid off first.

All layoffs shall occur in the inverse order of the seniority of the employees; with the employees having the least seniority being laid off first.

A classified employee may request a transfer to a different division in the City to a position where they meet the qualifications and experience of the position. Such a transfer would only take place after the approval of any Department Head affected, and the Director of Human Resources.

Section 7.02 Establishment of Layoff Lists. The names of persons holding permanent positions in the classified service shall be placed by the Commission on an appropriate layoff list in order of their original appointment. For a period not to exceed one (1) year said persons shall be certified to all appointing authorities as in the case of original appointments. Whenever discontinued positions are re-established, the Department Head may make a request for certification of eligible names on the layoff list, if one has been established, before requesting names from the eligibility list. Former employees of the department in question who have been laid off and whose names appear on the layoff list shall be first to receive appointment.

Section 7.03 Reinstatements. Any permanently appointed employee who has resigned may be reinstated, to an open position upon written request to the Director of Human Resources. The Director of Human Resources shall forward said request to the Department Head, and if there are no objections to the reinstatement the Director of Human Resources shall then forward said notice received to the Civil Service Commission for their approval. This must be done within one (1) year from the date of such separation provided there are no employees of the department who have been laid off and whose names appear on the layoff list of the class.

Section 7.04 Restoration of Seniority and Other Benefits after Reinstatement.

Any person holding a classified position who voluntarily resigns shall forfeit all rights of grade and such other benefits, except seniority, afforded employees with uninterrupted service except as otherwise provided for veterans of the Armed Forces of the United States of America.

Section 7.05 Part-time Employees to Full-time Classified Positions.

At the request and discretion of a Department Head and the Director of Human Resources, as well as the request of the part-time employee involved, and with the approval of the Civil Service Commission, any part-time employee who has been performing the exact same job description as a full-time employee for at least one (1) year may be placed in an available and identical full-time position without being subject to the testing requirements of Rule 4. The Department Head and the Director of Human Resources shall consider such factors as the employee's attendance record, job performance, disciplinary record, and full-time position needs.

RULE 8 APPOINTMENTS

Section 8.01 Appointments. Appointments to classified positions that are not filled by promotion, transfer, or reduction, shall be made only from the list of names certified to the Department Head in accordance with the Civil Service Laws and Rules of the Commission.

Upon receipt of the eligibility list from the Commission the Department Head shall fill such position by appointment of one of the candidates certified and shall report to the Commission the name of such appointee, the title of the position, the salary or compensation, and such other information as the Commission may require. If all candidates certified would be determined ineligible the Department Head shall ask for additional candidates. The Commission would then certify the next ten (10) names. If all candidates certified are determined ineligible then a new test may be given.

Section 8.02 Number of Names to be Certified. The Department Head 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 certify to the appointing authority the names and addresses of the ten (10) candidates standing highest on the appropriate eligibility list. When there are tie scores, names of all persons with the same score shall be submitted to the Department Head.

Section 8.03 Probationary Period; Probationary Removal or Reduction. All probationary periods shall, unless otherwise provided, be uniform in all classes and shall be for a period of one hundred eighty (180) days.

Section 8.04 Temporary 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 one hundred eighty (180) calendar days in one calendar year, and in no case shall successive temporary appointments be made.

Where the services to be rendered by an appointee are for a temporary period, and the need of such service is important and urgent, the Department Head may select for such temporary service any qualified person on any eligibility list of those eligible for permanent appointment. If there is no current eligibility list the Department Head may solicit applications for the temporary position. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal of a temporary appointment by a candidate shall not affect his standing 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 Department Head.

Section 8.05 Temporary Promotional Appointments. A temporary promotion to a higher position may be authorized by the Commission upon the written request of a Department Head. Such temporary promotions shall be made, in so far as practicable, from the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

Section 8.06 Abolished Positions. If a previously abolished position is found necessary to be recreated or reestablished within one (1) year from the date of abolishment, the last incumbent of the position shall be entitled to the position, provided he/she was, at the date of his/her separation, a classified employee in good standing.

RULE 9

RESIGNATION AND LEAVE OF ABSENCE

Section 9.01 Leave of Absence with Pay. Any absences because of illness or injury in excess of three (3) working days shall, at the discretion of the Department Head, require a medical certification and approval by the Department Head and/or the Director of Human Resources prior to return to work. Repeated absences because of either sickness or injury by an employee involving leaves of less than two (2) days at any one time, may at the discretion of the Department Head, require his/her approval prior to return to work.

Section 9.02 Leave of Absence Without Pay. The Department Head and/or the Director of Human Resources may grant a leave of absence without pay to a classified employee. The Department Head shall exercise discretion in granting leave, taking into consideration length and quality of service and the sufficiency of the reasons for requesting the leave.

Section 9.03 Absence Without Leave and Failure to Report. Following three days of not reporting to work as scheduled and not contacting the classified employees' supervisor to inform him or her of the classified employees' absence, the City will consider that the classified employee has voluntarily resigned their classified position and will accept the classified employees' resignation as such.

- a. Absence Without Leave. Absence from duty without approved leave for any length of time may be considered a resignation.
- b. Failure to Report. Failure to report after a leave has expired or has been disapproved or revoked may be cause for discharge.

Section 9.04 Resignations. Any employee in the classified service who desires to resign his/her position shall submit to the Department Head a written resignation giving at least two (2) weeks' notice of his/her intention to resign, unless the Department Head agrees to him/her leaving sooner. Such request when approved by the Department Head shall be forwarded immediately to the Director of Human Resources.

Section 9.05 Restoration of Employment Rights After Military. The City of Gahanna follows the Federal Laws and Regulations as set forth by USERRA (Uniformed Services Employment and Reemployment Rights Act) as may be amended from time to time.

RULE 10
RULES AND REGULATIONS

Section 10.01 Adoption, Amendment or Rescission of Rules. The Commission shall have the power to adopt, amend, or rescind rules or any part thereof, by a majority vote of the Commission and subject to approval by Council.

RULE 11
TENURE, SUSPENSION, DEMOTION AND DISCHARGE

Section 11.01 Basis for Suspension, Demotion or Discharge. Every employee in the classified service of the City may be suspended, demoted or discharged for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of the provisions of the City Charter, Ohio Revised Code or the Rules of the Commission, or any other failure of good behavior or any other act of misfeasance, malfeasance, or nonfeasance in office, or any other reasonable and just cause.

Section 11.02 Suspensions. The Appointing Authority may suspend an employee or subordinate without pay for purposes of discipline.

Section 11.03 Demotion for Disciplinary Purposes. The Appointing Authority may demote an employee for disciplinary purposes to a lower related class.

Section 11.04 Notification. The Director of Human Resources shall notify the employee, in writing, of the proposed disciplinary action. Said written notice shall contain the specific factual basis supporting one or more of the grounds for disciplinary action delineated in Section 11.01.

In the event the employee cannot be located, the written notice shall be sent by certified mail to the last known address of record and/or his or her representative.

RULE 12

GRIEVANCES

Section 12.01 Grievance. The grievance procedure outlined below shall apply only to classified employees not covered by a union contract. If a union contract is silent to any provision of the Rules & Regulations then the procedure outlined below will be applicable.

Upon the employee having exhausted all measures through their Administrative Management Team, a grievance may be filed with the Civil Service Commission.

Section 12.02 Filing. An employee who has exhausted all measures with their Administrative Management Team may file a grievance with the Civil Service Commission within ten (10) business days following the decision of the Management Team. In the event the tenth (10th) day falls on a Saturday, Sunday, or holiday, the final day for filing the grievance shall be the next regular working day. The grievance to the Commission shall be in writing and shall state which Rule(s) the grievant believes was violated. Consideration of such grievance will be added to the next regularly scheduled meeting of the Civil Service Commission, or at a called special meeting.

Section 12.03 Notice. The Civil Service Commission shall provide written acknowledgment of receipt to the grievant, the Department Head and the Director of Human Resources within three (3) business days. Such notice will include the time and place of the Civil Service Commission meeting. The agenda for the Commission meeting shall include review of the grievance. The Department Head and/or the Director of Human Resources may submit a written response to the Civil Service Commission prior to the scheduled meeting. The Department Head and/or the Director of Human Resources shall copy the grievant on any response provided to the Commission.

Section 12.04 Review of the Grievance. The Civil Service Commission will review the grievance to determine completeness, jurisdiction of the Commission, and whether a remedy is immediately available which is satisfactory to the Department Head, the Director of Human Resources and the grievant and consistent with the Civil Service Rules & Regulations. The Civil Service Commission may, upon review, also vote to schedule a hearing on the grievance, consistent with section 12.05.

Section 12.05 Hearing Procedures.

- a. When the Civil Service Commission votes to hold a hearing on a grievance, such hearing shall be scheduled as soon as practicable. The grievant, the Department Head and the Director of Human

Resources shall be provided written notice of the date and time of the hearing within three (3) business days. Any additional documentation requested by the Commission must be submitted no later than ten (10) business days before the time set for the hearing. Said documentation submitted to the Commission by the grievant, the Department Head and/or the Director of Human Resources shall be provided to all parties.

- b. Hearings shall be conducted in accordance with Rule 13. In the course of the hearing the Commission shall have the ability to continue the hearing from time to time. The Director of Human Resources may be represented by counsel. The grievant may also be represented by counsel.
- c. The Commission may ask the grievant, the Department Head and/or the Director of Human Resources to present evidence.
- d. After due consideration of evidence presented the Commission shall make its ruling in writing within ten (10) business days of the hearing completion.

RULE 13

INVESTIGATIONS, HEARINGS AND APPEALS

Section 13.01 Authority to Investigate. The Commission shall make investigations concerning all matters brought before it that relate to enforcement and effect of provisions in the Rules and Regulations. The Commission shall notify the Mayor of any investigations.

Section 13.02 Administering Oaths. In the course of any investigation, hearing or appeal conducted by the Commission, any member of the Civil Service Commission shall have the power to administer oaths and affirmations to witnesses and to take testimony relative to any matter, which the Commission has, authority to investigate.

Section 13.03 Power to Subpoena. The Commission shall have the power to subpoena and require the attendance and testimony of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to any investigations or hearings, and to examine them as it may require in relation to any matter which it has authority to investigate or hear. All officers and employees in the service shall attend and testify when summoned to do so by the Commission. Depositions of witnesses may be taken by the Commission in the manner prescribed by law for like deposition in civil actions in the Court of Common Pleas. In case any person, in disobedience to any subpoena issued by the Commission fails or refuses to attend and testify to any matter regarding which he may be lawfully interrogated, or produce any documentary evidence pertinent to any investigation, inquiry or hearing the Commission, the Director of Human Resources and/or the City Attorney may apply to a court of competent jurisdiction for an order compelling the disobedient party to comply.

Section 13.04 Investigations. Whenever the Commission shall have reason to believe that any appointment, lay-off, suspension or removal, is in violation of civil service law and these rules, it shall be the duty of the Commission to make an investigation. If the Commission finds a violation, it shall make a report to the Mayor, the City Attorney and City Council.

Section 13.05 Appeal Procedures. If an applicant wishes to appeal a decision made during any test the applicant shall give written notification to the Commission setting forth his/her concerns within five (5) business days from the incident.

- a. Upon receipt of an appeal the Commission shall schedule said appeal to be heard at the next regular meeting, or set the appeal to be heard at a special meeting. The Commission shall provide the applicant and the Director of Human Resources written notice of the date and time

of the hearing within three (3) business days. Any additional documentation requested by the Commission must be submitted no later than ten (10) business days before the time set for the hearing. Copies of the documentation will be provided to the applicant and the Director of Human Resources.

b. Hearings shall be conducted in accordance with Rule 13. In the course of the hearing the Commission shall have the ability to continue the hearing from time to time. The Director of Human Resources may be represented by counsel. The applicant may also be represented by counsel.

c. The Commission may ask the applicant and/or the Director of Human Resources to present evidence.

d. After due consideration of evidence presented the Commission shall make its ruling in writing within ten (10) business days of the hearing completion.

RULE 14
SAVING CLAUSE

Section 14.01 Saving Clause. If any section, or part of a section, of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, or force and effect of any other section or part of a section of these rules.

RULE 15
POLICE OFFICER APPLICATION PROCEDURES

Section 15.01 General Requirements. All police officer positions within the classified service are subject to the application and examination provisions of these Rules.

Section 15.02 Original Appointment Applications. Except as otherwise specifically provided for by law or by the rules of the Commission, all applicants must:

- a. All persons applying for an examination for original appointment shall file a formal application with the Human Resources Department.
- b. Pay the filing fee established by the Commission.
- c. Meet the minimum requirements as stated in the police officer application packet.
- d. General. An applicant for any class of police officer position may be required to submit evidence that he/she possess the minimum qualifications set forth in the specifications for the class.
- e. Rejection of Applications. In all cases of rejection an applicant shall be notified immediately of the rejection and the reason therefore. The applicant shall have an opportunity to show cause to the Commission why the application is acceptable. The applicant shall submit his/her objection to the Civil Service Commission within seven (7) business days following notification of the rejection of the application. Any one of the following may be sufficient cause for rejecting an application:
 - 1) Lacks one or more of the minimum qualifications set forth in the examination announcement.
 - 2) Has been convicted of a felony.
 - 3) Is otherwise prohibited by state or federal law from owning or possessing a firearm; and/or being employed as a peace officer.

- 4) Has made false statement of any material fact or practiced, or attempted to practice, any deception or fraud in his application.
- 5) Any apparent violation of Hiring Standards upon acceptance of application.
- 6) Any other just and reasonable cause.

Section 15.03 Entrance Examinations. The Commission shall designate the Director of Human Resources to be the examining authority for hiring in the classified service. The Director of Human Resources shall designate the date, time and place of each examination. The Commission, or its designated representative, along with the Human Resources Director or designee shall prescribe the subjects of each examination and the respective weights. An examination shall consist of a written test, which measures aptitude and knowledge.

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

A police officer position examination shall require applicants to report to a designated place at a designated time to participate in tests prescribed and administered under the direction of the Director of Human Resources.

- a. Police Physical Fitness Test. The Civil Service Commission shall designate the Director of Human Resources to administer a physical fitness test to all candidates as detailed in the police officer application packet. Candidates who pass the written exam will be invited to take the physical fitness test on one of the dates listed in the police officer application packet. Candidates must obtain a passing score on the written exam prior to taking the physical fitness test. The physical fitness test shall contain elements approved by the Commission. If any candidate wishes to protest the results of an event in the physical fitness test, it must be done immediately after that event, and the decision of the Director of Human Resources will be final; however, information will be given to the candidate for appeal rights to the Civil Service Commission pursuant to Rule 13.
- b. In the hiring process, the successful candidate may be asked to complete several elements as detailed in the police officer application packet.

- c. Postponement and Cancellation. The Director of Human Resources or the Commission shall have the right to postpone or cancel any examination. A copy of the notice of cancellation or postponement shall be filed with the Civil Service Commission, posted in City Hall, posted on the City's website, and notification made to all applicants.

Section 15.04 Conduct of Examinations. All examinations shall be conducted under the direction of the Director of Human Resources and at least one (1) City employee.

- a. Time. The limit of time prescribed for each part of the examination shall appear in the general instructions and shall also be announced at the beginning of the examination.
- b. Admittance. Any person, who is not a candidate, shall not be present in the examination room except by special permission of the Director of Human Resources in charge of the examination. Admittance to an examination shall be refused to an applicant arriving after the designated starting time for testing.
- c. Identification Procedures. All paper submitted by candidates shall contain their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified. The candidate shall be required to provide two (2) forms of ID, one being a government issued ID bearing a photograph.

Section 15.05 Offenses in Examination.

- a. Frauds Prohibited. No person shall:
 - 1. 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.
 - 2. Make any false representations concerning the results of such examination or concerning any person examined.
 - 3. Furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.
 - 4. Impersonate another person, or permit or aid in any manner another person to impersonate an applicant, in connection

with any examination, registration or appointment or application or request to be examined, registered or appointed.

5. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.
 6. Make known or assist in making known to any applicant for examination, any question to be asked on such examination.
 7. Personally solicit a favor from any member of the Commission, appointing officer, or have any person on his/her behalf solicit a favor.
- b. Penalty for Deception. Any person or persons attempting to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his/her name stricken from the registers, and he/she shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for discipline.

Section 15.06 Grading of Examinations.

- a. Method of Grading Examinations. The total grade attainable in each examination shall be 100%. A candidate who achieves a passing score of 70% or above shall be eligible for consideration as a possible candidate for the position tested. In cases where an exam is requested and the testing company recommends what the passing score should be, the Commission may set a percentage other than 70% as the passing score, but must be done at the time of scheduling the test.
- b. Notification of Grade. Each candidate examined shall be notified of his/her grade and standing on the eligibility list.

Section 15.07 Additional Credit Allowances. The total grade attainable in each examination shall be 100%. Candidates may obtain additional credit for the following:

- a. Military Service Credit: Active Duty or Active Military Duty means full time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness.

When a candidate has received a passing grade of seventy percent (70%), or the grade set by the Commission as passing for that particular test per Section 15.06 of the Rules & Regulations, in a police officer entrance examination he/she shall be granted an additional credit of five (5) points for military credit.

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

- b. Credit for Service as Gahanna Reserve Officer. When a candidate has received a passing grade of seventy percent (70%), or the grade set by the Commission as passing for that particular test per Section 15.06 of the Rules & Regulations, in a police officer entrance examination he/she shall be granted an additional credit of five (5) points for Reserve credit.

Requests for Reserve Credit shall be submitted to the Human Resources Department along with the application for examination. Credit shall not be given if the request for such credit is received by the Commission after an eligibility list has been established.

- c. Additional Education Credit. A candidate who receives a passing grade, per Section 15.06a of the Rules & Regulations, in a police officer entrance examination shall be granted an additional credit of: three (3) points for an Associate Degree, or five (5) points for a Bachelor Degree.

Requests for additional Education Credit together with proof of degree shall be submitted to the Human Resources Department with the application for examination. Credit shall not be given if the request for such credit is received after an eligibility list has been established.

- d. The maximum allowable additional credit allowance is established at ten (10) points.
- e. Notification of Grade. Each candidate examined shall be notified of his/her grade, and standing on the eligibility list.

Section 15.08 Inspection of Rating Keys. In examinations where the Commission considers it feasible, and where there is a rating key available to the City, for a period of ten (10) business days after the scores for the

examination are mailed, candidates may inspect the rating key and questions in the office of the Director of Human Resources.

Section 15.09 Preservation of Examination Papers. Applications and examination papers of candidates shall be preserved for seven (7) years, or the approved Records Retention schedule, except that test papers of those appointed from eligibility lists shall be retained in their individual personnel file. Examination papers shall be those papers that were written on during an examination and preserved, except for scrap paper.

Section 15.10 Eligibility Lists.

- a. Duration of Lists. The term or eligibility of each list and of the names appearing thereon shall be for a period of one (1) year from the date of the certification of the eligibility list. At the discretion of the Commission, an eligibility list may be terminated before its expiration date or extended for an additional six (6) months.
- b. Tied Scores. In the event two or more candidates receive the same score in open competitive examination, names of all candidates receiving such score shall be placed on the eligibility list with the same ranking.

Section 15.11 Removal of Names from Eligibility Lists. The name of an eligible candidate shall be removed from an eligibility list by the Commission for one or more of the following reasons:

- a. Written request of the eligible candidate.
- b. Failure to appear or arrange for an interview or respond to communication from the appointing authority.
- c. Failure to file with the Commission written notice of any change of address.
- d. Declining appointment in writing or failing to accept appointment.
- e. A disability that prevents the candidate from satisfactorily carrying out the essential duties of the position.
- f. Violating any of the prohibited actions described in Section 15.05 of these Rules.
- g. At the request of the Department Head for just cause.

- h. Name certified to Department Head three (3) times without an appointment to position.
- i. Recommendation from Human Resources and/or Department Head as a result of an unfavorable background investigation.
- j. Failure to successfully complete or receive a passing score in any step outlined in the police officer application packet.

Section 15.12 Restoration of Names to the Eligibility List. A candidate may have his/her name restored to any eligibility list from which his/her name may have been previously removed upon presenting satisfactory reasons to the Commission.

Section 15.13 Full time to Part-time Police Officer. At the discretion of the Director of Public Safety, and the request of the Police Officer involved, with the approval of the Civil Service Commission, any full time Gahanna Police Officer, or retired Gahanna Police Officer who was full time at the time of his/her retirement, may transfer or be rehired to an available part-time police officer position without being subject to the testing requirements of Rule 15. The Director of Public Safety shall consider such factors as the police officer's attendance record, job performance, disciplinary record, and staffing needs.

In case of rehire, the request must be made within one (1) year of the officer's retirement.

Section 15.14 Part-time to Full time Police Officer. At the request and discretion of the Director of Public Safety, and the request of the Police Officer involved, and with the approval of the Civil Service Commission, any part-time Gahanna Police Officer may transfer to an available full time Police position without being subject to testing requirements of Rule 15 as the candidate will have already passed all phases of the testing process before being hired part-time. The Director of Public Safety shall consider such factors as the Police Officer's attendance record, job performance, disciplinary record, and staffing needs.

RULE 16
PROMOTIONAL PROCESS
GAHANNA POLICE DEPARTMENT

Section 16.01 Promotional Examinations. Notice of competitive promotional exams shall be given as outlined in the F.O.P. contract.

Section 16.02 Conduct of Promotional Police Examinations. All examinations shall be conducted under the direction of at least one (1) Commission member and/or one (1) City employee.

- a. Time. The limit of time prescribed for each part of the examination shall appear in the general instructions and also shall be announced at the beginning of the examination.
- b. Admittance. Any person, who is not a candidate, shall not be present in the examination room except by special permission of the Commission members in charge of the examination. Admittance to an examination shall be refused to an applicant arriving after the designated starting time for testing.
- c. Identification Procedures. All paper submitted by candidates shall contain their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified.

Section 16.03 Offenses in Examination.

- a. Frauds Prohibited. No person shall:
 - 1. 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.
 - 2. Willfully or corruptly make any false representations concerning the results of such examination or concerning any person examined.
 - 3. Willfully or corruptly furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.

4. Willfully impersonate another person, or permit or aid in any manner another person to impersonate an applicant, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.
 5. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.
 6. Make known or assist in making known to any applicant for examination, any question to be asked on such examination.
 7. Personally solicit a favor from any member of the Commission, appointing officer, or have any person on his/her behalf solicit a favor.
- b. Penalty for Deception. Any person or persons who attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for discipline.
- c. Method of Grading Examinations. The total grade attainable in each examination shall be 100%.

Section 16.04 Inspection of Rating Keys. In examinations where the Commission considers it feasible, and where a rating key is available to the City, for a period of ten (10) business days after the scores for the examination are mailed, participants may inspect the Rating Key and questions in the office of the Civil Service Commission.

Section 16.05 Preservation of Examination Papers. Applications and examination papers of candidates shall be preserved for seven (7) years, or the approved Records Retention schedule except that test papers of those appointed from eligibility lists shall be retained in the individual personnel file of each appointee. Examination papers shall be those papers that were written on during an examination and preserved, except for scrap paper.

Section 16.06 Removal of Names from Eligibility Lists. The name of an eligible candidate shall be removed from an eligibility list by the Commission for one or more of the following reasons:

- a. Written request of the candidate.
- b. A disability that prevents the candidate from satisfactorily carrying out the essential duties of the position.
- c. Violating any of the prohibited actions described in Section 16.03 of these Rules.
- d. At the request of the Department Head for just cause.

Section 16.07 Postponement and Cancellation of Promotional Test.

The Director of Human Resources or the Commission shall have the right to postpone or cancel any examination. A copy of the notice of cancellation or postponement shall be filed with the Civil Service Commission, posted in City Hall, on the City's website, at the Police Department, and notification made to all applicants.

Section 16.08 Fewer Than Three Candidates Pass Written Test. In the event that fewer than three candidates pass a Civil Service promotional examination, the candidates who passed shall be included on the eligibility list for the position. The names shall be compiled until such time as an eligibility list is established. The time limits set forth in the F.O.P. contract for the oral board shall be extended until another examination has been held. Those candidates who pass the subsequent examination shall be added to the eligibility list for the position. The process shall continue until at least three candidates shall be on the eligibility list; those who passed the examination shall proceed to the oral board. Under these circumstances the time limit for the expiration of the eligibility list shall begin to run from the date that the last examination was conducted which resulted in at least three candidates passing the examination.

Section 16.09 Process After Oral Board. After interviewing all candidates, the oral board shall prepare and submit to the Civil Service Commission a report listing the candidates ranked in order of their scores. The Civil Service Commission shall maintain the report from the oral board as the scores of the candidates in order of their oral board scores.

Upon receipt of the eligibility list from the Commission the appointing authority shall fill such position by appointment of one of the three (3) candidates certified and shall report to the Commission the name of such appointee.