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CIVIL SERVICE COMMISSION  
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# CIVIL SERVICE RULES and REGULATIONS

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**EXHIBIT A**

*Gahanna's Vision is ...*

... to be an innovative model community that values its rich heritage, pursues high standards, and where citizens respect one another.

*Gahanna's Mission is ...*

... to ensure an exceptional quality of life by providing comprehensive services, financial stability, and well-planned development which preserves the natural environment, so that city government will continue to be responsive, accessible, and accountable to our diverse and growing community of citizens.

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# **CIVIL SERVICE RULES AND REGULATIONS**

## **GAHANNA, OHIO**

### **PREAMBLE**

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Gahanna by Charter Section 13.01 and by Ordinance 40-70 of the City of Gahanna, Ohio.

### **“RELATIONSHIP BETWEEN THESE RULES AND LABOR CONTRACTS”**

When the City of Gahanna, Ohio, and a Union have entered into a labor contract pursuant to Ohio’s Public-Employee Collective Bargaining Law, Revised Code Chapter 4117, that contract takes precedence over these civil service rules on any wages, hours, and terms and conditions of employment covered by the contract. But, if the contract makes no specification about a particular matter, then the City and employees who are covered by the contract are subject to any applicable civil service rule pertaining to that matter.

### **OHIO CONSTITUTION, Article XV 10 Civil Service**

#### 10. Civil Service

Appointments and promotions in the civil service of the state, and several counties, and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision.

(Adopted Sept. 3, 1912.)

# **CIVIL SERVICE RULES AND REGULATIONS**

## **GAHANNA, OHIO**

### **FOREWORD**

The rules and regulations on the following pages were written by the members of the first Civil Service Commission of the City of Gahanna, and revised by the 2001 Commission, for the purpose of guiding the best possible administration of Civil Service in the City. It is hoped that these rules will, among other benefits to the City of Gahanna, afford a means for bringing the best available people into city service, define the jobs appropriately so that city employees will know what is expected of them, provide a system so that they will know they are being treated fairly in comparison with other employees, and provide a feeling of security and opportunity which will encourage good performance and satisfaction.

The Civil Service Laws of the State of Ohio, Revised Code 143.01 through 143.99, and the civil service rules and regulations of other municipalities in Ohio were used as references in the development of the rules and regulations contained herein.

**CHARTER**  
**ARTICLE XIII**  
**CIVIL SERVICE COMMISSION**

**SECTION 13.01 MEMBERSHIP AND TERM.**

The Civil Service Commission shall consist of five (5) members.

On the first January 2 following the effective date of this charter, one (1) of the five (5) electors shall be appointed by the Mayor to serve a term of three (3) years, one (1) shall be appointed by the Mayor for a term of two (2) years, one (1) shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by the City Council to serve a term of one (1) year. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring.

No person shall serve as a member of the Commission at the same time the person is an employee or official of the City.

A member of the Civil Service Commission may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Civil Service Commission for a period of five (5) years following removal.

A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Civil Service Commission for the unexpired term.

**SECTION 13.02 ORGANIZATION.**

The Council shall establish the date, which shall be not later than thirty (30) days after January 2, for the first meeting each year, at which the Civil Service Commission shall organize under a chairman elected from among its members for a term of one (1) year.

**SECTION 13.03 CLASSIFIED AND UNCLASSIFIED SERVICE.**

All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to competitive examinations, except the following, which shall comprise the unclassified service of the Municipality:

- (a) The Mayor, members of Council, and all other elected officials.
- (b) The Clerk of Council and other employees of Council.

- (c) The City Attorney, assistants to the City Attorney, and special legal counsel.
- (d) The Directors of Development, Engineering, Finance, Parks and Recreation, Public Service, Public Safety, and any other Department Heads as created by Council.
- (e) Professional engineers employed by the Municipality.
- (f) Members of boards and commissions established by Charter or by ordinance of Council.
- (g) Members of the Auxiliary Police Unit, the Police Cadet Corps and Volunteer Firemen.
- (h) The secretary of each board and commission established by Charter or by ordinances, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold such other employment.
- (i) Persons of exceptional professional or scientific qualifications engaged as consultants.
- (j) Unskilled laborers as defined and authorized by the Civil Service Commission, except that the Commission, in its rules, shall require an applicant in the labor class to furnish such evidence or take such tests as the Commission deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity and experience in the work for which he applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests.
- (k) Temporary employees who are not employed for more than one thousand four hundred and forty (1440) hours in one year.
- (l) One administrative assistant, one personal secretary, and one deputy and clerk, to the Mayor, and to each Department Head; provided, however, that it shall be necessary for such positions to have been created by Council. (Renumbered and amended Nov. 7, 1995.)

#### SECTION 13.04 COMMISSION POWERS AND DUTIES.

- (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 the Council.
- (b) The specification of particular powers and duties in this Article is not intended as a limitation on the Civil Service Commission. Rather, in carrying out its duties, the Civil Service Commission shall have the fullest authority permitted under the Home Rule provisions of the Ohio Constitution; provided that the Commission's rules and regulations shall require Council approval before taking effect and are subject to the applicable provisions of the Ohio Revised Code, Chapter 4117, which provide for public employee collective bargaining. (November 5, 1996.)

### SECTION 13.05 VACANCIES IN CLASSIFIED SERVICE.

(a) The Civil Service Commission may, but is not required to, adopt rules and regulations which provide for the certification to an appointing authority of the names of up to six (6) individuals who have qualified under the Commission's rules and regulations for original or promotional appointment to any vacancy in any position in the classified service, including a vacancy within the police or fire departments, except for a vacancy in the position of Chief of Police.

(b) 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. 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 position of Chief of Police without regard to whether or not any individual whose name is so certified has served previously within the Gahanna police department. (November 5, 1996.)

### SECTION 13.06 REVIEW BOARD COMPOSITION AND PROCEDURE.

The review board established in section 13.05 of this 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 selected by that bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police; (5) a member of the police supervisory bargaining unit selected by that bargaining unit; provided that the individual selected is not an applicant for the position of 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. (November 5, 1996.)

**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 ~~Municipal~~ Civil Service Commission or in the Administration of the Civil Service Laws shall be construed as follows:

Section 1.01        Commission refers to the ~~Municipal~~ Civil Service Commission of the City of Gahanna.

Section 1.02        Civil Service refers to and includes all officers and positions of trust or employment in the service of the City of Gahanna. ~~and the City School District.~~

Section 1.03        Unclassified Service shall comprise those positions set forth in ~~ordinance 40-70~~ **Charter ARTICLE XIII, Section 13.03, CLASSIFIED AND UNCLASSIFIED SERVICE**, of the City of Gahanna as it pertains to ~~municipal~~ employees. Positions in the unclassified service shall be exempt from all examinations **as it pertains to employees.**

Section 1.04        Classified Service shall comprise all persons in the employ of the City, not specifically included in the unclassified service.

Section 1.05        ~~Positions~~ 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 1.06        Municipal Service shall include those positions in the classified service of the City of Gahanna.~~

Section **1.06**        ~~1.07~~ Position when used by itself shall refer to any ~~full-time office~~, employment or job calling for the performance of certain duties, and for the exercise of certain responsibilities of the position.

Section **1.07**        ~~1.08~~ Appointing Authority refers to the officer, commission, or board or body having the power of appointment or removal from positions in the classified service and shall include the following:



Any person having like authority in the absence of an appointing authority or in a specific case where such a person has received such authority from the original appointing authority.

Section **1.08**      ~~1.09~~ City shall refer to the City of Gahanna, Ohio.

Section **1.09**      ~~1.10~~ Employee shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.

~~Section 1.11      He      The masculine pronoun "he" and its derivatives, whenever employed, shall include the feminine pronoun and its derivatives.~~

## RULE 2

### ADMINISTRATION

Section 2.01 Membership. The ~~Municipal~~ Civil Service Commission of the City of Gahanna shall be composed of ~~three (3)~~ **five (5)** members who shall be appointed and serve in the manner provided for in ~~Ordinance 40-70~~ **Article XIII, Section 13.01, of the Charter** of the City of Gahanna.

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

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. These rules shall be administered equally and fairly without reference to a person's race, color, religion, sex, national origin, disability, age, or ancestry.**

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 Chairman and one member as Vice Chairman at the Organizational Meeting of the Civil Service Commission each year.**

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, and to preside at all meetings of the Commission, ~~and to sign all warrants or orders for the payment of money from accounts and funds of the Commission.~~ In the absence of the Chairman, the Vice-Chairman shall act as Chairman. ~~Two members~~ **No less than three (3)** members of the Commission shall constitute a quorum at any meeting of the Commission, ~~and.~~ **It shall require the affirmative vote of a majority of the quorum to adopt any motion or resolution.**

The chairman may on his own initiative, **or** shall, upon the request of the other ~~two~~ **four** members of the Commission, call a special meeting of the Commission provided ~~said~~ notice is given in writing to all members at least ~~72~~ **24** hours prior to the time of such special meeting.

Section 2.04 Secretary. The Commission shall employ a Secretary to the Commission who shall serve at the pleasure of the Commission at such

compensation as Council may determine. The Secretary shall attend all meetings of the Commission and keep the minutes thereof.

Section 2.05 Employee Records. The Commission shall prepare and maintain in its offices an official roster of all classified employees of the City, showing with each name the position held, the rate of pay, the date and character of selection or appointment, every change of status and such other information the Commission may desire to record formally. The Commission shall provide for the security and confidentiality of such records.

Section 2.06 Order of Business at Meetings. The order of business of the meetings of the Commission shall be:

- (a) Roll Call
- (b) ~~Disposition of unapproved minutes.~~ **Approval of Minutes**
- (c) ~~Reports~~ **Unfinished Business**
- (d) ~~Unfinished Business~~ **New Business**
- (e) Correspondence
- (f) Adjournment

## RULE 3

### POSITION CLASSIFICATION POSITIONS

Section 3.01 Classified Service. All compensated positions in the service of the city, except those in the unclassified service which are exempt by ~~City Ordinance 40-70~~ **ARTICLE XIII, Section 13.03 of the Charter**, shall be included in the classified service and the provisions of these rules shall be applicable to them and to their incumbents unless a labor agreement has been signed by the City subject to the procedures set forth in the State of Ohio's Collective Bargaining law.

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 Official. Whenever a position shall have been allocated to its appropriate class, the title of such class shall become the title of such position and shall be used in payroll records, in requests to the Commission for certification of eligibles, and in all similar administrative and employment processes and documents.

Section **3.04** ~~3.05 Class Specifications~~. ~~Whenever a position shall have been allocated to its appropriate class, the title of such class shall become the title of such position and shall be used in payroll records, in requests to the Commission for certification of eligibles, and in all similar administrative and employment processes and documents.~~ Adoption of Classification Plan. When the basic classification plan referred to in Section 3.02 above is adopted, it shall be made part of these Rules. The City positions in the classified service shall subsequently be allocated to the appropriate class by the Commission.

~~3.04.01 In "determining the class" to which any position shall be allocated the specifications for each class shall be considered as a whole. Consideration is to be given to the definition, typical tasks, distinguishing characteristics, employment standards and relationships to other classes as affording together a picture of the positions that the class is intended to embrace.~~

~~3.04.02 "Titles" as far as possible are intended to be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.~~

~~3.04.03~~ The "definitions" shall be construed as a general description of the kind of work involved in a position that properly falls within the class and not in any sense as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of an position; provided, however, that where a substantial change of duties is to be made, except for a temporary period or by the addition of duties that are incidental to the main employment, such change shall be reported to the Civil Service Commission for consideration, with a view to a possible reclassification of the position. (See Rule 10, Section 10.08)

~~3.04.04~~ The typical tasks shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual tasks performed by the incumbent of a position do not appear herein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties and all other parts of the specifications shall not be construed as determining whether or not, a position shall be allocated to the class.

~~3.04.05~~ The statement of "employment standards" constitutes a part of the description of the kind of employment by expressing the minimum qualifications desirable to any new appointee if he is to perform the work properly, and is to be so construed and not as imposing itself any new or additional requirements for the filling of positions. Even though they may not be mentioned in the qualifications statement such qualifications as should properly be required in common of all incumbents of all positions such as good physical condition, citizenship, suitable age, honesty, sobriety, and industry are to be considered as a part of the qualification requirements.

Section ~~3.06~~ **3.05** Amendment of Classification Plan. The classification plan may be amended by approval of new specifications by the Commission subject to ~~the approval of function and funds~~ **funding** by City Council.

Section **3.06** ~~3.07~~ Allocation of New Positions and Reallocation of Positions to Classes. Wherever a new position is authorized and established or the duties of an existing position are so changed that in effect the old position as described no longer exists and in its place there is created a position which should be allocated to a different class, the appointing authority shall forthwith report this fact to the Commission with a full statement of the circumstances and a description of the duties and changes. After audit of the actual and proposed duties, responsibilities and qualification requirements have been made, the Commission may classify or reclassify and allocate or reallocate the position to its appropriate class in accordance with the classification plan then in effect, or if necessary a new class may be established to provide for the new position. The Commission **may** ~~from time to time~~ cause to be made audits of any or all positions in the classified service and on the presentation of the results of such

audit, the Commission may, in accordance with the statutes, Charter provisions and these Rules, ~~warrants such action~~ **reallocate positions to the class deemed appropriate by the Commission.** No change in allocation of any position shall be made, however, until the appointing authority and the employee holding the position shall have had reasonable opportunity to be heard. If by reason of changed or additional duties a position is allocated to another class for which the maximum rate of compensation is no higher, the incumbent shall, upon approval of the Commission, continue in such position and retain his status.

Section ~~3-08~~ **3.07.** Reclassification of Existing Positions. When a new title and new specification are put into effect by the action of the Civil Service Commission, any employees with permanent status and whose duties do not change from the previous title and specifications but conform to the new classification, shall be included in the new classification and shall be entitled to all benefits, if any. (Such individuals shall have permanent status under the new classification without examination.)

Section ~~3-09~~ **3.08** Establishment of New Positions. Whenever an appointing authority 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 of the incumbent, and his recommendations respecting the 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 appointing authority of such action.

Section ~~3-10~~ **3.09** Enforcement. Each department head and division is responsible for maintaining the integrity of the classification plan by limiting employees to the performance of duties appropriate to their class, or notifying the Commission upon the assignment of inappropriate duties.

**RULE 4**  
**APPLICATIONS**  
**HIRING AND PROMOTIONAL PROCESS**

**Section 4.01 General Requirements** ~~—Except as otherwise specifically provided for by law or by the rules of the Commission, all applicants must:~~ **All positions within the classified service are subject to the application and examination provisions of these Rules.**

~~4.01.01 — Have filed an application with the Commission by the specified time.~~

~~4.01.02 — meet the minimum requirements as stated in the examination announcement.~~

~~The Commission shall require persons applying for an examination for original appointment to file with the Commission, within the time limit fixed in the examination announcement, a formal application in which the applicant, under oath of affirmation, shall state his name, address, and such other information as may reasonably be required concerning his education, experience, health physical and mental capacity, and personal habits as it would relate to performance of job duties. No inquiry shall be made as to religious or political affiliations nor as to racial or ethnic origin of applicant. Applications once filed will not be returned to applicants. Blank forms for application shall be furnished by the Commission without charge to any person requesting the same.~~

~~Section 4.02 Proof of Evidence of Minimum Qualifications.~~

**Section 4.02 Proof of Evidence of Minimum Qualifications. 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 Commission by the specified time.**
- b. **Pay the filing fee established on annual basis by the Commission.**
- c. **Meet the minimum requirements as stated in the examination announcement.**

**The Commission shall require persons applying for an examination for original appointment to file with the Commission, within the time limit fixed in the examination announcement, a formal application in which the applicant, under oath of affirmation, shall state his name, address, and such other information as may reasonably be required concerning his education, experience, health, physical and mental capacity, and personal habits as it would relate to performance of job duties. No inquiry shall be made as to**

**religious or political affiliations or as to racial or ethnic origin of applicant. Applications once filed will not be returned to candidates.**

~~4.02.01~~ **d. General.** Any or all applicants for any class of positions may be required to submit evidence that they possess the minimum qualifications set forth in the specifications for the class. If any certificate, license or other evidence of competency is required by law or competent authority, valid evidence shall be required of the applicant.

~~4.02.02~~ **e. Proof of Age.** ~~Prior to testing applicants may be asked to submit proof of date of birth.~~ **Applicants may be required to meet minimum age requirements.**

~~4.03~~ **f. Acceptance or Rejection of Applications.** The Commission, **or the Commission Secretary**, shall review all applications for completeness. ~~Written notices shall be given within a reasonable time to applicants who have satisfactorily filed applications.~~ An application lacking information or incorrectly filled out may be amended by the applicant prior to the examination, following notices to amend the same. The Commission 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 therefor. Upon rejection of an application any applicant shall have an opportunity to show cause to the Commission why his application should not have been rejected. Any one of the following may be sufficient cause for rejecting an application: ~~That the applicant~~

~~4.03.01~~ **1.** Lacks one or more of the minimum qualifications set forth in the examination announcement.

~~4.03.02~~ ~~Is addicted to or an habitual user of intoxicating liquors or drugs.~~

~~4.03.03~~ **2.** Has been convicted of a felony. ~~or has been guilty of infamous or notoriously disgraceful conduct.~~

~~4.03.04~~ **3.** Has been **previously** dismissed from the classified civil service. ~~for delinquency or misconduct.~~

~~4.03.05~~ **4.** Has made false statement of any material fact or practiced, or attempted to practice, any deception or fraud in his application or in his examination, in establishing his eligibility, or securing his appointment.

~~4.03.06~~ **5.** Any other just and reasonable cause.

~~4.04~~ **g. Police Department Applicants.** No person shall be eligible to receive an original appointment to the police department as police officer unless he or she has reached the age of twenty-one (21) on or prior to the date of



**appointment.** ~~examination and has, not more than one hundred twenty (120) days prior to the date of such appointment passed a physical examination, given by a licensed physician, showing that he or she meets the physical requirements necessary to perform the duties of a police officer as established by the Commission. The appointing authority shall, prior to making such appointment, file with the police and fireman's disability and pension fund a copy of the report or finding of said physician. The professional fee for such physical examination shall be paid by the respective department.~~

**Section 4.03** ~~5.02 Scheduling Examinations.~~

~~a. 5.03.01 Scheduling Examinations.~~ The Commission ~~may~~ **shall order an examination whenever it deems necessary for the best interest of the service, be the examining authority for hiring and promotional tests in the classified service. Examinations may be held at such places as the Commission deems advisable and shall be administered under the direction of at least one (1) member of the Commission and a Commission staff member. The Commission shall designate the dates, time and place of each examination as it deems necessary. Copies of such notices of examinations shall be dated and filed by the Commission. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of such examination.**

An examination shall consist of a written test, which measures aptitude and knowledge or work, and one or more of the following tests or parts.

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, and shall when appropriate, include test of manual skill.**

~~5.04.03~~ 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 members of the Commission.

~~5.03.02~~ 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 ~~interested~~ **qualified.** Such notice shall be given not less than two (2) weeks prior to the examination ~~except in the Fire and Police Departments where such notice shall be given for not less than thirty (30) days prior to the examination.~~ **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 people eligible to take the test; in that case the testing procedure shall be waived. Promotional examinations shall be in writing, 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 and shall consist of one or more of the following tests or parts:

1. Oral Interview or Examination evaluating education, training and experience, personality and other personal qualifications including ability to understand oral directions and to carry out verbal orders effectively.

2. Practical or Performance Examination demonstrating the skill and ability of the applicant to perform the work, including tests of endurance, muscular strength, ability and manual dexterity where essential to the position.

**3. Physical/Psychological Examination. Exams shall be administered when job related evaluating the physical ability to perform the duties as specified within the job description and determine the psychological attitude to execute the duties required.**

~~An examination shall be designed to test fairly the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought and shall consist of one, two or more of the following tests or parts.~~

~~5.03.01 b. **Competitive Examination for Original Appointment-Entrance Examination. Notice of competitive entrance examinations shall be given through the newspapers and by posting notices conspicuously on the City Hall bulletin boards and in the Civil Service Office, and in such places as may be deemed advisable, not less than two (2) weeks prior to such examinations to compete.**~~

~~5.4.01.02 1.) Oral Interview or Examination evaluating education, training and experience, personality and other personal qualifications including ability to understand oral directions and to carry out verbal orders effectively.~~

~~5.04.01.03 2.) Practical or Performance Test demonstrating the skill and ability of the applicant to perform the work, including tests of endurance, muscular strength, ability and manual dexterity **where essential to the position.**~~

~~5.04.01.04 3). Physical/Psychological Examination Exams shall be administered when job related evaluating the physical ability to perform the duties as specified within the job description and determine the psychological attitude to execute the duties required.~~

~~5.04.02 Separate Examination for Police and Firemen. Separate examinations shall be given and separate eligible lists maintained by the Commission for original appointment to and promotions in fire and police departments. No person may be transferred from one list to the other. Appointments and promotions in said department shall be only from the separate lists maintained for each of said department. Transfers of personnel from one department to the other are hereby prohibited.~~

~~5.04.04.01 Patrolman. No position above the rank of patrolman in the police department shall be filled by any person unless he has first passed the competitive promotional examination with a score of 70%. No such examination shall be held unless there are at least two persons eligible to compete. Whenever a vacancy occurs in a position above the rank of patrolman in the police department, and there is no eligible list for such rank, the Commission shall, within sixty (60) days of such vacancy, hold a competitive promotional examination for those persons eligible subject to Section 8.03 of these Rules & Regulations. Competitive promotional examinations for patrolman shall be given in accordance with the rules and regulations herewith set forth. No person shall be eligible to take the examination unless he has served twelve (12) months in the rank from which the promotion is to be made. Such examination shall be given in accordance with the rules and regulations herewith set forth.~~

~~5.04.04.02 Firemen. Vacancies in position above the rank of regular fireman in the fire department shall be filled by competitive promotional examinations. Positions in which such vacancies occur shall be called promoted ranks. When a vacancy occurs in a promoted rank, no person shall be eligible to take the examination unless he has served twelve (12) months in the rank from which the promotion is to be made. Such examination shall be given in accordance with the rules and regulation herewith set forth.~~

5.05 d. Postponement and Cancellation. The Commission shall have the right to postpone any examination because of insufficient number of applicants, because of the non-attendance of special examiners or for other sufficient cause; or to cancel any examination, the holding of which becomes unnecessary because of a change in personnel requirements. All such postponements, or cancellations shall be posted in such places as designated for notice (5.03) with reasons therefor, and an explanation of the reason for the postponement or cancellation shall be made in the Commission minutes. A copy of such notice of cancellation shall be filed in the Commission office.

~~4.~~ **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 efficiency rating shall have been satisfactory. As far as practicable promotions shall be made from the next lower class.

~~5.06 Payment of Fees. There shall be no fee or other assessment charged to applicants for examinations administered by members of the Commission for position in the municipal service.~~

Section ~~5.07~~ **4.05** Conduct of Examinations. All examinations shall be conducted under the direction of at least one (1) Commission member and one (1) Commission staff person with the addition of special examiners as deemed necessary by the Commission.

~~5.07.02~~ **a. Time.** The limit of time prescribed for each part of the examination shall appear ~~on the question papers~~ in the general instructions and also shall be announced at the beginning of the examination. ~~or parts thereof.~~

~~5.07.03~~ **b. Admittance.** Any person who is not a candidate, ~~a Commission member or an employee of the Commission~~ shall not be present in the examination room except by special written permission of the Commission members in charge of the examination. A record of such written permission shall be kept on file by the Commission. Admittance to an examination may be refused to an applicant arriving after the designated starting time for testing.

~~5.07.04~~ **c. Identification Procedures.** All paper submitted by ~~competitors~~ **candidates** shall contain ~~in their number only and any paper bearing the name of a competitor contrary to written instructions shall be rejected; any paper bearing any other identifying marks shall be rejected.~~ **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 I.D., one being picture.**

Section ~~5.08~~ **4.06** Offenses in Examination.

~~5.08.01~~ **a. Frauds Prohibited.** No person shall:

~~5.08.01.01~~ **1.)** Willfully or corruptly by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law, the City Charter or under any rules or regulations prescribed pursuant thereto.

~~5.08.01.02~~ **2.)** 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.

~~5.08.01.03~~ 3.) Willfully or corruptly make any false representations concerning the results of such examination or concerning any person examined.

~~5.08.01.04~~ 4.) 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.

~~5.08.01.05~~ 5.) Willfully impersonate another person, or permit or aid in any manner another person to impersonate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

~~5.08.01.06~~ 6.) Furnish false information about himself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.

~~5.08.01.07~~ 7.) Make known or assist in making known to any applicant for examination, any question to be asked on such examination.

~~5.08.01.08~~ 8.) Personally solicit a favor from any members of the Commission, appointing officer, or have any person in his behalf solicit a favor.

~~5.08.02~~ b. Penalty for Deception. Any person or persons who shall at any examination, by themselves or in cooperation with one or more person, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his name stricken from the registers, and he 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 ~~discharge~~ **disciplinary action.**

~~5.08.03~~ c. When Papers Taken Up. When an applicant in any examination is found to be using, without permission, any extraneous means of information, such as memoranda, pamphlets or books of any kind to assist him in answering the questions, the examination papers of the applicant, when the circumstances justify such action in the judgment of the Commissioners in charge, shall be taken up and the examination papers filed with zero (0) marking, and a memorandum made on the same of the cause for such action. The applicant shall be barred from any other examination for a period of one (1) year from such date or for a longer period, as the Commission may decide.

~~5.09 d. Method of Grading Examinations. The total grade attainable in each examination ~~except for special credits as outlined,~~ shall be 100%. **Any and all candidates who achieve a passing grade of 70% or above shall be eligible for consideration as a possible candidate for the position tested.** ~~In examinations composed of more than one part the method of scoring shall be:~~~~

~~**How to weight different parts of tests.**~~

~~5.09.01 **1.)** Each part of the examination shall be separately rated. The proficiency of each competitor will be determined on the basis of a scale of 100% for maximum possible attainment.~~

~~5.09.02 Each part of the examination shall be assigned a weight which shall be based on the relative value of the part to that of the entire examination expressed in terms of tenths of the total.~~

~~5.09.03 The earned grade of each competitor in each part of the examination shall be multiplied by the weight assigned to the part and the sum of the totals shall be the earned grade for the participant~~

~~**4.07 Military Service Credit.**~~

~~5.10.01.01 **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.~~

~~Armed Services of the United States.~~

~~**b.** Credit for Military Service. When proper proof of acceptable service in the Armed Forces of the United States, as defined in the Ohio Revised Code, is presented to the Commission, such ex-service man or woman being otherwise eligible, has received a passing grade of seventy per cent (70%) in any regular entrance examination he/she shall be granted an additional credit of five percent (5%) of such grade **5 points.**~~

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

~~**3).** Credit For Service as Gahanna Reserve Officer. When proper proof of acceptable service as a Gahanna Reserve Officer, is presented to the Commission, and such reserve officer being otherwise eligible has received a passing grade of 70% in a police officer entrance examination or radio dispatcher examination, he/she shall be granted an additional credit in the following manner.~~

~~**As a member of the Gahanna Reserve Police Force, and after completion and certification by the Ohio Peace Officer Training**~~

~~Academy, and the completion of the One Hundred Ninety Two Hours (192) hours of service with the Gahanna Reserve Force he or she shall be entitled to receive additional credit of five (5) points on the total grade in the entrance examination.~~

~~Request for the additional credit for reserve officer together with a letter of recommendation from the Chief of Police indicating the reserve officer is in good standing with the Police Department, shall be submitted to the Commission with the application for examination. Credit for reserve officer service shall not be given if the request for such credit is received by the Commission after an eligibility list for the examination has been established.~~

~~Section 5.10.03 Priority. In cases of the scores in an examination, applicants entitled to veterans preference credit shall be placed ahead of non-veterans.~~

~~Section 5.11~~ **4.07- Inspection of Rating Keys and Papers.**

~~a.~~ **Inspection of Rating Keys.** In examinations where the Commission considers it feasible, for a period of two (2) weeks after the scores for the examination are mailed, participants may inspect the Rating Key and questions in the office of the Civil Service Commission. Each candidate shall be permitted only one (1) review of the test booklet involving one session.

~~5.11.02~~ **a. Protests.** Should the test contain a question or an answer with an “~~manifest~~” error, including a conflict of authority, error in keying or incorrect wording, the candidate may protest the question by submitting a protest in writing to the Commission. This written protest must be submitted at the time the candidate is reviewing the test. The protest must cite the ~~manifest~~ error in the question or answer and may also include reference to recognized authorities to support the protest. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests, however, there are no further inspections or protests, except as provided below.

~~5.11.02.01~~ **1.)** For two (2) days following the last day for filing protests, candidates may review protests filed and submit in writing authority which support the Rating Key answers. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests which support Rating Key answers, however, there are no further inspections or protests.

~~5.11.02.02~~ **2.)** A candidate may not copy nor take from the Civil Service Commission office test questions or answers, nor may he make any written notes pertaining to test material. Commission members or members of their staff shall not discuss test written notes with applicants. Following the rating key inspection period, the Commission shall carefully consider all objections and make such changes in the tentative key as are warranted, after which a rating key shall be adopted which shall be final

and which shall be used in the actual rating of examination papers. The Commission may correct clerical error of examiners or employees at any time before the cancellation of such list. ~~Detailed procedure in the inspection of rating keys and filing of protests shall be administered in accordance with the policies of the Commission.~~

~~5.11.03b.~~ Notification of Grade. Each candidate examined shall be notified of his/her grade and, ~~if practicable his/her standing on eligible list, provided he/she secured a passing grade.~~ **standing on the eligibility list.**

~~5.11.04~~

~~c.~~ Inspection of Papers. Any competitor, with the permission of the Commission, shall have the right to inspect his scored answer sheet, in accordance with established procedure, for a period of ~~ten (10) (Saturdays, Sundays and holidays excluded) days~~ **7 working days** after such grades have been established mailed, ~~and inform himself as to the markings given to him on each subject or question.~~ The applicant shall make such inspection of his answer sheet only in the presence of a member of the Commission or designated member of the Commission staff. ~~Examination papers of competitors are not subject to inspection by the public.~~

Section ~~5.12~~ **4.08** Preservation of Examination Papers. Applications and examination papers of candidates who failed an examination shall be ~~on file in the offices of the Commission for thirty (30) days after the expiration of the inspection period, after which they may be destroyed.~~ **maintained in accordance with the Gahanna retention schedule approved by the Civil Service Commission.** Applications and examination papers of those passing shall be preserved for the life of the eligible lists, except that test papers of those appointed from eligible lists shall be retained in the individual personnel file of each appointee.

~~5.13.01~~ ~~a.~~ Seniority. ~~One (1) percent of earned grade for each of the first four (4) years of municipal service and six tenth (6/10) percent of earned grade for each of the next ten (10) years of municipal service shall be added to the applicant's earned grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination.~~

~~5.13.02~~ Efficiency. ~~The efficiency rating for examination purposes shall be based upon one year of service. This additional credit for efficiency, conduct and capacity in office according to records, shall be five (5) percent of the earned grade added to the applicant's grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination.~~

~~5.13.03~~ Additional Education — Training. ~~Acceptable Proof (diploma, certification, etc.) of completion of further education or training~~



~~relevant to the applicant's employment in classified service may be submitted to the Commission for preference credit points, not to exceed five (5) percent of earned grade to be added to the applicant's earned grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination. The amount of credit points shall be decided by the Commission. Requests for additional education/training credit points together with proof of same as described above, shall be submitted to the Commission with the application for the examination. Any such credit awarded by the Commission shall be done so prior to the examination. Credit will not be given if the request is received by the Commission later than the last business day prior to the date of the examination.~~

~~Section 6.01~~      **4.09 Eligibility Lists.**

a. .Posting of Eligibility Lists. From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection an eligibility list of ~~these~~ **candidates** whose final grade in the examination is not less than seventy (70) percent.

~~6.02~~ b. Duration of Lists. The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission for a period no less than 18 months from the date of the written exam. For good cause and at the discretion of the Commission an eligibility list may be terminated sooner than one year.

Tied Scores.

~~6.04.01~~ a. Original Appointment 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 eligible list with the same ranking.

~~6.04.02~~ b. Promotional Examination. In the event of two or more candidates receiving the same score on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list with the same ranking.

~~6.06~~ c. Transfer to Lower Class. At the discretion of the Commission, the name of any ~~eligible~~ **candidate** may, at any time, upon his/her written request, be **placed on the eligible list for a lower class in the series requiring qualifications of the same general character.** Candidates shall be ranked thereon according to his/her original grade. **If no eligibility list exists, at the discretion of the appointing authority with the approval of the Commission, the person may be hired for a vacant position in a lower class of the series.**

~~Section 6.07~~ **4.10** Removal of Names from Eligibility Lists. The name of an eligible **candidate** shall be removed from an eligible **eligibility** list by the Commission, ~~thus, indicating that they are not certified for appointment or for future appointments, because of:~~ **for one or more of the following reasons:**

~~6.07.01~~ a. Written request of the eligible concerned.

~~6.07.02~~ b. Failure to appear or arrange for an interview or respond to communication from ~~Commission within six (6) days (Sundays and holidays excluded.)~~ **the appointing authority.**

~~6.07.03~~ c. Failure to file with the Commission written notice of any change of address.

~~6.07.04~~ ~~Expiration of period of eligibility.~~

~~6.07.05~~ d. Declining appointment in writing or failing to accept appointment or to report for duty within four (4) business days next succeeding the confirmation of appointment.

~~6.07.06~~ e. ~~A Physical~~ disability that prevents the eligible from satisfactorily carrying out the **essential** duties of the position.

~~6.07.07~~ f. Practicing or attempting to practice deception or fraud in his application, his/her tests, or otherwise in obtaining eligibility for appointment.

~~6.07.08~~ g. ~~Being adjudged of a crime involving moral turpitude or disgraceful conduct.~~ **At the request of the appointing authority for just cause.**

~~6.07.09~~ ~~Being found to be an unsuitable candidate as a result of the background investigation.~~

~~6.07.10~~ ~~h. Reason by the Commission, in any case, to believe that an eligible has in any manner become disqualified for appointment to a position in a given class. Notice will be given eligibles to their last known address to afford them an opportunity to be heard by the Commission in their own behalf, when their names are being removed from an eligible list for the reasons listed under sub-section 4.11 a - h of this Rule.~~

~~Section 6.08~~ **4.11** Restoration of Names to the Eligible List. Any person whose name is removed from the eligible list 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 only in case thoroughly satisfactory explanation of the circumstances is made to the Commission. ~~In case~~ If an eligible person's

**candidates** name appears on more than one list, appointment to a position in one class shall be considered a waiver or appointment from other eligibility lists for classes the salary of which is equal or lower **unless specifically requested by the candidate, in writing, his/her desire to remain on the list.**

Upon furnishing the Commission with satisfactory reasons therefor, an eligible may have his name restored to any list from which his name may have been previously removed, and which still remains in effect.

Section ~~6-09~~ **4.12 Re-employment Lists.** Any employee whose appointment has become permanent, who without fault or delinquency on his part, has been separated from the service or reduced in rank because of lack of work or funds, shall have his name automatically placed upon the appropriate re-employment lists for the class of position from which he was reduced or laid off, until such time as he is reassigned and also at the head of an appropriate eligible list for a period not to exceed two (2) years, for certification as in an original appointment. Whenever there is no further need for a class and it is abolished in accordance with these Rules, any incumbent, with permanent status as described above, in a position in such class shall have his name automatically placed upon the eligible list for the class for a period of two (2) years and his name may be certified for a vacancy in comparable class of position for which he is qualified, or a lower class position. The place on such eligible list shall be determined in the same manner as prescribed for the order of layoff, but in the reverse order.

**RULE 7 5**  
~~EFFICIENCY RATINGS~~  
**EMPLOYEE EVALUATIONS**

Section ~~7.01~~ ~~Service Records.~~ 5.01 **Employee Evaluations.** The Commission shall require appointing **authority** to submit an employee evaluation of individual employees, when and as deemed advisable, but no less than every twelve (12) months, upon forms ~~prescribed~~ **approved** by the Commission. The Commission shall ~~prescribe~~ **approve** the factors or elements upon which records of efficiency shall be based. Such factors or elements and the scale of marking upon which they shall be rated, shall be uniform for all employees in the same class. Each employee in the classified service shall be notified by the appointing ~~officer~~ **authority** of each ~~service~~ **performance** rating **within 60 days** ~~at the time of such rating, with a view to his being afforded opportunity for correcting his obvious weaknesses. Forms showing grading scale shall be used and the forms shall be signed by the employee and the appointing authority.~~

Section ~~7.02~~ 5.02 Dismissal of Inefficient Employees. ~~An In case an~~ employee **who** is unable to maintain a satisfactory ~~efficiency record~~ evaluation, ~~he~~ shall not be eligible for bracket salary increase and such record may be sufficient grounds for the dismissal. ~~of any such employee.~~

Section ~~7.03~~ 5.03 Appeal. **An employee shall have the right to appeal his evaluation to the Civil Service Commission within ten (10) working days.** No employee shall be prejudiced in his position or status because of his appealing to the Commission and requesting that his efficiency rating be reviewed or revised by the Commission.

## **RULE 6**

### **ESTABLISHMENT OF POLICE CHIEF REVIEW BOARD**

**Section 6.01 Establishment of 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. 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 position of Chief of Police 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; (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.

The herein organized review board shall interview each applicant certified to them, and thereafter shall submit to the Director or Public Safety the names of the 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 9 7**  
**TRANSFERS, REINSTATEMENT AND LAYOFFS**

Section ~~9.01~~ **7.01 Transfers**. A person holding position in the classified service may be transferred, with the consent of the Commission, to a similar position in another office, department or institution having the same pay and similar duties except in the police department and no transfer shall be made to a position in another class nor to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position held by such person. No transfer shall be made to a position carrying a salary different from that of the position from which the transfer is requested.

Section ~~9.02~~ **7.02 Layoff Procedure**. Whenever it becomes necessary in any office or department, other than the police department, through lack of work or lack of funds to reduce the number of employees within a class, provisional appointees, if any, shall be laid off first and probationary appointees, if any, shall be next laid off.

Thereafter the least senior permanent appointed employee will retrogress to the next lower classification in which he has the apparent ability to perform, and is not forbidden by law to perform. The employees in the lowest classification with the shortest length of service shall be laid off. In no event shall the retrogressed employee displace another employee who has more service than the retrogressed employee.

~~Section 9.03 — Layoffs or Reduction in the Police and Fire Department. Whenever it becomes necessary in the Police and Fire Departments through lack of work or funds, or for causes other than those outlined in Section 124.34 of the Ohio Revised Code, to reduce the force in such department, such changes shall be made in accordance with the provisions of Section 124.37 of the Ohio revised Code.~~

Section ~~9.04~~ **7.03 Establishment of Layoff Lists**. The names of persons holding permanent positions in the classified service, which have been abolished or made unnecessary shall be placed by the Commission on an appropriate layoff list in order of their original appointment and for a period not to exceed one (1) year shall be certified to all appointing authorities as in the case of original appointments. Whenever discontinued positions are re-established by an appointing authority and a request is made for certification of eligibles, 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 ~~9.05~~ **7.04 Reinstatements**. Any permanently appointed employee who has resigned without delinquency may be reinstated, to an open position with requisition upon the Civil Service Commission, by an appointing authority at any time 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 eligible list of the class. A notice of such reinstatement shall be sent to the Commission for its approval prior to reinstatement.

Section ~~9-06~~ **7.05** Restoration of Seniority, Sick Leave and Other Benefits After Reinstatement.

a. Any person holding a position in the classified service of the City of Gahanna who voluntarily resigns therefrom, 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. No employee in the Division of Police who voluntarily resigns therefrom shall be reinstated above the rank of police officer.

b. In all cases of suspension of the Chief of Police, the right of suspension is the exclusive right of the Safety Director and only where applicable under City Charter.

c. Where special pension boards are in effect as in the Division of Police, any where applicable under any provision of the Public Employee Retirement System, a copy of the request for reinstatement of the employee shall be forwarded to the members of the pension board in order that any valid objection may be heard which may tend to affect the reinstatement of the employee making such request. If an objection is filed, the Commission shall immediately forward the report of said objection to the prosecutor's office to determine the validity of said objection and upon receipt of the prosecutors decision, the Commission shall either approve or disapprove the request for reinstatement as befitting the decision rendered.

d. Any person holding a position in the competitive or non-competitive class of Civil Service as well as temporary and exceptional appointees and those persons in the non-classified service such as political appointees in the Municipal Service shall be entitled to sick leave only as it may be interpreted by this City's ordinance establishing sick leave compensation.

**Section 7.06** Full time to Part-time Police Officer.

**At the request and discretion of the Safety Director, 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 re-hired to an available Part-time Police Officer position without being subject to the testing requirements of Rule 4. The Safety Director shall consider such factors as the police officer's attendance record, job performance, and disciplinary record and staffing needs.**

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

## RULE 8 10

### APPOINTMENTS

Section **8.01** ~~10.01~~ 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 the list of names certified to the appointing authority in accordance with the Civil Service Laws and Rules of the Commission.

~~Section 10.01~~ **8.02.** Number of Names to be Certified. 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 certify to the appointing authority thereof the names and addresses of the **six (6)** candidates standing highest on the eligible list for the class or grade to which said position is classified. **When there are tie scores, names of all persons with the same score shall be submitted to the appointing authority.** ~~When several appointments are to be made the following rule will apply:~~

<b>1 Appointment</b>	<b>3 up to 6 names</b>
<b>2 Appointments</b>	<b>4 up to 7 names</b>
<b>3 Appointments</b>	<b>5 up to 8 names</b>
<b>4 Appointments</b>	<b>6 up to 9 names</b>
<b>5 Appointments</b>	<b>up to 10 names</b>
<b>6 Appointments</b>	<b>up to 11 names</b>
<b>7 Appointments</b>	<b>up to 12 names</b>
<b>8 Appointments</b>	<b>up to 13 names</b>
<b>9 Appointments</b>	<b>up to 14 names</b>
<b>10 Appointments</b>	<b>up to 15 names</b>

Section ~~10.02~~ **8.03** Certification not more than three times. A person certified from the eligible list three (3) times to the same appointing authority, ~~may~~ **shall** be omitted from future certifications.

~~Section 10.03~~ ~~Preference to persons for military service.~~ Every person who has been honorably discharged from the armed services of the United States whose name appears on a eligible list for a position, shall be entitled to preference in original appointments to any such position in the classified civil service of the City of Gahanna, over all persons eligible for such appointments and standing on the list therefore with a rating equal to that of such former member of the armed services.

Section ~~10.04~~ **8.04** One of certified three certified to be appointed. Upon receipt of the eligibility list from the Commission ~~such list of eligibles for a position,~~ the appointing authority shall fill such position by appointment of one of the ~~persons~~ **candidates** certified to him/her 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. **If all candidates certified would be proven ineligible the appointing authority shall ask for additional candidates and a new test will have to be given.**

~~Section 10.05~~ **8.05. 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, including promotional appointments. The appointing authority may not request permanent status for any promotional appointment until the 180 days probationary period has been served and duly recorded.

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/she 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. 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.

~~Section 10.06~~ **8.06 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; provided, however, the 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 ~~one hundred and eighty (180) calendar days in one calendar year, and in no case shall successive temporary appointments be made; provided, however, the 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.~~ **appointments one thousand four hundred forty (1440) hours in one year**, 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 effect 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.

~~Section 10.06-01~~ **a.** All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

Section ~~10.07~~ **8.07 Temporary Appointment 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 upon the written request of an appointing authority who 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, 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 ~~10.08~~ **8.08 Provisional Appointments.** A provisional employee may be appointed to fill a classified position on an emergency basis where no eligibility list exists. The Civil Service Commission shall establish an eligibility list within six (6) months of the appointment.

Section ~~10.09~~ **8.09 Seasonal Positions.** All positions in the non-competitive class, where the nature of the work is such that the service is not continuous through the year, but recurs in each successive calendar year, shall be designated as "seasonal" positions. Any person appointed to such seasonal position under the provisions of the Civil Service Law, and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided he is not in the mean time disqualified for any cause; and provided, further, that any person appointed to a seasonal position, not assigned to work for a period of one (1) year, due to lack of work or to refusal of same on his part, shall be deemed ineligible for further assignment as a classified employee, except he be reinstated as provided for, and his service shall be terminated as an automatic resignation, effective as of one (1) year after the date of the last appearance on the payroll.

Section 10.10 **8.10 Re-creation of Abolished Position.** Should a position once abolished be found necessary to be re-created or re-established within one (1) year from the date of abolishment, the last incumbent of this position shall be entitled to same providing he was, at the date of his separation, a certified classified employee.

## RULE ~~11~~ 9

### RESIGNATION AND LEAVE OF ABSENCE

Section ~~11.01~~ **9.01** Leave of Absence With Pay.

~~11.01.01~~ a. Any absences because of illness or injury in excess of three (3) working days shall at the discretion of the appointing authority require a physician's certification and clearance through the appointing authority 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 appointing authority require his certification prior to return to work.

~~11.01.02~~ b. All officers and employees of the City of Gahanna who are members of the Ohio National Guard, the Ohio Naval Militia, or members of other reserve components of the armed forces of the United States, who are on field training or called to active duty shall receive from the City of Gahanna an amount of compensation equal to the difference between their Reserve or Guard compensation and the compensation authorized by the ordinances of the City for full time employment; provided that compensation payable by the City shall be limited to one calendar month in any one calendar year.

Section ~~11.02~~ **9.02** Leave of Absence Without Pay. With the approval of the Commission and subject to the restrictions provided herein, the appointing authority may grant a leave of absence without pay to a classified employee. The appointing officer shall exercise discretion in granting leave, taking into consideration length and quality of service and the sufficiency of the reasons for requesting the leave, which shall be reported in writing to the Commission on forms required by the Commission.

~~11.02.01~~ a. Leave of Absence Limited to 60 days. Leave of absence without pay shall not exceed a period of sixty (60) days except as herein provided.

~~11.02.02~~ b. Extension of 60 Day Leave. If leave of absence is for continued illness or disability not incurred in the performance of duty, or for study to improve the quality of the employee's service, or for other good and sufficient reasons, leave may be extended, but in no case to exceed a period of one year.

~~11.02.03~~ c. Extension of One Year Leave. In unusual cases where an employee has been injured in the line of duty, and appointing authority may, with the approval of the Commission, grant extensions for ninety (90) day periods not to exceed a total of one (1) year of such extension beyond

the regular one (1) year maximum leave allowed under provision of 11.02 c of this rule.

~~11.02.04~~ **d.** Prohibited for Political Activity. At no time shall a leave of absence be granted in order that a classified employee may become a candidate for public office or to engage in a campaign for a candidate to an elective public office.

~~11.02.05~~ **e.** Status of Provisional Appointee. If the employee is a provisional appointee, the leave of absence, if granted, is subject to the establishment of an eligibility list and terminates automatically in case an eligible list or said position is established at any time during the period of leave of absence.

Section ~~11.03~~ **9.03** Absence Without Leave and Failure to Report.

~~11.03.01~~ **a.** Absence Without Leave. Absence from duty without leave for any length of time will be considered cause for dismissal. Absence from duty without leave for three (3) consecutive work days shall be deemed a resignation from the service by the absentee, and upon a report of such absence from the appointing authority to the Commission, the absentee shall be removed from the service of the city, and the fact of removal shall be entered in the official roster; provided however, that if at any time within thirty (30) days from the first day of absence the person so absenting himself shall make satisfactory explanation to the Commission of the cause of his absence, he may be reinstated in his position, with the consent of the appointing authority. The acceptance of another position or engaging in other employment without approval of the Commission by the employee while on leave of absence shall be deemed a resignation.

~~11.03.02~~ **b.** Failure to Report. Failure to report after a leave has expired or has been disapproved or revoked and cancelled by the Commission, shall be cause for discharge; provided, however, that if the officer or employee so charged shall show to the satisfaction of the Commission within thirty (30) days from the first day of absence that such absence or failure to report was excusable, the Commission may then order his reinstatement.

Section ~~11.04~~ **9.04** Resignations. Any employee in the classified service who desires to leave the service shall file with the appointing officer a written resignation giving at least two (2) weeks notice of his intentions to leave the service, unless the appointing officer agrees to his leaving sooner. Such request when approved by the appointing officer shall be forwarded immediately to the Commission.

Section ~~11.05~~ **9.05** Restoration of Employment Rights After Military. Any person who, at the time he held or holds an office or position in the public service and has held such office or position for a period of ninety (90) days or more,

enlisted or enlists in the armed services of the United States subsequent to December 8, 1941, was or is commissioned in said armed services, or was or is called into said armed services in consequence of an act of congress, the call of the president of the United States, or due to his status in the reserve forces, national guard, or other similar defense organization shall, within thirty (30) days after making application therefor, be restored to the office or position held by him immediately prior to his entering the armed services of the United States, provided, such person is at such time physically able to perform the duties of such office or position; but this section does not apply to elective public officials, appointive public officials serving fixed terms, or officers serving at the pleasure of the governor. Such application for restoration shall be made to the appointing officer of such person within a period of ninety (90) days after receipt of an honorable discharge, or certificate, or other evidence showing satisfactory completion of his period of service. If any person entitled to the benefits of this section is unable to perform the duties of such office or position at the expiration of thirty (30) days from the date of his application for restoration thereto because of temporary physical disability, he shall be restored to such office or position when such physical disability is removed, if such physical disability is removed within one (1) year from the date of his application.

This section is not applicable, nor shall the benefits thereof be extended, to any person who was or is appointed to a position in the classified service to fill a vacancy created by reason of the entering of the former incumbent of said office or position in the armed services, unless such former incumbent fails to make application for restoration to such office or position within ninety (90) days after his discharge from the service, or unless said former incumbent by written waiver relinquishes all right or claim to such office or position.

Whenever the time of period of employment in the classified service affects the status, rank, rating, increments, or qualifications in any respect, of any person who has served in the armed services of the United States as contemplated by this section, such person shall be given credit for the period in which he served in such armed services as though such time were served in the course of his regular employment.

"Armed services of the United States", as used in this section, includes the following: army, navy, marine corps, air force, coast guard, auxiliary corps as established by congress, army nurse corps, navy nurse corps, red cross nurse serving with the armed services, or hospital service of the United States, active duty with the civil air patrol-coastal patrol, and such other service as is designated by congress as included therein.

When such classified employee is restored to his position and to the status, rank, rating, or qualifications provided in this section following such military service, the former incumbent of such position who has not entered such armed services shall be demoted to the next lower rank, and the youngest classified employees in point of service in the next lower rank shall be demoted, and so on down until the youngest employee in the point of service has been reached, who shall be laid off, if necessary. The person so laid off shall be placed at the head of the same eligible list from which he secured original appointment, or an eligible list subsequently established for the position, or upon an eligible list which the

department of administrative services regards as appropriate for the classification involved.

This section applies to all persons who enter on extended active duty with the armed services of the United States to perform such military services as they may be called upon to perform by proper authority. The provisions of this section do not apply to any person, who, by re-enlisting displays an intent to remain on extended active duty in the armed services of the United States. Nor does this section apply to any commissioned officer, who, voluntarily, enters on extended active duty beyond the required on accepting a commission.

## **RULE ~~13~~ 10**

### **POLITICAL ACTIVITY PROHIBITED**

Section **10.01** ~~13.01~~ Political Activity Prohibited. No officer or employee in the classified service of the city, ~~and Gahanna-Jefferson School District~~ thereof, shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in the classified service of the city or city school district; nor shall any officer or employee in the classified service of the city ~~or city school district~~ be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.

## **RULE ~~14~~ 11**

### **RULES AND REGULATIONS**

Section **11.01** ~~14.01~~ 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 12 15

### TENURE, SUSPENSION, DEMOTION AND DISCHARGE

Section **12.01** ~~15.01 Tenure.~~ **Bases for Suspension, Demotion or Discharge**  
~~The tenure of Every employee in the classified service of the city shall be during good behavior and efficient service; but any such employee may be suspended, demoted reduced 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, Revised Code of Ohio 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. No person shall be reduced in pay or position, laid off, suspended, demoted or discharged or otherwise discriminated against by an appointing officer or Police Chief for political, racial or religious reasons.~~

~~Section 12.02 In all cases of suspension, demotion or discharge the appointing authority shall furnish the employee suspended, demoted, or discharged with a copy of the order and his reasons therefore. Such order shall further contain such specification of facts as will enable the employee to make an explanation and place him fairly upon his defense. In the event the employee cannot be found such written notice of suspension, demotion or discharge shall be mailed by certified mail to his last known address.~~

Section **12.02** ~~15.02~~ **Suspensions.** The appointing authority may suspend an employee or subordinate without pay for purposes of discipline for a period not to exceed thirty (30) calendar days at any one time, provided, however, that successive suspensions shall not be allowed.

~~In every case of suspension or reduction in rank or compensation, the appointing authority shall furnish the employee suspended or reduced in rank or compensation, and also the Commission, with copy of the order of reduction, suspension or lay off and his reasons therefor. Procedure involving notice to employee and Commission, appeal to commission and appeal procedure shall be the same as that in case of discharge as provided in Rule 13.~~

Section **12.03** ~~15.03~~ **Demotion for Disciplinary Purposes.** An appointing authority may demote an employee for disciplinary purposes to a lower related class. ~~Procedure involving notice to employee and Commission, appeal to Commission and appeal procedure shall be the same as that in case of discharge as provided in Rule 15.~~

**12.04 Notification.** The appointing authority shall notify the employee, in writing, of the proposed disciplinary action. Said written notice shall contain the specific factual bases supporting one or more of the grounds for disciplinary action delineated in Section 12.01.



**In the event the employee cannot be located, the written notice shall be sent by certified mail to the last known address of record.**

~~Section 15.04 Demotion for Physical Incapacity. When an employee becomes physically incapable of performing the duties of his position, he may, upon the request of the appointing authority, be demoted to a vacant position, which he is able to fill, in a class carrying a lower compensation. Complete facts regarding such a change in classification shall be reported to the Commission and the demotion shall not become effective until approved by the Commission. The employee shall first be served with a written notice of demotion have a reasonable time to make an explanation and have the right of appeal to the Commission in the same manner as set forth in Rule 16 for appeals from discharges, intent to demote and have no less than 21 days time to make appeal to the Commission, in the same manner as set forth in Rule 15 for appeal from discharges.~~

~~Section 15.05~~     **12.05**     Removals, Reappointments, and Demotions in Police and Fire Department.

~~When it becomes necessary in a police or fire department, through lack of work or funds, to reduce the force in such department, the youngest employee in point of service shall be first laid off. Should a position in the police or fire department once abolished or made unnecessary be found necessary to be recreated or reestablished with three years from the date of abolishment, or should a vacancy occur through death, resignation, or any other cause within three years from the date of the abolishment of the position or layoff, the oldest employee in point of service of those laid off shall be entitled to the position, providing he was at the date of his separation a regular and permanent employee. If any employee, laid off as prescribed in this section, enters into the active service of the army, navy, marine corps, or other armed service of the United States, the period such employee serves therein shall not be considered in the determination of the three years stipulated as a maximum time with which reinstatements shall be made; such three year period shall be computed exclusive of the time the employee spent in the armed services. When a position above the rank of patrolman in the police department and above the rank of regular fireman in the fire department is abolished, and the incumbent has been permanently appointed, he shall be demoted to the next lower rank and the youngest officer in point of service in the next lower rank shall be demoted, and so on down until the youngest person in point of service has been reached, who shall be laid off.~~

## RULE 16 13

### GRIEVANCES

Section 13.01 ~~16.01~~ Grievance. When an employee wishes to file a grievance to be heard by the Civil Service Commission, the employee shall do so within 10 working days of the time the incident took place or became known to the employee. Employees shall put this in writing to the Commission, stating the reason for grievance.

An employee who believes he/she has been adversely affected by a violation of applicable rules and regulations of the Civil Service Commission, may file a grievance with the Civil Service Commission within (10) calendar days of the adverse action or when the employee became aware of the adverse action. In the event the tenth (10<sup>th</sup>) day falls on a Saturday, Sunday, or holiday, the final day for filing the complaint 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 and how. Consideration of such grievance will be added, as feasible, to the next regularly scheduled meeting of the Civil Service Commission.

~~The discharge of a permanent employee shall not become effective until the appointing authority shall have first served upon such an employee a written notice of discharge which shall contain one or more statutory reasons or ground for discharge as indicated in Rule 14 together with such specifications of facts as will enable the employee to make an explanation and place him fairly upon his defense and shall have given the employee an opportunity to make an explanation. In the event such employee cannot be found such written notice of discharge shall be mailed by certified mail to his last known address. A copy of such notice of discharge shall be delivered to the Civil Service Commission on the same day.~~

Section 13.02 ~~16.02 Appeal to Commission~~. Notice. The Civil Service Commission shall provide written acknowledgment of receipt and notice to the grievant and the appointing authority or other official against whom the grievance is filed. Such notice will include the time and place of the scheduled Civil Service Commission meeting; the agenda will include review of the grievance. The appointing authority or other official may submit a written response to the Civil Service Commission prior to the scheduled meeting. The appointing authority or other official shall copy the grievant on any response provided to the Commission.

~~A discharged employee, or an employee with a grievance who is in a contract agreement where the appeal process would come to the Civil Service Commission, or the employee chooses to come to the Civil Service Commission, may appeal in writing to the Civil Service Commission for a hearing within ten (10) calendar days. Said ten (10) days period shall not commence to~~

~~run prior to the effective date of discharge, and in the event the tenth (10th) day falls on a Saturday, Sunday or holiday, the final day for filing appeal shall be the next regular work day. Written notice shall be given to the person so removed and to the appointing authority of the time and place of hearing the appeal. **Said grievance and/or appeal is to be heard within 30 days if at all possible, or if both the grievant and the City agree in writing, that deadline can be extended. The Civil Service Commission shall hear such** grievance in open session and afford both sides the opportunity to present their side.~~

Section **13.03** ~~16.03~~ Appeal Procedure. **Review of the Grievance.** The Commission shall hear the evidence upon the charges and specifications as filed with it by the discharging authority. Amendments may be made by the appointing authority at any time provided the employee receives a copy of the amendments prior to ten (10) calendar days before the time set for the hearing as herein provided. The proceedings shall be as is compatible with the requirements of justice. The Commission may take inquiry into the matter through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit and provisions of the Charter. **The Civil Service Commission will review the grievance to determine completeness of the grievance, jurisdiction of the Commission, and whether a remedy is immediately available which is satisfactory to both the appointing authority or relevant official and the grievant and consistent with the Civil Service Rules. The Civil Service Commission may, upon review also vote to schedule a hearing on the grievance, consistent with section 13.04.**

~~16.03.01 a. Order of Proof. The order of proof shall be as follows: The appointing authority shall present his evidence in support of the charges. The appellant shall then produce such evidence as he may wish to offer in his defense. The Commission in its discretion may hear arguments.~~

~~16.03.02 b. Witnesses and Counsel. The Commission shall have the power to subpoena and 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. The appointing authority may be represented by the city attorney or other counsel upon approval by Council. The appellant may also be represented by counsel.~~

~~16.03.03 c. Finding of Judgment of Commission. After due consideration the Commission shall render its judgment affirming, disaffirming, or modifying the action of the appointing authority, and the Commission's decision shall be final. The finding of judgment of the Commission shall be in writing recorded in its minutes. Notice of the decision of the Commission in such cases shall be sent the appointing authority, the employee, and also the Director of Finance when an action is disaffirmed or modified.~~

~~16.04 d. Resignation Before Decision. The acceptance by an appointing officer of the resignation of a person discharged before final action on the part of the Civil Service Commission will be considered a withdrawal of the charges and the separation of the employee concerned shall be recorded as a resignation and the proceedings shall be dismissed without judgment.~~

13.04 **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 and the appointing authority or other official shall be provided written notice of the date and time of the hearing. Any additional documentation must be submitted no later than ten (10) calendar days before the time set for the hearing. Said documentation submitted by the grievant or appointing authority or other official to the Commission shall be provided to all parties.**
- b. **All hearings shall be recorded. The Commission shall determine the order of proof at the hearing.**
- c. **Witnesses and Counsel. The Commission shall have the power to subpoena and 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. The appointing authority may be represented by the City Attorney or other counsel upon approval by Council. The grievant may also be represented by Counsel.**
- d. **Findings of Commission. After due consideration the Commission shall render its findings and decision. The findings and decision shall be in writing, recorded in its minutes and provided to each party or their counsel.**

## **RULE ~~17~~ 14**

### **REPORTS BY APPOINTING AUTHORITIES**

Section **14.01** ~~17.01~~ Reports of Appointing Authorities to Commission. In order that the Commission may keep proper records of changes in the service, each appointing authority shall make prompt and complete report to the Civil Service Commission of the following matters as well as other matters mentioned elsewhere in these Rules, upon the forms prescribed, or by letter where no form is prescribed by the Commission:

~~17.01.01~~ **a.** Appointments, whether emergency, temporary, provisional, limited, permanent or promotional.

~~17.01.02~~ **b.** Reinstatement appointments.

~~17.01.03~~ **c.** Refusal or neglect to accept appointment by a person certified.

~~17.01.04~~ **d.** Transfer from one class to another, one division to another, one department to another or from one payroll to another.

~~17.01.05~~ **e.** Change in compensation.

~~17.01.06~~ **f.** Separation from service.

~~17.01.07~~ **g.** Suspension.

~~17.01.08~~ **h.** Leave of absence, and return from leave of absence.

~~17.01.09~~ **i.** Creation or abolition of any position.

~~17.01.10~~ **j.** Any material change in the duties or responsibilities of an employee.

~~17.01.11~~ ~~Copy of each payroll as submitted to the office of Finance.~~

~~17.01.12~~ **k.** Charges for purposes of demotion, removal or discharge.

~~17.01.13~~ **l.** Absence from duty not covered in the above report.

~~17.01.14~~ **m.** Change in name or address of employee.

~~17.01.15~~ **n.** Employee ~~Efficiency Ratings~~ Evaluations.

Section **14.02** ~~17.02~~ Report When New Position Created. When any new office or position is to be created subject to approval of the Civil Service

Commission and by City Council, or when the duties and responsibilities of any existing office or position are essentially changed, the appointing officer shall submit in writing to the Commission a statement outlining in detail the duties and necessary qualifications for filling such office or position. Prescribed forms shall be made available for this purpose.

## RULE ~~15~~ 18

### INVESTIGATIONS AND HEARINGS

Section **15.01** ~~18.01~~ Authority to Investigate. The Commission shall make investigations ~~either sitting in banc through any two~~ **at least three** ~~(3) Commissioners~~ concerning all matters brought before the Commission that relate to enforcement and effect of provisions in the Rules and Regulations. ~~touching the enforcement and effect of the civil service provisions and of the rules of the Commission prescribed hereunder.~~

Section **15.02** ~~18.02~~ Administering Oaths. In the course of any investigation or hearing conducted by the Commission, any commissioner 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 **15.03** ~~18.03~~ 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. Fees shall be allowed to witnesses, and on their certificate, duly audited, shall be paid by the office of Finance, for attendance and traveling, as is provided in Section 3012 of the Ohio General Code for witnesses in courts of record. 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, it shall be the duty of the Court of Common Pleas of Franklin County, or any judge thereof, where such disobedience, failure or refusal occurs, upon application of the Commission, or any commissioner thereof to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such courts or a refusal to testify therein.

Section **15.04** ~~18.04~~ Investigations. Whenever the Commission shall have reason to believe that any officer, board, commission, head of department, or person having the power of appointment, lay-off, suspension or removal, has abused such power by making an appointment, lay-off, reduction, suspension or removal in violation of the provisions of the civil service law, it shall be the duty of the commission to make an investigation. If the **Commission** shall find that such violation of the provision or the intent and spirit of this act has occurred, it shall make a report thereof to the Mayor **and City Council**, who shall have the power to remove forthwith such guilty officer, board **member**, commission

**member**, or head of department, ~~or person~~. An opportunity must first be given to such officer, employee or subordinate of being publicly heard in person or by counsel in his own defense. Such action of removal by the Mayor shall be final.

**Section 15.05 Executive Session.** The members of the Civil Service Commission may hold executive session only after a majority vote of a quorum of the Commission determines, by a roll call vote, to hold such a session and only at a regular or special meeting for the sole purpose of consideration of matters listed in subsections A, B, C, or D as follows:

a. To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. If the Civil Service Commission holds an executive session pursuant to this subsection, the request shall state which one or more of the approved purposes listed herein are the purposed for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

b. To confer with the City Attorney concerning disputes involving the City, and/or appointed or elected officials or employees, which are subject to pending or imminent court action.

c. To review matters involving the Civil Service Rules and Regulations and public employee bargaining agreements.

d. To consider matters to be kept confidential by federal law or rules, state statutes or rules or City ordinance or rules.

If the Civil Service Commission holds an executive session to consider any of the matters listed in subsection A, B, C, or D, the request to hold that executive session shall state which one or more of the approved matters listed are to be considered at the executive session.



## **RULE ~~19~~ 16**

### **SAVING CLAUSE**

Section **16.01** ~~19.01~~ 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 unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.