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COMMISSION ON CIVIL SERVICE
OF THE CIVIL SERVICE COMMISSION
OF THE STATE OF OHIO

RULES AND REGULATIONS

OF THE

OBERLIN CIVIL SERVICE COMMISSION

Oberlin, Ohio

1992

RULES AND REGULATIONS
OF THE CIVIL SERVICE COMMISSION
Oberlin, Ohio

Rule 1 ORGANIZATION AND STAFF

1. *Officers.* At the first meeting of the calendar year, the Commission elects one of its members chairman and one as vice-chairman. These officers serve for one year. It is the duty of the chairman to call meetings of the Commission to transact its business; to preside at its meetings; to sign the minutes of all its actions; and to sign, or causes to be signed, all warrants or orders for the payment of money from its accounts and funds.

The chairman may on his/her own initiative, and must, upon the request of any other member of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such meeting. In the absence of the chairman, the vice-chairman acts as chairman. Three members of the Commission constitute a quorum at any meeting of the Commission; and it requires the affirmative vote of at least three members to adopt any motion or resolution.

2. *Secretary.* The Commission shall employ a suitable person to act as Secretary of the Commission. The Secretary attends all of the meetings and hearings of the Commission and keeps minutes thereof; keeps in the form of minutes a record of the official actions of the Commission; accurately and properly keeps all the records of the Commission; keeps all files in proper order; prepares and delivers or causes to be delivered, notices and other communications ordered by the Commission; maintains an official roster; certifies payrolls; handles such correspondence as the Commission determines; and performs such other duties as may be required by the Commission.

3. *Official Records.* The secretary keeps in the form of minutes a record of the official actions of the Commission with regard to:

- a. All appointments or positions in the classified service and the titles thereof.
- b. Transfers, suspensions, removals, and reinstatements to eligible lists.
- c. Lists of all examinations with their dates.
- d. Results of all requests for regrading.
- e. Decisions on appeals of suspension, demotions, or dismissals, and the reason in brief for each.
- f. Classifications of positions and changes in classifications.
- g. Decisions in all hearings.

4. *Official Roster.* An official roster shall be kept in the office of the Commission which shall contain the name of every person employed or performing duties in the classified service. This file shall show the following:

- a. The name of the officer or employee.
- b. The address of the officer or employee.
- c. The title of the office of employment.
- d. The date and character of each appointment and every subsequent change in employment.
- e. All changes in compensation.

5. *Unclassified Employees.* A separate file shall be kept of all unclassified employees. This should be kept current and include the employee's name, job and job description.

6. *Reports Regarding Changes.* In order that the Commission may keep proper records of changes in the service, each appointing officer, board, bureau or commission shall report to the Commission:

- a. Appointments, whether temporary, emergency, permanent or promotional.
- b. Refusal or neglect on the part of a person, duly certified, to accept an appointment.
- c. Changes in the rank and compensation of any officer or employee holding a classified position.
- d. Transfers, lay-offs, leaves of absence, resignations, suspensions, reductions, or removals of any employees and the cause for each.

Rule 2 CLASSIFICATION

1. *Definition.* A classification is a group of positions defined by a common statement of duties and typical tasks to which has been assigned an appropriate title.

2. *Positions Classified.* All offices and positions in the service of the City of Oberlin, except those exempted by the City Charter, shall be in the classified service and subject to the rules of the Commission.

3. *Classification by the Commission.* Every position in the service existing when these rules take effect, or hereafter created, shall be classified by allocation to its appropriate classification. Such allocation shall be made by the Commission. Whenever a position shall have been allocated, the title of that classification shall become the title of that position for all purposes.

4. *New Classifications.* Whenever a new position is established or the duties of a position are so changed that the statement of duties and typical tasks of the classification to which it was originally allocated no longer applies, the appointing authority shall so report to the Commission and transmit a full statement of the circumstances and description of duties. The Commission shall then determine the proper classification of such position.

5. *Duties and Typical Tasks.* The statement of duties and typical tasks of classifications should have the following characteristics:

- a. It is descriptive only and not restrictive. It indicates the kinds of positions that should be allocated to the respective classifications as determined by their duties, responsibilities, and qualification requirement.
- b. The statement shall be construed as a general description of the kind of work involved in positions that properly fall within a classification and not in any sense as prescribing what the duties of a position shall be nor as limiting the expressed or implied power of the authority vested with the right to prescribe or alter the duties on any position. Where a substantive change of duties is made, except for a temporary period not to exceed seven days or by the addition of duties that are incidental to the main employment, such change shall be reported to the Commission.
- c. Minimum entrance qualifications shall constitute a part of the description of definition of the kind of employment by expressing the minimum qualifications desirable in a new appointee. [Although they may not be mentioned in the statement, such qualifications as should properly apply in common to all classifications, such as citizenship, suitable age, honesty, sobriety, and industry, are taken for granted.]

Rule 3 APPLICATIONS

1. *Application Blanks Furnished.* Application blanks for examinations shall be furnished by the Commission. Application blanks for entrance examinations shall provide for the submission of the information as set forth in the Ohio Revised Code 124.25. The Commission may determine and provide for the submission of any other relevant information either on the application blank or supplemental sheet.

2. *Completion of Application Blanks.* Application blanks must be filled out in ink or be typed and shall be completed and signed by the applicant, in his own handwriting, sworn or affirmed to and filed with the Secretary of the Commission within the time limit fixed by the Commission for the particular examination.

3. *Rejection of Application or Applicant.* 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, the applicant shall be notified of the rejection and the reasons therefor. Any of the following may be sufficient cause for rejecting an application:

- a. That the application lacks any of the minimum entrance qualifications set forth in the official notice of the examination.
- b. That the applicant does not meet the physical requirements stated in the official notice, has been guilty of a crime or disgraceful conduct, or has been dismissed from employment for delinquency or misconduct.

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- c. That the applicant was previously in the classified service of the City of Oberlin and was removed for cause or resigned pending dismissal.
- d. That the applicant has made a false statement in his/her application with regard to any material fact.

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. Such appeal should be submitted in writing within thirty days of the rejection.

4. *Police Department and Fire Department Applications.* Applications for examinations for original appointments as patrol officer must have attained the age of twenty-one and as firefighter, the age of eighteen on or not prior to the date of examination. ~~No person shall be eligible for original appointment on or after his/her thirty sixth birthday.~~

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Rule 4 EXAMINATIONS

1. *General.* Examinations may be held at such places as the Commission deems advisable and shall be administered under its direction.

2. *Notice of Examination.*

- a. *Entrance Examination.* Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the City Hall bulletin boards and in such other places as may be deemed advisable not less than two weeks prior to such examinations.
- b. *Promotional Examination.* Notice of competitive promotional examinations shall be given by posting of bulletins in conspicuous places in the departments whose employees may be interested or by individual communications to the employees eligible for such promotion. Such notice shall be given not less than two weeks prior to the examination.

3. *Identity of Examinees Concealed.* The identity of all persons taking competitive examinations shall be concealed by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have all been rated.

4. *Scope of Examination.*

- a. *Entrance Examination.* Entrance examinations shall be practical in character and shall relate directly to those matters which will 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 tests of manual skill. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto provided that any determination must have been adopted prior to the date of such examination.

- b. **Promotional Examination.** Promotional examinations shall be competitive examinations both written and oral. Two-thirds of a final test score shall be developed from a written test and one-third from an oral test. Promotional examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which promotion is sought. Extra points up to a maximum of ten (10) points shall be added to each applicant's final test score as follows:

Seniority - One-quarter (1/4) point, up to a total of five (5), for each year of City of Oberlin service completed within the department for which the test is given.

Education - One-half (1/2) point, up to a total of five (5), for each year of formal education completed beyond high school, and/or each forty (40) hours of in-service training completed beyond the minimum required for applicant's present position (as per Ordinance No. 1395 AC CMS.)

5. **Physical Examination.** Whenever, in the judgement of the Commission, physical qualifications are of special importance, the candidate shall be required to pass a physical examination, and be certified as qualified in such respect. This can be before admission to the examination, or before being placed on an appropriate eligibility list, or before certification for appointment, as the Commission may deem advisable.

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

6. **Admitting Applicants to Examination.** No applicant shall be admitted to any examination more than thirty minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his/her work and left the examination room, except by special permission of the person, who, at his discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.

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

8. **Visitors.** No visitors shall be admitted to the examination room during any examination except by special permission of the Commission.

9. **Postponement of Examination.** Examinations may be postponed by order of the Commission, which order shall designate the reason therefor.

10. *Posting of Results.* A notice mentioning the position, names of all applicants who took the examination, names of those who achieved a passing score, and relative ranking of applicants on the eligibility list shall be posted conspicuously on the City Hall bulletin board for two weeks immediately following the final determination of the eligibility list by the Commission.

11. *Credit for Military Service.* There shall be no credit given for veterans who receive a passing grade on the original written entrance examination.

12. *Results of Physical Examinations.* The results of physical examinations including physician's certificate shall be used solely to determine an applicant's eligibility to take an examination or his eligibility for appointment after examination and shall not become a part of the applicant's grade resulting from the examination.

Rule 5 ELIGIBLE LISTS

1. *Posting.* The Commission shall prepare and keep open to the public inspection, from the returns of each examination, an eligible list of the persons who have achieved a passing grade in the examination and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades.

2. *Duration.* The term or eligibility of each list and of the names appearing thereon shall comply with the Ohio Revised Code 124.26.

3. *Names Not To Be Certified.* The name of any person appearing on an eligible list who:

- a. fails when requested, to report or arrange within six days (Sundays and holidays excluded) for an interview with an appointing authority;
- b. fails to respond to a notice from the Civil Service Commission;
- c. declines an appointment;
- d. can not be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his/her whereabouts are unknown.

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

Rule 6 APPOINTMENTS

See Ohio Revised Code 124.27.

Rule 7 LAYOFFS AND REINSTATEMENTS

See Ohio Revised Code 124.321.

Rule 8 REDUCTION, SUSPENSION AND REMOVAL

See Ohio Revised Code 124.34.

Rule 9 HEARINGS

1. *Time of Hearing; Notifications.* Upon receipt from an employee or officer in the classified service of the City, of a timely appeal from an order of removal, reduction in pay or position, or suspension, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee and his attorney, if known, thereof. The Commission may employ a court reporter for the hearing to be paid for by the appointing authority.

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

3. *Hearing Procedure.* In the hearing of such appeals the order or procedure shall be as follows:

- a. The appointing authority taking action affecting the employee shall adduce his evidence in support of the charges and specifications.
- b. The employees affected shall then produce such evidence as he may wish to present to refute such charges.
- c. The appointing authority may offer evidence in rebuttal. The Commission may, in its discretion, hear arguments.

4. *Rules of Evidence; Representation by Counsel.* The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof, and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel. The City Solicitor will prepare and present the case of the City.

5. *Resignation Before Final Action.* The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Commission, will be considered a withdrawal of the charges. Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee thus resigning shall be entered upon the records of the Commission and the proceedings dismissed with judgment.

Rule 10 WAIVER OF RULES

1. *Vote Required.* In specific cases where in the judgment of the Commission it is in the interest of the public service, any rule hereby adopted may be waived by a majority vote of the Commission. Such action and the reasons therefor shall be entered in the minutes of the meeting.

Rule 11 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 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.

Adopted, Civil Service Commission, October 7, 1992

Adopted, Oberlin City Council, November 16, 1992

ORDINANCE NO. 00-20 AC CMS

AN ORDINANCE APPROVING CERTAIN AMENDMENTS TO THE
CIVIL SERVICE RULES AND REGULATIONS FOR THE CITY OF OBERLIN, OHIO

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Rule 3.4 of the Civil Service Rules and Regulations for the City of Oberlin, Ohio, is hereby amended to read as follows:

- "4. *Police Department and Fire Department Applications.* Applications for examinations for original appointments as patrol officer must have attained the age of twenty-one and as firefighter, the age of eighteen, on or prior to the date of examination."

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

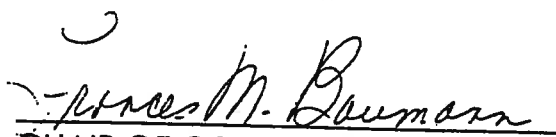
SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - February 22, 2000
2nd Reading - March 6, 2000 (E)
3rd Reading -

ATTEST:



CLERK OF COUNCIL



CHAIR OF COUNCIL

POSTED: March 7, 2000

EFFECTIVE DATE: March 7, 2000