



AGENDA

**PERSONNEL BOARD OF REVIEW
VILLAGE GREEN MUNICIPAL BUILDING
THURSDAY
October 29, 2015
5:30 P.M.**

1. CALL TO ORDER/ROLL CALL
2. BOARD MEMBER INTRODUCTIONS

 Sandi Crnko
 Jeffrey Gardiner
 Dawn Schelb
3. DUTIES AND RESPONSIBILITIES
4. PROPOSED AMENDMENT TO ELIGIBILITY LISTS
5. ADJOURNMENT

ARTICLE XIV

CIVIL SERVICE OF THE CITY - MERIT SYSTEM

PREAMBLE, ESTABLISHMENT OF CIVIL SERVICE SYSTEMS

In accordance with the requirements of Article XV, Section 10, of the Ohio Constitution, and in accordance with the City's exercise of local self-government as authorized by Article XVIII, Section 7 of the Ohio Constitution and exercised by Section 1.03 of this Charter, the employment of the employees of the City shall be governed by this Charter, the ordinances of Council and the rules of the Personnel Board of Review. Appointments and promotions of City employees in the classified service as set forth in this Article shall be made on the basis of merit and fitness determined through a competitive selection process, to the extent practicable, except as otherwise established in this Charter, by ordinance of the Council or rules of the Personnel Board of Review. This Charter, the ordinances of Council and rules of the Personnel Board of Review shall be the entire and exclusive procedure, and civil service statutes shall have no effect.

Council shall adopt ordinances or resolutions setting forth personnel procedures or standards not otherwise established in this Charter and may assign that function, or parts thereof, to the Personnel Board of Review to establish procedure and standards through its rules.
(Amended 5-7-13)

14.01 CREATION OF PERSONNEL BOARD OF REVIEW

Council shall by ordinance provide for and establish a Personnel Board of Review. The Personnel Board of Review shall consist of three (3) electors of the City, not holding other Municipal office or employment, to be appointed by the Council for terms of three (3) years. Terms shall commence on January 1 and be staggered as established by Council by ordinance. A vacancy occurring during the term of any member of the Personnel Board of Review shall be filled through an appointment by Council for the unexpired term. The Board shall designate one (1) of its members as Chair and may appoint a Secretary who need not be a member of the Board and who may hold other Municipal office or appointment.
(Amended 5-7-13)

14.02 DUTIES OF PERSONNEL BOARD OF REVIEW

The Personnel Board of Review shall prescribe, amend and enforce rules consistent with the City Charter and ordinances of Council, (a) for effecting appointments and promotions in the civil service of the City according to merit and fitness, to be ascertained as far as practicable by competitive examinations; (b) for removals, transfers, lay-offs, suspensions, reduction and re-instatement therein; (c) for appeals to the Board; and (d) for standardizing positions and maintaining efficiency therein. The rules, individually or collectively, shall be subject to review by Council, which may reject a rule or rules by a majority of the members of Council when those rules are submitted to Council by the Personnel Board of Review. Rules promulgated by the Personnel Board of Review shall be submitted to Council for review and shall not become effective until thirty (30) days after the date of submission. (Amended 5-7-13)

14.03 CLASSIFIED AND UNCLASSIFIED POSITIONS

Positions in the civil service shall be divided into Classified and Unclassified Services.

A. The Unclassified Service shall include:

1. All officers and members of Council elected by the people.
2. The City Manager.
3. The Development Director.
4. The Public Service Director.
5. The Municipal Engineer.
6. The Finance Director.
7. The Chief Building Official.
8. The Police Chief.
9. The Deputy Police Chief.
10. The Council/Planning and Zoning Clerk.
11. The Director of Law.
12. The Parks and Recreation Supervisor.
13. All temporary, seasonal, part-time and probationary employees.
14. One secretary, assistant or clerk to the City Manager.
15. Other Department Heads as designated by Council.
16. Other positions for which it is not practicable to examine, as determined by Council.

B. The Classified Service shall comprise all positions existing on the effective date of this Charter not specifically included in this Charter in the Unclassified Service. The Classified Service shall include regular full-time members of the Police Department other than the Chief of Police and Deputy Police Chief.

C. Unless the position is designated unclassified, employees who have had at least ninety (90) days of continuous full-time service with the City in a position in the Classified Service immediately preceding the effective date of this section shall be retained in the same or similar position in the Classified Service without examination until discharged, reduced, disciplined, promoted or transferred in accordance with the rules and regulations of the Board. Any employee in a probationary period may remain subject to their probationary period.

D. Following the effective date of this Charter, new positions created from time to time shall be included in the Unclassified Service unless and until Council shall by ordinance designate otherwise. (Amended 5-7-13)

14.04 PROCEDURE

The Personnel Board of Review shall prescribe and enforce rules for the administration of the Classified Service: keep a record of its proceedings and examinations, and in all examinations the Board shall certify to the appointing officer after examination the names of the top applicants to the position, the number to be determined by the Personnel Board of Review and the appointing officer shall appoint one (1) such applicant to the position to be filled from the names provided by the Personnel Board of Review. For testing applicants the Personnel Board of Review shall determine the appropriate means or methods for testing applicants and shall establish rules for determining the means or methods of testing applicants.

The Personnel Board of Review may employ hearing officers to conduct hearings on its behalf. The Personnel Board of Review shall prescribe rules for the using of hearing officers. (Enacted 5-8-01.)

14.05 SALARIES

The salaries of the Personnel Board of Review, if any, shall be determined by the Council. (Amended 11-2-04)

14.06 FUNDS

A sufficient sum shall be appropriated by the Council each year to carry out the civil service provisions of this Charter. (Enacted 5-8-01; Amended 5-7-13)

RULES AND REGULATIONS
of the
PERSONNEL BOARD OF REVIEW
of the
CITY OF POWELL, OHIO

Proposed
Change
Identified on
Pages 18 & 19.

Steve
10/26/15

Issued pursuant to the power and authority granted by Chapter 124 of the
Ohio Revised Code and City Charter

Adopted October 16, 2001 by Ordinance 2001-56
Amended March 16, 2004 by Ordinance 2004-17
Amended June 15, 2004 by Ordinance 2004-37
Amended June 1, 2010 by Ordinance 2010-23

Personnel Board of Review Members:
John Randle
Susan Redder
Marty Traver, Ph.D.

PREAMBLE

The following rules and regulations are hereby adopted in accordance with the authority conferred upon The Municipal Personnel Board of Review of the City of Powell, Ohio by the Ohio Constitution Article XV Section 10, and in accordance with the Municipality's exercise or local self-government as authorized by Article XVIII, Section 7 of the Ohio Constitution and exercised by Section 1.03 of the Charter of the City of Powell.

The employment of employees of the City of Powell shall be governed by the City Charter, the Ordinances of Council, and the Rules of the Personnel Board of Review. Appointments and promotions of City employees in the classified service shall be made on the basis of merit and fitness determined through a competitive selection process, to the extent practicable, except as otherwise established in the Charter, by ordinance of the Council, or rules of the Personnel Board of Review. The Charter, the ordinances of Council and rules of the Personnel Board of Review shall be the entire and exclusive procedure and civil service statutes shall have no effect.

THE CONSTITUTION OF THE STATE OF OHIO ARTICLE XV

Section 10. Civil Service

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

(Adopted September 3, 1912)

CHARTER OF THE CITY OF POWELL

Section 1.03 Powers

The Municipality of the City of Powell shall have all the powers of local self-government and the benefits of municipal home rule that may now or hereafter be lawfully possessed or exercised by municipal corporations under the Constitution and the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council. When not prescribed in this Charter or by ordinance or resolution, then the

powers shall be exercised in the manner as may now or hereafter be provided by the laws of the State of Ohio.
(Amended November 2, 2004)

PURPOSE OF RULES AND REGULATIONS

The Personnel Board of Review hereby adopts the following rules for the administration of the Civil Service system for the City of Powell, Ohio.

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

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

RULE I

ADMINISTRATION

1. The Personnel Board of Review of the City of Powell, Ohio shall be composed of three (3) electors of the City, not holding other City office or employment, who shall be appointed to serve for terms of four (4) years each excepting that of the members first appointed, one shall be appointed for a term of two (2) years, one for three (3) years, and one for four (4) years.
2. It shall be the duty of each member of the Board to attend the meetings of the Board and to devote as much time as reasonable to the management of the business and affairs of the Board. A vacancy occurring during the term of any member of the Personnel Board of Review shall be filled through an appointment of Council for the unexpired term.
3. The Board shall designate one of its members as Chair and one as Vice Chair who shall serve until a new member is appointed and qualified, at which time successors as Chair and Vice-Chair shall be designated. It shall be the duty of the Chair to call such meetings of the Board as are necessary to transact the business and affairs of the Board; to preside at all meetings of the Board and to sign the minutes of actions taken by the Board.
4. The Chair may on his/her own initiative, and shall, upon the request of the two other members of the Board, call a special meeting of the Board to be held not later than ten (10) days from the date of notice of such meeting. In the absence of the Chair, the Vice-Chair shall act as the Chair. Two members of the Board shall constitute a quorum at any meeting of the Board; and it shall require the affirmative vote of at least two members of the Board to adopt any motion or resolution.
5. The Board shall administer and enforce the provisions of the Powell City Charter, and the rules and regulations herein proscribed relative to Civil Service in the City of Powell.
6. The Board shall adopt, amend, and rescind rules interpreting and implementing the Civil Service Rules when necessary. The Charter, the Ordinances of Council and rules of the Board shall be the entire and exclusive procedure and civil service statutes shall have no effect.
7. The Board may appoint a suitable person to act as Secretary of the Board. The Secretary need not be a member of the Board and may hold other Municipal office or appointment. The Secretary shall attend all meetings of the Board and keep the minutes thereof; shall keep in the form of minutes a record of the official actions of the Board; shall accurately and properly keep all the records of the Board; shall prepare and deliver or cause to be delivered

notices and other communications ordered by the Board; shall properly furnish appointing authorities with eligibility lists; shall maintain an official roster; shall handle such correspondence as the Board shall determine; and shall perform such other duties as may be required by the Board.

The Board's minutes shall record the following matters:

- a. Provisional, cooperative student, or emergency appointments;
- b. Temporary promotions and assignments of employees to work outside their classification;
- c. Appeals from dismissal, demotion, or suspension;
- d. Reinstatements of former employees to their positions and replacements of names from eligibility lists;
- e. Changes in the classification of individual employees or in the content of the official classification specifications;
- f. Transfers in classification from one department to another;
- g. Exemptions from competitive examination in the case of special or exceptional appointments;
- h. Certification from eligibility lists; and
- i. Results of examinations.

RULE II

POWERS AND DUTIES OF THE BOARD

- a. In accordance with the Municipality's exercise of local self-government, the Board shall exercise the powers and perform the duties conferred pursuant to Charter and Ordinances of City Council which include, but are not limited to, the following:
1. To prescribe, amend and enforce rules consistent with the City Charter and ordinances of Council for effecting appointments and promotions in the civil service according to merit and fitness, for removals, transfers, lay-offs, suspensions, reductions, and reinstatements therein;
 2. To review and approve all eligibility lists once they have been constructed and prior to the selection of a final candidate for a classified position;
 3. To, at the Board's discretion, terminate any eligibility list that has been in effect for more than six months, as requested by the Department Head and City Manager.
 4. To hear appeals, as provided by law, of employees in the classified civil service from final decisions of appointing authorities relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification. The Board may affirm, disaffirm, or modify the decision of the appointing authorities as the case may be, and its decision is final unless appealed through the court system pursuant to applicable law;
 5. To hear appeals, as provided by law, of appointing authorities relative to the classification or reclassification of any position or positions in the classified civil service; the Board may affirm, disaffirm or modify the decisions and its decision is final;
 6. To appoint a Secretary and such other employees as necessary. To adopt and promulgate rules and regulations relating to the procedure of the board in administering the laws which it has the authority and duty to administer and for the purpose of invoking the jurisdiction of the Board in hearing appeals of appointing authorities and employees in matters set forth in paragraphs 4 and 5 of this section;
 7. To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has authority to investigate, inquire into all matters regarding the enforcement of civil service and the enforcement of these rules;

RULE III

OPEN MEETING PROCEDURES

Meetings

All meetings of the Board shall be public meetings open to public, except as provided in Section 121.22 of the Ohio Revised Code.

RULE IV

DEFINITION OF TERMS

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

1. "Civil Service" refers to and includes all officers and positions of trust or employment in the City of Powell in the classified and unclassified service.
2. "Unclassified Service" shall include:
 - a. Elected officials. All officers and members of Council elected by the people.
 - b. The City Manager, secretary, assistant and/or clerk to the Municipal Manager;
 - c. Boards: City Planning Board and the Board of Zoning Appeals and other Boards and Commissioners as established by the Ordinances of City Council or Charter;
 - d. All heads of departments: including the Development Director, the Public Service Director, the Police Chief, the Chief Building Official, Finance Director and the City Engineer;
 - e. Other Department Heads as designated by Council;
 - f. The City Clerk;
 - g. The City Attorney and the Legal assistants to the City Attorney;
 - h. The Parks and Recreation Supervisor;
 - i. All temporary, seasonal, part-time and probationary employees employed by the City;
 - j. Other positions for which it is not practicable to examine as determined by Council; and
 - k. Such other positions in the City that are determined by the Board to be exempt under the provisions of these Rules and the City Charter, including those positions which have fiduciary and administrative duties.

Positions in the unclassified service shall be exempt from all examinations required by the City's Civil Service Rules.

3. "Exempted Position" means which have been properly filed with the Personnel Board of Review, as exempt from civil service protection and the incumbents of which serve at the pleasure of the appointing authority.
4. "Position Classification" shall refer to the arrangement of positions into classifications established under these rules sufficiently similar in respect to duties, responsibilities, qualification and qualification requirements to be designated by the same descriptive title and equitably compensated within the same salary scale.

5. "Municipal Service" shall include those positions in the classified service of the City.
6. "Position" when used by itself shall refer to any specific office, employment or job calling for performance of certain duties, either full-time or part-time, and for the exercise of certain responsibilities by one individual.
7. "Appointing Authority or Officer" refers to the officer, Board, Commission, or body having the power of appointment or removal from positions in the classified service as provided for by the City Charter or Ordinance.
8. "Employee" shall signify any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer.
9. "Permanent Employee" signifies any employee in the Civil Service who has been regularly appointed after serving a probationary period to a position normally involving continuous year round service.
10. "Provisional Employee" signifies an employee temporarily filling a position without competition pending the establishment of an eligibility list.
11. "Seasonal Employee" signifies any employee in the classified service whose services are required only during certain periods of each year, such a position being intermittent or broken in its nature.
12. "Emergency Employee" signifies any employee whose services are required in case of an emergency for a period not to exceed six months.
13. "Temporary Employee" signifies any employee appointed for a specific period, for a special project or one who is replacing a regular employee on leave.
14. "Cooperative Student Employee" signifies any employee who is regularly enrolled in a university and who is working in the employ of the City in furtherance of his/her education.
15. "Student Employee" signifies an employee who is regularly enrolled in a public school, college, or university and who is working part-time for the City.
16. "New Position" means a position created through the authorized addition to an organization unit of a position not previously in existence or a position created through a change in classification.
17. "Eligibility List" means a list of names of persons who have been found qualified for employment in positions allocated to a specified class, arranged in order of merit.
18. "Promotion" signifies a transfer made in accordance with these rules from a lower class to a higher class involving an increase in responsibilities, a change in classification title, and the application of a higher salary scale. A promotion must include an upgrading of the duties and responsibilities.

RULE V

POSITION DESCRIPTIONS AND RECLASSIFICATION

1. Classification of Positions

Positions in the civil service of the City shall be classified in accordance with an established plan maintained by the Municipal Manager which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike shall be allocated to the same title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the position on a like basis.

2. Position Descriptions & Requirements

A position description (may also be called job description in other documents) shall be prepared for each position setting forth the title, typical duties and responsibilities, and the necessary qualifications or requirements.

3. Minimum Qualifications

Minimum qualifications shall be established for each position. The minimum qualifications shall be based on the requisite skills, knowledge, and abilities required of an individual to perform the tasks required to be performed in that position. All minimum qualifications required of a position shall be reasonably related to the duties required to be performed in the classification and shall not be used to unlawfully discriminate.

Position descriptions shall include a statement or summary of the essential knowledge, abilities, skills, and qualifications required for a person to fill a ~~position.~~Such position. Such required knowledge, abilities, skills, and qualifications shall be known as the minimum qualifications for the position.

Qualifications shall be stated in terms of specific coursework at recognized institutions, experience, training, or in such other terms as to meet the requirements of the position.

The minimum qualifications shall make reference to the following when required for a position: age, education, experience, licensure requirements, certification requirements, physical condition or other bona fide occupation qualifications.

Additional minimum qualifications may be established for a position if the required skills of the position vary significantly enough from other similar positions so as not to require the additional minimum qualifications for all similar positions.

4. Appeals

Any employee may appeal the reclassification of any position to the Board within thirty (30) days after the mailing of the notifications of reclassification. The Board recognizes that the Municipal Manager has the responsibility of administering and maintaining the classification system. The Board shall utilize the classification system maintained by the city manager for all reclassification appeals of classified employees.

RULE VI

REQUIREMENTS FOR POSTING OPEN POSITIONS

1. Postings for open positions shall include the job description, wage range, application requirements, evaluation criteria and posting expiration date.
2. Open positions may be posted in the municipal building, public service building and at the police department for seven (7) calendar days, prior to posting for outside applicants.
3. Posting for outside applicants shall be made available through various publications and through the City web site.
4. A process for the advertising, testing, and correspondence regarding open position shall be determined at the discretion of the City Clerk. The process shall be followed and documented by the City Clerk and a copy of the process documentation shall be retained in accordance with the City Records Retention Schedule.

RULE VII

EXAMINATION METHODS

The examination process shall include all of the factors taken into consideration in constructing an eligibility list and selecting a candidate to fill a position. The examination process shall comply with all necessary laws, requirements, rules and regulations. Reasonable accommodations may be made in order to comply with equal opportunity laws.

RULE VIII

EXAMINATION PROCEDURES

Examinations shall be selected by the Department Head and approved by the City Manager. The Board retains the authority to establish examination procedures on a case-by-case basis or on an as needed basis.

Promotional examinations shall be conducted in a consistent manner adhering to the City policy of providing open and competitive promotional examination opportunities for both current City and non-City employees.

All examinations must be free from fraud and conducted in a timely manner.

The results of the examinations shall be certified to create employee eligibility lists. Appointments to all positions in classified service that are not filled by promotion, transfer or reduction shall be made only from those names that are certified to the appointing authority in accordance with rules established by the Board or designated authority.

Applicants Receiving State Certification from Federal and/or State Funding Programs

Individuals participating in the Ohio Police Corps Program, or other equivalent federally and/or state funded program for which individuals are selected through the Ohio Peace Officer Training Council, are eligible to apply for and complete the minimum competitive examination requirements for an entry-level police officer position, at any time, subject to the prior approval of the Personnel Board of Review. All Board approved and otherwise qualified applicants pursuant to the provisions of this Section shall be permitted to complete the minimum competitive examination process in order to gain placement on an effective eligibility list for the position of entry level police officer, at any time during the effective period of the eligibility list. Consistent with Rule VII, the competitive examination period for any approved and qualified applicant shall be established pursuant to the authority of the Board on a case-by-case or as needed basis.

Upon successful completion of the minimum testing requirements, the approved and qualified applicant shall be placed on the effective eligibility list based upon the applicant's score obtained during the competitive examination process. Following the successful completion of the Ohio Police Corps Program, or other equivalent federally or state funded program that trains and certifies individuals as peace officers through the Ohio Peace Officer Training Council; the successful completion of the minimum

competitive examination requirements; and, the subsequent placement on the effective eligibility list for the entry-level police officer position, an approved applicant shall be eligible for appointment to an entry-level police officer position.

Applicants with Prior Service as Police Officer

The Board may authorize and permit qualified applicants who have prior service as police officers that are currently certified by the State of Ohio as peace officers to apply and complete the minimum testing requirements for an entry level police officer position, at any time during the effective period of an eligibility list. Upon successful completion of the examination process, the applicants shall be placed on the effective eligibility list based upon the score obtained during the examination process. Candidates with prior services as police officer shall only be eligible to complete the minimum competitive examination.

Military Credit for Entrance Examinations

When proper proof of acceptable and active service in the Armed Forces of the United States is presented, extra credit shall be allowed provided such member of the armed forces was honorably discharged or honorably separated from service. The armed forces include the Navy, Air Force, Army, Marines, Coast Guard, any Reserve Component thereof, or the National Guard. "Active service" shall mean service of 180 days or more of continuous military service in a Title 10 status or in a Title 32 Status as a full-time member of the Active Guard Reserve Program, other than initial active duty for training.

Upon satisfactory documentation of military service and of Ohio residency, an applicant shall receive a twenty percent credit of his total grade. No credit for military service shall be added to an applicant's grade unless the applicant achieves at least the minimum passing grade on the examination without counting such extra credit.

Requests for additional credit for military service, together with an honorable discharge, honorable separation, or other proof of satisfactory service, shall be submitted with the application for the examination. Credit for military service will not be given if the request for such credit is received after the examination has been administered.

Credit for military service shall not be part of, but shall be a credit to be added to, the applicant's earned grade resulting from the competitive examination provided that the applicant receives a passing grade in the competitive examination.

RULE IX

UNSKILLED SERVICE

1. Designation of Unskilled Classifications and Positions

Classifications and positions within classifications designated to be unskilled shall not be subject to competitive examination. The unskilled service shall include classifications and positions within classifications for which it would not be practical to construct a competitive examination and for which there are minimal or no education or experience requirements.

The City Manager retains the authority to determine the necessary qualifications for positions within the unskilled service. Applicants for the unskilled service may be required to demonstrate physical condition or capacity, experience, skills, previous employment, education, or other qualifications as may be required by the classification or position. The City Manager possesses the authority to administer any necessary examinations to determine whether an applicant is qualified to fill a position in the unskilled service.

If a method of ranking candidates for the unskilled service cannot be established, then the applicants shall be ranked in chronological order of the receipt of the application.

RULE X

ELIGIBILITY LISTS

1. Eligibility lists shall be maintained ranking the candidates that have successfully passed an examination. Eligibility lists shall be effective for a period not less than 6 months nor more than (1) year. ~~for a period of not less than one (1) nor more than two (2) years.~~ Any list that has been in effect for more than 6 months ~~one (1) year~~ may be terminated by the board at its discretion.
2. In the event that the open position(s) have been filled, the current eligibility list may be expired by the board at its discretion.
- 1-3. Requests to have an eligibility list terminated in conformity with the above rules will be done by submitting a written request to the board.
- 2-4. In the event that two (2) or more applicants receive the same score on a competitive examination authorized by the Board, the time of filing that applications with the Board shall determine the priority in which the names shall be placed on the eligible list.

3.5. If more than one vacancy is to be filled from the eligibility list, the number of names shall be determined in the following manner:

- (a) for 1 vacancy, fifteen names
- (b) for 2 to 4 vacancies, ~~thirty~~ twenty names
- (c) for 5 to 8 vacancies, ~~twenty-five~~ forty-five names
- (d) for 9 to 12 vacancies, ~~thirty-sixty~~ names.

Unsuccessful Candidates

Candidates failing to be certified for appointment shall be permitted to review the examination. All reviews with unsuccessful candidates shall be conducted by the City Manager, or other designee of the administration. Any unsuccessful candidates unsatisfied by the review with City Manager, or appropriate designee, shall be entitled appeal the results of the examination to the Board.

RULE XI

APPOINTMENTS

Appointments to all positions in the classified service that are not filled by promotion, transfer or reduction, as provided by the Rules of the Board, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Rules of the Board.

1. Number of Names to be Certified; Appointment From Other Appropriate Lists

- a. The appointing authority of the Department in which a position in the classified service is to be filled shall notify the Board of that fact and the Board shall, except as provided in these Rules, certify to the appointing authority the names and addresses of the ten candidates standing highest on the eligibility list for the classification.

In the event that an eligible becomes exhausted, through inadvertence or otherwise, and until a new list can be created, or when no eligible list for such position exists, names be certified from eligibility lists which the Board determines to be most appropriate for the group or class in which the position to be filled is classified.

2. Probationary Period

All new appointees shall be required to serve a probationary period, not less than one hundred eighty (180) days nor more than one (1) year, as established by the City Manager. No appointment shall be final until the completion of the probationary period. Upon mutual agreement of the City Manager and the employee, the probationary period can be extended up to an additional 180 days. A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction to the Personnel Board of Review..

RULE XII

LAYOFFS

1. Justification for Layoff

Employees may be laid off for any justifiable business reasoning including, but not limited to: lack of work, lack of funds, or the abolishment of positions. An appointing authority may abolish positions as a result of reorganization for efficiency purposes, for reasons of economy or for lack of work. Employees shall be laid off and recalled from layoff in a manner consistent with rules established by the Board or the City Personnel Manual or other City Policy.

2. Appeal of Layoff or Reduction

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

3. Layoffs or Reduction in the Police Department

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

RULE XIII

REDUCTIONS, SUSPENSIONS, AND REMOVALS

A. General

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service. Misconduct by employees will not be tolerated. No employee shall be disciplined except for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the City, or any other failure of good behavior, any other act of misfeasance, malfeasance or nonfeasance, or any conviction of a felony. Discipline shall be implemented in conformity with the policies listed in the City's Personnel Manual.

In any case of reductions in pay or position, suspension without pay of more than three (3) working days, or fine in excess of three days' pay, or a removal, the appointing authority shall furnish such employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons therefore. Such order shall be filed with the Board.

Within ten (10) calendar days following the date on which such disciplinary order is served, the employee, may file an appeal, in writing, with the Board. In the event such an appeal is filed, the Board shall forthwith notify the appointing authority, and shall hear, or appoint a hearing officer to hear, such appeal and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or the employee may appeal from the decision of the Board in accordance with the procedure provided by the Revised Code.

B. Last Chance Agreements

This agreement is the final step before termination and the Personnel Board of Review may not modify the agreed terms of the last chance agreement. However in an appeal of a removal order based upon a violation of a last chance agreement, the Personnel Board of Review may only determine if the employee violated the agreement. If the agreement is violated, the Personnel Board of Review may not modify the termination.

RULE XIV

HEARINGS PROCEDURE

A. 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 Board shall set a time, date and place to hear such appeal and shall notify the appropriate appointing authority as well as the employee or his/her representative, if known, thereof. The Board has the authority to designate a hearing officer to preside over an employee appeal of a disciplinary action.

B. Amendments to Orders

Amendments to the orders of removal, reduction in pay or position or suspension for more than three working days may be made by the appointing authority at any time prior to the time set for the hearing as herein provided.

C. Hearing Procedure

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

1. The appointing authority taking action affecting the employee shall produce evidence in support of the charges and specifications.
2. The employee affected shall then produce such evidence as they may wish to present to refute such charges.
3. The appointing authority may offer evidence in rebuttal. The Board may, at its discretion, hear arguments.
4. The Board will render a decision within a reasonable time from the date of the hearing.

D. Rules of Evidence, Representation by Counsel

The production of evidence on the hearing of appeals and the Board'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 or other representative. A complete transcript or other recreating of the hearing shall be made.

E. Resignation Before Final Action

The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Board, will be

considered a withdrawal of the appeal. Notice of such resignation shall be submitted immediately to the Board. The separation of the employee thus resigning shall be entered upon the records of the Board and the proceedings dismissed without judgment.

RULE XV

POLITICAL ACTIVITY

A. General

No classified employee shall participate in any manner in any municipal political campaign or other partisan political campaign in a manner inconsistent with the City's Personnel Manual or other City Policies.

B. Discipline

An employee who violates the provisions of this section is subject to removal from their position or other disciplinary action. The Appointing Authority, City Manager, or the Board may institute an investigation or action in the instance of alleged violation of the provisions of this section.

RULE XVI

EFFECT OF INVALIDITY IN PART

If any part, subpart, sentence, clause, or phrase of these rules is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions. If any part, subpart, sentence, clause, or phrase of these rules conflicts with a specific provision of a collective bargaining agreement, the specific terms of the agreement shall prevail.