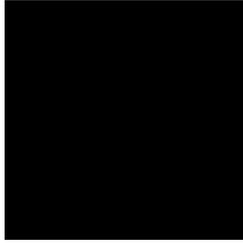


# CITY OF SOUTH EUCLID



To: Georgine Welo, Mayor  
Michael LoGrasso, Law Director  
Thomas R. Cannell, Chief of Fire  
Kevin Nietert, Chief of Police  
Joseph Filippo, Director of Finance  
Matthew Ziemba, IAFF Representative  
William Lazor, FOP Representative

Cc: Diane Brown, Member (with enclosure)  
James Valentine, Member (with enclosure)

From: Mark Zamiska, Civil Service Commission Chairman

Date: October 1, 2010

RE: *Proposed Civil Service Rules*

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Enclosed is a copy of the proposed revisions to the Civil Service rules. We would like to adopt the rule changes at our October regular meeting scheduled for Tuesday, October 12, 2010. Please forward your comments to me prior to October 5<sup>th</sup> so that we can consider them prior to adoption of the rule changes.

THE CITY OF SOUTH EUCLID  
CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS

REVISION CONTROL

Each page reflects the date of adoption and last revision. The old page is preserved in a separate binder for that purpose. A vertical line on the page indicates the language last revised. Previous language may be shown by redline printing or by comparison with the old page.

The following is a log of the revisions, commencing with the date of adoption by the Civil Service Commission:

<u>ITEM AND DESCRIPTION</u>	<u>DATE OF ADOPTION</u>
Complete revision	March 9, 1999
Amended sections 4.3, 4.5, 5.4, and 6.1	August 21, 2002
Amended	October 12, 2010

THE CITY OF SOUTH EUCLID  
CIVIL SERVICE COMMISSION RULES AND REGULATIONS  
CONSTITUTIONAL PROVISION  
OF  
THE STATE OF OHIO

"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 examinations. Laws shall be passed providing for enforcement of this provision."

Article XV, Section 10.

CHARTER PROVISIONS  
of  
THE CITY OF SOUTH EUCLID

ARTICLE III

The Mayor

Section 2(C) Executive Powers

"The Mayor shall exercise supervision and control of all the administrative departments and divisions of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions are faithfully obeyed and enforced. He shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the laws of Ohio where it is beyond the competence of this Charter to provide."

ARTICLE V. ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS.

Section 6. Civil Service Commission.

The Mayor shall appoint three electors of the City as Civil Service Commissioners to serve for terms of six years. Members of the existing Civil Service Commission shall continue in office as though appointed in accordance with the provisions of this section, and, as their terms expire, their places shall be filled by the Mayor for terms of six years.

The Mayor shall fill any vacancies in the commission, for the unexpired term. The Civil Service Commission shall designate one of its members as President and shall appoint a Secretary, who may be a member of the Commission and such other employees as may be necessary. The Council shall make the necessary appropriations to carry out the Civil Service provisions of this Charter.

Section 7. Duties of the Civil Service Commission.

"The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the City as required by the Constitution of Ohio, and for appeals from the action of the Mayor in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of Ohio. The Commission shall make necessary rules with regard to eligibility lists and with regard to certification of the number and names of candidates from eligibility lists, and with regard to the process of selection and appointment of those certified. Civil Service examination shall not be required for the appointment of any member of a board or commission, or any head of a department, or any assistant, secretary or stenographer to a director, or any secretary to the Mayor or to the head of any department, or any assistant to the Mayor, or for temporary appointments, or for appointment to any other office or position requiring peculiar and exceptional qualifications. Nothing herein contained shall affect the present status of any employee of

the City now under Civil Service. Except as herein provided, the Civil Service Commission shall determine the practicability of competitive examination for any nonelective office or job classification in the service of the City. The Director of Finance shall not pay any salary or compensation to any person holding a position in the classified service unless the payroll for such salary or commission shall bear the certificate of the Civil Service Commission. Any sums paid in the absence of such certificate may be recovered by the City.

Initial hiring in the classified service shall be made by the Mayor from a certified list prepared and submitted by the Civil Service Commission and such certified list shall contain, for each such initial hiring, the names and addresses of such number of candidates as complies with State law having the highest rating as established by the Civil Service Commission, and the Mayor may appoint any one of the persons so certified.

Positions above the rank of police officer in the Police Department, with the exception of Assistant Chief, Traffic Commissioner, and Detective and above the rank of firefighter in the Fire Department, with the exception of Assistant Chief and Fire Inspector, shall be filled by a competitive promotional examination and when a vacancy occurs in such position the Mayor shall notify the Civil Service Commission of that fact and the Commission shall certify to the Mayor, for each such vacancy to be filled, the names and addresses of three (3) candidates with the highest rating as established by the Civil Service Commission and the Mayor may appoint any one of the persons so certified. A candidate who has been considered for appointment or promotion at least three times may be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further consideration by the appointing authority (Mayor) until recertification of eligibility on a subsequent list.

RULE 1  
ORGANIZATION AND STAFF

Section 1. The Officers and Staff. The officers of the Commission shall consist of a Chairman (entitled "president" in Charter Art. V sec. 5), Vice Chairman, and Treasurer, each of whom shall be a member of the commission, shall be elected by a majority vote of the members of the Commission, and shall hold office for a period of one year or until the election of a successor. The Chairman shall preside at all meetings of the Commission, sign all documents, papers, minutes and reports pertaining to the affairs of the commission and be its Chief Executive Officer. In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. If the position of Chairman is vacant, the Vice Chairman shall succeed to the position of Chairman, and the Commission shall elect a Vice Chairman by a majority vote. The Treasurer shall account for all monies coming into possession of the Commission. The Commission shall appoint a Secretary, who may be but is not required to be a member of the Commission, who shall assist the Commission in the preparation of examinations, schedules, and the holding of examinations and shall, consistent with the rules of the Commission, check and approve payrolls and certify eligibles, shall keep record of the proceedings of the Commission, and shall perform such other duties as may be assigned by the commission from time to time.

Section 1.2. Meetings

(a) Regular Meetings. Regular meetings of the Commission shall be held at South Euclid City Hall ("City Hall"), 1349 South Green Road, South Euclid, Ohio, on the second Tuesday of each month at six thirty o'clock P.M. (6:30 P.M.). The Commission may adjust the time and place of regular meetings, or adjourn same from time to time, upon proper notice. The time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings shall be posted in a conspicuous place at City Hall.

(b) Special Meetings. The Chairman or a majority of the Commission may call a special meeting by following the notice procedures in this rule and by notifying the mayor, the chief of fire, and the chief of police. The notice shall state the time, place, and purpose of the special meeting and shall be posted in a conspicuous place at City Hall. The Commission shall not hold a special meeting unless it gives at least twenty-four hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

Section 1.3. Notice. Any person, upon request and payment of a reasonable fee to the City, as the City may require, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

Section 1.4. Executive Sessions. The Commission may hold executive sessions in the manner and for the reasons set forth in Ohio Rev. Code Sec. 121.22 as it may be amended from time to time.

Section 1.5. Quorum and Roberts' Rules of Order. A majority of the Commission shall constitute a quorum for the transaction of business at any regular or special meeting of the Commission and, except as herein otherwise provided, Roberts' Rules of Order shall be followed in the conduct of the meetings of the Commission.

Section 1.6. Assigned Duties. Commission may assign defined duties to any member of the Commission.

Section 1.7. Minutes. The minutes of each regular or special meeting shall be promptly prepared, filed and maintained and upon adoption by the Commission shall be open to public inspection at City Hall. The minutes need only reflect the general subject matter of discussions in

executive sessions under Section 1.4. The secretary of the Commission shall prepare a draft of the minutes and provide copies of the draft within ten (10) days after the meeting to the members of the Commission and the Mayor.

Section 1.8. Any member of the Commission who is a licensed attorney shall not represent any criminal defendant on any matter in the South Euclid Municipal Court, nor shall said member represent a criminal defendant on any felony case originating in South Euclid or in which any South Euclid police officer or firefighter is expected to testify, unless the felony case is one in which the credibility and/or competence of the police officer or firefighter will not be in dispute.

## RULE 2

### AMENDMENTS

Section 2.1. Procedure. The Commission may, in its discretion, change, amend, add to, revoke, or modify these rules, or any single rule or part thereof, by a majority vote. For a minimum of one week prior to taking action on any amendment, the Commission shall post a notice of the proposed amendment, the time and place of the meeting for taking a vote thereon, and a procedure for reviewing the text of the proposed amendment. The Commission shall provide at least one copy of the text of the proposed amendment at City Hall at a location convenient to city employees. The Commission may take action upon the proposed amendment at any regular or special meeting.

## RULE 3

### CLASSIFIED SERVICE

Section 3.1. Classified positions. The classified service includes the sworn employees of the Department of Fire and Department of Police, including the chiefs of fire and police. For those employees who are subject to a collective bargaining agreement, the provisions of said agreement shall supersede or be subject to these rules as the Charter, the Ohio Constitution, and the Ohio Revised Code may require.

Section 3.2. Special police. The appointing authority may require the services of special police, which position shall be of limited or part-time duration, and which shall not be subject to these rules.

Section 3.3. Certification. The Commission shall certify to the Director of Finance each action relating to individual appointments, promotions, discipline, or any other action relating to an employee's payroll status.

Section 3.4. Position description. Each classified position shall be described by a position description that is subject to approval by the Commission. The position description shall set forth the general and specific requirements of the position.

#### RULE 4

##### APPLICATIONS AND APPLICANTS

Section 4.1. Scope. The provisions of this Rule 4 apply to each applicant for initial appointment and, where so stated, to each employee as a continuous condition of employment.

##### Section 4.2. General requirements

(a) Citizenship. Each applicant for initial appointment to a position in the classified service of the City of South Euclid must be a citizen and maintain citizenship of the United States. Each applicant must prove citizenship by a certified copy of a birth certificate, a passport, or another proof of citizenship by birth or naturalization satisfactory to the Commission. Said proof shall be provided with the application. Maintaining citizenship of the United States shall be a condition of continued employment.

(b) Residency. Each applicant for a position in the classified service of the City of South Euclid must be a resident of this state continuously for a minimum period of one year prior to the date of examination. Applicants for initial appointment in the fire or police department must, within

a period of no greater than six months after permanent appointment, reside in Cuyahoga County or in a County contiguous to Cuyahoga County, and must remain in compliance with this requirement as a condition of continued employment. The applicant shall provide proof of satisfaction of this residency requirement to the department head and, upon request, to the Commission in a form and manner satisfactory to the Commission.

(c) Age. Every applicant for admission to a position in the police or fire department must be, as of the date of the written examination, a minimum of twenty-one years of age and a maximum of thirty-five years of age.

(d) Exceptions and waiver. For the purpose of positions requiring technical, professional, or scientific knowledge or experience, or manual skill of a high order, or whenever in the judgment of the Commission it is necessary in the interest of the public service, the Commission may make exceptions or waive any or all of the general requirements set forth above. In such cases, the exception or waiver shall be stated in the notice of examination. In the event that the Commission amends or modifies a requirement which is a continuing condition of employment, the Commission shall notify those employees who are affected and, upon request, hold a hearing on the amendment or modification prior to enactment.

Section 4.3. Application form. Each application for examination must be printed or typed upon forms prescribed by the Commission and signed by the applicant. The number of applications to be accepted may be limited by the Commission.

Section 4.4. State certification.

(a) For a position that requires state certification, each applicant shall provide a copy of a current certificate at the time of application or at such other time as the Commission may require.

(b) Each applicant for initial appointment as a firefighter shall, as a condition of initial

and continued employment, attain certification as a paramedic no later than two years after the date of initial appointment. The date of initial appointment shall be the date that the firefighter takes the oath of office. Each firefighter shall maintain certification as a paramedic throughout his or her term of employment with the City of South Euclid. If the paramedic certification should expire or otherwise become inactive, temporarily or permanently, so as to limit, restrict, or prohibit the firefighter from performing paramedic duties, the firefighter shall be deemed to have failed to maintain this condition of employment, and his or her employment as a firefighter with the City of South Euclid shall be terminated forthwith.

Section 4.5. Education, training, experience, driver's license, and pre-employment agreement. An applicant for initial appointment as a firefighter must have graduated from high school or passed a general education development test. An applicant for initial appointment as a police officer must have an associate's degree from an accredited institution. An applicant must have a valid Ohio driver's license and maintain same as an ongoing condition of employment. Training and experience, when required or desirable, shall be taken from the statements of education and experience contained in the application form or from such supplementary data as the Commission may require. The Commission may, in its discretion, investigate the truth of an applicant's statements as to training and experience and govern its rating accordingly. The Commission may require applicants to sign a pre-employment agreement relating to recovery of certain training and other costs.

Section 4.6. Examination procedure. For each initial appointment, the examination procedure may include but is not limited to any or all of the following as required by the Commission: A written examination that requires a minimum score of seventy percent (70%) to pass (see Rule 5 below), a physical agility test, a polygraph test and/or Voice Stress Analysis, a criminal background check, and one or more oral interviews. Each applicant shall sign a waiver or release, as necessary to participate

in the above tests.

Section 4.7. Medical and psychological examinations. Medical and psychological examinations may be administered as a condition of employment after an offer of employment has been made in accordance with Americans with Disabilities Act of 1990, as amended.

Section 4.8. Disqualification. The Commission may disqualify an applicant for failing to demonstrate the qualifications or ability to perform the essential functions of the position, including but not limited to the following:

- a. Failure to participate in or complete the procedures set forth in these rules;
- b. Failure to score a minimum number of points or percentage on any aspect of the examination procedure;
- c. Failure to pass the criminal background check;
- d. Presentation of a false statement, in whole or in part, or providing an incomplete statement within the context of the procedure, which statement misleads the Commission or any official of the City;
- e. During the time that the application is pending or during the time the applicant appears on the eligible list, commission of an act or omission that provides grounds for disciplinary action against the applicant if he were an employee of the City.

The above list is intended to be illustrative, and not exhaustive.

## RULE 5

### EXAMINATIONS

Section 5.1. Notice. Whenever it appears to the Commission that the good of the service will be promoted thereby, it may hold an examination for any office or position in the classified service. Public notice of the time and place of every examination shall be given at least ten days prior to the

date thereof on the bulletin boards in the City Hall. When greater publicity shall be deemed necessary, notice of the examination may also be published in one or more newspapers of general circulation in Cuyahoga County. Such notice may also contain any other information relating to the scope of the examination, and the weights to be attached to the respective subjects, and to the qualifications of the applicants, as the Commission may deem proper.

Section 5.2. Fee. A nonrefundable examination fee will be charged payable prior to the examination. The amount of the fee shall be determined by the Commission. Fees so collected shall be paid into the general fund of the Municipality.

Section 5.3. Examiners

(a) All examinations shall be conducted by the Commission or by such examiner or examiners as the Commission may appoint. The Commission may modify this testing process from time to time, for the purposes of enhancing efficiency, accuracy, and value. For example, the Commission may participate in a pooling service for all or part of the test. The schedule of subjects and weights shall be fixed by the Commission or by such examiner or examiners as may be appointed by the Commission.

Section 5.4. Grade Scale

- (a) The promotional process and grade scale shall be governed in accordance to Rule 8.
- (b) An applicant for an initial appointment shall be credited with an additional three whole percentage points (3.0%) added to his attained written test grade, provided he has received the qualifying grade of seventy percent (70%), if said applicant has had United States Military service in time of war or otherwise and has been honorably discharged there from. National Guard Service and enlistment for six months or less shall not be entitled to the three percentage point (3.0%) credit.
- (c) Applicants for initial appointment as a firefighter must hold certification as an

emergency medical technician and provide proof of certification at the time they submit their application. If proof of certification is not attached to the application, the applicant will not be eligible to take the examination.

(d) Each applicant for initial appointment as a firefighter who receives a minimum of seventy percent (70%) as a passing written test grade on the examination shall receive either (5) five whole percentage points (5.0%) extra credit for certification as a paramedic at the time of application provided that proof of certification is attached to the application. If proof of certification is not attached to the application, the applicant will not receive the extra credit.

(e) Each applicant for initial appointment as a firefighter who receives a minimum of seventy percent (70%) as a passing written test grade on the examination shall receive three whole percentage points (3.0%) extra credit for certification as Firefighter II from an accredited fire academy, provided that proof of certification is attached to the application. If proof of certification is not attached to the application, the applicant will not receive the extra credit.

(f) Each applicant for initial appointment as a police officer who receives a minimum of seventy percent (70%) as a passing written test grade on the examination shall receive three whole percentage points (3.0%) extra credit for graduation from an accredited police academy, provided that proof of certification is attached to the application and three whole percentage points (3.0%) extra credit for a bachelor's degree from an accredited institution provided that proof of degree is attached to the application. If proof of certification or degree is not attached to the application, the applicant will not receive the extra credit.

(g) The certifications set forth in (c), (d), and (e) of this section shall be maintained throughout the duration of the eligible list in order to maintain credit for the bonus points.

Section 5.5 Notice of grades. The Commission shall keep record of the grading of each

examination and rank the applicants in order of their scores, with adjustments as set forth in Section 5.4. The Commission shall post notice of the grades.

## RULE 6

### ELIGIBILITY LISTS

#### Section 6.1. General.

(a) The Commission shall consider the results of the entire examination procedure and rank each candidate in order of total score. This list shall be known as the eligible list. If two or more applicants achieve the same score, then the earliest date of application shall determine the priority of the applicant on the eligible list. The Commission shall by motion adopt the eligible list and establish an effective date and expiration date in accordance with Section 6.1(d) below.

(b) When for any reason the Commission shall hold an examination for eligibles in any particular division or grade of a division while there is an existing eligible list for such division or grade, any person on such existing list may take such new examination, but by doing so shall be bound by the results of such new examination.

(c) When an applicant shall have been certified by the Commission and appointed, his name shall be dropped from all eligible lists.

(d) Eligible lists shall continue in effect for one year commencing on the effective date as established by the Commission under Section 6.1(a) above, provided that the Commission may, in its discretion, extend the duration of an eligible list for a period longer than one year but in no case may the list continue for more than a total of two years from its effective date.

(e) It shall be the duty of each person on an eligible list to file with the Commission written notice of any change of address, in order that he may receive notices from the appointing authority.

(f) If, at any time, the Commission has reason to believe that any person upon any eligible list has in any manner become disqualified for the position for which he is listed as eligible, it shall give to such person notice and an opportunity to be heard in his own behalf and if he shall fail to appear, or on such hearing fail to satisfy the Commission that he is duly qualified, his name shall be removed from such eligible list.

Section 6.2 Special Circumstances.

(a) Provisional Appointment. The appointing authority may make a provisional appointment as follows. When the appointing authority has requested a certified list for appointment to a vacant position, and the Commission has not provided a certified list within thirty (30) days, the appointing authority may nominate a candidate for non-competitive examination, provided that the appointing authority has an urgent reason for filling the vacancy. The Commission shall offer a non-competitive examination for the candidate. The non-competitive examination shall contain the elements set forth in Rule 4 above. If the candidate passes the noncompetitive examination, the Commission shall certify the candidate to the appointing authority for appointment provisionally to fill the vacancy until a regular appointment can be made from a certified list in accordance with these rules. The provisional appointment shall continue until the regular appointment has been made, or for a period of six months, whichever comes first. If the provisionally appointed candidate becomes the regularly appointed candidate, the Commission may, at its discretion, and upon approval of the appointing authority, apply the provisional period of employment to the probationary period.

(b) Emergency Appointment. In case of an emergency, the appointing authority may appoint a candidate to a vacancy for a period of no longer than thirty days. Successive appointments shall not be made. The rules of the Commission shall not apply to emergency appointments. An emergency appointee shall serve at the pleasure of the appointing authority.

(c) Interim Appointment. The appointing authority may make an interim appointment to a position which has become vacant as a result of the sickness, disability, or other absence of a regular employee. The appointing authority shall not have the authority to fill the vacancy that results because of the interim appointment of an employee. The employee in the interim appointment shall serve in that capacity at the pleasure of the appointing authority.

(d) Temporary Appointment. The appointing authority may fill a temporary position, not to exceed six months, by appointment from the certified list provided by the Commission for permanent appointment to a similar position. The appointing authority shall not make successive temporary appointments to the same position. While in the temporary position, the employee shall serve at the pleasure of the appointing authority.

(e) Exceptional Skills Required. The appointing authority may make a permanent appointment to a position that requires exceptional skills and qualifications, including but not limited to scientific, managerial, professional, or educational requirements, provided that the Commission approves the suspension of its rules by finding that a competitive examination is impracticable, or that the position may best be filled by the appointment of a designated person of high and recognized attainments, or other exceptional reason. The Commission may suspend the competitive procedure set forth in these rules for such a position.

(f) Status of Candidates. If a candidate appointed to a special position as set forth in Section 6.2 (a) through (e) above is on an eligible list, the special appointment shall not affect the candidate's position on said list.

## RULE 7

## INITIAL APPOINTMENT

### REQUISITION, CERTIFICATION AND APPOINTMENT

Section 7.1. Requisition. When any position in the classified services is to be filled by initial appointment, the appointing authority shall notify the Commission and request a certified list of candidates.

Section 7.2. Certified List The Commission shall certify to such authority the names and addresses of ten (10) eligible candidates standing highest on the eligible list for the class and grade of such position. The appointing authority shall appoint to such position one of the ten candidates who are so certified. A candidate certified three (3) times for the same or similar positions may be omitted from future certifications and removed from such eligible lists, except that certification for a special appointment as set forth in Section 6.2 above shall not be counted as one of such certifications. If there are fewer than ten (10) names upon an eligible list, such names shall be certified and the appointing authority may appoint from them, or if the good of the service requires, he may demand a full list of ten (10) names.

Section 7.3 Notice to Candidates. At the time of certification to the appointing authority, the Commission shall send written notice of certification to each candidate on the certified list. The notice shall state the title and salary of the position and the name of the appointing authority. The Commission shall send said notice by certified mail, return receipt requested. If the Commission does not receive a receipt confirming delivery by the United States Postal Service within two weeks after mailing, the Commission shall remove the candidate from the certified list and the eligible list for said position. However, if the candidate provides the Commission no later than thirty days after mailing of the notice with proof that the failure of receipt was unavoidable or without fault of the candidate, the Commission may restore the candidate to the eligible list and the certified list without

penalty, provided that the appointing authority may continue with the process of appointment.

Section 7.4 Notice of Appointment. The appointing authority shall make immediate report to the Commission of all appointments. Candidates certified and not appointed shall thereupon be restored to their proper position upon the eligible list, except as otherwise provided. In the event that a candidate appointed shall decline the appointment, or shall fail to accept the same, or shall fail to respond to the notice as above provided, the appointing authority shall make no appointment but shall immediately notify the Commission of such fact; the Commission thereupon shall remove such eligible from the list, and make a new certification to the appointing authority.

Section 7.5 Waiver of Certification.

(a) A candidate on any eligible list may request waiver of certification to the appointing authority. The candidate shall file such request with the Commission before but not after certification of the candidate's name to the appointing authority pursuant to Section 7.2 above. The request shall include a written explanation.

(b) The Commission shall approve or reject the request for waiver.

(c) If the Commission approves the waiver, the Commission shall set an expiration date for the waiver, which date shall not exceed six months from the original request. During the waiver, the appointments of other candidates by the appointing authority shall not constitute a rejection counted toward the three certifications set forth in Section 7.2 above.

(d) If the Commission rejects the waiver, the Commission may restore the candidate to the eligible list or take such other action that it deems appropriate, including but not limited to removal of the candidate from the eligible list for the duration of that list. The Commission shall issue notice of its decision to the candidate.

(e) Each candidate may waive certification only once during the duration of an eligible

list.

Section 7.6 Probationary Period. Each initial appointment shall be for a probationary period of 18 months for police patrolman and 24 months for firefighter. Subject to appeal to the Commission pursuant to the procedures set forth in Rule 10, the appointing authority may extend the probationary period or require a permanent employee to return to probationary status for a definite period of time. During a probationary period, an employee serves at the sole pleasure and discretion of the appointing authority, who may impose a suspension or removal upon the employee, with or without cause, at any time, without appeal to the Commission. At the end of the probationary period, the appointing authority shall report to the Commission the status of the employee, that being permanent appointment, termination, or other status.

## RULE 8

### PROMOTION - REQUISITION, CERTIFICATION, AND APPOINTMENT

#### Section 8.1. General.

(a) Vacancies shall be filled by promotion from the lowest class to the highest class wherever practicable. An advancement in rank or an increase in salary beyond the limit prescribed for the grade shall constitute promotion except the positions of Assistant Chief, Traffic Commissioner, and Detective in the Police Department and the positions of Assistant Chief and Fire Inspector in the Fire Department.

b) When any position is to be filled by promotional appointment, the appointing authority shall notify the Commission and request a certified list of candidates.

(c) Promotions shall be based on competitive examination conducted in accordance with Rule 5. Seniority in the service shall form a part of the maximum marks attainable in such examinations.

(d) The promotion process shall consist of a combination of written examination and an

assessment from a recognized assessment center. The relative weights for each portion shall be as follows:

(1) Candidates for promotion to the position of Sergeant in the Police Department or to the position of Lieutenant in the Fire Department must receive a score of 70% or above on the written examination to be eligible to participate in the assessment. The written examination score and the assessment score will be given equal weight (50% each) in determining the overall score for candidates on the eligibility list.

(2) Candidates for promotion to the position of Lieutenant in the Police Department or to the position of Captain in the Fire Department final eligibility will give the written examination score 30% of the total weight and the assessment score 70% of the total weight.

(3) Candidates for promotion to the position of Chief in both the Police Department and Fire Department will be evaluated by a recognized assessment center. The results of the assessments will be forwarded to the appointing authority

(e) Credit for seniority shall be computed by increasing the test score by one per cent (1%) of the total grade from all tests administered for each of the first four (4) complete years of service and six tenths per cent (0.6%) of such total grade for each of the next ten (10) complete years of service. On computing the credit for seniority, half of the credit above set out shall be given for each completed half year of service. Such records shall at all times be subject to revision by the Commission.

(f) Each candidate for promotion shall receive three whole percentage points (3.0%) extra credit for a bachelor's degree from an accredited institution or one and a half whole percentage points (1.5%) extra credit for an associates degree from an accredited institution, provided that proof of degree is furnished. If proof of degree is not furnished, the candidate will not receive the extra credit.

(g) When an examination for promotion has been completed, the Commission shall certify to the appointing authority, for each such vacancy to be filled, the names and addresses of three (3) candidates with the highest rating, and the appointing authority may appoint any one of the persons so certified. A candidate who has been considered for appointment or promotion at least three times may be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further consideration by the appointing authority until recertification of eligibility on a subsequent list.

(i) A candidate for promotion shall not take the examination and shall not otherwise be considered while the candidate is serving a probationary period, or the candidate has less than (3) three full years of service as of the date the test is given. Any conviction on disciplinary or criminal charges will discredit a candidate's record according to the gravity of the offense, as the appointing authority shall determine.

Section 8.2 Conditional Offer of Promotion. The appointing authority's offer of promotion shall be conditioned upon medical and psychological certification if required by the Commission or the appointing authority.

Section 8.3 Probationary Period. Each promotional appointment is subject to a probationary period. In the fire department, the promotional probationary period is one year. For the police department, the promotional probationary period is six months. No promotional appointment shall be final until the appointee has satisfactorily served his probationary period. The appointee shall serve in the promotional position during the probationary period at the pleasure of the appointing authority. At the end of the probationary period, the appointing authority shall notify the Commission as to the status of the probationary appointment, whether permanent or withdrawn. If the appointing authority withdraws the probationary appointment, the appointee shall return to the last position to

which the appointee had a permanent appointment.

## RULE 9

### TRANSFERS, LAYOFFS AND REINSTATEMENTS

#### Section 9.1 Transfer.

(a) An employee holding a permanent position in the classified service may be transferred by the appointing authority or the department head to a like position in the same department without notice to or permission from the Commission.

(b) A transfer of an employee from a position in one class to a position in another class except Assistant Chief, Traffic Commissioner, and Detective in the Police Department and Assistant Chief and Fire Inspector in the Fire Department, with a higher maximum rate of compensation, or with different or more responsible duties, shall be regarded as a promotion and shall be subject to the rules governing promotions.

Section 9.2 Layoff. Whenever it becomes necessary to layoff employees in the classified service, for any reason, those persons who have been appointed last in the classification shall be the first to be laid off from the service. The Mayor shall decide in which classifications the layoffs will occur and the number of employees to be laid off within each classification. Civil service employees shall have displacement or bumping rights into lower rated classifications provided they have greater seniority than the employees they are displacing in such lower rated classifications in accordance with law. Further, those persons, so laid off or displaced, shall be returned to their proper positions on the appropriate eligible list for recertification and reappointment when the conditions necessitating the layoff shall have been removed.

Section 9.3, Reinstatement. A reinstatement list shall be established by the Commission, and the employees whose names appear on such list shall be the first to be selected to refill the positions

which were the subject of the lay-off and which were occupied by the persons so laid off. Employees will be required to maintain their professional certifications during lay-off to be considered for reinstatement and prior to such reinstatement if the appointing authority desires they may require the employee to pass a physical and/or mental examination. An employee who is laid off or displaced shall be placed on the appropriate layoff list. Reinstatement and recall rights continue in accordance with R.C. 124.327.

## RULE 10

### TENURE, DISCIPLINE AND APPEAL

Section 10.1 Tenure. The tenure of every permanent employee in the classified service shall continue during good behavior and efficient service. No such employee shall be reduced in pay or position, suspended, discharged or otherwise disciplined without cause. The City shall not discriminate against an employee on the basis of race, creed, age, or politics, subject to the provisions of these rules.

#### Section 10.2 Discipline.

(a) Any officer, employee or subordinate in the classified service may be removed or otherwise disciplined for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of departmental rules, violation of the provisions of the Civil Service Laws of Ohio or the rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office or upon conviction of a felony or of a misdemeanor involving moral turpitude subject to the right of appeal to the Commission.

(b) No discipline shall become effective until the appointing authority shall furnish the employee with a notice and the reasons for the same. Where discipline results in a suspension, a copy

of such order together with the explanation, if any, of the employee shall be filed with the Commission.

### Section 10.3 Appeal

(a) Any employee may appeal an order of discipline or extension of a probationary period pursuant to Section 7.6 above to the Civil Service Commission within ten days from and after the date of such order. Such appeal shall be made by filing with the Commission, a written statement of appeal from such order, along with grounds for the appeal. In such event, the Commission forthwith shall notify the appointing authority and shall hear such appeal within thirty days from and after its filing with the Commission giving the appellant and the appointing authority not less than five days written notice of the time and place thereof.

(b) An employee may appeal an order of discipline only once, and such appeal may be made only to the Commission. An employee, who appeals to another body, for example to an arbitrator under the provision of a collective bargaining agreement, shall be deemed to have waived any right of appeal to the Commission. An employee who has appealed such order to the Commission may not subsequently commence another appeal to either the Commission or to any other adjudicator or adjudicating body, except that the Commission's decision may be appealed to a Court of Common Pleas pursuant to Chapter 2506 of the Ohio Revised Code, as it may be amended from time to time.

### Section 10.4 - Hearing on Appeal.

(a) On the hearing of an appeal, the Commission shall confine its consideration to the charges and specifications set forth in the order of the appointing authority, as filed with the Commission, and no substantial amendment of, nor addition to, the said charges and specifications will be permitted or considered by the Commission.

(b) The appeal hearing shall proceed as follows:

The appointing authority shall briefly state the grounds and facts alleged to sustain the order.

The appellant shall briefly state his explanation or defense.

The appointing authority shall present the evidence in support of the order.

The appellant shall present the evidence in support of his explanation or defense. The appointing authority shall present any rebuttal evidence.

(5) Arguments will be permitted only when desired by the Commission.

(c) The admission and exclusion of evidence, and the determination and decision of the appeal, shall be governed in general by the rules of evidence and burden of proof applied by the courts in civil cases. At the request of either party, the Commission shall subpoena witnesses under the same rules applied by the courts in civil cases.

(d) The official record of all Commission hearings is audio electronic recording, which shall be recorded, administered, and maintained in the manner directed by the Commission, except that the Commission may, in its sole discretion, designate any other medium as the official record of any given proceeding. Reference to a particular portion of a transcript of proceedings shall be to the event, the number of the reel of tape on which it was recorded, and the elapsed time counter reading. A party may request a copy of an electronically recorded transcript or proceedings. The expense of copies of electronically recorded transcripts of proceedings or such portions as are considered necessary by a party, or of hearing or viewing same, shall be borne by the requesting party.

(e) Either party may personally represent himself or be represented by legal counsel admitted to the bar in the State of Ohio. At its discretion, the Commission may permit a representative who is otherwise qualified.

(f) The Commission shall after due consideration render its judgment affirming,

disaffirming, or modifying the order which was the subject of the appeal. In case said judgment be one of disaffirmance or modification the appellant shall be reinstated under such conditions as such Commission may make in connection thereto.

Section 10.5. Failure to appear. If the appellant shall fail to appear at the time and place fixed by the Commission to prosecute his appeal, the appeal may be dismissed by the Commission. If the appointing authority shall fail to appear at such time and place and offer evidence in support of his charges and specifications, the Commission may hear evidence offered by the appellant and render its decision on the merits.

Section 10.6. Resignation pending appeal. The acceptance by the appointing authority of the resignation of any such appellant before final action on the appeal by the Commission may, upon approval of the appointing authority, be considered as a withdrawal of the charges, and thereupon the appeal shall be dismissed without decision, and the action of the employee thus resigning shall be entered as a resignation.

## RULE 12

### LEAVES OF ABSENCE

#### Section 12.1. Applicable Law

Civil service employees who are part of a collective bargaining unit and where an exclusive representative has negotiated a collective bargaining agreement are subject to all terms and conditions of employment as set forth in the applicable collective bargaining agreement.

Where no agreement exists or where an agreement makes no specification about a matter, including leaves of absence, the public employer and the employees are subject to all applicable state or local laws or ordinances and these rules and regulations pertaining to the wages, hours, and terms and conditions of employment for civil service employees.

ATTEST

The undersigned, being the duly appointed Secretary of the Civil Service Commission of the City of South Euclid, hereby attests that these rules and regulations were adopted by an affirmative vote of not less than two members of the Commission, at a meeting held for that purpose, the proposed rules and regulations having been posted for not less than one week prior to said meeting, on the 9th day of March, 1999.

Date

Secretary of the Commission

ATTEST

The undersigned, being the duly appointed Secretary of the Civil Service Commission of the City of South Euclid, hereby attests that these rules and regulations were amended by an affirmative vote of not less than two members of the Commission, at a meeting held for that purpose, the proposed rules and regulations having been posted for not less than one week prior to said meeting, on the 21st day of August, 2002.

Date

Secretary of the Commission

ATTEST

The undersigned, being the duly appointed Secretary of the Civil Service Commission of the City of South Euclid, hereby attests that these rules and regulations were amended by an affirmative vote of not less than two members of the Commission, at a meeting held for that purpose, the proposed rules and regulations having been posted for not less than one week prior to said meeting, on the 12th day of October, 2010.

Date

Secretary of the Commission