



**RULES AND REGULATIONS**

**of the**

**CIVIL SERVICE COMMISSION**

**for the**

**CITY OF FINDLAY, OHIO**

Effective September 10, 2008

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# **RULES AND REGULATIONS**

## **ADOPTED BY THE CIVIL SERVICE COMMISSION**

### **OF THE CITY OF FINDLAY, OHIO**

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#### **PREAMBLE**

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Findlay by Section 10 of Article XV of the Constitution of the State of Ohio and by Section 124.40 of the Ohio Revised Code and City of Findlay Ordinances.

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#### **RULE – I**

##### **ADMINISTRATION**

1. The Commission shall administer and enforce the Civil Service laws of the State of Ohio and the rules and regulations herein prescribed relative to civil service in the City of Findlay, Ohio.
2. The Commission shall be composed of three (3) persons who shall be appointed and serve in the manner provided for in Section 124.40 of the Ohio Revised Code.
3. The Commission shall elect one of its members as chairman and one as vice-chairman who shall serve until a new member is appointed and qualified at which time successors as chairman and co-chairman shall be elected.

It shall be the duty of the chairman to call said meetings of the commission as are necessary to transact business and affairs of the commission and to preside at all meetings of the commission.

In the absence of the chairman, the vice-chairman shall act as chairman. Two members of the commission shall constitute a quorum at any meeting of the commission and it shall require the affirmative vote of at least two members to adopt any motion or resolution.

4. The commission shall employ a suitable person to act as secretary of the commission.

The secretary shall attend all meetings of the commission and prepare and keep the minutes thereof; accurately and properly keep all the records of the commission; compile and prepare reports; prepare communications, notices and tests; administer and grade tests; notify all applicants of their attained score; maintain and furnish appointing authorities with eligible lists; sign all warrants or orders for the payment of money on behalf of the commission; maintain office hours as requested; and, perform such other duties as may be required by the commission.

5. The Findlay Civil Service Commission is governed by Chapter 124 and other applicable provisions of the Ohio Revised Code and City of Findlay Ordinances. If any matter is not specifically set forth in these Rules and Regulations, then Chapter 124 and other applicable provisions of the Ohio Revised Code shall determine the issue along with Ohio case law. If any

department under the jurisdiction of the Findlay Civil Service Commission has a Collective Bargaining Agreement, that agreement shall supercede any Rules and Regulation issues contained herein covered by that agreement.

6. All meetings of the Findlay Civil Service Commission shall be open public meetings and shall be announced in advance by appropriate notices to the media. Any department may request notices of all commission meetings.
7. The Findlay Civil Service Commission shall have such powers and authority as are enumerated in Section 124.09 of the Ohio Revised Code to include the power to subpoena witnesses, require production of documents, take depositions and make investigations.

## **RULE – II**

### **CLASSIFICATION DEFINITIONS** **(O.R.C. 124.11)**

The Civil Service of the City of Findlay, Ohio, the Findlay City School District and the Findlay City Health District shall be divided into the “unclassified service” and the “classified service”.

1. The “unclassified service” shall comprise those positions specifically excluded from the “classified service” by the laws of the State of Ohio and shall be exempt from examination.
2. The “classified service” shall comprise all persons in the employ of the City of Findlay, the Findlay City School District and the Findlay City Health District not specifically included in the “unclassified service”. Positions in the classified service shall be designated competitive class and unskilled labor class.
3. The Civil Service Commission of the City of Findlay, from time to time as it deems necessary, shall determine the positions which shall comprise the “classified service”.
4. The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the unskilled labor class shall be filled by appointment from lists of applicants approved by the Commission.
5. The competitive class shall include all positions and employments now existing or hereafter created for which it is practicable to determine the merit and fitness of applicants by competitive examinations.
6. Requests by appointing officers for exemption of employees or positions from the classified service shall be accompanied by a written statement from the appointing officer setting forth the reasons why, in his or her opinion, it is impracticable to include such employees or positions in the competitive classified service. The Commission shall state the reason for such exemption, if the Commission determines said exemption is allowable.

7. Titles of all positions in the classified service shall be as nearly as possible descriptive of the duties attached thereto and indicative of the character thereof. A change of title shall not operate to remove an officer or employee from the classification or grade of his or her position unless the duties of the position are changed.
8. Each appointing authority shall provide the Findlay Civil Service Commission a complete job description of each tested position and the salary/wages for each tested position.

### **RULE – III**

#### **APPLICATIONS**

##### **Competitive Service**

1. Applicants for admission into the competitive classified service shall be subject to examination which shall be competitive, public and open to all citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens. (O.R.C. 124.23)

##### **Unskilled Labor Class**

2. An applicant for registration in the unskilled labor class shall furnish such evidence or take such tests as the Commission may approve with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity and experience in the work or employment for which he or she applies. (O.R.C. 124.11)

##### **Politics, Religion, Race, Ethnic Origin**

3. No question in any application or examination shall in any way relate to political or religious affiliations or to racial or ethnic origin. Nor shall any appointment, promotion or removal from the classified service be influenced in any manner by politics, religion, race or ethnic origin. (O.R.C. 124.23)

##### **Education**

4. No educational requirement shall be made a condition of taking an examination except in respect to professional and other positions where education and training are necessary to the performance of a specific job or professional pursuit or when such requirements are imposed by statute or federal requirements. (O.R.C. 124.22)

##### **Age**

5. Unless otherwise provided, no person will be admitted to examination who is less than 18 years of age except as hereinafter provided:

Police and Fire – See RULE X

##### **Character and Fitness**

6. Every applicant must be of good moral character. The Commission may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established preliminary requirements for the examination, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from

either branch of the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment. (O.R.C. 124.25)

**Application Form  
(O.R.C. 124.25)**

7. Every person applying for admission to any examination for original appointment shall file an application form furnished by the Commission without charge, upon request.

The applicant shall state under oath or affirmation his or her name, residence and such other information as may reasonably be required concerning the applicant's education and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual.

The Commission may require recommendations of persons having knowledge of the applicant.

In the event of a defective application, the applicant will be notified and given an opportunity to correct same. Applications having been placed on file with the Commission will not be returned to applicants.

**Disqualification**

8. The Commission may refuse to examine an applicant who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in his or her application.

The commission shall disqualify any applicant who fails to submit his or her application by the published deadline and shall refuse to test anyone who does not appear at the test site on time.

**Physical Examination of Applicant**

9. The Commission may select duly licensed physicians, whether or not in the service of the city, for the purpose of determining the physical qualifications of applicants. The results of such examinations shall be certified to the Commission.

**Notice of Application and Examination**

10. Notice of time, place and general scope of the examination for the appointment to a specific position of the civil service for all filing applicants shall be published in a newspaper of general circulation at least two weeks prior to any examination. (O.R.C. 124.23)

The date and time of receipt of all applications shall be noted thereon when received by the Commission. Applications for tests must be received by the deadline date in the Civil Service Commission office, file stamped in the Mayor's office or postmarked by the deadline date and time to be considered for eligibility for the exam.

Revised: 5/7/08

### **Rejection Notification**

11. Whenever any application shows that the applicant is not qualified, such application shall be rejected and the applicant notified of the reason.

### **Applicant Identification**

12. The Commission may take such measures as it deems necessary to identify applicant.

### **Applicant Assistance**

13. Any applicant needing assistance during the testing procedure, must file a written request with the Commission at least ten (10) days prior to the date of the test.

## **RULE - IV**

### **EXAMINATIONS**

**(O.R.C. 124.23)**

#### **Authorization of Examinations**

1. All questions used in any examination shall first be approved by the Commission except as hereafter noted. All examinations shall be conducted under the supervision of, and examination papers shall be marked under the regulation of the Commission, except the Commission may seek outside sources to administer particular examinations. The agency selected may conduct and grade the examination under its own rules which shall be adopted by the Commission for the purpose of holding the examination.

#### **Examination Subject/Title**

2. The subject or title of the examination shall be designated by the Commission. Such examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

#### **Identification Number**

3. Each applicant shall be given an identification number by which he or she shall be known throughout the examination. The identification form showing such number shall be signed by the applicant and placed in an envelope bearing the same number. Said envelope shall not be opened by the Commission until the grading is completed. The identification form shall be attached to the examination papers and become a part of the applicant's record after grading is completed.

#### **False Statements**

**(O.A.C. 123:1-11-05)**

4. Fraudulent conduct or false statements by the applicant, or others with his or her connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of said persons name from the eligible register, or for discharge from the service after appointment from certification, provided that no person shall be removed

from a register of eligibles, nor shall any person be dismissed from the service under this section, without having an opportunity to be heard in his or her own behalf. Where an applicant is excluded from an examination or his or her name removed from the eligible list under this rule, he or she may appear before the Commission for a hearing on their complaint. If he or she is to be discharged from classified service following appointment, the procedure established in Section 124.34, Ohio Revised Code, shall be followed.

#### **Cancellation of Exam**

5. The Commission may cancel any exam it discovers to be improperly prepared or if any answers have been made available to any applicant.

#### **Visitors at Examination**

6. No visitors shall be admitted to the examination room during any examination except by special permission of a member or staff person of the Commission

#### **Grade Requirement**

7. To pass an examination, an applicant must attain a score of 70 percent on each portion of the examination taken.

#### **Additional Grade Credits**

**The following additional credit will be given to each applicant as it applies to that applicant's test if a passing grade of seventy percent (70%) is obtained. However, only one additional grade credit may be applied and the credit with the highest percentage will be the one applied if the applicant has complied with the requirement.**

#### **Military**

8. On all entry level civil service tests, any person who has completed service in the uniformed services, who has been honorable discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, and who is a resident of this state and any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days of active duty service pursuant to an executive order of the president of the United States or an act of the congress of the United States may file with the director a certificate of service or honorable discharge, and, upon this filing, the person shall receive additional credit of twenty percent (20%) of the person's total grade given in the regular examination in which the person receives a passing grade.

The Commission asks that the applicant provide an original or certified copy of their DD Form 214, or proof of Honorable Service, when claiming Veteran's credit for testing.

Revised: 5/7/08

#### **Police Radio Dispatcher**

9. Additional credit of five percent (5%) will be applied to all applicants taking and passing the Police Radio Dispatch test if the applicant has a current communications specialist certificate in dispatching.

**Entry Level Firefighter**

10. Additional credit for the following for entry level firefighter applicants will be applied if applicant complies with requirements:

15% for a 4 year Fire related bachelors degree.  
10% for a 2 year Fire related associates degree  
5% for a State of Ohio Fire Fighter certificate  
5% for a current, valid EMT training certificate

**Entry Level Police Officer**

11. Additional credit for the following for entry level police officer applicants will be applied if applicant complies with requirements:

15% for a 4 year Police related bachelors degree  
10% for a 2 year Police related associates degree  
5% for a current State of Ohio Police Officer certificate

**RULE – V**

**ELIGIBLE LISTS**

**(O.R.C. 124.26)**

**Establishing Eligible Lists**

1. After an examination, the Commission shall prepare an eligible list of persons whose score is not less than seventy percent (70%). Such persons shall take rank in the order of their relative excellence as determined by examination and appropriate credits. An eligible list for an entry level position shall be valid for a period of two (2) years. The eligible list shall begin the date the applicants' names and scores are registered in the Commissions Eligible List Journal.

**Scoring Priority**

2. If two or more applicants receive the same score, priority in time of filing application shall determine the order in which their names shall be placed on the eligible list.

**Veteran's Preference**

3. An applicant receiving Veteran's preference shall receive priority on the eligible list over non-veterans with an equal rating. Ties among veterans shall be decided by priority of filing application.

**Consolidation of Lists**

4. When an eligible list is reduced to ten names or less, a new list shall be prepared. The Commission may consolidate two or more eligible lists of the same kind if said lists have not expired. Those persons whose names appear on an existing list which is to be merged with a new list shall have the right to compete in the second examination. Names on the old list shall be certified first until that list expires or their opportunities are exhausted, whichever occurs first.

### **Change of Contact Information**

5. It shall be the responsibility of all eligible list applicants to keep the Civil Service informed of any change in address, name or telephone number for contact purposes. Failure to comply with this rule may result in disqualification for testing, certification, appointment interview and removal of name from certified list.

### **RULE – VI**

### **APPOINTMENTS (O.R.C. 124.27)**

#### **Certification**

1. Whenever a vacancy, other than a position to be filled by promotion, or reduction is to be filled, the appointing authority shall notify the Commission within ten (10) days of said vacancy.

The Commission shall certify the names and addresses of the ten (10) candidates standing highest on the eligible list for the class or grade to which such position belongs.

An eligible list of less than ten (10) names may be certified if ten are not available, however, appointment from such list shall not be mandatory and request may then be made for additional names.

If no eligible list exists from which certification can be made, names may be certified from eligible lists most nearly appropriate for the class in which the position to be filled is classified.

Department heads have 90 days from the date a list is certified to hire from that list unless good cause is shown and a request submitted for an extension of time.

Revised: 5/7/08

#### **Waiver of Certification**

2. An applicant may waive certification or decline an appointment tendered, upon giving reasons satisfactory to the Commission, without losing his or her position upon the eligible list by completing a "Temporary Waiver" form.

Findlay City Schools will be permitted to allow prospective applicants to utilize four (4) interview waivers prior to the applicant's name being removed from the certified list. If an applicant chooses to waive a fourth interview, the applicant will be advised that his or her name will be removed from the certified list.

City of Findlay will be permitted to allow prospective applicants to utilize four (4) interview waivers prior to the applicant's name being removed from the certified list. If an applicant chooses to waive a fourth time, the applicant will be advised that his or her name will be removed from the certified list.

An applicant who decides that he or she is no longer interested in a position on an eligible list may sign a “Complete Waiver” form and their name shall be removed from said list.

Revised: 9/10/08

### **Removal from Eligible List**

3. The Commission shall refuse to certify an applicant who is found to lack any of the established requirements for examination and shall remove his or her name from the eligible list.

An applicant who has been certified four (4) times for the City of Findlay and four (4) times for Findlay City Schools and who has failed to receive an appointment, shall have his or her name removed from the eligible list.

An applicant for Findlay City Schools who has utilized four (4) interview waivers shall have his or her name removed from the certified list.

An applicant for the City of Findlay who has utilized four (4) interview waivers shall have his or her name removed from the certified list.

Any applicant, unless for good cause shown, whose contact letter is returned and other contact information previously supplied is no longer current, shall have his or her name removed from the eligible list.

An applicant, unless for good cause shown, who is contacted for an “appointment” interview and acknowledges said interview inquiry, however, does not show up for said interview, shall have his/her name removed from the list of eligible applicants. A letter shall be sent to said applicant notifying said application of his or her name removal from the eligible list.

Revised: 9/10/08

### **Notification of Appointment**

4. When ten (10) names are certified, the appointing authority shall make an appointment and report to the Commission forthwith in writing the name of the appointee. The appointing authority shall also report to the Commission forthwith in writing the names of those individuals who were interviewed, however, not given appointment.

### **Residency Requirement**

5. Appointee must establish residency within Hancock County within six (6) months from date of appointment and continue residing therein as long as in the City of Findlay’s employment.

### **Probationary Period**

6. Except as otherwise provided in any applicable Collective Bargaining Agreement or as set forth in this Rule, all original and promotional appointments, including provisional appointments, shall be for a probationary period of six (6) months. No appointment or promotion will be final until the appointee has satisfactorily served said probationary period.

If the service of the probationary employee is unsatisfactory, the employee may be removed, or reduced at any time during the probationary period. If the appointing authority’s decision is to

remove the appointee, the appointing authority's communication to the commission shall indicate the reason for such decision in writing and serve same personally on the employee.

A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under Section 124.34 of the Ohio Revised Code.

### **Provisional Appointments**

7. When an urgent need exists to fill a vacancy and no suitable eligible list is in existence, the Commission may certify for provisional appointment, without benefit of competitive examination, a nominee to the appointing authority. However, an examination must be held within six months to establish an eligible list for the position. (Ohio Revised Code 124.30)

In an emergency, appointment may be made disregarding rules and regulations, but such appointment shall be for no longer than thirty (30) days and in no case shall successive appointments be made.

A person serving as a provisional employee who passes an examination, given for the department in which he or she is employed, for the class or grade in which the person holds the position, shall be appointed as a certified employee in the position before an eligible list is established.

If such a provisional appointee remains in the same classification for two years of continuous service, during which period no competitive examination is held, he or she shall become a permanent employee in the classified service at the end of such time. (Ohio Revised Code 124.271)

The Commission shall be notified of any and all emergency and/or provisional appointments with a request for their approval and necessity.

### **Exceptional Appointments**

8. In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the rules requiring competition in such case, but no suspension shall be general in its application.

### **Employee Physical and Drug Screening Examinations**

9. The Commission may require physical examinations of the employees from time to time for the purpose of testing the fitness of said employees for the positions held. The Commission shall keep a record of every such examination.

The appointing authority may require drug screening and treatment for any and all classified and unclassified employees.

**Reinstatements  
(O.R.C. 124.32)**

10. Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on the person's part may, with the consent of the commission, be reinstated within one year from the date of such separation to a vacancy in the same or similar office or position in the same department.

If such separation is due to injury or physical disability, such person shall be reinstated to the same office or similar position held at the time of separation, within thirty (30) days after written application for reinstatement and after passing a physical examination made by a licensed physician designated by the appointing authority, showing that the person has recovered from such disability. Such application for reinstatement must be filed within three years from the date of separation and not after the date of service eligibility retirement.

**Layoffs and Abolishments  
(O.R.C. 124.321)**

11. Whenever it becomes necessary to reduce the working force in any classification, the appointing authority shall lay off employees or abolish their positions in accordance with sections 124.321 to 124.327 of the Ohio Revised Code.

**RULE VII**

**REDUCTION, SUPENSION, REMOVAL  
(O.R.C. 124.34)**

**Reasons**

1. The tenure of every employee shall be during good behavior and efficient service. No employee shall be reduced, suspended, or removed except as provided in Rule 6, number 11, or for in-competency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of rules and regulations, any other failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office or convicted of a felony.

**Suspension without Appeal**

2. An employee, except in the Fire and Police Departments, may be suspended for a period not to exceed three (3) working days for disciplinary reasons without the right of appeal. Successive suspensions shall not be allowed.

**Order of Reduction, Suspension, Removal**

3. In any case of reduction, removal, or suspension of more than three (3) working days, the appointing authority shall furnish such employee and the Commission with a copy of the order stating the reasons for such order. (See Appendix "A" for copy of Notice to be used by appointing authority)

The appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary

actions and has the same affect as a suspension without pay for the purpose of recording disciplinary actions.

### **Felony Conviction**

4. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law. If subsequently re-employed in the public sector, such person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

- (1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;
- (2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;
- (3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
- (4) A felony involving dishonesty, fraud, or theft;
- (5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

## **RULE VIII** **POLITICAL ACTIVITY PROHIBITED** **(O.R.C. 124.57)**

### **Division (A)**

No person holding an office or position under the classified service of the City of Findlay shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office.

No person holding an office or position under the classified service of the City of Findlay shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution or payment from any person holding a position in the classified service.

No person holding an office or position under the classified service of the City of Findlay shall be an officer in any political organization or take part in politics other than to vote as he or she pleases and to freely express political opinions.

**Division (B)**

Nothing in division (A) prohibits an employee in the classified service from serving as a precinct election official. An employee who serves as a precinct election official may use vacation leave to so serve.

**RULE IX**  
**APPEALS**  
**(O.R.C. 124.34)**

Disciplinary actions are subject to any applicable Collective Bargaining Agreement. In the event there is no applicable Collective Bargaining Agreement, the following procedures will apply:

**Filing**

1. Following an order of reduction, suspension or removal of an employee, the appointing authority must file a copy of its Notice which was served on the employee immediately with the Civil Service Commission.

The employee may file a Notice of Appeal in writing with the Civil Service Commission within ten (10) days following the date the disciplinary order is served on the employee. If such an appeal is filed, the Commission shall note the date of receipt on the face of the appeal and forthwith notify the appointing authority.

**Time and Notification of Hearing**

2. The Commission shall hear, or appoint a trial board to hear, an appeal within thirty (30) days of its filing date and shall notify the appointing authority, the employee and his or her representative, if applicable, of the time and place for the hearing.

**Procedure for Hearing**

3. In the hearing of such appeals, the order of procedure shall be as follows:
  - a. The appointing authority taking action affecting the employee shall present evidence in support of the charges and specifications.
  - b. The employee affected shall then present such evidence as he or she may wish to refute such charges.

- c. The appointing authority may offer evidence in rebuttal. The Commission may, in its discretion, hear arguments and request submission of briefs, memoranda or other written materials.
- d. The introduction of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the burden of proof applied by courts in civil cases. Court rules of evidence shall be a useful guide but may be relaxed by the Commission for its hearing. However, the appointing authority shall prove, by a preponderance of evidence, the factual allegations in a disciplinary order. Failure to prove all of the allegations contained in an order does not, as a matter of law, require a disaffirmance of an order. The appointing authority and employee may be represented by counsel.

**Resignation before Final Action**

- 4. The acceptance of the resignation of a person discharged by the appointing authority before final action by the Commission will be considered a withdrawal of the charges. Notice of such resignation shall be immediately submitted to the Commission. The resignation of the employee shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

**Findings**

- 5. The Commission may affirm, disaffirm or modify the judgment of the appointing authority

**Appeal from Decision**

- 6. An appeal may be had from the decision of the Civil Service Commission. Said appeal shall be filed with the Court of Common Pleas within thirty (30) days from the date that the finding and order of the commission is served on the appellant/employee.

**POLICE AND FIRE DEPARTMENT**

**RULE X**

**ENTRY LEVEL REQUIREMENTS**

- 1. Applicants for admission into the competitive classified service as a police officer or as a firefighter shall be subject to examination.
- 2. Applicants for the position of **police officer** must be at least twenty-one (21) years of age and not have reached their 35<sup>th</sup> birthday. Furthermore, no person is eligible to receive an original appointment when the person is thirty-five (35) years of age or older. (Ohio Revised Code 124.41)
- 3. Applicants for the position of **firefighter** must be at least eighteen (18) years of age and not have reached their 31<sup>st</sup> birthday. Furthermore, no person is eligible to receive an original appointment when the person is thirty-one years of age or older. (Ohio Revised Code 124.42)

4. The method of examination, the manner of giving notice and the rules governing the examination shall be in general the same as set out in Rules II through IV of the Rules and Regulations of the Findlay Civil Service Commission.
5. Entry level applicants must pass a physical agility test prior to being an eligible candidate. The Commission shall designate the place and time for the physical agility test and the results of same shall be made a part of the candidate's file.

**RULE XI**  
**ELIGIBLE LISTS**  
**(O.R.C. 124.43)**

1. Separate examinations shall be given and separate eligibility lists maintained by the Commission for original appointments to and promotions in the police and fire department. No person may be transferred from one list to the other. Appointments and promotions in the departments shall be only from the separate eligible lists maintained for each of the departments. Transfers of personnel from one department to the other are hereby prohibited.
2. The rules governing eligible lists shall be in general the same as set out in Rule V of the Rules and Regulations of the Findlay Civil Service Commission.

**RULE XII**  
**APPOINTMENTS**

The rules governing appointments as set out in Rule VI of the Rules and Regulations of the Findlay Civil Service Commission shall apply.

**Physical Examination**  
**(O.R.C. 124.41 and 124.42)**

1. No person shall be eligible to receive an original appointment as a police officer or firefighter, subject to the civil service laws of this state, unless he or she has, not more than one hundred twenty (120) days prior to receiving such appointment, passed a physical examination, given by a licensed physician, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that the person meets the physical requirements necessary to perform the duties of a police officer or firefighter.

The Commission shall designate the place and time for the physical exam. The results of the physical exam shall be made a part of the candidate's file.

**Psychological Examination**

2. No person shall be eligible to receive an original appointment as a police officer or firefighter unless he or she has passed a psychological exam administered by a licensed psychologist. The results of said psychological exam shall be forwarded to the Civil Service Commission and must be kept in said applicant's file.

## **Probationary Period**

### **Police Department**

3. (a) All newly hired employees will be required to serve a probationary period as outlined in the collective bargaining contract. During such period, the employer shall have the sole discretion to discipline or discharge such employee and any such action shall not be appealable through any grievance or appeal procedure to the Civil Service Commission.
- (b) All newly promoted employees will be required to serve a probationary period as outlined in the collective bargaining contract. During such period, the employer shall have the sole discretion to demote such employee to his or her previous position and any such demotion shall not be appealable through any grievance or appeal procedure to the Civil Service Commission.

### **Fire Department**

4. (a) All newly hired employees will be required to serve a probationary period of two (2) years. During such period, the employer shall have the sole discretion to discipline or discharge such employee and any such action shall not be appealable through any grievance or appeal procedure to the Civil Service Commission.
- (b) All newly promoted employees will be required to serve a promotional probationary period of twelve (12) months. During such period, the employer shall have the sole discretion to demote such employee to his or her previous position. Any such demotion shall be appealable through the grievance procedure contained in the collective bargaining agreement.

## **Reinstatements (O.R.C. 124.50)**

5. Any person holding a position under the classified service in the Police or Fire Department who resigns therefrom may be reinstated to the rank of police officer or firefighter upon filing a written application for reinstatement with the Commission and a copy with the chief of the proper department, and upon passing a physical examination disclosing that the person is physically fit to perform the duties of a police officer or firefighter. The application for reinstatement shall be filed within one year from the date of resignation. Any person thus reinstated shall not receive credit for seniority earned prior to his or her resignation and shall not be entitled to reinstatement to a position above the rank of police officer or firefighter regardless of the position the person may have held at the time of his or her termination.

A member of the police or fire department who is separated due to injury or physical disability incurred in the performance of duty shall be reinstated immediately, or one suffering injury or physical disability incurred other than in the performance of duty may be reinstated, upon filing with the chief of the proper department a written application for reinstatement, to the position he or she held at the time of separation, and after passing a physical examination showing that he or she has recovered from the injury or physical disability. Such application may be filed within five (5) years from the date of separation from the department and shall not be filed after the date of service eligibility retirement.

All reinstatement decisions shall be made by the appointing authority.

### **Layoffs and Abolishments**

6. Whenever it becomes necessary through lack of work or funds, to reduce the force in either the police or fire department, the youngest employee in point of service shall be laid off first. Should a position in the police or fire department once abolished or made unnecessary be found necessary to be re-created or re-established within three (3) years from the date of abolishment, or should a vacancy occur through death, resignation or any other cause within three years from the date of the abolishment of the position or layoff, the oldest employee in point of service of those laid off shall be entitled to the position, providing he or she was at the date of his or her separation, a regular and permanent employee. All reinstatement decisions shall be made by the appointing authority.

### **RULE XIII**

#### **PROMOTIONS (O.R.C. 124.44 AND 124.45)**

#### **Police and Fire Department**

1. **The following rules apply to both the POLICE and FIRE DEPARTMENT:**
  - a. **Vacancy notification.** Whenever a vacancy exists, the appointing authority shall notify the Commission within ten (10) days of said vacancy.
  - b. **Promotion requires competitive examination.** All vacancies above the rank of police officer and firefighter shall be filled by competitive examination and is further defined under section 2 and 3 of this rule.
  - c. **Promotional examination timeframe. (See Bargaining Contract)** Promotional exams shall be held pursuant to guidelines established in the bargaining contract. If not specified in the bargaining contract, the following applies. Promotional exams may be given at any time the Commission determines proper regardless of whether a vacancy exists or another eligibility list exists. In the event a vacancy occurs in a promoted rank and no eligible list exists, an examination shall be held within sixty (60) days of such vacancy. This section is further defined under section 2 and 3 of this rule.
  - d. **Required number of promotional candidates to take test. (See Bargaining Contract)** The number of required promotional candidates to take a promotional test is governed as set forth in the collective bargaining agreement, if applicable. If not applicable, the following will apply. If there are less than two (2) persons willing to compete in a promotional exam, candidates shall be accepted from the next lowest promotional rank provided said candidates have completed at least one year in the next lowest promotional rank. In order for an entry level firefighter or police officer to take a promotional test, said candidate must have completed the specified entry level time required in the bargaining contract to take the promotional test. This section is further defined under section 2 and 3 of this rule.

- e. **Status of remaining name(s) on promotional list.** If a promotional vacancy occurs and only one name remains on said promotional list, said candidate's name will then be transferred to the promotional list derived from the new promotional test given and will remain on the new list until either the two (2) year time period for the previous promotional list expires or the candidate exhausts all of his or her chances for consideration on that list. Furthermore, said candidate whose name remains on the prior promotional list, is eligible to take the new promotional exam and if said candidate passes said exam his or her name would be on the promotional list for the new list also.
  
- f. **Posting and time requirements for promotional exams. (See Bargaining Contract).** If not specified in bargaining contract the following will apply. In all promotional examinations, the police and fire department shall be notified and have notice of such examination posted in a conspicuous place for at least thirty (30) days prior to said examination.
  
- g. **Inspection of tests.** After a promotional examination has been held and prior to the grading of such examination papers, each participant in said promotional examination shall have a period of five days, exclusive of Saturdays, Sundays, and holidays, to inspect the questions, the rating keys or answers to the examination and to file any protest he or she may deem advisable. These protests shall be in writing and shall remain anonymous to the commission. All protests with respect to rating keys or answers shall be determined by the commission within a period of not more than five days, exclusive of Saturdays, Sundays and holidays, and its decision shall be final. If the commission finds an error in the rating key or answer, it shall publish a revised rating key within five days of its finding of such error or errors. The revised rating key or answer shall then be available to participants for a period of five days, exclusive of Saturdays, Sundays, and holidays, subsequent to such determination of error or errors.  
  
After the grading of such examination papers, any participant in the examination shall have an additional five days to inspect his or her exam for grading accuracy. Any participant who deems his or her examination papers have been erroneously graded, shall have the right to appeal to the commission within five days of the discovery of said error, and said appeal or appeals shall be heard by the commission.
  
- h. **Required passing score. (See Bargaining Contract).** If not specified in the bargaining contract, the following will apply. All candidates taking a promotional examination must receive a passing score of 70% or more to be considered for promotion.
  
- i. **Timeframe for promotional lists. (See Bargaining Contract).** If not specified in the bargaining contract, the following will apply. All promotional lists shall be valid for a two year time period from the date of original certification.
  
- j. **Promotional appointment timeframe.** When an eligible list exists for a promoted rank, the recommended appointment shall be made within ten (10) days from the completion of the interview process as spelled out in the collective bargaining contract. If a vacancy occurs prior to the expiration of the promoted rank eligible list, that list shall continue for the purpose of filling such vacancy until the vacancy has been filled.

- k. **Abolishment of promoted position.** When a promoted rank position is abolished and the incumbent has been permanently appointed, he or she shall be demoted to the next lower rank and the youngest person in point of service in the next lower rank shall be demoted and so on down until the youngest person in point of service has been reached, who shall be laid off.
- l. **Number of promotional considerations.** Applicants who are considered for promotion three (3) times and who are not promoted, shall no longer be considered for promotion until a new Civil Service test is given, when this procedure shall be repeated.
- m. **Letter of Intent.** All persons desiring to take a promotional exam shall file a letter of intent with the commission on or before the date established by the Commission. Failure to file the letter of intent timely shall disqualify the candidate from taking the exam.
- n. **Suspension of Fire Chief or Police Chief.** (Ohio Revised Code 124.40) The mayor has the exclusive right to suspend the chief of the police department or the chief of the fire department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him or her by the proper authority, or for any other reasonable and just cause. If suspended, the mayor shall forthwith certify such fact, together with the cause of the suspension to the Commission.

If either the Fire Chief or Police Chief is suspended, the Commission shall proceed to hear such charges within five days from the date of receipt of the notice and render judgment thereon, which judgment may affirm, disaffirm, or modify the judgment of the appointing officer, and an appeal may be had from the decision of the commission to the court of common pleas as provided in Section 124.34 of the Ohio Revised code to determine the sufficiency of the cause of removal.

Hearings shall be private unless a public hearing is requested by the employee. Only those items listed in the order of suspension, reduction, or removal shall be considered.

Parties may be represented by counsel and may require that witnesses be under oath.

2. **The following rules apply to the POLICE DEPARTMENT:**

- a. **Grade Required. (See Bargaining Contract)** If not specified otherwise in the bargaining contract, the following applies. In promotional examinations, seniority in service shall be added to the written test examination grade if the applicant receives a passing score of at least 70% or more prior to the addition of extra credit.
- b. **Seniority credit. (See Bargaining Contract)** If not specified otherwise in the bargaining contract, the following applies. Credit for seniority shall be as follows: For the first four (4) years of service, one percent of the total grade attainable in the promotional exam and for years five (5) through fourteen (14), six tenths (6/10) percent of the total grade attainable. Seniority credit shall also be given for complete one half years of service by using three tenths (3/10) percent.

- c. **Promotion of police officer and timeframe. (See Bargaining Contract)** Promotion of a police officer is governed as set forth in the collective bargaining agreement, if applicable. If not set forth in the bargaining contract, the following applies. No positions above the rank of police officer in the police department shall be filled by original appointment. Vacancies in positions above the rank of police officer in a police department shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled. No position above rank of police officer in a police department shall be filled by any person unless he has first passed a competitive promotional examination. Promotions shall be by successive ranks so far as practicable, and no person in a police department shall be promoted to a position in a higher rank who has not served at least twelve months in the next lower rank. No competitive promotional examination shall be held unless there are at least two persons eligible to compete. Whenever a municipal civil service commission determines that there are less than two persons holding positions in the rank next lower than the position to be filled, who are eligible and willing to compete, such commission shall allow the persons holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank lower than the position to be filled.

After such examination has been held and an eligible list established, the commission shall forthwith certify to the appointing officer the name or names, whichever is applicable, of the person or persons receiving the highest rating. Upon such certification, the appointing officer shall appoint the person or persons so certified within thirty days from the date of such certification.

If there is a list, the commission shall, where there is a vacancy, immediately certify the name or names, whichever is applicable, of the person or persons having the highest rating, and the appointing authority shall appoint such person within thirty days from the date of such certification.

- d. **Promotional probationary time.** All promotions shall be for a probationary period of twelve (12) months. If service is unsatisfactory during the probationary period, the employer shall have the discretion to demote such employee to his or her previous position.
- e. **Promotion of Police Captain and Police Chief. (See Bargaining Contract)** Promotion of Police Captain and Police Chief are governed as set forth in the collective bargaining agreement. If not specified, the following applies. The positions of Police Captain and Police Chief require the taking and passing of the appropriate test with the promotion going to the individual with the highest test score.

3. **The following rules apply to the FIRE DEPARTMENT:**

- a. **Grade Required. (See Bargaining Contract)** If not specified in the bargaining contract, the following applies. In promotional examinations, seniority in service shall be added to the examination grade if the applicant receives a passing score of at least 70% or more prior to the addition of extra credit.

- b. **Seniority credit. (See Bargaining Contract)** If not specified in the bargaining contract, the following applies. Credit for seniority shall be as follows: One (1) point shall be added for each of the first four years of service and six tenths (6/10) of a point shall be added for each year for the next ten years of service. Seniority credit shall also be given for complete one half years of service by using three tenths (3/10) percent. Credit for seniority shall be given only for service in the Findlay Fire Department.
- c. **Promotional probationary time.** All promotions shall be for a probationary period of twelve (12) months. If service is unsatisfactory during the probationary period, the employer shall have the discretion to demote such employee to his or her previous position.

As per Ohio Revised Code 124.49, at the end of the probationary period, the appointing authority shall transmit to the civil service commission a record of the employee's service, and if such service is satisfactory the appointee shall continue in his promoted rank. If, at the end of the probationary period the appointee's service is unsatisfactory, he or she shall be reduced to the rank held at the time he or she was appointed to the higher rank. In all cases of unsatisfactory probationary periods in the fire department, the appointing authority shall, at the end of the probationary period, furnish the employee with a written notice of unsatisfactory probation and a detailed statement of the basis for such finding. Within ten (10) days thereafter such employee may appeal from the decision or order of the appointing authority to the civil service commission and the commission shall hear such employee's appeal within thirty (30) days from its filing with the commission. An appeal to determine the sufficiency of the cause of demotion may be had from the decision of the commission to the court of common pleas of the county in which the municipality is situated. The appeal shall be taken within twenty (20) days from the decision of the commission.

- d. **Order of taking promotional exams. (See Bargaining Contract)** If not specified in the bargaining contract, the following applies. When a vacancy occurs in the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless he or she has served twenty-four months in the rank of regular firefighter, provided in those cases where there are less than two persons in the rank of regular firefighter who have served twenty-four months therein and are willing to take the examination, the twenty-four month service requirement does not apply.

When a vacancy occurs in a promoted rank, other than the rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless he or she has served twelve months in the rank from which the promotion is to be made, provided in those cases where there are less than two persons in such next lower rank who have served twelve months therein and are willing to take the examination the twelve months service requirement shall not apply. If the application of the twelve month service requirement to persons in the next lower rank does not produce two persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two or more persons are eligible and willing to compete in an examination for the vacancy. In the event this process of searching successively lower ranks reaches the rank of regular firefighter, the twenty-four month service requirement applies, provided in those cases where such application still fails to produce

two persons who are eligible and willing to compete, said twenty-four month requirement does not apply. In the event two persons are unwilling to compete for such examination, then the one person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

- e. **Filling of vacancies. (See Bargaining Contract)** If not specified in the bargaining contract, the following applies. After such examination has been held, and an eligible list has been established, the civil service commission shall within twenty days certify to the appointing authority the name or names of person or persons receiving the highest grade. Upon such certification, the appointing authority shall make such appointment within ten days.

#### **RULE – XIV**

#### **REPEAL AND ADOPTION OF RULES AND REGULATIONS**

1. The Civil Service Commission of the City of Findlay, Ohio does hereby repeal all former rules and regulations of said Commission.
2. Items not covered in the foregoing rules and regulations are governed by the Ohio Revised Code and/or collective bargaining agreements.
3. The Findlay Civil Service Commission is governed by the laws of the State of Ohio as pronounced by the Ohio Legislature and Court decisions.

**THE FOREGOING RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION FOR THE CITY OF FINDLAY, OHIO ARE HEREBY ADOPTED AND APPROVED THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2008.**

\_\_\_\_\_  
**DANIEL M. SNYDER**

\_\_\_\_\_  
**BARBARA D. LARICK**

\_\_\_\_\_  
**THOMAS P. KEMP**

**APPENDIX A**

State of Ohio:

City of Findlay: **ORDER OF REMOVAL, REDUCTION, SUSPENSION**

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\_\_\_\_\_ (Employee Name)

Probationary

Full-Time

Part-Time

**THIS WILL NOTIFY YOU THAT YOU ARE:**  removed;  suspended;  suspended  
(working)

reduced in pay, from your position of \_\_\_\_\_  
and/or reduced to  
new position of \_\_\_\_\_  
effective (date) \_\_\_\_\_

**The reason for this action is that you have been guilty of:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of pre-disciplinary/separation hearing given to employee:**  
\_\_\_\_\_ (date)

**Pre-disciplinary/separation hearing (held) or (waived)**  
\_\_\_\_\_ (date)

**Employee allowed to meet with employer:**  Yes  No

**Order hand-delivered to employee:** \_\_\_\_\_ (date)

**If employee is suspended, list dates of suspension:** \_\_\_\_\_

---

**SIGNED AT: FINDLAY, OHIO**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
(Signature of Appointing Authority)

\_\_\_\_\_  
(Type Name & Title of Appointing Authority)

\_\_\_\_\_  
(Department Head Signature, if applicable)

\_\_\_\_\_  
(Type Name of Department)

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Type Name of Employee)