

City of Norton

Rules of the Civil Service Commission

Adopted _____, 2010

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PREAMBLE

The following rules are hereby adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Norton, Ohio, and in accordance with all applicable laws. It is recognized and acknowledged that where the City has negotiated a collective bargaining agreement, such provisions as collectively bargained that are directly contradictory to these rules shall supersede any rule as promulgated herein.

RULE 1 ADMINISTRATION

1-01. COMMISSION APPOINTMENTS

The Civil Service Commission of the City of Norton, Ohio, shall be composed of such persons as provided for in the Norton City Charter.

1-02. COMMISSION GUIDELINES

The Commission shall administer and enforce the provisions of the rules relative to Civil Service in the City of Norton, Ohio.

1-03. COMMISSION OFFICERS

The Commission shall, in January of each year, elect a Chairperson, Vice-Chairperson and such other officers as the Commission may determine are appropriate (with no member holding *more* than one office at a time). It shall be the duty of the Chairperson to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission, and to sign the minutes of all actions taken by the Commission. In the absence of the Chairperson, the Vice-Chairperson shall exercise the full authority and responsibility of the Chairperson.

1-04. CLERK OF THE COMMISSION

The Clerk of the Commission shall:

- A. Attend all meetings of the Commission;
- B. Accurately and properly keep all the files and records of the Commission in proper order;
- C. Record in the form of minutes the official actions of the Commission;
- D. Properly furnish department heads with lists of eligible candidates following civil service examinations;
- E. Maintain an official roster of civil service employees;
- F. Prepare and deliver, or cause to be delivered, notices, correspondence, and other communications as determined by the Commission;
- G. Sign all warrants or orders for the payment of money on behalf of the Commission; and
- H. Perform such other related duties as may be required from time to time by the Commission.

1-05. MEETINGS

The Commission's regular meetings shall be on _____ (or a mutually agreed upon time).

- A.** Notice of the time, place, and purpose of special meetings shall be posted on the bulletin board inside the front door of the Administration Building and in such other manner as the Commission shall determine. In addition, when a special meeting is scheduled during a regular or special meeting, notice of the special meeting will be designated in the minutes of the regular or special meeting, which minutes are on file and available for inspection by the public at the Norton Administration Building during normal business hours.
- B.** Individuals who request notification of special meetings shall be sent notice of the time, place, and purpose of the special meeting upon furnishing the Commission's Clerk, in advance, with self-addressed, postage prepaid envelopes.
- C.** The Commission will include in its minutes a record of the official actions of the Commission with regard to:
 - 1.** Position Descriptions;
 - 2.** Approval of examinations;
 - 3.** Results of examinations including any appeals;
 - 4.** Appointments;
 - 5.** Transfers, job abolishments, layoffs, recalls from layoff, suspensions without pay, demotions, dismissals, reinstatements, resignations and retirements;
 - 6.** Appeals of permanent employees from suspension without pay, demotion or dismissal; and
 - 7.** Decisions on all appeals.

1-06. ORDER OF BUSINESS

The Commission's order of business at its meetings shall be as follows:

- A.** Roll Call
- B.** Approval of the Minutes
- C.** Reports
- D.** Old Business
- E.** New Business
- F.** Other Business
- G.** Adjournment

1-07. APPEARANCE BEFORE THE COMMISSION

Whenever an individual or group has a matter which requires, or might require, the consideration or decision of the Commission, such individual or group shall first contact the Commission to make arrangements to be heard at the next regular or special meeting of the Commission.

RULE 2 POWERS AND DUTIES

2-01. POWERS AND DUTIES

The Commission shall direct the administration and enforcement of its rules. The Commission specifically retains the power and authority to create Civil Service Rules for the City of Norton that supersede any conflicting State Civil Service laws in the areas contained within those rules. In furtherance whereof, the Commission has to power and duty to:

- A.** Hear appeals of employees in the classified service from job abolishment, layoff, suspension without pay, discharge, or demotion, except as provided otherwise in a collective bargaining agreement. The Commission may affirm, disaffirm, or modify the decision of the decision maker as to such issue and its decision is final unless appealed through the court system pursuant to applicable law;
- B.** Appoint a Clerk necessary in the exercise of the powers and performance of duties and functions which the Commission is authorized and required to exercise and perform and to prescribe the duties of such Clerk;
- C.** Maintain a journal which shall be open to public inspection, in which it shall keep a record of all its proceedings and the vote of each of its members upon every action taken by it;
- D.** Adopt and promulgate rules relating to the classified civil service, the procedure of the Commission, and the jurisdiction of the Commission;
- E.** Assure that all competitive and non-competitive examinations are prepared, conducted, and graded in the prescribed manner for positions in the classified service;
- F.** Review and approve eligibility lists containing the names of persons qualified for appointment to positions in the classified service;
- G.** Review and approve Position Descriptions descriptive of duties, responsibilities, requirements, and desirable qualifications;
- H.** Prepare, continue, and keep a complete roster of all persons in the classified service. This roster shall be open to public inspection at all reasonable hours;
- I.** Make investigations concerning all matters touching the enforcement and effect of the rules of the Commission. In the course of investigations, the Commission may subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records and any other documentary evidence, and administer oaths and affirmations to take testimony pertinent to any matter which it has authority to investigate;
- J.** Make an annual report and provide any other reports as may be necessary to the State of Ohio;
- K.** Administer a program for documenting performance evaluations for probationary and permanent employees in the classified service; and
- L.** Review notice of actions affecting Civil Service employees, which shall be remitted to the Commission.

RULE 3 DEFINITIONS

3-01. DEFINITIONS

Unless otherwise indicated in these rules, the following definitions apply:

Abolishment — Means the permanent deletion of a position or positions from the organization or structure of *one* or more departments of the City due to any one

or more of the following reasons: economy; lack of continued need for the position(s); reorganization for efficient operation; lack of funds allocated to the department to maintain current or sustain projected levels of staffing or operations; and/or current or projected decrease in workload. An abolishment is expected to be permanent if it is expected to last more than one year.

Certification — Refers to the official listing of a name or names by the Commission from an eligible list established by the Commission as being qualified for appointment to fill vacancies in the service.

Certified Eligible List — Refers to a list of names of persons who have been found qualified, through suitable tests, for employment in positions allocated to a certain classification, arranged in order of merit.

City — Refers to the City of Norton, Ohio.

Classification — Means a group of positions sufficiently similar with respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted.

Classified Service — Means all persons in active pay status in the competitive classified civil service of the City, whether as a provisional or permanent employee. All other positions are in the unclassified service.

Clerk - Refers to the Clerk of the Civil Service Commission of the City of Norton.

Commission — Refers to the Civil Service Commission of the City of Norton, Ohio.

Continuous Service — Means the uninterrupted service of an employee with the City where no break in service occurs. A permanent employee who is reinstated within one year after separating from service with the City shall not be deemed to have had a break in service, except that the time the employee was separated shall not be counted towards the calculation of the employee's seniority credit. The continuous service of a permanent employee who is reinstated more than one year after separating from service, shall be computed from the date of the employee's last reinstatement and no seniority credit shall accrue for service prior thereto. Time on approved paid leaves such as vacation leave, sick leave, etc., shall not be construed to be a break in service. Time on any leave without pay in excess of thirty-one (31) consecutive days other than for approved disability leave, Family and Medical Leave or military leave shall be subtracted when computing the continuous service of an employee for purposes of determining seniority credit.

Days — Refers to calendar days unless specified otherwise.

Demotion — Means the act of placing, at the request of the appropriate decision-maker, an individual in a position which carries a different classification and a lower pay range or salary than that previously held.

Displacement — Means for purposes of layoffs and job abolishments, the process by which an employee with more seniority credit exercises his right to take the position of another employee with less seniority credit.

Employee — Means any person holding a position subject to appointment, promotion, suspension, demotion, discharge, job abolishment, layoff or recall from layoff.

Gender — Refers to the masculine pronoun "He" and its derivatives, and whenever employed in these rules, includes the feminine pronoun and its derivatives.

interim Appointment — Means an employee hired to fill a vacancy created by sickness, disability, or an approved leave of absence of a regular employee for the period of the sickness, disability, or approved leave of absence.

Intermittent Employee — Means any person who has taken and passed a competitive exam for a classified position and works on an irregular schedule which is not predictable, but is based on and determined by the fluctuating demands of the position held. The placement of an individual as an intermittent employee is a provisional grant of employment based upon the fluctuating demands of the position held. An intermittent employee must serve at least 40 hours within each calendar year from the date of his original hire to remain as an intermittent employee.

Layoff — Means the deletion of a position or positions from the organization or structure of one or more departments of the City, expected to last less than one year, due to any one or more of the following reasons: economy; lack of continued need for the position(s); reorganization for efficient operation; lack of funds allocated to the department to maintain current or sustain projected levels of staffing or operations; and/or current or projected decrease in workload.

New Position - Means a position created through the authorized addition of a position not previously existent or a position created through an authorized change by the Civil Service Commission.

Open Examination — Means an examination open to anyone, whether already employed in the City or not, who meets the qualifications established for a given position.

Part-time Employee — Means an employee in the unclassified service whose regular hours of duty are less than the normal established work week.

Permanent Employee — Means any employee in the Civil Service who has been regularly appointed after serving a probationary period to a position normally involving continuous year round services.

Position — Means a group of duties intended to be performed by an employee.

Position Description - Means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification, which may include a statement of essential job functions and worker characteristics or behaviors required for successful completion of all tasks within each duty and minimum qualifications for competition for employment in that classification.

Probationary Period — Means the period of time at the beginning of an original appointment or immediately following a promotion, which constitutes a trial or testing period for the employee,

and following which the employee may be terminated (in case of original appointment) or reduced (in case of promotion). Does not apply to appointments in the unclassified service.

Promotion - Means the act of placing an employee in a position which carries a different classification and a higher pay range or salary than previously held.

Promotional Examination — Means an examination open only to qualified City employees who are in the classified service of the City for the purpose of determining eligibility for promotion to a higher classification.

Provisional Employee — Means any employee temporarily filling a position, without competition, pending the establishment of an eligible list.

Removal — Means the termination of an employee's employment.

Resignation — Means the voluntary separation from City service by the employee.

Seasonal Employee — Means any employee in the unclassified service whose services are required only during certain periods of the year.

Suspension — Means the relieving of an employee from duty, without pay, as a disciplinary measure.

Temporary Appointment — Means an appointment for a limited period of time not to exceed thirty (30) days.

Transfer — Means the movement of an employee between positions having the same rate of pay and similar duties, whether within the same department or in a different department.

Unclassified Service — Means all positions which are exempt from civil service examinations and which provide no tenure. Appointments to positions in the unclassified service are made at the discretion of the Mayor or City Administrator. Unclassified employees are employees at-will and are subject to job abolishment, layoff, transfer, suspension, demotion and/or discharge at the pleasure of the Mayor or City Administrator.

RULE 4 RULE AMENDMENTS

4-01. NOTICE OF AMENDMENTS

The Civil Service Commission shall not amend or repeal any existing rule or adopt any new rule at the same meeting at which such action is proposed.

- A.** No final action to amend, repeal, or supplement rules shall be less than seven (7) days after its proposal and until notice of the proposed amendments, specifying the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission, shall be posted upon the bulletin board, at the entrance to the City's General Office, not later than one week before the said meeting, and such meeting shall be open to the public.
- B.** At least seven (7) days prior to the meeting, the full text of any proposed amendments to the rules shall be submitted to the Mayor, City Administrator, Council and each department head. In addition, copies of proposed rule amendments will be made available, at that same time, to any citizen or entity who has requested the same.

4-02. SERVICE OR NOTICE

Unless otherwise provided in these rules, "notice" or "service" may be accomplished by personal service, residence service, or by sending notice in regular or certified mail.

4-03. EFFECT OF INVALIDITY IN PART

If any part or sub-part of a sentence, clause, or phrase of these rules, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions. The Civil Service Commission hereby declares that it would have passed each part, sub-part, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sub-parts, sentences, clauses, or phrases be declared invalid.

RULE 5 CLASSIFIED AND UNCLASSIFIED SERVICE

5-01. CLASSIFIED AND UNCLASSIFIED SERVICE

The Civil Service of the City of Norton is divided into the unclassified service and the classified service. Unclassified positions are filled without civil service examinations. Employees appointed to unclassified positions are employees at-will and serve at the pleasure of the Mayor or City Administrator. Unclassified employees have no civil service protection and are subject to job abolishment, layoff, transfer, suspension, demotion and/or removal at any time for any reason, without any explanation or hearing. The Civil Service Commission has no jurisdiction over matters pertaining to unclassified employees.

5-02. POSITIONS IN THE UNCLASSIFIED SERVICE

The unclassified service of the City of Norton is comprised of the following:

- A. All elected officials and persons appointed to fill vacancies in elected offices;
- B. All members of Boards and Commissions;
- C. Employees of City Council engaged in legislative duties;
- D. Clerk of City Council;
- ~~E. Chief of Police;~~
- ~~F. Chief of Fire and Emergency Rescue Services;~~
- G. Director of Public Service;
- H. Director of Public Safety;
- I. Clerk of the Mayor or City Administrator's Court, **upon separation or retirement of the incumbent;**
- J. Computer Coordinator;
- K. Municipal Engineer;
- L. Parks and Recreation Director;
- M. Naturalist/Education Program Coordinator;
- N. Zoning Inspector/Building & Utilities Commissioner;
- O. Assistant Zoning Inspector/Building & Utilities Commissioner;
- P. Director of Law;
- Q. **Mayors Court Magistrate;**
- R. Director of Finance

- S.** Assistant Director of Finance;
- T.** Executive Assistant to the Mayor or City Administrator;
- U.** All architects, construction managers, independent contractors and consultants;
- V.** All persons employed in a temporary, seasonal, casual, or part-time capacity;
- W.** Up to three additional employees as designated by the Mayor or City Administrator;
- X.** All department heads not specifically listed in this rule; and
- Y.** Such other positions as City Council shall determine to be in the unclassified service.

5-03. POSITIONS IN THE CLASSIFIED SERVICE

The classified service of the City of Norton is comprised of all persons in the employ of the City of Norton not included in the unclassified service. Appointments to classified positions shall be made in accordance with the rules of the Civil Service Commission.

RULE 6 POSITION DESCRIPTIONS

6-01. POSITION DESCRIPTIONS

A Position Description shall be prepared for each position in the classified service setting forth the title, typical duties and responsibilities, and minimum qualifications. No employee shall be appointed to a position in the classified service prior to approval of a Position Description by the Commission.

- A.** The Civil Service Commission shall maintain a manual of Position Descriptions for all positions in the classified service.
- B.** The Mayor or City Administrator may periodically submit proposals for new Position Descriptions including changes to existing Position Descriptions for approval by the Commission. The Commission shall approve, disapprove, or approve with modifications any such Position Description submitted by the Mayor or City Administrator.

RULE 7 EXAMINATION METHODS

7-01. WRITTEN EXAMINATION

The examination process shall include all of the factors taken into consideration in constructing an eligible list and selecting a candidate to fill the position as determined appropriate by the Civil Service Commission.

- A.** Written examinations shall examine an applicant's aptitude, potential for achievement, and knowledge of work.
- B.** The examination may include:
 - 1.** An objective type examination designed to test an applicant's familiarity with information and material which could reasonably be expected in a position;
 - 2.** Standard intelligence tests; standard aptitude tests;
 - 3.** A dissertation on one or more subjects dealing with problems encountered in a position; or
 - 4.** Any other acceptable method to examine an applicant's potential and ability to perform the duties of a position.

7-02. ORAL EXAMINATION

Oral examinations or interviews which evaluate and demonstrate the knowledge, personal qualities, qualifications, and communications skills of an applicant, may be utilized. Oral examinations shall involve similar questions for all applicants for an examination or position. Oral examinations shall be administered by one or more individuals who shall be familiar with the position. When more than one examiner is used for oral examinations, the scores shall be averaged to determine a final score for an applicant.

7-03. ASSESSMENT CENTERS

Assessment Centers may be utilized for original appointments or promotions to determine a candidate's qualifications for a particular supervisory or managerial position.

7-04. SUBJECTS AND WEIGHTS

The Civil Service Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto.

7-05. PRE-EMPLOYMENT DRUG, PSYCHOLOGICAL, BACKGROUND, AGILITY, MEDICAL AND OTHER EXAMINATIONS

Whenever the Mayor or City Administrator determines that it would be in the best interests of the City of Norton to require pre-employment drug tests for positions of special importance, applicants being considered for hiring shall be required to pass a test (i.e., test negative) for the presence of illegal drugs.

A. After making a bona fide job offer, the Mayor or City Administrator may make such job offer contingent upon passage of an agility test, background check, medical exam (physical, physiological, or psychological) to determine whether the applicant can perform the essential functions of the job in question, with or without reasonable accommodation, provided that such medical exam is required of all applicants in the job classification. Such medical examination shall be given by a licensed practitioner designated by the Civil Service Commission. For purposes of this rule, a "licensed practitioner" is a physician, psychiatrist, or psychologist who is licensed in the State of Ohio to perform the appropriate medical examination. The cost of the examination shall be paid for by the City. Any medical exam shall be deemed confidential records and may only be used in ascertaining an applicant's fitness for appointment and employment.

B. Candidates may be required by the Mayor or City Administrator to undergo a polygraph examination if such is not prohibited by City Ordinance and such use is contained in the position announcement as approved by the Commission. Whenever a polygraph examination is required as an element of examination process, the cost of the polygraph examination shall be borne by the City. Any polygraph examination and the examination reports shall be deemed confidential records and may only be used in ascertaining an applicant's fitness for appointment and employment.

7-06. QUALIFICATIONS FOR EXAMINATIONS

A. Minimum Qualifications: The minimum qualifications for a position shall be considered as part of the examination process. Minimum qualifications are those skills, knowledge, and abilities required for each position. The qualifications contained in the Position Descriptions shall be followed in determining admittance to examinations. The minimum qualifications for a position must be made a part of the announcement of a vacancy or of an examination. Following the publication of an announcement, no modification of the minimum qualifications shall be permitted, except as otherwise permitted in these Rules.

RULE 8 APPLICATIONS AND ENTRANCE EXAMINATION PROCEDURES

8-01. EXAMINATION SITES

Examinations may be held at such places as the Civil Service Commission deems advisable and shall be administered under its direction.

8-02. REQUEST FOR EXAMINATION

Examinations shall be scheduled as determined by the Civil Service Commission. The existence of vacant positions need not create the need for examinations. The Commission may conduct examinations in anticipation of vacant positions. When the Mayor or a department head requests testing for a position to be filled, the Civil Service Clerk shall secure a testing proctor and coordinate the date, time and place of examination.

8-03. NOTICE OF EXAMINATION

Notice of competitive entrance examinations shall be given through one or more of the local newspapers and by posting notices conspicuously on the City Hall bulletin board and in such other places as may be deemed advisable by the Civil Service Commission, not less than two (2) weeks prior to the last day on which applications will be accepted for such examinations. Notices may also be distributed to such persons or organizations as may be interested in the positions available.

8-04. APPLICATION FEE

An appropriate fee, to be determined by the Commission, shall be charged each applicant taking a competitive unassembled examination. All fees to be collected under this section shall be made payable to the City of Norton in the form of cash, check or a money order.

8-05. APPLICATIONS

Applicants may obtain applications in person at the City of Norton General Office, from the City website, or upon request in writing or by telephone.

- A.** Applications must be filled out in ink, typewritten, or computer generated.
- B.** All applications shall be completed, signed, and filed with the Commission on or before the last date and time for receiving applications as published in the examination announcement.
- C.** Applications must be accompanied by such certificates, other documents and the exam fee as may be required.
- D.** The application, when received, shall be mechanically time- stamped with a proper receipt executed to the applicant.

- E. Failure to submit the application on or before the last date and time for receiving applications may be deemed sufficient cause for rejection.
- F. In addition to the employment application, applicants will be required to submit other related documents as may be required by federal or state law.

8-06. REJECTION OF APPLICATION

The Commission shall cause the Clerk to screen each application and make recommendations to the Commission for the rejection of any application if the applicant:

- A. Lacks qualifications set forth in the examination posting;
- B. Does not meet the physical requirements, tests positive for drugs, has been convicted of a felony or misdemeanor involving moral turpitude, or has been dismissed or asked to resign from previous employment for misconduct;
- C. Has made a false statement in his application with regard to any material fact;
- D. After notification, did not promptly present himself at the time and place designated for the examination.

Any person who is denied permission to compete in any examination, may, within five (5) days after postmark of notice of rejection, appeal in writing to the Commission for a review of such ruling.

8-07. CHARACTER AND FITNESS OF APPLICANT

Satisfactory information produced at any time to the Commission, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to the successful performance of the employment sought, shall be sufficient to exclude him from examination, or to remove his name from any eligible list, providing such person shall be notified as to the reason and shall be given an opportunity for a review by the Commission. All documentation submitted from whatever source as to character and fitness, shall be subject to investigation by the Commission.

8-08. FALSE STATEMENTS BY APPLICANTS

False or misleading statements with regard to any material fact by an applicant, or by others with the knowledge and consent of the applicant, in any application, shall be deemed cause for exclusion of that applicant from any examination, or for removal of his name from the eligible list, or for discharge from the service after appointment, providing such person shall have an opportunity to be heard in his own behalf prior to the Commission deciding in this regard.

8-09. REASONABLE ACCOMMODATIONS FOR PHYSICALLY IMPAIRED EXAMINEES

Reasonable accommodations may be made for the testing of individuals who are physically impaired. A "physically impaired" individual is any person who has a physical impairment which substantially limits one or more major life activity such as performing manual tasks, walking, seeing, hearing, or speaking. The accommodations shall be those that can be reasonably made and which could be made for an examinee to perform the duties of the position tested. The Commission may use the services of a public or private agency to assist in making reasonable accommodations. The reasonableness of accommodations may take into consideration the practicality of the accommodations required, the cost of

the accommodations, or other factors which would have to be considered in making accommodations. If reasonable accommodations cannot be made, then the examinee may be excluded from an examination.

8-10. ACCOMMODATIONS FOR MILITARY PERSONNEL

Accommodations may be made for the testing of individuals who are unavailable for the written examination due to military obligations. The Commission will comply with the requirements of the Uniformed Services Employment and Re-employment Rights Act (USERRA).

8-11. ADMITTING APPLICANTS TO EXAMINATION

A Driver's License or other evidence of official ID must be shown upon arrival at the test site by the applicant. No applicant shall be admitted to any assembled examination after such examination has commenced, or after the advertised time for beginning such examination, whichever time is later. Special permission can be made by the person in charge who, in his/her discretion, may admit the applicant conditionally, subject to the final approval of the Commission. Under no circumstances will an applicant be admitted after any other applicant has completed or withdrawn from the examination and left the examination room. The Commission may refuse to admit an applicant to an examination if timed tests have started.

8-12. IDENTITY OF EXAMINEES CONCEALED

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

8-13. EXTENSION OF TIME IN EXAMINATIONS

No applicant shall be given a longer time than prescribed by the Commission for the completion of an examination, except that separate time limits for accommodation of disabled applicants may be established.

8-14. VISITORS AT EXAMINATION

No visitors shall be admitted to the examination room during any examination.

8-15. INSPECTION OF EXAMINATION PAPERS FOR ENTRANCE EXAMS

Any applicant shall have the right, within a period of ten (10) days from the date of postmark on his/her notice of examination grade, to submit a request to review his own examination papers and to submit in writing for the Commission's consideration any objection or protest he may wish to make concerning the grades given him. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by an applicant or such other circumstances in connection with an examination as would call for an investigation on the part of the Commission, and which would require that the information submitted be given in confidence.

- A. Should an applicant exercise this right to inspect his examination, he shall not be permitted to again take an examination for the same position with the City of Norton

within a six (6) month period following such inspection, unless and in the sole discretion of the Commission, an alternate form of examination is given.

- B.** Inspection shall not be permitted of standardized tests prepared by experts outside the Commission, where such inspection would tend to reduce the validity of test results.

8-16. POSTPONEMENT OR CANCELLATION OF EXAMINATION

A scheduled examination may be cancelled or postponed by order of the Civil Service Commission for any adequate reason. Reasonable efforts shall be made to notify each qualified applicant of the cancellation or postponement.

8-17. MINIMUM PASSING SCORE

A minimum raw score of 70% shall be necessary to achieve a passing grade on the examination and as a prerequisite for:

- A.** Further consideration for employment or appointment;
- B.** Certification to an eligible list; and
- C.** Receipt of additional credit for military service and/or for any other status for which additional credit may be awarded.

8-18. TIE SCORES

Tie scores will not be broken. Candidates with identical scores will be listed alphabetically on the eligible list.

8-19. SPECIAL CREDITS

- A.** Credit for Military Service.

When proper proof of honorable discharge from active military service is presented to the Commission, additional credit of ten percent (10%) of a passing grade received on a civil service examination for original appointment shall be granted. The applicant must submit proof of honorable discharge (or proof of transfer to a reserve unit with evidence of satisfactory service) from active military service prior to participation in the examination, and proof that the applicant has served in active duty in any branch of the Armed Forces of the United States for more than one hundred eighty (180) days, other than for training purposes.

- B.** Credit for Education, Experience or Certification.

Additional credit may be provided by the Commission upon the approval of the job posting announcement.

8-20. NOTICE OF RESULTS OF EXAMINATIONS

As soon as the scoring of an examination has been completed and an eligible list established, each applicant shall be notified by mail of the results of his examination, and if successful, of his final average and his relative position on the eligible list.

RULE 9

PROMOTIONAL EXAMINATION PROCEDURES

9-01. PROMOTIONS

Whenever there is a vacancy in a position having a classification above the lowest classification in the series, the Commission shall determine the method for filling the position. The cooperation of the department heads may be sought in making this decision. To the extent practicable, all promotions shall be made on the basis of a written competitive exam together with an evaluation using the assessment center method and/or interview by the Mayor or department head.

9-02. REQUEST FOR EXAMINATION

The department head will complete an Employment Processing Form and submit it to the Commission along with a current Position Description.

9-03. NOTICE OF EXAMINATION

Notice of competitive closed promotional examinations shall be given by posting the notice in conspicuous places in the departments whose employees may be interested or by individual communications to the employees eligible for such promotion.

Such notice shall be given not less than two (2) weeks prior to the last day on which applications will be accepted for the examination.

9-04. PREPARATION FOR EXAMINATIONS

The posting process for promotional exams shall include a study period of at least thirty (30) days. The length of the study period may vary by promotional exam, although it shall not be less than 30 days. During the study period, the study materials shall be specified and made available to the candidates for their independent review.

9-05. PROMOTION WITHOUT COMPETITION

If a vacancy exists in a promotional position, but it is determined by the Commission that it is not feasible to conduct an exam, the Commission may authorize the Mayor or City Administrator to promote an eligible employee for promotion without competition. Such promotion without competition shall be substantiated by written documentation from the Mayor or City Administrator showing that the duties performed by the person nominated have been in actual preparation for the higher position, and that such person is entitled to promotion by reason of effective performance and appropriate qualifications.

9-06. ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

Promotional exams shall be limited to persons whose experience, education, knowledge, skills and abilities, meet the minimum qualifications as set forth in the promotional examination announcement.

- A.** Candidates for promotional examinations are required to have a satisfactory performance evaluation average for the rating period immediately preceding the examination.

- B.** Interested employees in the classification, who have not successfully completed their probationary period prior to the date of a promotional exam, will be permitted to take such exam. However, except as specified below, employees who have not successfully completed their probationary period prior to such promotional exam are not eligible to be selected for promotion until after they have successfully completed the probationary period in the lower position. Completion of the probationary period may be waived by the Mayor or City Administrator for good and sufficient cause.
- C.** Candidates for promotion from intermittent police officer to full-time police officer or from intermittent firefighter/paramedic to full-time firefighter/paramedic, must work 48 hours per month, on the average, for the six (6) month period immediately preceding the promotional exam.

9-07. INSPECTION OF EXAMINATION PAPERS

After any promotional competitive exam has been held, and prior to grading of such examination papers, any participant in said examination shall have a period of ten (10) business days in which to inspect the questions and scoring key and to file any protest he may deem advisable. If circumstances allow, the inspection may be held immediately following the exam.

9-08. AMENDMENT OF ELIGIBILITY LISTS

For eligible lists applicable to promotional examinations for classifications of Police Lieutenant and Fire Lieutenant or above, in addition to and not in replacement of the Commission's other rules applicable to such tests, the following procedures shall apply:

- A.** If fewer than three (3) internal candidates (i.e. current employees of the City of Norton who are eligible to take the promotional examination and who hold the classification immediately below that being tested) apply, take and pass such test, the Mayor or City Administrator may, but shall not be obligated to, request in writing, at any time during the testing process but in any event not later than thirty (30) days after the establishment of any eligible list, to modify the eligibility requirements in order to expand the number of potential candidates by including internal candidates of the next lower classification and/or external candidates (i.e., employees holding the requisite classification who are employed by a Police or Fire Department other than the City of Norton). Such written request shall include the reasons for expanding the eligible list.
- B.** If the Commission agrees with the Mayor or City Administrator's position, the Commission shall modify the eligibility requirements to expand the number of potential candidates in the manner deemed most appropriate by the Commission. The Commission shall give written notice of its decision in this matter to all interested parties.
- C.** If the Commission determines to modify the eligible list under this rule, the names and accompanying test scores of the internal candidate(s) shall be included in the new list. Internal candidates who did not pass the original test will not be permitted to take the test again, if the promotional test for additional candidates is given within six (6) months of the date of the original test.

RULE 10 ELIGIBLE LISTS

10-01. DURATION OF ELIGIBLE LIST

An eligible list shall be valid for a period of one (1) year from the date of certification thereof by the Commission. However, the Commission, at its discretion, may abolish an eligible list prior to expiration of one year, upon written application by the City and for good cause shown. Prior to expiration of an eligible list, the Commission, may in its discretion, extend such list for up to one (1) additional year, or for such other period or periods as the Commission may from time to time determine, provided that in no event an eligible list be valid for more than two (2) years.

10-02. MERGING ELIGIBLE LISTS

Whenever it becomes necessary, while an eligible list exists, to hold a subsequent examination in order to obtain additional eligibles, the Commission may consolidate the existing list with the new list by merging the eligibles according to their grade. All persons whose names appear on the existing list shall have the opportunity to compete in the second exam. Any person on such existing list who takes the second examination, shall be given the standing on the combined list to which the higher grade received on either exam.

- A.** When a candidate's name is merged without the candidate taking the second test, the candidate's name will remain on the merged list only as long as the candidate's name would have remained on the original list.
- B.** When a candidate's name is merged after taking the second test, the candidate's name will remain on the merged list for the duration of the merged list.

10-03. REMOVAL OR DISQUALIFICATION FROM ELIGIBLE LIST

If, at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on the list is disqualified from appointment because of false statements made on his application, inability to perform the job duties, lack of necessary license, lack of insurability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear for the hearing, or upon being heard, fails to satisfy the Commission, his name will be removed from such eligible list.

- A.** The name of any person appearing on an eligible list shall not thereafter be certified to any department head as eligible for appointment, if such person:
 - 1.** Fails to report or arrange, within ten (10) calendar days from the time notice is given for an interview with the Mayor or City Administrator;
 - 2.** Fails to respond to a notice from the Civil Service Commission;
 - 3.** Declines an appointment without reasons satisfactory to the Civil Service Commission; or
 - 4.** Cannot be located by the postal authorities.

- B.** The potentially disqualified person shall be notified concerning the application of this section unless his whereabouts are unknown. The disqualified candidate's name may again be certified from the eligible list only where a thoroughly satisfactory explanation of circumstances is made to the Commission.
- C.** In case an eligible person's name appears on more than one list, appointment to a position in one classification shall be considered a waiver for appointment from eligible lists for classifications in which the salary is equal or lower.
- D.** When an eligible, whose name has been included on the certified eligible list, indicates that he or she is not interested in being considered for the position or declines an offer of appointment if one is made, his or her name shall be removed from the eligible list. If the eligible's decision is based on illness, military service or conflict with schooling, their name shall be restored to the list when he or she indicates their availability for consideration.
- E.** Any eligible whose name has been removed from a list under this rule may be restored to the list upon presentation to the Commission of reasons or evidence which would justify restoration to the list.

10-04. MODIFICATION OF ELIGIBLE LIST

No grades given in any examination shall be changed after the posting of an eligible list, except that the Commission may correct clerical errors at any time before the expiration of such lists, or may change grades based upon written objections or protests received from applicants.

10-05. CHANGE OF ADDRESS

Each person on an eligible list shall file with the Commission written notice of any change of address. Failure to do so may be considered sufficient reason for not certifying his name for future appointments.

10-06. REVOCATION OF LISTS

An eligible list may be revoked and another examination ordered when, in the judgment of the Commission, such action is deemed advisable by reason of errors, fraud, or obviously inappropriate standards prescribed in connection with any examination. All applicants in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without submitting a separate application or paying a second examination fee. No eligible list shall be altered or revoked except upon written notice to all persons whose standing may be affected. Any appointment which was made from the eligible list prior to its revocation shall be considered valid, provided such appointee was not involved in fraud or error.

RULE 11 APPOINTMENTS

11-01. REQUEST TO FILL VACANCY

Whenever a vacancy in the classified service is to be filled other than by a transfer, reinstatement, demotion or recall from layoff, the department head shall request an eligible list from the Civil Service Commission. The department head shall designate the Position Description title and number of positions to be filled.

11-02. NUMBER OF SCORES TO BE CERTIFIED

A. Vacancies Involving Entry Level Positions and Intermittent Employees.

Upon successful completion of a civil service examination for either a full-time entry level position, an intermittent entry level position, or the promotion of an intermittent employee to a full-time position in the same classification, the Commission will certify the names and scores, if sufficiently available, of the highest scoring candidates to the department head, as follows:

1. For 1 vacancy, the top 10 scores.
2. For 2 to 4 vacancies, the top 15 scores.
3. For 5 to 8 vacancies, the top 20 scores.
4. For 9 to 12 vacancies, the top 25 scores.
5. For 13 to 16 vacancies, the top 30 scores.

B. Promotions Involving Full-Time Employees.

Upon successful completion of a civil service examination given for full-time employees for promotion to a higher full-time classification, the Commission will certify the names and scores, if sufficiently available, of the highest scoring candidates to the department head, as follows:

1. For 1 vacancy, the top 3 scores.
2. For 2 vacancies, the top 5 scores.
3. For 3 vacancies, the top 7 scores.
4. For 4 vacancies, the top 9 scores.
5. For 5 vacancies, the top 11 scores.

No person shall be certified from a promotional eligible list while permanently separated from the service of the City.

11-03. LIST WITH FEWER SCORES THAN THE NUMBER DESIGNATED IN RULE 11-02

In cases where there are fewer scores than the number designated in Rule 11-02(A) for a vacancy involving one or more intermittent employees or in Rule 11-02(B) for the promotion of one or more full-time employees to a higher full-time classification, vacancies shall be filled by appointments made from such list unless good cause is demonstrated to the Commission as to why a provisional appointment should be made.

11-04. LIMITATION ON CERTIFICATIONS

If the Commission receives satisfactory written justification from the department head indicating that any of the candidates on the list is unwilling or unable to be promoted to the position; is unqualified for the promotion; or is disqualified from consideration for promotion to the position for any reason provided in any of the Commission's rules, his/her name may be removed from the list and all subsequent candidates on the list will move up one placement in ranking.

11-05. NOTICE OF INTERVIEWS

The department head shall send notice to eligibles, giving them instructions for reporting for an interview.

- A.** The department head shall interview candidates in a sequential order by examination score until a candidate is selected for hire. The following examples are provided for illustrative purposes:
 - 1.** If the person with the highest grade is appointed, the department head shall interview that person.
 - 2.** If the person with the third highest grade on the list is appointed, the department head shall interview the top three (3) persons on the list.
- B.** In the foregoing examples, the department head may, but is not required, to interview persons lower on the list than the person appointed.
- C.** The actual interviews may be scheduled on such dates and times as may be convenient (i.e., when interviewing more than one candidate, it is not necessary for the department head to interview the top person on the list first, followed by the next person on the list second, etc.).

11-06. PROVISIONAL APPOINTMENTS

Provisional appointments are appointments made without competition, in the classified service, in the absence of an appropriate eligible list.

- A.** Such original provisional appointment shall not extend beyond one year. If the Commission, with proper notice from the department head, does not administer a civil service examination for such position within one year from the date of such original provisional appointment, the Mayor or City Administrator may reappoint such person provisionally for an additional one year period.
- B.** In no event shall the Commission recognize as valid a provisional appointment that continues beyond the beginning date of the eligible list compiled by the Commission after the first civil service examination is administered for such position, or the expiration date of one successive provisional appointment, whichever occurs first.

- C. A person serving as a provisional employee who passes an examination, given for the classification to which he was provisionally appointed, shall be appointed as a certified employee in that position as of the beginning date of the certified eligible list.

11-07. TEMPORARY APPOINTMENT

An appointment may be made without regard to these rules for a period not exceeding thirty (30) days, but in no case shall successive appointments be made.

11-08. EXCEPTIONAL APPOINTMENT

Request for suspension of the provisions requiring testing and certification shall be accompanied by a specific statement from the Mayor or City Administrator showing the peculiar and exceptional qualifications of a scientific, managerial, professional or educational character required, together with the reasons why testing and certification in such special cases is impractical, and a full statement of the qualifications and attainments of the persons designated to fill such positions if the testing and certification requirements are waived. Suspension of the testing and certification requirement pursuant to this rule is at the sole discretion of the Civil Service Commission.

RULE 12 PROBATIONARY PERIODS

12-01. NATURE AND PURPOSE OF PROBATIONARY PERIOD

Each employee in the classified civil service shall serve a probationary period following an original appointment, either by certification or provisional appointment, and following each promotion. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee's position and for dismissing or reducing any employee whose performance does not meet required work standards.

12-02. LENGTH OF PROBATION

- A.** All permanent original appointments made provisionally or from open competitive eligible lists, shall be subject to a probationary period of one (1) year from the date of such appointment. A probationer may be disciplined or removed from City employment at any time and for any reason without recourse or appeal within the said probationary period.
- B.** Any permanent employee who has been promoted provisionally or from a promotional eligible list shall be on probation for a period of one (1) year from the date of such promotion. If during that period, the service of the employee so promoted is not satisfactory, he/she may at any time and for any reason without recourse or appeal be reduced by the Mayor or City Administrator to the position from which he/she was promoted. If no vacancy exists in that classification at the time of reduction, such employee shall have the right to displace employees within that classification as if a layoff had occurred in the classification.
- C.** In the case of the removal of a probationary appointee, the Mayor or City Administrator shall immediately notify the Commission, in writing, when the appointment is to be terminated.

12-03. PROBATIONARY PERIOD FOR INTERMITTENT EMPLOYEES

Probationary period for intermittent workers shall be six (6) months from the date of employment. An intermittent probationer may be discharged at any time and for any reason without recourse or appeal within the said probationary period by the Mayor or City Administrator.

12-04. EXTENSION OF PROBATIONARY PERIOD

The probationary period, as set forth in this Chapter 12 for all employees appointed or promoted, shall be held in abeyance during all approved leaves of absence taken by the probationer and shall resume upon the probationer's return to employment. If any such leave of absence extends for a period of one (1) year or more, upon the probationer's return to service with the City, his/her probationary period will start anew.

12-05. DUTY OF DEPARTMENT HEAD DURING PROBATIONARY PERIOD

It shall be the duty of the department head, during the probationary period of each employee in the classified service, to:

- A.** Investigate thoroughly the efficiency, conduct and integrity of such employee;
- B.** Evaluate whether or not the employee shall be retained in the City service in the position to which he/she has been appointed; and
- C.** So notify the Commission, on Employee Performance Evaluation forms prescribed by the Commission, at not less than six (6) month intervals during the period of probation.

Failure to comply with the evaluation provisions in this rule shall not prevent probationary removal.

RULE 13 PERFORMANCE EVALUATIONS

13-01. STANDARDS OF EFFICIENCY

The Commission has established a performance evaluation program for the purpose of measuring, as objectively as possible, the efficiency of employees in the classified service.

13-02. PERFORMANCE EVALUATION

- A.** Classified employees shall be evaluated with respect to performance twice during the employee's probationary period and once during each calendar year thereafter.
- B.** The first performance evaluation shall be completed within the first half of the probationary period. The second evaluation shall be completed within thirty (30) days prior to completion of the probationary period, unless the employee is given a probationary removal or a reduction, in which case the final evaluation will be made at the time of removal or reduction.
- C.** The annual evaluations shall measure the employee's performance for the year immediately preceding the evaluation date. Annual evaluations for City employees shall take place in February of each year.
- D.** Each employee shall *be* evaluated by his immediate supervisor, utilizing performance evaluation forms approved by the Civil Service Commission.
- E.** Performance evaluations shall be presented to the employee for review and signature. No alterations shall be made to the performance evaluation after it has been signed by the employee.
- F.** A copy of a completed, signed and dated performance evaluation shall be furnished to the employee. The department head may retain a copy for department files. The original performance evaluation shall be remitted to the Commission for filing in the employee's personnel file.

RULE 14 VOLUNTARY AND INVOLUNTARY SEPARATION

14-01. RESIGNATION

- A. To resign in good standing, an employee must submit a written resignation to the Mayor or City Administrator at least two (2) weeks prior to the date the employee intends to leave. This two (2) week notice requirement may be waived by the Mayor or City Administrator.
- B. If the Mayor or City Administrator accepts the resignation of an individual who has appealed a dismissal to the Commission or grievance/arbitration under a collective bargaining agreement, the acceptance of such resignation shall constitute resignation in bad standing. Any such charges filed with the Commission shall be deemed withdrawn and the proceedings shall be dismissed without judgment. Such resignation shall be effective immediately and may not be withdrawn.
- C. Absence without leave for five (5) consecutive days shall constitute resignation in bad standing.

14-02. REDUCTION IN THE NUMBER OF EMPLOYEES BY LAYOFF

Whenever the Mayor or City Administrator determines it necessary to reduce the number of employees in the classified service, the Mayor or City Administrator shall designate the positions, classifications, divisions, bureaus and departments to be affected by said layoffs without necessarily impacting positions and classifications in other City divisions, bureaus or departments in the same or similar manner. The Mayor or City Administrator shall notify the Commission of the number of positions to be laid off and the job classifications by division, bureau and department to be affected. The Commission shall thereupon furnish to the Mayor or City Administrator the names of the employees in the order which such layoffs shall be affected.

14-03. ORDER OF LAYOFF AND SENIORITY CREDIT

- A. Order of layoff. A reduction in the number of full-time employees in a classification shall be made in the following order: first - temporary; second - provisional; third - probationary permanent; last -permanent. A reduction in the number of intermittent employees shall be according to their seniority credit within their job classification.
- B. Layoff in accordance with seniority credit. Classified employees with the least seniority within the classification(s) affected shall be laid off first. A laid off employee shall have the right to displace a less senior employee in the same classification. The bumping procedure will be as follows:
 - 1. When an employee is given notice of layoff, that employee and all other employees within the affected classification shall be given a list showing the names and seniority dates of all employees in the affected classification.
 - 2. Within five (5) days of receipt of the list above, the laid off employee may give notice to bump a less senior employee within the affected classification. if the employee fails to notify his/her supervisor within that five (5) day period that he/she wishes to exercise his/her bumping rights, he/she shall have no further bumping rights.

3. An employee who has been bumped in accordance with the above shall have the right, within five (5) days, to bump a less senior employee within the affected classification. Should the employee fail to exercise his/her bumping rights within this five (5) day period, he/she shall have no further bumping rights.
 4. This procedure will continue until the employee bumped either chooses not to exercise bumping rights or has no one to bump.
 5. Any employee bumping into a different position within their classification must demonstrate, within the thirty (30) day period following the displacement, the necessary skill and ability required in the position into which the employee bumps. If the employee does not perform satisfactorily during the thirty (30) day evaluation period, the employee shall be laid off and shall thereafter only be eligible for recall to his/her former position.
 6. Recalls shall be in the inverse order of layoff and a laid off employee shall retain his/her right to recall for a period of twelve (12) months from the effective date of his/her layoff or as may otherwise be provided in a collective bargaining agreement. Notice of recall shall be sent to the employee's address listed on the City's records and shall be sent by certified mail, return receipt requested. An employee who refuses recall or does not report to work within ten (10) calendar days from the date the employee receives the recall notice, shall be considered to have resigned his/her position and forfeits all right to employment with the City.
- C. Seniority credit. Seniority credit for layoff purposes shall be the amount of Continuous Service, as defined in Rule III, that a probationary permanent or permanent employee has accumulated in the classified service of the City of Norton in accordance with the following:
1. Permanent full-time classified employees with prior classified intermittent service with the City shall receive, in addition to seniority credit for their full-time service with the City, seniority credit for their intermittent service with the City, with their seniority credit for their intermittent service being prorated as it relates to their full-time service.
 2. Any permanent classified employee who has been promoted from an open or promotional eligible list and is displaced in a layoff, shall be entitled to return to the classification from which he was promoted and exercise his displacement rights upon returning to that classification. Such employee's service in the former classification shall not be considered interrupted by his service in the promotional classification in the event of a layoff.
 3. An employee who is reinstated following a layoff retains his previously earned seniority.
 4. Ties in seniority among affected employees shall be broken by lot.

14-04. JOB ABOLISHMENTS

If the Mayor or City Administrator abolishes positions in the classified service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with Rules 14-02 and 14-03.

14-05. ATTAINMENT OF AN ILLEGAL OR FRAUDULENT APPOINTMENT

An appointment found, upon investigation by the Commission, to have been obtained through fraud or material misrepresentation, is void ab initio (from the beginning), and a position obtained in this manner shall be deemed to be vacant. Such illegal or fraudulent appointment confers no rights or benefits of that position upon the appointee, even if the employee has completed his probationary period.

14-06. LIABILITIES OF DISMISSED EMPLOYEES AND THOSE WHO HAVE RESIGNED IN BAD
STANDING

Any permanent employee who has been dismissed or who resigns in bad standing shall be removed from all eligible lists. The employee shall also be disqualified for a two (2) year period from taking any Civil Service examination and from reemployment unless, in the judgment of the Commission, the cause of the dismissal or the circumstances of the resignation in bad standing will not adversely affect the individual's ability to perform some other type of employment.

RULE 15 SUSPENSION, DEMOTION AND DISMISSAL

15-01. DISCIPLINARY ACTION

Any employee in the classified service may be suspended, demoted or dismissed for just cause.

15-02. PROGRESSIVE DISCIPLINE

Discipline should be applied to non-probationary classified employees in a corrective, progressive, and uniform manner, except in cases of serious misconduct. Any discipline imposed will be based upon the nature of the violation and may be based upon the employee's record of previous disciplinary actions from his/her personnel file.

15-03. CAUSES FOR DISCIPLINARY ACTION

Causes for suspension, demotion or dismissal shall include, but are not limited to:

- A.** Unapproved leave of absence, excessive absenteeism or tardiness.
- B.** Incompetence or inefficiency in the workplace; or failure to meet reasonable expectations or objectives for satisfactory work performance.
- C.** Misconduct toward other City employees, officials or the public.
- D.** Insubordination; failure to obey any lawful and reasonable rule, regulation or policy; or failure to follow direction concerning a job-related matter.
- E.** Solicitation or acceptance of any thing of value given in hope or expectation of favored treatment.
- F.** Conviction of any felony or conviction of a misdemeanor involving moral turpitude.
- G.** Theft, destruction, defacement, misuse, abuse, alteration, or unauthorized use of City property; or willful or negligent conduct which causes waste or damage to public property.
- H.** Conduct unbecoming an employee of the City.
- I.** Outside employment or off-duty conduct which interferes with job attendance or performance; is incompatible with or detrimental to job performance; or is a discredit to the City.
- J.** Evidence of violation of a felony statute where retention of such employee is not in the public interest.
- K.** Use of profanity or abusive language in the workplace.
- L.** Threatening or intimidating management, supervisors, fellow workers, or the public.
- M.** Fighting or assault on a fellow employee or member of the public.

- N. Dishonesty in the workplace, including but not limited to, giving false statements or providing false information in connection with a disciplinary investigation.
- O. Falsifying or altering any City record or report, including but not limited to, an application for employment, medical report, time record, reimbursement request, leave request, health insurance form, accident report, worker's compensation form, etc.
- P. Reporting to work with any impairment due to alcoholic beverages and/or illegal drugs; testing positive for illegal drugs or alcohol; refusal to cooperate fully when directed to participate in a drug or alcohol test; or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs on City premises or during work hours including break periods.
- Q. Neglect of duty or failure to devote full time and attention to job responsibilities.
- R. Failure to wear assigned safety equipment or to abide by safety rules, regulations, and policies.
- S. Engaging in any form of sexual harassment.
- T. Improper disclosure of confidential information.
- U. The possession of firearms or other weapons on City property without authorization.
- V. Any other misfeasance, malfeasance, or nonfeasance in the workplace.

15-04. DEMOTION FOR CAUSES OTHER THAN DISCIPLINARY

Other voluntary causes - such a reduction may be made for any reason upon the written request of the employee and the approval of the Mayor or City Administrator.

The suspension without pay, demotion or discharge of a permanent employee shall not become effective until such employee has been served with a written notice of charges.

- A. Notice. Within three (3) business days, a copy of the notice shall be filed with the Commission. The notice shall contain grounds for the action and such specifications of facts as will enable the employee to make explanation.
- B. Appeal to the Commission. Except as otherwise provided in a collective bargaining agreement, a permanent employee suspended without pay, demoted, or discharged, may appeal in writing to the Commission within ten (10) days of the service of the charges. Written notice of the date, time and place of the hearing shall be sent by regular or certified mail to the charged employee and by regular inter-office mail to the department head and Mayor or City Administrator.
- C. Hearing. The hearing shall be open to the public. The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or rules of evidence and procedure, but may make inquiry in the matter through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties. The testimony taken at the hearing shall be under oath. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent records and to administer oaths, and if necessary, to continue the hearing from time to time. It may also order stipulations, depositions and like documents to be prepared by the parties. If any party fails to appear

at the time set for the hearing without justification satisfactory to the Commission, the Commission may hear the evidence and render judgment in that party's absence.

- D.** Determination. The Commission may affirm, disaffirm, or modify the suspension without pay, demotion or discharge.
1. The Commission shall report its findings and decision to the Mayor or City Administrator, department head, and employee.
 2. An appeal of the Commission's decision may be filed, by either the employee or Mayor or City Administrator, with the Court of Common Pleas within thirty (30) days of the Commission's decision, with notice of such appeal filed with the Commission within the thirty (30) day period.

RULE 16 REINSTATEMENT

16-01. REINSTATEMENT AFTER RESIGNATION

An employee in the classified service who resigns in good standing, and having served the required probationary period, may, upon the recommendation of the Mayor or City Administrator and with the consent of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar position and salary in the same department. Such reinstatement may be predicated upon the person passing a medical and/or psychological exam by a Civil Service approved physician and showing the person can perform the essential functions of the job.

RULE 17 TRANSFERS

17-01. TRANSFER IN THE CLASSIFIED SERVICE

Employees in the classified service of the City, who have satisfactorily completed their probationary period, may be permanently or temporarily transferred by the Mayor or City Administrator or department head to a position having the same rate of pay and similar duties within the same department or in another department of municipal government. The Commission must be notified of the transfer in writing. Unless otherwise approved by the Commission, or except as may be otherwise provided in a collective bargaining agreement, no transfer shall be made to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position held by such person.

RULE 18 POLITICAL ACTIVITY

The purpose of this rule is to provide guidelines concerning political activity. Employees in the City's classified service are prohibited from engaging in a partisan political activity. "Political activity" and "politics" refer to partisan activity, campaign and election involving primaries, partisan ballots or partisan candidates.

A. Permissible Political Activities for Employees in the Classified Service:

1. Registration and voting;
2. Expression of opinions, either oral or written;
3. Voluntary financial contributions to political candidates or organizations;
4. Circulation of nonpartisan petitions or petitions stating views on legislation;
5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;
7. Display of political materials in the employee's home or on the employee's property;
8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
9. Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.

B. Prohibited Political Activities for Employees in the Classified Service:

1. Candidacy for public office in a partisan election;
2. Candidacy for public office in a nonpartisan general election if the nomination for candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
4. Circulation of official nominating petitions for any candidate participating in a partisan election;
5. Service in an elected or appointed office in any partisan political organization;
6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;

8. Solicitation, either directly or indirectly, of any assessment, contribution of subscription, either monetary or in-kind, for any political party or political candidate;
9. Solicitation of the sale, or actual sale, of political party tickets;
10. Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues;
11. Service as, witness or challenger, for any party or partisan committee;
12. Participation in political caucuses of a partisan nature; and
13. Participation in a political action committee that supports partisan activity.

An employee in the classified service who engages in any of the prohibited activities listed above is subject to removal from his position in the classified service.

C. Political Activities for Employees in the Unclassified Service.

Employees in the unclassified service, who serve at the pleasure of the Mayor or City Administrator and are not subject to competitive examinations, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.