



150 Avon Belden Road
Avon Lake, OH 44012

RULES

of the

CIVIL SERVICE COMMISSION

of the

CITY OF AVON LAKE, OHIO

RULES OF THE CIVIL SERVICE COMMISSION OF THE CITY OF AVON LAKE

TABLE OF CONTENTS

Rule 1	Administration	Page 4
Rule 2	Definitions	Page 6
Rule 3	Official Records	Page 8
Rule 4	Classifications	Page 8
Rule 5	Notice of Examinations	Page 10
Rule 6	Filing Applications	Page 10
Rule 7	Character of Examinations	Page 12
Rule 8	Identity of Examinees Concealed	Page 13
Rule 9	Rating Competitors	Page 13
Rule 10	Inspection and Review of Papers	Page 14
Rule 11	Postponement and Cancellation of Examinations	Page 14
Rule 12	Eligibility Lists	Page 15
Rule 13	Appointments in the Competitive Service	Page 16
Rule 14	Applications for Positions in the Police Department	Page 18
Rule 15	Applications for Positions in the Fire Department	Page 19
Rule 16	Promotions	Page 20
Rule 17	Promotions for Police and Fire Departments	Page 21
Rule 18	Probationary Rejection	Page 23
Rule 19	Reductions, Lay-offs and Suspensions	Page 24
Rule 20	Removals and Appeals	Page 25
Rule 21	Leave of Absence	Page 26
Rule 22	Political Activity Prohibited	Page 27
Rule 23	Ohio Revised Code	Page 28
Rule 24	Amendments to Rules	Page 29

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**RULES OF THE CIVIL SERVICE COMMISSION
OF THE CITY OF AVON LAKE, OHIO**

PREAMBLE

The following set of rules and regulations is prescribed and adopted under and by virtue of the authority conferred upon the Civil Service Commission of the City of Avon Lake, Ohio, by the Constitution of the State of Ohio, the Charter of the City of Avon Lake and by the Codified Ordinances of the City of Avon Lake. These rules are not intended to supersede or supplant the terms of any collective bargaining agreements between the City of Avon Lake and its employees.

**RULE 1
ADMINISTRATION**

Section A. The Commission shall be composed of three members who possess the qualifications and who were selected or appointed in the manner provided by ordinance.

It shall be the duty of each member to attend all annual and regular monthly meetings of the Commission; to attend all special meetings if possible; and to devote as much of his time as may be necessary to the management of the business and affairs of the Commission.

Section B. The Commission shall administer and enforce the Civil Service Ordinance of the City of Avon Lake and the rules and regulations prescribed by the Commission relative to the Civil Service of the City of Avon Lake; and shall perform such other duties and shall exercise such other authority and power as it may have or possess.

Section C. The Commission shall meet on such dates as shall be fixed by the Commission, or as often as the duties of the office shall demand. However, the Commission shall meet at least once during the month of January of each year. The first meeting held during January of each year shall also be known as the annual meeting of the Commission.

The Chairman may on his own initiative, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission not earlier than two (2) days and not later than ten (10) days from the date of issuance of the notice of such meeting. It shall be the duty of the chairman in thus issuing a call for a special meeting or use every reasonable effort to give the other members of the Commission notice thereof at the earliest possible time.

Two members of the Commission shall constitute a quorum at any annual, monthly or special meeting for the Commission; and the affirmative vote of at least two members shall be required to adopt any motion or resolution.

At each annual meeting, the Commission shall elect one of its members to act as Chairman and one member to act as Vice-Chairman and appoint one member to act as Secretary for the ensuing year. It shall be the duty of the Chairman to preside at all meetings of the Commission. In his absence, the Vice-Chairman shall act on all matters in his stead. The Chairman shall sign, together with other members of the Commission, the minutes of all meetings at which he presides, and sign all warrants or orders for the payment

of money from the accounts and funds of the Commission. The Chairman may authorize the expenditure of petty cash for office supplies or other expenses of the Commission, as established by Avon Lake City Council.

Unless otherwise determined by the Commission, the order of business and proceedings at all meetings of the Commission shall be governed by Robert's Rules of Order.

Section D. The Secretary for the Commission shall attend all of the meetings of the Commission and keep the minutes thereof; shall accurately and properly keep all the books and records of the Commission; shall keep all files in proper order; shall prepare and deliver, or cause to be delivered, notices and other communications ordered by the Commission; shall in conjunction with other members of the Commission promptly furnish the appointing officers with eligibility lists; shall handle such correspondence as the Commission may receive; shall, in conjunction with the Chairman sign all warrants or orders for the payment of money on behalf of the Commission, and shall perform such other services as are generally performed by a Secretary of such a Board or Commission. As may be required by the Commission, the Secretary shall further prepare and file with the State Civil Service Commission, or other proper authorities, such reports as may be necessary or demanded by such authorities. The Secretary may delegate some or all of these duties to a person so authorized by the Commission.

Section E. The Director of Finance of the City of Avon Lake shall be the official custodian of any money appropriated for use of, or otherwise coming into the possession of the Commission. All orders for the payment of money from the accounts and funds of the Commission shall be upon written warrants drawn upon the Director of Finance and shall be signed by the Chairman. If the Chairman is unavailable and it is a necessity that the warrants be immediately signed, the Vice Chairman or the Secretary of the Commission may sign the warrant.

The Commission shall submit an annual report to the Mayor. This report shall be approved and signed by all members of the Commission and shall be submitted by the due date specified by the State Personnel Board of Review for the submission of the Annual Report. The format of this report may be the same as that supplied by the Board of Review, Department of State Personnel of the State of Ohio. In addition to this minimum information, this report is to include appropriate comments on all significant accomplishments and proceedings of the Commission.

Section F. With the approval of the City Council and/or Mayor, the Commission may appoint legal counsel to advise the Commission, to review the Civil Service Rules, and to serve in any other capacity determined to be appropriate by the Commission. Legal counsel may further be authorized by the Commission to direct investigations as described in Section G of this Rule.

Section G. Upon appropriation of the necessary funds by the City Council, the Commission may direct legal counsel or another authorized person to investigate any matter which the Commission has the authority to hear or investigate. The Commission may subpoena and require the attendance and testimony of witnesses, the production of books, papers, public records and other documents or evidence pertinent to an investigation. Enforcement of such subpoenas and payment of fees or mileage shall be as provided by the Ohio Revised Code.

**RULE 2
DEFINITIONS**

Section A. The term “Civil Service” includes all offices and positions of trust or employment in the service of the City of Avon Lake.

Section B. The term “Unclassified Service” shall comprise those positions classified as exempt positions in Section 160.5, Ordinance No. 8-62 adopted by the Council of the City of Avon Lake on January 8, 1962, presently codified as Chapter 278.05 which is herein called the Civil Service Ordinance.

Section C. The term “Classified Service” shall be comprised of all persons in the employ of the City of Avon Lake who are not specifically included in the Unclassified Service.

The Classified Service shall be divided into the “Competitive Class” and the “Unskilled Labor Class” as follows:

1. The “Competitive Class” shall consist of all positions and employments now existing or hereafter created in the City of Avon Lake for which it is practicable to determine the merit and fitness of applicants by competitive examinations for either original appointments or promotions.
2. The “Unskilled Labor Class” shall consist of all positions and employment not included in the Competitive Class.

Section D. The term “Appointing Authority” signifies the Mayor, Council, Department Heads and/or Board of Municipal Utilities, as appropriate.

Section E. The term “Class” or “Classification” shall be deemed to refer to any two or more positions, which are sufficiently similar in respect to duties, responsibilities, and qualification requirements to be designated by the same descriptive title and equitably compensated within the same salary scale.

Section F. The term “Probationary Period” shall mean the initial term for which a person is given either an original appointment or promotional appointment. Subject to any different time period established by any applicable collective bargaining

agreement in effect, the Probationary Period shall commence on the date of such appointment and shall terminate:

1. In the case of an original appointment to the Police or Fire Departments, one (1) year after the person is first placed on solo patrol or solo assignment.
2. In all other cases, one (1) year after the date of the original or promotional appointment.

Section G. The term “Permanent Position” signifies any position in the Civil Service to which a person has been regularly appointed after having served the Probationary Period. Such a position normally involves continuous year-round service or is that of a seasonal employee returning to the Service in successive years.

Section H. The term “Temporary Position” signifies any position which is filled pursuant to Rule 13, Section H, and is not to exceed 120 days.

Section I. The term “Seasonal Position” signifies any position in the Classified Service, which requires the services of an incumbent only during certain parts of each year, such a position being intermittent or broken in its nature.

Section J. The term “New Position” means a position created through the authorized addition to an organized unit of a position not previously existent. The Civil Service Commission shall place the new position in the classification plan.

Section K. The term “Eligibility list” signifies a list of names or persons who have been found qualified, through a suitable test, for employment in positions of a specified class, arranged in the order of merit.

Section L. The terms “Promotion” or “Advancement” signify a transfer made in accordance with the Civil Service Ordinance and the rules of the Commission from a lower class to a higher class, involving an increase in responsibilities, a change in classification title, or the application of a higher salary scale.

Section M. Words Held to be Inclusive. Masculine pronouns used in these Rules shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.

Section N. Unless the context otherwise requires, references in these rules to employees or personal shall refer only to members of the Classified Service (i.e. nonexempt employees).

**RULE 3
OFFICIAL RECORDS**

Section A. On behalf of the Commission, the Secretary of the Commission shall keep a minute record of such official actions of the Commission as are required under the law or under the rules of the Commission, and including the following:

1. Probationary appointments.
2. Temporary promotions and assignments of employee to work other than that embraced by their classification.
3. Appeals from dismissal, demotion, and suspension.
4. Reinstatements of former competitive employees to their positions and replacements of names on and removals of names from eligibility lists.
5. Changes in the classification of individual employees.
6. Approval of, or changes in examination schedules.
7. Appointments of special examiners.
8. Transfers from one department to another.
9. Exemptions from competitive examination in the case of special or exceptional appointments.

Section B. On behalf of the Commission, the Secretary shall maintain an official roster showing the names and titles of all employees in the classified service.

Section C. The Secretary of the Civil Service Commission shall oversee the maintenance of the official classification, of efficiency records, files of examination papers, correspondence, and other data. The examination papers and applications shall be retained according to the Schedule of Records Retention and Disposition of the City of Avon Lake Civil Service Commission.

**RULE 4
CLASSIFICATION**

Section A. Classification Plan. The job classification plan described in Section 258.04 of the Codified Ordinance shall constitute the official classification plan for all positions in the service of the City of Avon Lake. No person shall be employed or regularly assigned to work under any title not appropriate to the duties to be performed.

Section B. Class Specifications. The Commission Secretary shall maintain in his office a record showing for each class established: the class title, the duties performed and the responsibilities involved in each class, and the minimum qualifications to be required of future applicants seeking appointment.

Section C. Specifications Interpreted. In interpreting the specifications of classes of positions in the classification plan, the following shall apply:

1. The specifications are descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to duties, qualifications, or other attributes shall not be held to exclude others not mentioned, if such others are similar as to kind or quality.
2. The “Duties Statement” is not intended to prescribe what the specific duties of a given position shall be; nor to limit the power of appointing authorities to modify or alter the detailed tasks involved in the duties of any position.
3. Although they may not be mentioned in the specifications, certain qualifications which should properly apply to practically all positions – such as citizenship, residence, suitable age, honesty, sobriety, and industry – are taken for granted.
4. The Commission may prescribe minimum age requirements for applicants for appointment to particular classes of positions after conference with the department heads concerned.

Section D. Classification of New Positions. Whenever a new classified position is established or the duties of existing positions are so changed that in effect the old position as described by the class specifications no longer exists, but in its place there is created a new position of a different class, the appointing authority shall report such fact to the Civil Service Commission and transmit a comprehensive statement of the circumstances and a description of the duties. The Commission shall thereupon investigate the actual or suggested duties and qualification requirements and classify or reclassify the position by allocating it to its appropriate class in accordance with the classification plan

Section E. Amendment of Classification Plan. The Commission, as it may from time to time, deem necessary and after authorization by the appointing authorities involved, may establish new classes, abolish, merge, or divide existing classes and amend the class specifications to meet changing conditions.

RULE 5
NOTICE OF EXAMINATIONS

- Section A. Entrance Examinations. Notice of competitive entrance examinations (open to persons employed in the Civil Service and to those who have not been employed) to be held shall be given not less than two (2) weeks prior to such examinations by advertisement in a newspaper of general circulation in the vicinity of, or in the City of Avon Lake, and by such additional media, if any, as the Civil Service Commission may deem suitable for the purpose of bringing attention to the matter in question, such as by bulletin board posting or electronic media. This requirement may be waived by the Civil Service Commission in the case of special examinations for positions in connection with which there is substantial difficulty in obtaining qualified applicants and for which non-assembled examinations are found to be necessary.
- Section B. Promotional or Advancement Examinations. Notice of competitive promotional or advancement examinations to be held shall be given by: (a) communication to the head of the department whose employees may be interested and (b)(i) the conspicuous posting of bulletins in the departments whose employees may be interested or (ii) individual communication to the employees eligible for such promotion or advancement. See also Rule 17, Section 2. (Rule 17 deals with promotions for police and fire).
- Section C. Examination Fee. A fee may be assessed for entrance examinations. The fee shall be computed on a reasonable basis to compensate for the costs of advertisement, examination materials, special examiners and other related and incidental expenses incurred. All fees collected under the provisions of this Rule shall be payable to the City of Avon Lake for deposit into the City Treasury. (Ord. 87-88)

RULE 6
FILING APPLICATIONS

- Section A. Citizenship and Residence. All applicants shall be citizens of the United States. Six (6) months after completion of the probationary period, all employees of the classified service who are emergency responders shall reside within Lorain County or a county contiguous to Lorain County.
- Section B. Physical examination may be made of all applicants for positions in the Fire and Police Departments, both on original and promotional applications and for positions in any other department, if the prospective duties and betterment of the service, in the opinion of the heads of the Department and the Avon Lake Civil Service Commission, may demand.

Section C. Application. In order to be eligible to take the examination for either an original or promotional position, each applicant must complete the application form supplied by the Commission in accordance with the instructions supplied therewith. The completed form must be filed with the office of the Commission or other designated location not later than the date specified in the notice of examination, which date shall not be less than ten (10) days after the date notice of such examination was first given.

If a potential applicant intends to be out of town for an extended period of time, he may complete and file with the office of the Commission or other designated location a form supplied by the Commission that will constitute an absentee application for a promotional examination that is announced while such potential applicant is out of town. An absentee application shall be valid for sixty (60) days after it is filed. Nothing herein shall require the Commission to delay an examination to accommodate potential applicants who may be unavailable on the date the examination is to be given.

Section D. Rejection of Application. The Civil Service Commission may reject any application for cause, among which the following may be sufficient:

1. That the applicant lacks any of the minimum qualifications set forth in the job description.
2. That the applicant does not meet the minimum age requirements.
3. That the applicant does not meet the physical requirements of the position to which he seeks appointment.
4. That the applicant has intentionally made a false statement in his application with regard to any material fact.
5. That the applicant was previously in the classified service in the same or any type of employment and was removed for cause or did not resign in good standing.
6. That the applicant after notification did not promptly present himself at the time and place designated for the examination.

Upon rejection of any applicant, within seven (7) days of said rejection, any applicant shall have an opportunity to show cause why his application should not have been rejected.

Section E. Except as otherwise provided in these rules, the qualification of a person to take either an examination for an entrance position or an examination for promotion shall be determined as of the deadline date for filing the application to take such examination with the Commission.

Section F. When an applicant shall have been certified by the Commission and appointed, his name shall be dropped from all eligibility lists.

RULE 7 CHARACTER OF EXAMINATIONS

Section A. Examinations to Be Practical. All examinations shall be practical in character, shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the class of positions to which appointment is sought, and shall, when appropriate, include tests of physical qualifications, health, and manual skill.

Section B. Content of Examinations. The examination held to establish a list of eligibles for any class shall consist of one or more of the following parts:

1. Written Tests. This part when required shall include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their general information of their general educational attainments. A formal thesis upon one or more subjects may be required if advisable.
2. Oral Tests. This part, when required, shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other personal qualifications are relevant. An oral test may also be used in examinations where a written test is unnecessary or impracticable.
3. Performance Tests. This part, when required, shall include such tests of performance or trade as will determine the ability and manual skill of competitors to perform the work involved.
4. Physical Tests. This part, when required, shall consist of tests of bodily condition, muscular strength, agility and physical fitness of competitors. This may be given a weight in examinations or may be used in excluding from further examination those applicants who do not satisfy the minimum standards.
5. Mental Tests. This part, when required, shall include any tests to determine intelligence, the general capacity for applicants to adjust their thinking to new problems and conditions of life, or to ascertain special character traits and aptitudes.

6. Training and Experience. This part, when required, shall be obtained from the statements of education and experience contained in the application form or from such supplementary data as may be required. The Commission may, in their discretion, investigate the truth of the competitors' statements as to training and experience.

RULE 8 IDENTITY OF EXAMINEES CONCEALED

Identification Number. The identity of all persons taking a competitive assembled examination shall be concealed from the examiners by the use of an identification number, which shall be used on all examination papers and the candidate's application form when he presents himself for examination. This number shall be used from the beginning of the examination until the papers have all been rated. Any papers bearing the name of the applicant or any other identification mark shall be rejected and the candidate so notified.

RULE 9 RATING COMPETITORS

Section A. Method of Rating. Each part of the examination for any class, except in such cases as passing of a physical examination is required as a prerequisite, shall be separately graded and the proficiency of each competitor in each part rated. A passing score on a written examination is seventy per cent (70%). All other types of examinations shall be scored on a pass/fail basis.

The names of applicants passing each part of an examination shall be posted in the Commission's office and entered on the appropriate eligibility list. The grade of any applicant failing to qualify shall not be posted.

Section B. Additional Credit For Military Service. In the event that the applicant for an original appointment to a position in the classified service receives a passing grade on his or her examination, he or she shall be entitled to an additional five (5) percentage points if he or she was in the service and on active military duty for a minimum of 180 days for the United States of America and was honorably discharged. A copy of the applicants DD 214 shall be submitted along with the application so that the applicant's time in service may be verified.

Section C. Seniority. There shall be added to the passing written grade of those applicants taking promotional examinations a credit for seniority, which shall be determined as follows:

One percentage point (1%) for each year of the first four (4) years of service and six-tenths of one percentage point (.6 %) for each year of the next ten (10) years of service. Seniority credits shall be awarded for partial years of service for each full month of service less than one year on a pro rata basis.

Years of service shall be determined as of the date of the examination or, if the examination consists of more than one part, as of the date of the first part of the examination. (Amended 1/24/00) Employees who have previously resigned their employment with the City of Avon Lake and become re-employed with the City are not entitled to seniority credits toward promotions based on their previous employment.

RULE 10
INSPECTION AND REVIEW OF PAPERS

Section A. Examination by Applicants. An applicant shall have the right to inspect his/her own graded test papers and submit in writing for the Commission's consideration any objection or protest he/she may wish to make concerning the grades given him/her.

Such objection or protest must be delivered to the Commission in writing within ten (10) days after an applicant has been notified of his/her grade. No grades given in any examination shall be changed after the posting of an eligibility list except as a result of the consideration of an objection or protest that has been timely submitted in writing by the applicant objecting, and a report thereon by the examining staff; provided however, that the Secretary may correct clerical errors of examiners or employees at any time before the expiration of such lists.

Section B. Examination by Appointing Authority. Any appointing authority or his/her authorized representative shall be privileged to examine the papers of the applicants, should this be desired in connection with determining the relative fitness of persons under consideration for appointment.

RULE 11
POSTPONEMENT AND CANCELLATION OF EXAMINATIONS

Section A. Examinations to Be Held as Advertised. Except as hereinafter set forth, all examinations shall be held upon the dates fixed by the Commission in its published notices.

Section B. Postponement And Cancellations. The Civil Service Commission shall have the right to postpone any examination because of inadequate number of applicants, because of the non-attendance of special examiners, or for other sufficient cause or to cancel any examination the holding of which becomes unnecessary because of a change in the personnel requirements of appointing officers. All such postponements or cancellations shall be reported by the Commission with the reasons therefore, and an entry to this effect shall be made on the Commission's minutes.

RULE 12
ELIGIBILITY LISTS
(Reference: RC 143.19)

- Section A. Posting of Lists. From the results of each examination, the commission shall prepare and keep open to the public inspection, an eligibility list of the persons passing the examination and who are otherwise eligible. Such persons shall be ranked upon the eligibility list in the order of their relative grades without reference to priority of time of examination. However, in the event that two or more applicants receive the same grade on an entrance examination, priority in time of filing the application with the Commission shall determine the order in which their names shall be placed on the eligibility list. In the event that two or more applicants receive the same grade on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligibility list. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the commission may consolidate existing lists for the same class by rearranging the eligible names therein according to their grades. All persons whose names appear on an existing list, which is to be merged with a new list, shall have an opportunity to compete in the second examination.
- Section B. Duration of Lists. The term of eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not less than one (1) year nor more than two (2) years from the date of certification of such list. Any list that has been in effect for more than one (1) year after certification may be abolished by the Commission at any time if the Commission determines that such abolishment is in the public interest.
- Section C. Transfer to Lower Class. The name of any eligible may at any time, upon his written request, be transferred to the eligibility list for a lower class requiring qualifications of the same general character. He shall be ranked thereon according to his original grade.
- Section D. Removal From List. The name of any person appearing on an eligibility list who fails to respond to a written notice from the Civil Service Commission, who declines an appointment without reasons satisfactory to the Civil Service Commission, or who cannot be located by postal authorities, shall be removed from the eligibility list. The eligible shall be notified in writing of his removal from such list. His name may be reinstated on the eligibility list only in case a thoroughly satisfactory explanation of the circumstances is provided to the Commission. In case an eligible's name appears on more than one list, appointment to a position in one class shall cause his name to be removed from other eligibility lists for classes the salary of which is equal or lower.
- Section E. Disqualification of Eligibles. If at any time after the creation of an eligibility list, the Commission has reason to believe that any person whose name appears on any list is disqualified for appointment because of incapacity developed subsequent to

his examination, because of false statements made in his application, a bad work history or poor references or for any other reason, such person shall be notified and given an opportunity to be heard. If such person shall fail to appear for his hearing, or upon his being heard, fail to satisfy the Commission, his name shall be removed from such eligibility list.

Section F. Change of Address. Each person on an eligibility list shall file with the Commission written notice of any change of address, and failure to do so may cause his name to be removed from the list.

Section G. Revocation of List. An eligibility list may be revoked and re-examination ordered only when in the judgment of the Commission such action is deemed advisable on account of errors, fraud or obviously inappropriate standards prescribed in connection with any examinations. All competitors in the first examination shall, without further fee, be given an opportunity to compete and a new eligibility list shall be established. No eligibility list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon an entry of the reasons for such alternation or revocation in the minutes of the Commission.

RULE 13

APPOINTMENTS IN THE COMPETITIVE SERVICE

Section A. No person shall be employed or promoted in the Classified Service of the City of Avon Lake except in the manner provided by the Avon Lake Codified Ordinances and the Rules of the Commission.

Section B. Except as provided in Sections 256.07 and 256.08 of the Avon Lake Codified Ordinances, appointments to all positions in the classified service that are not filled by promotions, transfer, or reduction, as provided by the Avon Lake Codified Ordinances and the Rules of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Civil Service Ordinances and the Rules of the Commission.

Section C. The appointing authority of the department in which a position in the classified service is to be filled, shall notify the Commission of the need to fill the position. The Commission shall certify to the appointing officer of all departments the names and addresses of the five (5) candidates standing highest on the eligibility list for the class or grade to which said position belongs.

Section D. A person certified from an eligibility list more than three (3) times to the same appointing authority for the same or similar positions, may be omitted from future certification to such officer, provided that certification for a temporary appointment shall not be counted as one of such certifications.

Section E. Upon receipt from the Commission of such list of persons certified for such position(s), the appointing authority shall forthwith fill such position(s) by appointment from the list of persons certified to him and shall forthwith report to the Commission the name of each appointee, the title of his position, the starting date, the salary or compensation thereof, and such other information as the Commission requires in order to keep its roster.

Section F. The person or persons on the eligible lists who receive appointments shall be furnished with a certificate of appointment and a copy of same shall be placed on file with the Civil Service Commission. This copy shall also show dates and amount of bond furnished, if any.

Section G. All original and promotional appointments shall be for a probationary period of one (1) year, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his probationary period.

In the case of an original appointment to the Police and Fire Department, the probationary period shall be for one (1) year after the person is first placed on solo patrol or solo assignment.

Probationary employees may be removed at any time prior to the expiration of the probationary period by the appointing authority.

Section H. Temporary Appointments. Whenever there are urgent reasons for filling a vacancy in any position in the classified service, and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the Commission for non-competitive examination, who may be appointed temporarily to fill such vacancy until a selection and appointment can be made after competitive examinations; but such temporary appointment shall continue in force only until a regular appointment can be made from eligibility lists prepared by the Commission, and such eligibility lists shall be prepared within 120 days thereafter.

Section I. Noncompetitive Exams In case of 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 cases 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 provisions of the Civil Service Ordinance and its Rules requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the annual report of the Commission with the reasons for the same. The candidate(s) for such positions shall be presented to the Commission by the appropriate appointing authority. An employee placed in

a position pursuant to this Section shall serve the same probationary period as is required for the position.

Section J. Transfer and Reinstatements. With the consent of the Commission, a person holding an office or position in the classified service may be transferred to a similar position in another office, department or institution having the same pay and similar duties. However, no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by the Avon Lake Codified Ordinances or the Rules of the Commission an examination involving essential tests or qualifications or carry a salary different from or higher than those required for original entrance to an office or position held by such person.

Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his part may, 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 office or position in the same department; and whenever any permanent office or position in the classified service is abolished or made unnecessary, the person holding such office or position shall be placed by the Commission at the head of an appropriate eligibility list, and for a period not to exceed one (1) year, shall be certified to an appointing officer as in the case of original appointments.

Section K. No employment shall be given in the classified service of the City of Avon Lake except in the manner provided by the Avon Lake Codified Ordinances and the Rules of the Commission.

RULE 14

APPLICATION FOR POSITIONS IN THE POLICE DEPARTMENT

Section A. No person shall be eligible to take the examination for original appointment as a police officer unless he/she has attained the age of twenty-one (21) years.

Section B. In order to be eligible for the position of patrolman in the Police Department, an applicant must be certified by the physical examiner to the satisfaction of the Commission as being physically qualified for the duties of the department. The report of such physical shall be made by the physical examiner upon a form prepared by the Commission. If the results of said physical examination or preliminary tests of any nature are not satisfactory to the Commission, the applicant shall not be eligible for the position of Patrolman.

Section C. Additional Credit for Military Service. In the event that the applicant for an original appointment to a position in the classified service receives a passing grade on his or her examination, he or she shall be entitled to an additional five

(5) percentage points if he or she was in the service and on active military duty for a minimum of 180 days for the United States of America and was honorably discharged. A copy of the applicants DD 214 shall be submitted along with the application so that the applicant's time in service may be verified.

Section D. Additional Credit for Additional Training. Applicants otherwise eligible and qualified for original appointment to the position of Police Officer shall be extended the following additional credit for college degree provided the applicant shall submit satisfactory proof thereof:

<u>Number of Additional Percentage Points Added to a Passing Score:</u>	<u>College Degree Obtained:</u>
5	2 year Degree in Law Enforcement or any related field as approved by the Commission
8	4 year Degree as approved by the Commission

Applicants otherwise eligible and qualified for original appointment to the position of Police Officer shall be extended additional credit of five (5) percentage points for being certified as an Ohio Peace Officer prior to filing his or her application.

Not more than ten (10) percentage points under Sections C and D shall be added to an applicant's score for original appointments in the Police Department.

RULE 15 APPLICATIONS FOR POSITIONS IN THE FIRE DEPARTMENT

Section A. In addition to the general requirements specified in these regulations:

1. No person shall be eligible to take the examination for an original appointment as a firefighter/paramedic unless he/she has attained the age of twenty-one (21) years.
2. A candidate must possess both a valid Ohio Paramedic certificate and a valid Ohio Level II firefighter certificate upon appointment as a Firefighter/Paramedic.

Section B. In order to be eligible for the position of firefighter/paramedic, an applicant must be certified by the physical examiner to the satisfaction of the Civil Service Commission as being physically qualified for the duties of the department. The report of such physical examination shall be made by the physical examiner upon

the form prepared by the Civil Service Commission. If the results of said physical examination or preliminary tests of any nature are not satisfactory to the Commission, the applicant shall not be eligible for the position of firefighter/paramedic.

Section C. Additional Credit for Military Service. In the event that the applicant for an original appointment to a position in the classified service receives a passing grade on his or her examination, he or she shall be entitled to an additional five (5) percentage points if he or she was in the service and on active military duty for a minimum of 180 days for the United States of America and was honorably discharged. A copy of the applicants DD 214 shall be submitted along with the application so that the applicant’s time in service may be verified.

Section D. Additional Credit for Additional Training. Applicants otherwise eligible and qualified for original appointment to the position of Firefighter/Paramedic shall be extended the following additional credit for college degree provided the applicant shall submit satisfactory proof thereof:

<u>Number of Additional Percentage Points Added to a Passing Score:</u>	<u>College Degree Obtained:</u>
5	2 year degree in a related field as approved by the Commission
8	4 year Degree as approved by the Commission

Not more than ten (10) percentage points under Sections C and D shall be added to an applicant’s score for original appointments in the Fire Department.

Section E. Firefighters/Paramedics shall be prepared for duty and subject to call at all times and otherwise be subject to the rules and regulations of the Department.

**RULE 16
PROMOTIONS GENERALLY**

Vacancies in positions in classified service, other than entrance level positions, shall be filled insofar as practicable by promotions; provided that, in the judgment of the Commission and the appointing authority, it shall be in the best interest of the service to fill such particular vacancy by promotion. Promotions in the classified service shall be made on the basis of merit, to be ascertained as far as practicable by promotional examinations and by seniority in service. All examinations for promotions shall be competitive unless there is only one (1) candidate possessing the minimum qualifications, in which case such candidate may, with the approval of the Commission, be given a non-competitive examination. Rating of competitors shall be in accordance with the applicable section of Rule 9. In all cases where vacancies are to be filled by

promotion, the Commission shall certify to the appointing authority only the name of the person having the highest rating. The method of examination for promotions, the manner of giving notice thereof, and the rules governing the same, shall be in general the same as those provided for original examination.

In the event of promotional examinations, no additional credit shall be allowed for certificates, additional training, college credits or military service completed.

RULE 17
PROMOTIONS FOR POLICE AND FIRE

- Section A. Qualifications for promotional examinations shall incorporate any applicable job descriptions set forth in the City of Avon Lake Codified Ordinances. Competitive promotional examination in the police and fire departments shall consist of a written examination and an assessment center examination. An assessment center examination shall consist of a variety of testing techniques designed to allow candidates to demonstrate, under standardized conditions, the skills and abilities that are most essential for success in a given job. A promotional candidate for first line supervisor or mid-management supervisor shall be eligible to take the assessment center examination only if he/she has first passed the written examination. The scores required to pass the written examination and assessment center shall be set forth below.
- Section B. Notice of the examination and the source materials shall be published for at least thirty (30) days prior to the date of the examination.
- Section C. Except as provided in Section H of this Rule, no person who has not had at least three (3) years of continuous service as a patrolman in the Police Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Sergeant.
- Section D. Except as provided in Section H of this Rule, no person who has not had at least one (1) year of continuous service as a Sergeant in the Police Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Lieutenant.
- Section E. Except as provided in Section H of this Rule, no person who has not had at least one (1) year of continuous service as a Lieutenant in the Police Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Chief.
- Section F. Except as provided in Section H of this Rule, no person who has not had at least three (3) years of continuous service as a firefighter/paramedic in the Fire Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Lieutenant.

Section G. Except as provided in Section H of this Rule, no person who has not had at least one (1) year of continuous service as a Lieutenant in the Fire Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Chief.

Section H. If there are not two qualified candidates holding a position in the rank immediately below the rank of the position to be filled, who are willing to take an examination for promotion, the Commission may allow partially qualified candidates holding positions in the next lower rank to take the examination for promotion. For purposes of this Rule “partially qualified candidates” means a person who possesses the minimum qualifications necessary to take a promotional exam other than the qualifications of time spent in the lower rank, as set forth in Section C, D , E, F and G above.

Section I. If there are not at least two qualified or partially qualified candidates willing to take an examination for promotion, candidates not currently employed by the Avon Lake Police Department or Avon Lake Fire Department may be eligible to take the promotional examination.

Section J. Seniority. There shall be added to the passing written grade of those applicants taking promotional examinations a credit for seniority, which shall be determined as follows:

One percentage point (1%) for each year of the first four (4) years of service and six-tenths of one percentage point (.6 %) for each year of the next ten (10) years of service. Seniority credits shall be awarded for partial years of service for each full month of service less than one year on a pro rata basis.

Years of service shall be determined as of the date of the examination or, if the examination consists of more than one part, as of the date of the first part of the examination. (Amended 1/24/00) Employees who have previously resigned their employment with the City of Avon Lake and become re-employed with the City are not entitled to seniority credits toward promotions based on their previous employment.

Section K. Prior to the assessment center examination, a letter informing the candidates of the scores of their written examination shall be sent to every candidate. Such letter shall also contain the date, time and place that candidates may inspect their papers. The Commission shall attempt to make the papers available for inspection at least three (3) days prior to the assessment center.

Section L. Promotional candidates for police chief and fire chief must pass the written test with a score of seventy percent (70%) or better. The qualifying promotional candidates will be eligible to take the assessment center examination. The final score of the promotional examination for police chief, and fire chief, shall only consist of the score of the assessment center examination.

Section M. The following procedures shall be followed during the assessment center portion of the promotional examination. Additional procedures may be added by the Commission.

1. A copy of written procedures shall be given to all promotional applicants.
2. If an assessor would be unable to evaluate a candidate without bias, he/she shall disqualify himself/herself from the assessment center process.
3. A promotional candidate shall not write his/her name on any document or reveal his/her name to an assessor. Violation of this rule shall disqualify the candidate from that portion of the assessment process. The candidate shall receive a zero (0) score on that portion of the assessment process.
4. The assessors shall follow the procedures of the agency conducting the assessment process.
5. The following weighing scale shall be in effect:

Fire Lieutenant, Police Sergeant or other First Line Supervisor:
50 percent written test
50 percent assessment process

Police Lieutenant, Fire Captain or other Mid-Management Supervisor:
30 percent written test
70 percent assessment process

Assistant Fire Chief:
20 percent written test
80 percent assessment process

(Corrected 7/12/99). In the event of a tie score in the assessment, the highest total score on the written test shall be the tie breaker.

RULE 18 PROBATIONARY REJECTION

Section A. No original or promotional appointment shall be considered final until the employee has successfully completed the applicable probationary period. The purpose of the probationary period is to assess the suitability, performance and qualifications of the employee.

Section B. If the service of the probationary employee is unsatisfactory he/she may be removed or reduced at any time by the appointing authority.

Section C. If, in the case of a promotional appointment, the appointee is found to be inefficient, incapable, or otherwise unsatisfactory, and is removed there from prior to the expiration of his probationary period, he shall have the right to either resume the position from which he was promoted if it is not occupied by a permanent employee, or have his name placed at the head of an appropriate eligibility list for the lower class.

RULE 19
REDUCTIONS, LAY-OFFS AND SUSPENSIONS

Section A. No person shall be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by an appointing authority for religious, political, or racial reasons or affiliations. In all cases of reduction, lay-off, or suspension of an employee, whether appointed for a definite term or otherwise, the appointing authority shall furnish such employee with a copy of the order of lay-off, reduction or suspension, and his reasons for the same and give such employee a reasonable time in which to make and file an explanation. Such order, together with the explanation, if any, of the employee, shall be filed with the Commission. An appointing authority shall have the right to suspend an employee without pay for a reasonable period, not to exceed thirty (30) days. Orders of suspension for three (3) days or less shall not be permitted to be appealed to the Commission.

Section B. Temporary Appointees. The youngest temporary appointee in point of service, if any, shall be laid off first in the event of lack of work or lack of funds from the department where it is determined that a lack of work exists or from the department which lack of funds can most cost effectively be made up.

Section C. Establishment of "Lay-off" Lists. Persons holding permanent positions in the classified service which have been abolished or made unnecessary shall be laid off by seniority and reinstated by seniority.

Section D. Lay-offs from the Police and Fire Departments made because of a decrease in the size thereof, and reinstatements in either of said two departments made after positions have been re-established, shall be made as follows:

Whenever it becomes necessary in a police or fire department, through lack of work or funds or for causes other than those described in Section 256.14 of the Avon Lake Codified Ordinances, to reduce the force in such department, the youngest employee in point of service shall be first laid off. Should a position in the police or fire department once abolished or made unnecessary be found necessary to be recreated or re-established within three (3) years from the date of abolishment, or should a vacancy occur through death, resignation, or through any cause within three (3) years from the date of the abolishment of the position or lay-off, the oldest employee in point of service of those laid off shall be entitled to resume such position providing he was at the date of his separation a regular and

permanent employee. If any employee laid off as herein prescribed enters into the active duty of the armed service of the United States, the period such employee serves therein shall not be considered in the determination of the three (3) years herein stipulated as a maximum time within which reinstatements shall be made; such three (3) year period shall be computed exclusive of the time the employee spent in the armed services. When a position above the rank of regular fireman in the fire department is abolished and the incumbent has been permanently appointed in accordance with the provisions of these rules, he shall be demoted to the next lower rank and the youngest officer in point of service in the next lower rank shall be demoted, and so on down the line until the youngest person in point of service has been reached, who shall be laid off.

Section E. The person or persons on the eligibility lists who receive appointments shall be furnished with a certificate of appointment and a copy of same shall be placed on file with the Civil Service Commission. This copy shall also show dates and amount of bond furnished, if any.

RULE 20 REMOVALS AND APPEALS

Section A. The tenure of every officer, employee, or subordinate in the classified service of the City of Avon Lake, shall be as set forth in Chapter 256 of the Codified Ordinances and any amendments thereto.

Section B. Upon appeal to the Commission, as provided by Section 256.13 of the Civil Service Ordinance, the Commission shall hear and consider all competent, relevant, and material evidence tending to substantiate or prove the grounds mentioned in the order of removal, demotion or suspension of more than three (3) days or tending to prove that such charge is untrue. The appointing authority shall first present his evidence in support of the charges. The appellant shall then produce the evidence of his defense. The appointing authority may then offer evidence to rebut the evidence of the appellant. The admission and exclusion of evidence shall be governed by the rules applied in the Courts of Common Pleas of the State of Ohio. The Commission shall have the right to subpoena and require the attendance of witnesses and the production of pertinent documents, and to administer oaths. Unless there is some special reason why he ought not to act as such, the Law Director shall be the attorney for the appointing authority in the trial of his charges. The appellant shall have the right to be represented by an attorney at law.

If the appellant shall fail to appear at the time fixed for the hearing, the Commission shall proceed and hear the evidence of the appointing authority in support of such charge, and shall render judgment thereon. If the appointing authority shall fail to offer any evidence in support of the charge, the Commission

may render judgment in favor of the appellant as upon default or may hear evidence offered by the appellant, and shall then render judgment thereon.

In the event that a judgment is rendered upon default, or at the conclusion of a hearing where one of the parties failed to produce any evidence, the Commission shall forthwith notify the unsuccessful party of its decision.

Section C. All appeals to the Commission must be made within ten (10) days of the date of the order being complained of.

Section D. In the event that a discharged employee shall have appealed to the Commission, but prior to the hearing, shall have indicated his willingness to voluntarily resign, and the appointing authority is willing to withdraw the order of removal, and to accept such resignation, and the Commission believes that it would be for the best interests of all concerned to allow the appellant to resign, it may either permit the appellant to dismiss his appeal and the appointing authority to recall the order of dismissal, or it may, without further hearing, render judgment in favor of the appellant.

Section E. Compensation When Appeal Is Sustained. Whenever the dismissal or suspension of an employee is disapproved by the Commission and a reinstatement ordered, the employee may, as determined by the Commission, receive the pay he lost because of such dismissal or suspension.

Section F. Disqualification for Re-appointment. Any employee who is dismissed for misconduct or delinquency or who resigns while not in good standing shall be disqualified from taking any Civil Service examinations for at least two (2) years thereafter.

RULE 21 LEAVE OF ABSENCE

Section A. One-year Restriction. With notification to the Civil Service Commission, an appointing officer may grant a leave of absence, without compensation, for a definite or an indefinite time period of not to exceed one (1) year. Such absences may be granted for good cause among which the following shall be deemed proper: military service, temporary physical disability, or study or training of value in connection with the municipal service. All leaves of absence shall be promptly referred to the Commission in order that the Civil Service status of such absentees may be protected. The City of Avon Lake will comply with FMLA (Family Medical Leave Act), USERRA (Uniformed Services Employment and Reemployment Rights Act), and any other applicable federal or state laws regarding leave of absence for military service.

Section B. Reinstatement Upon Return. An employee returning after a leave of absence without pay shall be reinstated in his former position; provided however, that the appointing officer during such absence has not found it necessary to fill the position and upon notification to the absent employee to this effect and latter has refused in writing to curtail his leave and return to work.

All classified employees returning from the armed services of the United States and applying for reinstatement shall be governed by the applicable provisions of the Revised Code of Ohio.

RULE 22

POLITICAL ACTIVITY OF CLASSIFIED EMPLOYEES

Section A. Discrimination Prohibited. Persons holding positions in the classified service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

Section B. Employees in the classified service are prohibited from engaging in political activity by Ohio Revised Code Section 124.57. “Political activity” and “politics” refer to partisan activities, campaigns and elections involving primaries, partisan ballots or partisan candidates.

1. The following are examples of permissible activities for employees in the classified service:

- a. Registration and voting;
- b. Expression of opinions, either oral or written;
- c. Voluntary financial contributions to political candidates or organizations;
- d. Circulation of nonpartisan petitions or petitions stating views on legislation;
- e. Attendance at political rallies;
- f. Signing nominating petitions in support of individuals;
- g. Display of political materials in the employee’s home or on the employee’s property;
- f. Wearing political badges or buttons, or the display of political stickers on private vehicles;
- g. Serving as a precinct election official under section 3501.22 of the Ohio Revised Code;

2. The following activities are prohibited to employees of the classified service:

- a. Candidacy for public office in a partisan election;

- b. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- c. Filing of petitions meeting statutory requirements for partisan candidacy for political office;
- d. Circulation of official nominating petitions for any candidate participating in a partisan election;
- e. Service in an elected or appointed office in any partisan political organization;
- f. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- g. 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;
- h. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political office or political candidate;
- i. Solicitation of the sale, or actual sale of political party tickets;
- j. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- k. Service as witness or challenger for any party or partisan committee;
- l. Participation in political caucuses of a partisan nature;
- m. Participation in a political action committee which supports partisan activity.

- 3. An employee in the classified service who engages in any of the activities listed in Paragraph 2 of this Section is subject to discipline, up to and including removal from his or her position in the classified service.

Section C. Abuse of Political Influence. No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office, shall corruptly use or promise to use either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

RULE 23
OHIO REVISED CODE

To the extent not inconsistent with these Rules or the Avon Lake Codified Ordinances, the relevant provisions of the Ohio Revised Code shall apply.

RULE 24
AMENDMENTS TO RULES

Notice of Amendments. No amendments to these Rules shall be made by the Civil Service Commission nor shall any Rule be repealed nor any new Rule adopted at the same meeting at which it is proposed. No final action to amend, repeal, or supplement Rules shall be taken in less than seven (7) days after its proposal. All amendments to Rules shall be approved by City Council before becoming effective.