

**RULES AND REGULATIONS
FOR THE
CIVIL SERVICE COMMISSION
OF THE CITY OF CANTON**



TABLE OF CONTENTS

<u>1. GENERAL PROVISIONS</u>	1
1.1 Authority.....	1
1.2 Purpose of rules.....	1
1.3 Positions covered.....	1
1.4 The Commission.....	1
(A) Composition.....	1
(B) Chair and co-chair.....	1
1.5 Administrator.....	1
1.6 Secretary.....	2
(A) Appointment.....	2
(B) Duties.....	2
<u>2. MEETINGS</u>	2
2.1 Meetings.....	2
2.2 Quorum.....	2
2.3 Order of business.....	2
2.4 Public speaks.....	2
2.5 Minutes.....	2
2.6 Absence of Chair.....	2
<u>3. CLASSIFICATION</u>	3
3.1 Classification plan.....	3
3.2 Class titles.....	3
3.3 Class specifications.....	3
3.4 Job descriptions.....	3
<u>4. EXAM ANNOUNCEMENTS</u>	3
4.1 Entrance exam.....	3
4.2 Promotional exam.....	3
(A) Fire Department.....	3
(B) All other positions.....	3
4.3 Combined open/promotional.....	4
4.4 Required contents.....	4
<u>5. APPLICATIONS, ELIGIBILITY, AND DISQUALIFICATION</u>	4
5.1 Applications.....	4
5.2 Eligibility.....	4
(A) Police.....	4
(1) Original appointments.....	4
(2) Promotions.....	4
(B) Fire.....	5
(1) Original appointments.....	5
(2) Promotions.....	5
5.3 Refusal to examine or certify.....	5
5.4 Removal from eligible list.....	5
5.5 Criminal conviction.....	6
(A) Police, fire, and dispatcher.....	6
(B) Other positions.....	6
<u>6. EXAMINATIONS</u>	6
6.1 Exam required.....	6
6.2 Scheduling.....	6
6.3 Time limit.....	6
6.4 Scope.....	6
6.5 Format.....	7
6.6 Police and fire promotional.....	7
6.7 Credits for original applicants.....	7
(A) All applicants.....	7
(B) Police applicants.....	7
(C) Fire applicants.....	7
6.8 Seniority credit for promotional exam.....	7
6.9 Grading method.....	8
6.10 Applicant anonymous.....	8
6.11 Notification of results.....	8
6.12 Inspection period for fire promotional.....	8
<u>7. MEDICAL, PSYCHOLOGICAL, & DRUG EXAMINATIONS</u>	8
7.1 Police and fire.....	8
(A) Medical exam.....	8
(B) Vision exam.....	8
7.2 Telecommunicator.....	9
7.3 All other applicants.....	9
7.4 Licensed physician required.....	9
7.5 Use of exams.....	9
<u>8. ELIGIBLE LISTS</u>	9
8.1 Preparation of list.....	9
8.2 Ties.....	9
(A) Open exam.....	9
(B) Promotional exam.....	9
8.3 Combined open and promotional.....	10
8.4 Supplemental exam.....	10
8.5 Duration.....	10

TABLE OF CONTENTS — CONT'D

8.6	Transfer to lower class.	10	<u>15. LAYOFFS & REINSTATEMENTS</u>	15
8.7	Revocation of list.	10	15.1	Layoffs.
<u>9. CERTIFICATION & APPOINTMENT</u>			15.2	Reinstatements.
9.1	Must be from eligible list.	11	(A)	Generally.
9.2	Notification of vacancy.	11	(B)	After injury or disability.
9.3	Size of list.	11	(C)	After layoff.
9.4	Veteran's preference.	11	<u>16. DISCIPLINE & APPEALS</u>	
9.5	Exhausted or expired list.	11	16.1	Reasons for discipline.
9.6	Those not to be certified.	11	16.2	Conviction of felony.
<u>10. PERMANENT APPOINTMENT</u>			16.3	Service of order required.
<u>WITHOUT COMPETITION</u>			(A)	Exempt employee.
10.1	Exceptional appointments.	12	(B)	Nonexempt employee.
10.2	After exam.	12	(C)	Police or fire chief.
10.3	Permanent appointment.	12	16.4	Method of service.
<u>11. TEMPORARY APPOINTMENTS</u>			16.5	Notice to Commission.
11.1	Temporary vacancy.	12	16.6	Appeal to Commission.
11.2	Permanent vacancy.	12	16.7	Amendment of order.
11.3	At-will employment.	13	16.8	Decision by Commission.
<u>12. PROMOTIONS</u>			16.9	Administrative appeal.
12.1	Vacancies.	13	<u>17. HEARINGS</u>	
12.2	Police and fire.	13	17.1	Hearing officer.
12.3	Temporary promotions.	13	17.2	Rules of evidence.
(A)	into a classified position.	13	17.3	Representation by counsel.
(B)	into a fiduciary position.	13	17.4	Order of presentation.
(C)	permanent vacancy.	13	17.5	Resignation before decision.
<u>13. PROBATIONARY PERIOD</u>			<u>18. GENERAL PROVISIONS</u>	
13.1	Successful completion.	14	18.1	Computing time.
13.2	Duration.	14	18.2	Amending Rules.
(A)	Police and fire.	14	18.3	Severability.
(B)	Criminalist.	14	18.4	Effective date.
(C)	Health District.	14		
(D)	School District.	14		
(E)	Telecommunicator.	14		
<u>14. TRANSFERS</u>				
14.1	Temporary.	14		
14.2	Permanent.	14		

**RULE 1
GENERAL PROVISIONS**

- 1.1 Authority.** The city of Canton Municipal Civil Service Commission (“Commission”) adopts these Rules and Regulations under the Ohio Constitution, Article XV, Section 10, and R.C. 124.40. If there is a conflict, the Constitution or Revised Code prevail over these Rules.
- 1.2 Purpose of Rules.** The purpose of these Rules is to ensure that transactions involving employees or prospective employees governed by these Rules will be determined by the individual’s qualifications, merit, and fitness, regardless of race, color, religion, sex, sexual orientation, national origin, political opinion, age, or physical disability, unless age or physical ability is a legitimate occupational requirement.
- 1.3 Positions covered.** The Commission must administer the civil service laws of the state of Ohio and these Rules for classified employees of the city of Canton (“the City”), the Canton City Health District (“Health District”), and the Canton City School District (“School District”).
- 1.4 The Commission.**
- (A) Composition.** The Commission consists of 3 members appointed according to R.C. 124.40.
- (B) Chair and co-chair.** At the first meeting each year, the Commission must elect one of its members as chair and another as co-chair. The chair schedules and presides at all meetings. If the position of chair becomes vacant, the co-chair will serve as the chair for the rest of the term.
- 1.5 Administrator.** The administrator is the head of the Civil Service Office and may adopt administrative procedures consistent with these Rules, the directives of the Commission, Canton Codified Ordinances, and Ohio law. Unless prohibited by law, the Commission may delegate any duty to the administrator.

1.6 Secretary.

(A) Appointment. The Commission may appoint a secretary.

(B) Duties. The secretary should attend all meetings and perform any duties required by the Commission, which may include: keep a record of the Commission's official actions, serve as a hearing officer in employee appeals, maintain an official roster, certify payrolls, and, in conjunction with the chair, sign all warrants or orders to pay money on the Commission's behalf.

**RULE 2
MEETINGS**

2.1 Meetings. The Commission will meet regularly at a place, date, and time set by the chair.

2.2 Quorum. Two members constitute a quorum.

2.3 Order of business. The order of business for meetings will be:

- roll call;
- approval of minutes;
- consent agenda;
- public speaks;
- regular business;
- miscellaneous business; and
- adjournment.

2.4 Public speaks. A person may speak up to 3 minutes if they sign up with the Commission before the meeting's scheduled starting time by printing their name, home address, and subject on which they intend to speak.

2.5 Minutes. The minutes must include the time and place of the meeting and each member's votes, unless the votes are unanimous. The minutes must be presented for approval to the Commission at the next regular meeting.

2.6 Absence of Chair. If the chair is absent, the co-chair will act as the chair.

**RULE 3
CLASSIFICATION**

- 3.1 Classification plan.** The City, the School District, and the Health District must classify all civil service positions according to an established plan. The plan must group positions within a classification, including grades, that are similar enough in duties to be described by the same title, have the same pay assigned with equity, and have the same qualifications for selection applied.
- 3.2 Class titles.** The Commission must assign a title to each classification in the plan.
- 3.3 Class specifications.** The Commission must prepare a class specification for each class that sets forth the class title, salary range, typical duties, and the necessary qualifications. The Commission must specify the essential characteristics common to the class and those that distinguish it from other classes.
- 3.4 Job descriptions.** The appointing authority must prepare a job description that specifies the qualifications and duties for each position. The appointing authority must submit all classified job descriptions to the Commission, which may be approved at its next meeting and included in the minutes.

**RULE 4
EXAM ANNOUNCEMENT**

- 4.1 Entrance exam.** At least 14 days before an entrance exam, the Commission must provide notice by posting on the bulletin board at the Commission's office, on the Commission's website, or any website or social media platform.
- 4.2 Promotional exam.**
 - (A) Fire Department.** At least 30 days before a promotional exam in the Fire Department, the Commission must provide notice by posting on bulletin boards in the departments where there may be interested and eligible employees. The notice must describe the source material from which the exam questions are prepared.
 - (B) All other positions.** At least 14 days before a promotional exam, the Commission must provide notice to the relevant department. Notice may also be directly given to eligible employees.

4.3 Combined open and promotional. If the Commission schedules a simultaneous open and promotional exam, notification must be made as if the exams were being held separately.

4.4 Required contents. Announcements must include:

- time and place of the exam, if applicable;
- class title and salary range;
- essential job functions;
- minimum requirements;
- age or physical requirements;
- whether background checks are required;
- whether drug testing is required;
- whether a medical or psychological exam is required;
- whether a criminal conviction prohibits appointment to the position;
- application filing deadlines;
- exam format, and, if more than one part, the weight to be given to each; and
- passing score.

RULE 5 APPLICATIONS, ELIGIBILITY, AND DISQUALIFICATION

5.1 Applications. The Commission must provide applications for entrance exams online. If the Commission permits a written application, the applicant must type it or complete it in ink, sign it, and file it with the Commission within the time specified in the announcement.

5.2 Eligibility. An applicant must be a U.S. citizen or have a valid permanent residence card, and must meet the other requirements in applicable federal law, state law, and these Rules. More eligibility requirements are:

(A) Police.

- (1) Original appointments.** An applicant must be at least 21 on the day of appointment, but must not be appointed if they have reached their 35th birthday.
- (2) Promotions.** Only someone who has served for at least 5 years as a police officer is eligible to take a promotional exam for sergeant. Unless provided in R.C. 124.44, no person is eligible to take any other promotional exam unless they have served at least 1 year in the rank from which the promotion is made.

(B) Fire.

- (1) Original appointments.** Along with the requirements in R.C. 124.42, an applicant must be at least 18 on the day of appointment but must not be appointed if they have reached their 35th birthday.
- (2) Promotions.** Unless provided in R.C. 124.25, only someone who has served for at least 4 years as a firefighter/paramedic—excluding their probationary period—may take a promotional exam for captain. Unless provided in R.C. 124.45, no person may take any other promotional exam unless they have served at least 1 year in the rank from which the promotion is made.

5.3 Refusal to examine or certify. The administrator may refuse to examine, certify as eligible, or appoint an applicant for an original appointment who:

- lacks any of the requirements for the exam;
- is addicted to the habitual use of intoxicating liquors or drugs to excess;
- has a pattern of poor work habits and performance with previous employers;
- is guilty of infamous or notoriously disgraceful conduct;
- was dismissed from either branch of the civil service (classified or unclassified) for delinquency or misconduct;
- made a false statement of material fact, or committed or attempted to commit any deception or fraud during the application or testing process.

5.4 Removal from eligible list. After providing notice and an opportunity to review, the Commission, the administrator, or the administrator's designee, may remove from the eligible list an applicant who:

- demonstrated character traits that would be detrimental to successful performance of the employment sought;
- was dismissed for good cause from any branch of public service;
- was convicted of a job-related felony;
- has a pattern of poor work habits and performance with previous employers;
- made a false statement of material fact, or committed or attempted to commit any deception or fraud during the application or testing process.

5.5 Criminal conviction.

- (A) **Police, fire, dispatcher.** An applicant convicted of domestic violence is ineligible to be a police officer. An applicant who has been convicted of a felony is ineligible to be a police officer, firefighter, or dispatcher.
- (B) **Other positions.** If any other applicant has been convicted of a crime, the Commission may examine and certify as eligible that applicant if (1) federal or state law does not prohibit employment in the position; and (2) the conviction does not have a direct and substantial relationship to the position. If the Commission does so, the applicant must not be asked questions about the conviction until the interview. The appointing authority and Administrator should consider:
- the nature and severity of the crime;
 - the applicant's age at the time;
 - how long since the applicant committed the offense;
 - how long ago the applicant was in jail or under court supervision;
 - documentation about the applicant's rehabilitation, including a Certificate of Qualification for Employment.

RULE 6 EXAMINATIONS

- 6.1 **Exam required.** Unless provided in R.C. 124.01-124.64, the Commission must fill all classified positions through examination.
- 6.2 **Scheduling.** The administrator sets the time and place of the exam and may postpone or cancel with adequate reason. The administrator must try to notify each applicant of postponement or cancellation. The administrator controls all exams.
- 6.3 **Time limit.** An applicant is limited to the time limit set by the administrator. The administrator may set different time limits for disabled applicants.
- 6.4 **Scope.** An exam must fairly test the applicant's relative ability to perform in the position. An exam may include an evaluation of education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness.

- 6.5 Format.** An exam consists of one or more tests, which may be written, oral, physical, a demonstration of skill, or an evaluation of training and experiences. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. The administrator must set the passing score for the exam.
- 6.6 Police and fire promotional.** The Commission must fill promotions in the Police Department and Fire Department according to R.C. 124.44 and 124.45.
- 6.7 Credits for original applicants.** An applicant with a passing score on an exam is entitled to these other credits if the applicant can present the Commission with proof. The maximum credits are 40% for police and fire, and 20% for other positions.
- (A) All applicants.** All applicants are entitled to these credits:
- (1) Honorably discharged after at least 180 days of active-duty military service: 20%.
 - (2) A member in good standing of one of the reserve components of the U.S. military, including the Ohio National Guard: 15%.
- (B) Police applicants.** Along with the credits in (A), a police applicant is entitled to these credits:
- (1) OPOTA Certificate: 20%.
 - (2) Bachelor's degree: 10%.
 - (3) Associate's degree in law enforcement or criminal justice: 5%.
- (C) Fire applicants.** Along with the credits in (A), a fire applicant is entitled to these credits:
- (1) Certified firefighter: 20%.
 - (2) Certified paramedic: 20%.
 - (3) Certified EMT basic: 10%.
 - (4) Bachelor's degree: 10%.
 - (5) Associate's degree in fire science: 5%.
 - (6) Canton Fire Department Observers Program: 5%.
- 6.8 Seniority credit for promotional exam.** An applicant for a promotional exam who receives a passing score is entitled to 1 point for each of the first 4 years of service, and 6/10 of a point for each year for the next 10 years of service. Half of the credit will be given for each half year of service. If service in the Fire Department is interrupted by service in the armed forces, that time must be included.

- 6.9 Grading method.** Each part of an exam must be worth 100 points. If an exam has more than one part, the applicant's score on each part will be multiplied by the percentage of the overall weight given to that part. The product of each part will be added together. If that sum meets the passing score set by the administrator, credits must be added according to 6.7.
- 6.10 Applicant anonymous.** On written exams administered by the Commission, the applicant will be assigned a number that must be used on their exam and answer sheet instead of the applicant's name. The administrator must reject any exam or answer sheet containing the applicant's name.
- 6.11 Notification of results.** The Commission must notify each applicant of their score and place on the eligible list through the email address that the applicant provided in their application.
- 6.12 Inspection period for fire promotional.** Within 7 days of notification under 6.11, an applicant for a firefighter promotional exam may inspect their exam and rating key and may notify the Commission in writing of any clerical error, which the Commission must resolve. If a correction alters the order of the eligible list, the Commission must notify all applicants according to 6.11, and the inspection period begins again.

RULE 7

MEDICAL, PSYCHOLOGICAL, AND DRUG EXAMINATIONS

- 7.1 Police and fire.** An applicant for police officer or firefighter must not receive an original appointment without passing a (1) medical exam taken no more than 120 days before the appointment; (2) psychological exam; (3) drug test; and (4) vision test. In addition, an applicant for police officer must pass (1) a background investigation, which includes the applicant's driving record, criminal history, employment history, references, financial history, internet history, and social media sites; and (2) a computer voice stress analyzer examination.
- (A) Medical exam.** The medical exam must (1) include all tests required by the Ohio Police and Fire Pension Fund; and (2) include a certification from the physician that the applicant is free from heart disease, cardiovascular disease, and respiratory disease.
- (B) Vision exam.** The vision exam must test for color vision, visual acuity, depth perception, peripheral vision, and vertical and lateral balance. Visual acuity must be 20/20 corrected, but must not be over 20/100 uncorrected.

- 7.2 **Telecommunicator.** An applicant for telecommunicator must not receive an original appointment without passing a (1) medical exam; (2) psychological exam; (3) drug test; and (4) a hearing test.
- 7.3 **All other applicants.** An appointing authority may require any other applicant to pass a medical exam, and a drug test.
- 7.4 **Licensed physician required.** All exams must be performed by a licensed physician or psychologist chosen by the Commission.
- 7.5 **Use of exams.** The appointing authority must only consider the results of medical or psychological exams after giving the applicant a conditional employment offer. The exam results must be the last factor evaluated by the appointing authority before reaching a final decision to offer employment.

RULE 8 ELIGIBLE LISTS

- 8.1 **Preparation of list.** No more than 7 days after the inspection period in 6.12, the administrator must prepare an eligible list that includes each applicant who earns a passing score and is otherwise eligible for appointment. Applicants must be ranked by grade, which is the sum of their exam and credits. The Commission must approve the eligible list at the next meeting and include it in the minutes.
- 8.2 **Ties.**
 - (A) **Open exam.** If at least 2 eligible applicants have the same grade, an applicant who is eligible for military credit under R.C. 124.23 must be ranked ahead of an applicant who does not. If there is a tie among veterans or among reserve component members, the one who filed their application first must be ranked ahead of the other. If there is a tie between a veteran and a reserve component member, the veteran must be ranked higher. For all other ties, applicants must be ranked by the time of filing their applications.
 - (B) **Promotional exam.** If at least 2 eligible applicants have the same grade, seniority determines their order on the eligible list.

- 8.3 Combined open and promotional.** If there are open and promotional eligible lists for the same position, the Commission may combine them. The names on a promotional list must be placed on the combined list according to score. The names on the open list will then be placed on the combined list according to score. Regardless of score, the names on the promotional list must be placed on the combined list ahead of the names on the open list.
- 8.4 Supplemental exam.** The Commission may schedule another exam to get more eligible applicants for a position. If so, the Commission must notify those already on the eligible list that they may take the supplemental exam. After the supplemental exam, the Commission must consolidate all eligible applicants according to their grades.
- 8.5 Duration.** Eligible lists for promoted ranks in the Fire and Police Departments must continue for 2 years. If there is a vacancy before the list expires, the list must continue until the vacancy is filled. Every other eligible list expires when a position is filled or closed. An expired list may be used to fill a position unless it has been more than 1 year after it expired.
- 8.6 Transfer to lower class.** An eligible applicant may apply in writing to be placed on an eligible list in a lower class in the same series if the positions have similar qualifications and general character. If the Commission grants the application, it must place the eligible applicant on the lower eligible list according to their original grade.
- 8.7 Revocation of list.** The Commission may revoke an eligible list if there is evidence of error, fraud, or if inappropriate standards were applied in the exam. The Commission must not alter or revoke an eligible list until all eligible applicants are notified and the Commission's reasons are noted in the minutes. If the Commission schedules another exam, it must notify all those who took the first exam that they may take the new one without the need to file another application.

**RULE 9
CERTIFICATION AND APPOINTMENT**

- 9.1 Must be from eligible list.** Unless filled by promotion, transfer, or reduction, appointments to positions in the classified service must be made only from those whose names take rank in order on an eligible list. No employment may be otherwise given in the classified civil service.
- 9.2 Notification of vacancy.** An appointing authority wishing to fill a vacancy in the classified service must submit a written request, which may be made through a designee, to the Administrator. If an eligible list exists, the Administrator must certify the appropriate number of names to the appointing authority.
- 9.3 Size of list.** Each time a selection is made, the appointing authority must select one of the 10 highest names on the eligible list, or the top 25%, whichever is greater. If there are fewer than 10 names on the eligible list, the appointing authority may select any candidate.
- 9.4 Veteran's preference.** For original appointments, an applicant who qualifies for the veteran's preference under R.C. 124.23 is entitled to preference over all those who have an equal grade and are eligible for the same appointment to a competitive position.
- 9.5 Exhausted or expired eligible list.** If the eligible list has expired, has been exhausted, or does not exist, and until a new list can be created, the administrator may certify names from another eligible list if appropriate.
- 9.6 Those not to be certified.** The Commission may refuse to certify to any appointing authority an otherwise eligible applicant who:
- fails to appear or arrange within 6 days for an interview with an appointing authority;
 - fails to timely respond to a notice or inquiry from the Commission;
 - informs the Commission they are not interested in an appointment at that time;
 - cannot be reached by the phone number, email, or address provided on their application; or
 - does not meet the age requirements;

RULE 10
PERMANENT APPOINTMENT WITHOUT COMPETITION

- 10.1 Exceptional appointments.** The Commission may suspend the requirement for a competitive examination and grant an appointing authority's request to fill a position in the classified civil service if (1) there is a vacancy that requires peculiar or exceptional qualifications of a scientific, managerial, professional, or educational character, and (2) there is sufficient evidence that for specified reasons competition is impracticable and the position can be best filled by a selection of some designated person of high and recognized attainments in those qualities. No suspension may be general in its application.
- 10.2 After exam.** The Commission may grant an appointing authority's request to fill a position in the classified civil service by noncompetitive exam if (1) there is an urgent need to fill the position, and (2) the Administrator cannot certify a list of applicants eligible for appointment after a competitive exam.
- 10.3 Permanent appointment.** An employee appointed under this Rule who either successfully completes the probationary period, or remains in the position for 6 consecutive months, whichever is longer, becomes a permanent appointee in the classified service.

RULE 11
TEMPORARY APPOINTMENTS

- 11.1 Temporary vacancy.** The administrator or designee may approve an appointing authority's request to temporarily appoint a person not in the classified civil service to a position in the classified civil service if the regular employee is sick, disabled, or on approved leave. A temporary appointment must not exceed the period of sickness, disability, or approved absence, and must not exceed 120 days in any case. Successive temporary appointments are prohibited.
- 11.2 Permanent vacancy.** If there is no list of applicants eligible for appointment, the administrator or designee may approve an appointing authority's request to temporarily appoint a person not in the classified civil service to a position in the classified civil service that is vacant due to retirement, resignation, termination, death, or if the position was newly created. A temporary appointment must not exceed 120 days. Successive temporary appointments are prohibited.

- 11.3 At-will employment.** A person who receives a temporary appointment is in the unclassified civil service and serves at the pleasure of the appointing authority.

RULE 12 PROMOTIONS

- 12.1 Vacancies.** If practicable, vacancies in positions in the classified civil service must be filled by promotions.
- 12.2 Police and fire.** Promotional appointments of police officers and firefighters must be made according to R.C. 124.44 and 124.45, respectively.
- 12.3 Temporary promotions.** If possible, an appointing authority must make a temporary promotion from the next lowest class or grade of positions, and may do so as follows:
- (A) Temporary vacancy in a classified position.** An appointing authority may temporarily promote a person in the classified service to a higher position in the classified service vacant because the regular employee is sick, on vacation, or on other approved leave. The temporary promotion must not last longer than the regular employee's sickness, vacation, or approved leave.
 - (B) Temporary vacancy in a fiduciary position.** An appointing authority may temporarily promote a person in the classified service to a fiduciary position if (1) the position is vacant because the fiduciary is sick, on vacation, or on other approved leave; (2) the classified employee assumes the duties and responsibilities of the fiduciary; and (3) if the temporary vacancy is at least 5 days or if there is an operational need. The temporary promotion must not last longer than the fiduciary's sickness, vacation, or approved leave.
 - (C) Permanent vacancy.** An appointing authority may temporarily promote a person in the classified service to a higher position in the classified service if (1) the position is vacant due to retirement, resignation, termination, death, or if the position was newly created, and (2) there is no list of applicants eligible for appointment to that position. The temporary promotion must not last longer than 120 days.

**RULE 13
PROBATIONARY PERIOD**

- 13.1 Successful completion.** No appointment or promotion is final until the completion of the probationary period. If the service of the probationary employee is unsatisfactory, the appointing authority may remove or reduce the probationary employee at any time during the probationary period on written notice to the Commission. A probationary employee has no right to appeal a removal or reduction.
- 13.2 Duration.** The Commission must establish the probationary period for all original and promotional appointments, which must be at least 60 days but must not exceed 1 year, except as follows:
- (A) **Police and fire.** Original appointments must be 1 year. Promotional appointments must be 90 days.
 - (B) **Criminalist.** Must be 1 year.
 - (C) **Health District.** Original and promotional appointments must be 90 days.
 - (D) **School District.** Original and promotional appointments must be 90 days.
 - (E) **Telecommunicator.** Must be 1 year.

**RULE 14
TRANSFERS**

- 14.1 Temporary.** An appointing authority may transfer an employee to a similar position for up to 30 days, or up to 90 days if the employee agrees. Unless the employee and Commission agree, an appointing authority must not transfer the employee more than once in any 6-month period.
- 14.2 Permanent.** The Commission may agree to transfer an employee to a similar position in another department if the position (1) has the same pay and similar duties; (2) is in the same class; and (3) does not require an exam involving essential tests or qualifications that differ from those required of the original position.

RULE 15
LAYOFFS & REINSTATEMENTS

15.1 Layoffs. Layoffs must comply with R.C. 124.321 to 124.327.

15.2 Reinstatements.

- (A) **Generally.** The Commission may reinstate a former employee who separated from service—except for reasons of delinquency or misconduct—within 1 year to the same or similar position in the same department.
- (B) **After injury or disability.** A former employee who separated from service due to a physical or psychiatric disability may apply to the Commission for reinstatement to the same or similar position within 2 years if the former employee applies before the date of service eligibility retirement. The Commission must grant the application within 60 days if the former employee passes a medical or psychiatric exam showing recovery from the disability.
- (C) **After layoff.** Laid off employees have reinstatement rights under R.C. 124.327.

RULE 16
DISCIPLINE; APPEALS

16.1 Reasons for discipline. Employees may serve only during good behavior and efficient service. Unless provided in R.C. 124.32, no employee may be reduced in pay or position, fined, suspended, removed, or have their longevity reduced or eliminated, except for:

- incompetency;
- inefficiency;
- unsatisfactory performance;
- dishonesty or fraud (including during the application and hiring process);
- drunkenness;
- immoral conduct;
- insubordination;
- discourteous treatment of the public;
- neglect of duty;
- a violation of any policy or work rule;
- a violation of Chapter 124, or any other failure of good behavior; or
- an act of misfeasance, malfeasance, or nonfeasance in office.

- 16.2 Conviction of felony.** Unless reversed on appeal, an employee convicted of a felony as defined by R.C. 124.34(A) immediately forfeits their status as a classified employee. An employee disciplined because of a felony conviction has no right to appeal. Conviction of a felony is a separate basis for discipline even if the employee has already been disciplined for the same conduct that is the basis of the felony.
- 16.3 Service of order required.** The appointing authority must serve the following with the order of reduction, fine, suspension, or removal, which must include the reasons for the action:
- (A) Exempt employee.** An employee who is exempt from the payment of overtime and the suspension or fine exceeds 40 work hours.
 - (B) Nonexempt employee.** An employee who must be paid overtime and the suspension or fine exceeds 24 work hours.
 - (C) Police or fire chief.** Any suspension, any fine, demotion, or removal.
- 16.4 Method of service.** The order must be hand delivered or sent certified U.S. mail. Certified mail is considered served when it is received. Removal does not become effective until the employee has been served.
- 16.5 Notice to Commission.** An appointing authority required to serve an order under Rule 16.3 must file a copy with the Commission.
- 16.6 Appeal to Commission.** Only an employee required to be served with an order under Rule 16.3 may appeal to the Commission. The employee must do so in writing within 10 days of service of the order under Rule 16.4. If the employee does so, the Commission must notify the appointing authority and schedule a hearing within 30 days unless the Commission and employee agree otherwise.
- 16.7 Amendment of order.** An appointing authority may amend a disciplinary order if it is served on the employee or the employee's attorney at least 10 days before the hearing.
- 16.8 Decision by Commission.** The Commission may affirm, modify, or reverse the decision of the appointing authority. But in an appeal from a removal based on an alleged violation of a last-chance agreement, the Commission must only determine whether the employee violated the agreement and thus affirm or reverse the decision of the appointing authority.
- 16.9 Administrative appeal.** In cases of removal or reduction in pay for disciplinary reasons, the appointing authority or the employee may appeal the Commission's decision to the court of common pleas.

**RULE 17
HEARINGS**

- 17.1 Hearing officer.** The Commission must designate one of its members or the Secretary to preside over the hearing and rule on objections and motions.
- 17.2 Rules of evidence.** The Ohio Rules of Evidence govern hearings.
- 17.3 Representation by counsel.** Either party may be represented by counsel.
- 17.4 Order of presentation.** The appointing authority has the burden of proof. The employee may produce evidence to oppose the charges, which the appointing authority may rebut.
- 17.5 Resignation before decision.** An employee may resign, which will be considered a withdrawal of the discipline, if (1) the appointing authority accepts the resignation; and (2) the appointing authority notifies the Commission before it issues its decision.

**RULE 18
GENERAL PROVISIONS**

- 18.1 Computing time.** In computing any time under these Rules, exclude the day of the event that triggers the period. Include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- 18.2 Amendment to Rules.** The Commission may only change these Rules if it posts a notice for at least 7 days on the bulletin board outside the Commission office and on the Commission's website. The notice must include the proposed changes and the date on which the Commission intends to vote.
- 18.3 Severability.** If any part of these Rules turns out to be unenforceable, the rest will remain.
- 18.4 Effective date.** The Commission adopts these Rules on January __, 2022.