

WHITEHALL CIVIL SERVICE COMMISSION
CITY OF WHITEHALL, OHIO 43213
CIVIL SERVICE RULES AND REGULATIONS

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PREAMBLE

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Whitehall by Sections 57, 58, and 59 of the Charter of the City of Whitehall.

RULE I ADMINISTRATION

1. The Municipal Civil Service Commission of the City of Whitehall (“Commission”) shall be composed of three (3) members who shall be appointed and serve in the manner provided for in Section 57 of the Charter of the City of Whitehall, Ohio.

It shall be the duty of each member of the Commission to attend meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

2. The Commission shall elect one (1) of its members as Chairman who shall serve until a new member is appointed and qualified, at which time successors as Chairman shall be elected. It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission, and to sign all warrants or orders for the payment of money from the accounts and funds of the Commission. Two (2) members of the Commission shall constitute a quorum at any meeting of the Commission; and it shall require the affirmative vote of these members to adopt any motion or resolution.

The Chairman may on his own initiative, and shall, upon the request of the other two (2) members of the Commission, call a special meeting of the Commission provided said notice is given in writing to all members at least seventy-two (72) hours prior to the time of such special meeting. Attendance at a meeting is a presumption that notice has been served.

3. The Commission functions as the rule making, review and appeals body, monitoring and evaluating the administration of the civil service system and the rules and regulations herein prescribed.
4. The Municipal Human Resources Department (“HR Department”) shall serve as the Commission’s administrative designee and shall be responsible for developing and conducting all civil services testing consistent with these rules, creating and maintaining eligible lists, maintaining all employee records including an official roster of all classified employees of the City, and all other duties designated by the Commission. The Director of the Municipal Human Resources Department (“HR Director”) functions as the administrative officer, exercising day-to-day responsibilities along with formulating rules and policies in conjunction with the Commission. The HR Department shall also employ a suitable person to act as Administrative Secretary of the Commission at such compensation as Council may determine from time to time.

The Secretary shall attend all the meetings of the Commission and keep the minutes thereof; shall keep in the form of minutes a record of the official actions of the Commission; shall keep all files in proper order; shall properly furnish appointing authorities with eligibility lists; shall maintain an official roster; shall handle such correspondence as the Commission shall determine; shall sign all minutes of action taken by the Commission and shall perform such other duties as may be required by the Commission. The Secretary may furnish to the Mayor and the President of Council copies of minutes of meetings.

5. It shall be the duty of the Commission to submit an annual report on or before May 1st of each year to the Mayor and to the President of Council of its activities for the previous calendar year; said report of activities shall enumerate the number of examinations conducted, the meetings held, transfers and promotions acted upon, hearings conducted and other pertinent information concerning the activities of the Commission.
6. The order of business for the meetings of the Commission shall be:
 - a) Roll call
 - b) Disposition of unapproved minutes
 - c) Reports
 - d) Unfinished business
 - e) New business
 - f) Adjournment

RULE II **DEFINITION OF TERMS**

The several terms herein specified whenever used in the Rules and Regulations of the Whitehall Civil Service Commission, or in the administration of the Civil Service Laws, shall be construed as follows:

1. “Commission” refers to the Municipal Civil Service Commission of the City of Whitehall.
2. “Civil Service” refers to and includes all officers and positions of trust or employment in the service of the City of Whitehall.
3. The “Unclassified Service” shall comprise those positions set forth in Section 58 of the Charter of the City of Whitehall as it pertains to municipal employees and in Section 124.11 of the Revised Code of Ohio the following interpretations:

Heads of Departments and Divisions shall include members of all Boards, Departments

and Divisions appointed by the Mayor and/or Council but shall not include the Chiefs of the Divisions of Police or Fire.

Positions in the unclassified services shall be exempt from all competitive examinations.

4. The “Classified Service” shall be comprised of all persons in the employ of the City not specifically included in the unclassified service.
5. “Position Classification” shall refer to the arrangement of positions into classes. Positions shall be classified in accordance with the duties and responsibilities of the position.
6. “Municipal Service” shall include those positions in the classified service of the City of Whitehall.
7. “Position” when used by itself shall refer to any specific office, employment or job calling for the performance of certain duties, either full-time or part-time and for the exercise of certain responsibilities by one (1) individual.
8. “Appointing Authority” refers to the officer, commission or board or body having the power of appointment or removal from positions in the classified service and shall include the following:

Any person having like authority in the absence of an appointing authority or in a specific case where such person has received such authority from the original appointing authority.
9. The term “City” shall refer to the City of Whitehall, Ohio.
10. The term “employee” shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing authority.
11. The masculine pronoun “he” and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

RULE III **POSITION CLASSIFICATION**

The Commission shall put into effect rules for the classification of offices, positions and employment in the Civil Service of the City in accordance with ordinances passed for those in the municipal service. Such classifications shall be for the purpose of standardizing all positions, titles, classes, salaries, and wages for employees and to insure that duties, responsibilities and necessary qualifications are sufficiently alike. If necessary, a department head may temporarily combine or abolish any existing classification, for no more than ninety (90) days, and may assign the classification resulting from such combination to the highest pay range of the positions combined.

A class specification shall be prepared for each class setting forth the class title, salary range,

typical duties, and set forth the factors and conditions which are essential characteristics of the class and also factors and conditions which separate it from other classes.

RULE IV
APPLICATIONS

1. **QUALIFICATIONS OF APPLICANTS.** (Passed by motion of council February 16, 2010)

Applicants for positions in the classified service shall meet such reasonable qualifications and requirements for a particular position as are prescribed therefore by law or by the Appointing Authority as to age, physical condition, education, training, experience, moral character and any other information deemed pertinent. Provided, however, that no person shall be precluded from making application for, nor denied an appointment to a position, based on grounds of race, religion, age, political opinions, physical disability, color, handicap, sex, creed, national origin, or ancestry except where based on a bona fide occupational qualification.

All applicants shall be citizens of the United States or have a valid permanent resident card.

2. **POLICE DIVISION APPLICANTS.** (Ordinance 2-98 passed 2/17/98)

Applicants for examinations for original appointment to the police division as a police officer must be at least twenty-one (21) years of age nor have attained thirty-five (35) years of age on or prior to the date of appointment. No applicant shall be considered for an original appointment to the position of police officer unless the applicant: (a) at the time of presenting the application can demonstrate successful completion of a course of basic peace officer training at either the Ohio State Highway Patrol Academy or the City of Columbus Police Academy; or (b) has graduated from the Ohio State Highway Patrol Academy, the City of Columbus Police Academy or an equivalent approved academy and has been in uninterrupted service as a peace officer in the State of Ohio; or (c) graduates from an equivalent basic peace officer training academy approved or selected by the City following a provisional appointment for that training purpose. All applicants must have successfully completed a minimum basic training course that consists of academic training and physical fitness training.

Said academic training must include all required subject areas as set forth by the Ohio Peace Officer Training Council. All applicants who are not graduates of the Ohio State Highway Patrol Academy, the City of Columbus Police Academy, or an equivalent approved academy as required by subdivisions (a) and (b) hereof, and who are selected for possible employment consideration, shall only be provisionally appointed for the purpose of training and qualification, and upon their successful completion of the training program may then be considered for an original appointment subject to a probationary qualification period of one (1) year following receipt of such original appointment. All applicants who qualify under subdivision (a) or (b) may be considered for an original appointment but shall be subject to a probationary qualification period of one (1) year following their original appointment.

Applicants 35 years or older will be considered for an original appointment if they have prior experience as a firefighter or law enforcement officer with the Ohio Police and Fire Pension Fund,

Ohio Public Employment Retirement System, and/or Ohio Highway Patrol Retirement System. Service in law enforcement or fire department positions covered by any of these pension funds shall have their years of service deducted from their age at the time of application with the City. If their age minus years of service is less than 35, they will be entitled to apply. The maximum credit of years of eligible service given to any candidate will be 20 years.

3. FIRE DIVISION APPLICANTS. (Ordinance 2-98 passed 2/17/98)

Applicants for examinations for original appointment to the fire division as a firefighter must be no less than eighteen (18) years of age, nor have reached thirty-five years of age on or prior to the date of appointment. No applicant shall be considered for an original appointment to the position of firefighter, unless the applicant: (a) at the time of presenting the application can demonstrate successful completion of a course of study that meets the requirements of the State of Ohio, Department of Public Safety, Firefighter Level II and State of Ohio EMT-B Certification; or (b) successfully graduates from the training academy selected by the City following a provisional appointment for that training purpose to attain certification as a Firefighter Level II and EMT-B Certification pursuant to the prevailing requirements of the State of Ohio, Department of Public Safety. All original appointments are subject to a probationary qualification period of one (1) year. Further, all candidates for the position of Firefighter shall be required to attain a State of Ohio certification as an Emergency Medical Technician "P" (Paramedic) by the date of original appointment, and maintain all certifications as required by the State of Ohio law and divisional rules pertaining to Emergency Medical Technician "P". Failure to attain the mandated certification by the date of original appointment or to maintain such certification shall require immediate dismissal from the classified service of this City.

4. APPLICATIONS: (Passed by motion of council February 16, 2010)

Applications for admission to any examination must be completed and submitted within the time limits fixed by the Commission on the forms provided by the Commission or their designee. The applicant shall provide the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience as set forth in Section 124.25 of the Revised Code. The Commission reserves the right to require on-line completion and submission of applications.

5. CERTIFIED COPIES REQUIRED.

Whenever proof of successful completion of a course of study is set out and required by this Rule as a condition precedent, the applicant must tender with the initial application a certified copy of acknowledgment of completion or graduation. No application shall be deemed complete unless and until all of the necessary documents are appended to said application.

RULE V
EXAMINATIONS
(O.R.C. 124.22)

1. **SCOPE OF EXAMINATIONS.**

An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one (1) or more tests in any combination. If given in successive stages, however, a failure in any stage may disqualify the applicant for further consideration. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing method.

2. **LOCATION.** (Passed by motion of council May 3, 2011)

Examinations may be held at such places as the Commission deems advisable and shall be administered under the direction of the Municipal Human Resources Department. The Director of the Municipal Human Resources Department or designee must be present while a written examination is taking place except as authorized by the Commission for testing provided by an approved third party testing vendor.

3. **NOTICE OF EXAMINATIONS.** (Passed by motion of council May 3, 2011)

- a) **Entrance Examinations.** Notice of competitive examinations shall be given through newspapers or websites of general circulation and in the office of the Commission and in such other places as may be deemed advisable, not less than one (1) week prior to such examination.
- b) **Promotional Examinations.** Notice of competitive promotional examinations to be held shall be given by posting of bulletins in conspicuous places in the departments whose employees may be interested and may be by individual communications to the employees eligible for such promotion. Such notice shall be given not less than one (1) week prior to the examinations.

4. **IDENTITY OF EXAMINEES CONCEALED.**

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

5. **EXAMINATION, SUBJECTS, AND WEIGHTS THEREOF.**

Examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought and shall, when appropriate, include tests of manual skill. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of such examination.

Promotions to the positions above the rank of police officer in the Police Department shall be in accordance with the provisions of Section 124.44 of the Revised Code Promotions to the positions above the rank of regular firefighter in the Fire Department shall be in accordance with provisions of Section 124.45 of the Revised Code.

6. SENIORITY RATING AND CREDIT.

Applicants taking promotional examinations who receive a passing grade shall receive credit for seniority, which shall be determined as follows: one percent (1%) of the total grade attainable in such examination for each of the first four (4) years of service, and six-tenths percent (0.6%) of such total grade for each of the next ten (10) years of service. (Total grade attainable shall be one hundred percent (100%) or a perfect score in all phases of the examination exclusive of additional credits such as seniority.)

7. PHYSICAL EXAMINATION.

Whenever, in the judgment of the Appointing Authority and the HR Department physical qualifications are of special importance, the HR Department shall prepare the requirement for such physical qualification and the candidate shall be required to pass such examination, and be certified as qualified in such respect, either before admission to the examination, or before being placed on an appropriate eligible list, or before certification for appointment, as the Commission may deem advisable.

Such examinations may include a screening for the use of controlled or illegal substances.

8. ADMITTING APPLICANTS TO EXAMINATION.

No applicant shall be admitted to any assembled examination:

- a) more than thirty (30) minutes after the advertised time for the beginning of such examination;
- b) after any applicant competing in any such examination has completed his work and left the examination room; except by special permission of the person in charge, who, in his direction, may admit the applicant conditionally subject to the final approval or disapproval of such admission by the HR Department or the Commission.

9. TIME.

No applicant in any examination shall be given a longer time on any subject than prescribed by the Commission when examination questions are approved.

10. REASONABLE ACCOMMODATIONS IN TESTING.

The Municipality shall whenever practicable arrange for special examinations to be administered to legally blind or legally deaf persons applying for positions in the classified service to ensure that the abilities of such applicants are properly assessed and that such applicants are not subject to discrimination because they are legally blind or legally deaf persons.

Applicants with a disability recognized under Federal or Ohio law may request a reasonable accommodation in the examination process by contacting the HR Director. Requests for such accommodation must be filed as soon as reasonably possible before the scheduled examination, must be in writing, and must outline the accommodation requested.

11. FRAUDS IN EXAMINATION PROHIBITED. (R.C. 124.58)

No person or officer shall:

- a) Willfully or corruptly by himself or in cooperation with one (1) or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment, or employment arising under the Civil Service Law or under any rules and regulations prescribed pursuant thereto; or
- b) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of the Civil Service Law, or aid in so doing; or
- c) Willfully or corruptly make any false representations concerning the results of such examinations or concerning any person examined; or
- d) Willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed or promoted; or
- e) Willfully personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination, registration, appointment, application or request to be examined, registered or appointed; or
- f) Furnish any false information about himself, or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed; or
- g) Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or

- h) For any applicant taking an examination to assist any other applicant in any manner whatsoever; or
- i) Personally solicit a favor from any member of the Commission, appointing officer, or have any person in his behalf solicit a favor.
- j) Any applicant in any examination found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets or books of any kind to assist in answering the questions shall have his/her examination papers taken up and filed with a zero marking when the circumstances justify such action.

12. VISITORS AT EXAMINATIONS.

No visitor shall be admitted to the examination room during any such examination.

13. INSPECTION OF EXAMINATION PAPERS. (Passed by motion of council May 3, 2011)

The examination papers of each contestant shall be graded and each contestant shall be notified as to his/her test results and his/her right to examine his/her test if applicable. After the establishing of the list of the successful participants, each participant may have the right to inspect his/her examination papers (together with the rating key) within five (5) days of the notice (Saturdays, Sundays and holidays excluded) and to inform himself/herself as to the markings given to him/her on each subject or question. Inspection shall not be permitted of standardized tests prepared by third party assessment centers/vendors.

Any protest as to the grading must be filed with the Commission in writing by the participant within five (5) calendar days after the five (5) day inspection period. The Commission shall then give consideration to all protests and make such changes as are warranted, and no certification shall be made until after the completion of the consideration. The Commission may, at its discretion, revise the grade of a participant for good cause shown. No grades shall be changed after the posting of any eligible list.

14. EXAMINATION POSTPONED.

Examinations, unless postponed, must be held upon dates fixed by the Commission. Examinations may be postponed by the order of the Commission, which order shall designate the reason therefor.

15. CREDIT FOR MILITARY SERVICE ON ENTRANCE EXAMINATION. (O.R. CODE 124.23)

When proper proof of military service under honorable conditions in behalf of the United States of America, as defined by Section 124.23 of the Ohio Revised Code, is presented, an applicant

shall be entitled to receive additional credit of twenty percent (20%) of his total grade given in a regular examination provided he receives a passing grade in the competitive entrance examination. Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the examination. Credit for military service will not be given if the request for such credit is received by the Commission after the date of the examination has been established.

16. CREDIT FOR SERVICE AS AUXILIARY POLICE OR VOLUNTEER FIRE ON ENTRANCE EXAMINATION. (Ordinance #60-89 passed 6/6/89)

- a) Applicants for entrance examinations for the Whitehall Police Department who have served for at least one (1) consecutive year, prior to the entrance examination date, as members of the Whitehall Auxiliary Police force shall be entitled to receive additional credit of ten percent (10%) of the grade achieved in the entrance examination. Such applicant must be a member of the Auxiliary Police force on the date of the entrance examination and must receive a passing score on the graded portion of that examination in order to qualify for this credit. Requests for this ten percent (10%) credit must be submitted to the Commission prior to the date of the entrance examination. Applicants shall not receive such additional credit if they are eligible for and receive the twenty percent (20%) additional credit for military service as set forth in Rule V (15) above.

- b) Applicants for entrance examinations for the Whitehall Fire Department who have served for at least one (1) consecutive year, prior to the entrance examination date, as members of the Whitehall Volunteer Fire Department shall be entitled to receive additional credit of ten percent (10%) of the grade achieved in the entrance examination. Such applicant must be a member of the Volunteer Fire Department on the date of the entrance examination, and must receive a passing score on the graded portion of that examination, in order to qualify for this credit. Requests for this ten percent (10%) credit must be submitted to the Commission prior to the date of the entrance examination. Applicants shall not receive such additional credit if they are eligible for and receive the twenty percent (20%) additional credit for military service as set forth in Rule V (14) above.

In lieu of formal examinations for classified positions within the City, the City may utilize a process to fill vacancies that includes accepting applications and determining the best qualified candidate based on a review of relevant factors commonly considered when hiring. This process may include steps such as reviewing applicants' job applications, resumes, work history, relevant education and experience and/or an interview of the candidates deemed most qualified by the City. Any candidate offered a position through this process is subject to all background reviews and pre-employment examinations as are required of other candidates for positions within the City.

RULE VI
ELIGIBLE LISTS

1. POSTING OF LISTS.

Non-Competitive Positions - The Commission shall prepare and keep open to public inspection, from the returns of each examination, an eligible list of the persons eligible for appointment. This list shall be prepared from completed application forms and eligibles listed according to date completed application is received.

Competitive Positions - From the returns of the examinations the Commission shall prepare an eligible list of the persons whose general average standing upon examinations for such grade or class is not less than the minimum fixed by the rules of the Commission, and who are otherwise eligible; and such persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by the examination. 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 re-arranging the names of those eligible therein according to their grade. All of those 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.

For entry level positions as Police Officer or Firefighter, the city may nominate applicants currently working in law enforcement as a sworn peace officer or fire service in the state of Ohio who have not taken the Whitehall entry level exam, provided such applicant(s) possess the necessary qualifications to become a Police Officer or Firefighter. The City may consider these applicants in lieu of requesting a list of candidates who have taken the entry level Police or Fire exam, whichever is applicable.

The City may appoint part-time police officers. The City shall advertise for vacancies prior to filling part-time police officer positions. Those employees applying for part-time officer positions shall not be required to take a civil service examination for the position provided, however, the City shall use a competitive process to review and appoint qualified applicants to part-time police officer vacancies. The competitive process will include a review of applicants' background and experience along with an interview. The City has the discretion to choose which applicants will be interviewed. The City is not required to interview all applicants.

All part-time police officers are subject to the requirements contained in Rule IV, sections 1 and 2 with the exception there are no maximum age limitations on applicants for part-time police officer positions.

2. 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) nor more than two (2) years. Any list that has been in effect for more than one (1) year may at the discretion of the Commission be terminated at any time in the public interest.

3. TIES IN TESTING.

In the event two (2) or more applicants receive the same mark in an open competitive examination, priority in the time of filing the application with the Commission shall determine the order in which their names shall be placed on the eligible list; provided, that applicants eligible for veteran's preference under Section 124.23 of the Revised Code shall receive priority in rank on the eligible list over non-veterans on the list with a rating equal to that of the veteran. Ties among veterans shall be decided by priority of filing the application. In the event of two (2) or more applicants receiving the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list.

4. TRANSFER TO LOWER CLASS.

At the discretion of the Commission, the name of any eligible person, at any time, upon his/her written request, may be transferred to the eligible list for a lower class in the same series requiring qualifications of the same general character. He/she shall be ranked thereon according to his/her original grade.

5. NAMES NOT TO BE CERTIFIED FOR APPOINTMENT.

The name of any person appearing on an eligible list who:

- a) fails to report or arrange within six (6) days from date of notification (Saturday, Sunday, City holiday excluded) for an interview with the appropriate Appointing Authority;
- b) fails to respond to a notice from the Commission;
- c) fails to report for work after accepting appointment;
- d) fails to pass a qualifying test WHERE APPLICABLE prior to appointment;
- e) lacks any of the established requirements for the classification;
- f) has made false statements on his or her application;
- g) subsequently separates from employment with the Municipality;
- h) has received a permanent appointment through certification from an eligibility list for another position of equal or higher salary or classification;
- i) has become incapacitated subsequent to examination;
- j) has had errors discovered in the computation of the examination score of the eligible;
- k) has requested that his or her name be removed;

- l) declines an appointment without reasons satisfactory to the Commission;
- m) fails to file with the Commission written notice of change of address, or, for whom notification is provided by postal authorities of their inability to locate him or her at last known address;
- n) becomes deceased;
- o) for any of the reasons which would have caused his or her application to have been rejected; shall not thereafter be certified to any Appointing Authority as eligible for appointment.

6. NOTICE OF DISQUALIFICATION.

If at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in his/her application, physical disability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear, or upon being heard fails to satisfy the Commission, his/her name shall be removed from such eligible list.

7. REVOCAION OF LIST.

An eligible list may be revoked and another examination ordered only when, in the judgment of the Commission, such action is deemed advisable by reason of errors, fraud, is no longer deemed competitive by the Commission or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application. No eligible list shall be altered or revoked, except upon written notice to all persons whose standing may be affected and upon an entry in the minutes of the Commission of the reasons for such alteration or revocation.

RULE VII
APPOINTMENTS
(O.R.C. 124.27)

1. APPOINTMENTS - CERTIFIED AND PROVISIONAL, PROBATIONARY PERIOD.

Appointments to all positions in the classified service that are not filled by promotion, transfer or reduction, as provided by the Civil Service Laws and the Rules of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with this rule.

2. NUMBER OF NAMES TO BE CERTIFIED.

The appointing authority of the department in which the position in the classified POSITION is to be filled shall notify the Commission of the fact, and the Commission shall, except as provided for in Section 124.30 and 124.31 of the Revised Code AND/OR RULE VI(1) ABOVE, certify to the appointing authority thereof the names and address of the ten (10) candidates standing highest on the eligible list for the class or grade to which said position is classified. When several appointments are to be made, the following rule will apply:

1	appointment	10 names
2	appointments	15 names
3	appointments	15 names
4	appointments	15 names
5-8	appointments	20 names
9-12	appointments	25 names

3. CERTIFICATION NOT MORE THAN Three (3) TIMES.

A person certified from the eligible list more than three (3) times to the same appointing authority may be omitted from future certifications to that same appointing authority.

4. PREFERENCE TO PERSONS FOR MILITARY SERVICE.

Every person who has been honorably discharged from the armed services of the United States as defined in Section 124.27 of the Ohio Revised Code, and whose name appears on an eligible list for a position or is otherwise considered for a vacant position, shall be entitled to preference in original appointments to any such position in the classified civil service of the City of Whitehall over all other persons eligible for such appointments and standing on the list therefor with a rating equal to that of such former member of the armed services.

5. ONE (1) OF TEN (10) CERTIFIED TO BE APPOINTED

Upon receipt of such list of eligibles for a position, the appointing authority shall fill such position by appointment of one (1) of the names that ranks in the top ten (10) names on the eligible list or the top twenty-five percent (25%) of the eligible list, whichever is greater. In the event that ten (10) or fewer names are on the eligible list, the appointing authority may select any of the listed candidates. The appointing authority shall forthwith report to the Commission or designee the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

6. PROBATIONARY PERIOD: PROBATIONARY REMOVAL OR REDUCTION.

All Probationary Periods in the Municipal Service shall, unless otherwise provided, be uniform in all classes and shall be for a period of not less than sixty (60) days nor more than one (1) year. The

beginning date for calculation of the probationary period for police officers and firefighters shall be the date upon which is completed the designated formal police training or firefighter apprentice training. The probationary period for the position of Fire Chief and Police Chief shall be for a period of one (1) year from the date of appointment. The appointing authority may not request permanent status until the one (1) year period has been served and duly recorded. If the service of the probationary period is unsatisfactory, he/she may be removed or reduced at any time during his/her probationary period. An employee duly removed or reduced during their probationary period does not have the right to appeal the removal or reduction to the Commission.

7. TEMPORARY APPOINTMENTS. (R.C. 124.30)

In case of emergency, an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than one hundred twenty (120) days, and in no case shall successive temporary appointments be made; provided, that interim or temporary appointments made necessary by reason of sickness, disability or leave of absence of the regular employees shall continue only during such period of sickness, leave or disability. Successive temporary appointments to the same position shall not be made under this provision. The Commission may, when it has exhausted every effort to recruit, test, and subsequently certify to a appointing authority a person qualified for a position that has been filled under the temporary appointment rule for a maximum of one hundred twenty (120) days, declare a extended emergency and so extend the temporary appointment until it can certify to the appointing authority such qualified person or persons.

All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

8. PROMOTIONS & PROMOTIONAL EXAMINATIONS. (R.C. 124.31) (Passed by motion of council May 15, 2012) (Passed by motion of council May 21, 2013)

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. Promotional appointments shall be made on the basis of merit and conduct and capacity in office and may include an assessment center evaluation, oral testing, structured interviews, examination, review of performance evaluations, and active discipline.

Promotions in the police or fire department above the rank of police officer or firefighter may also include an assessment center evaluation No police officer or firefighter shall be promoted to the next higher rank of police officer or firefighter unless he/she has served an uninterrupted four (4) years as a police officer or firefighter. Promotions to the next highest position shall require twelve (12) months of uninterrupted service, in the immediate lower rank in the respective Division, except for candidates for the position of Fire Chief or Police Chief. No person shall participate in any promotional examination unless said person shall have previously completed the uninterrupted service required for promotion to the position for which the examination is given. Uninterrupted service shall not include authorized leaves of absence, sick leave, military leave or any reinstatements where the Commission has reinstated all rights of seniority and grade.

For vacancies occurring in the positions of Chief or Assistant Chief in the Divisions of Fire or Police the appointing authority may simultaneously open the selection process to qualified external applicants.

Whenever a vacancy occurs in the position of Chief or Assistant Chief in the Divisions of Fire or Police and there is no eligible list for such rank, the Commission shall, initiate a competitive promotional examination process. Each candidate shall go through a selection process as determined by the appointing authority. Such process may include but is not limited to written or oral testing, physical evaluation, structured interviews, demonstration of skill, evaluation of training and experiences, and any other means designed to fairly test the relative capacity of the person examined to discharge the particular duties for which appointment is sought. Selection shall be made from a list of candidates deemed qualified by the appointing authority.

9. SEASONAL POSITIONS.

All positions in the non-competitive class where the nature of the work is such that the service is not continuous throughout the year but recurs in each successive calendar year shall be designated as “seasonal” positions. Any person appointed to such seasonal position and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year provided he/she is not in the meantime disqualified for any cause; and provided further that any person appointed to a seasonal position not assigned to work for a period of one (1) year due to lack of work or to refusal of same on his/her part shall be deemed ineligible for further assignment as a classified employee.

10. RECREATION OF ABOLISHED POSITION.

Should a classified position once abolished be recreated or re-established within one (1) year from the date of abolishment, the last incumbent of this position shall be entitled to same.

RULE VIII
TRANSFERS AND REINSTATEMENTS
(O.R.C. 124.32, 124.34, 124.50)

1. TRANSFERS.

A person holding a position in the classified service may be transferred to a similar position in another office or department having the same pay and similar duties, except in the police department and the fire department, and no transfer shall be made to a position in another class nor to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position, with a salary higher than that of the position from which the transfer is requested.

2. REINSTATEMENT FROM RESIGNATION.

An appointed employee who has resigned without delinquency may be reinstated by an appointing authority at any time within one (1) year from the date of such separation, provided there are no former employees of the department who have been laid off and whose names appear on the eligible list for the class. A notice of such reinstatement shall be sent to the Commission.

Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his/her part may 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; provided, if such separation is due to injury or physical disability, such person shall be reinstated to the same office or similar position he/she held at the time of his/her separation, within thirty days after written application for reinstatement and after passing a physical examination made by a licensed physician showing that he/she has recovered from such disability, provided further that such application for reinstatement be filed within two (2) years from the date of separation, and further provided that such application shall not be filed after the date of service eligibility retirement. Reinstatement of a person to the classified service in the Fire Department or Police Department shall be made in accordance with Section 124.50 of the Ohio Revised Code.

RULE IX
TENURE OF OFFICE: REDUCTION, SUSPENSION AND REMOVAL
(O.R.C. 124.34)

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service, and no such officer or employee shall be reduced in pay or position, suspended, or removed, except as provided in Section 124.32 of the Ohio Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the City or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony..

In any case of reduction, suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four (24) work hours in the case of an employee required to be paid overtime compensation, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension, or removal, which order shall state the reasons therefor.

Except as provided below, within ten (10) days of service of an order, the employee may file an appeal, in writing, with the Commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority, and shall hear, or appoint a trial board to hear, such appeal within thirty days from and after its filing with the Commission, and may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the board, commission, or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

Except in the case of suspension, demotion, or removal of the chief of police or the chief of the fire department or any member of the police or fire department, in cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the Commission to the Court of Common Pleas in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code. In the case of suspension, demotion, or removal of the chief of police or the chief of the fire department or any member of the police or fire department, an appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the date of notice of the finding of the Commission.

RULE X
HEARINGS PROCEDURE
(O.R.C. 124.34)

1. TIME OF HEARING: NOTIFICATION.

Upon written notification of appeal from an employee or officer in the classified service of the City from an order of removal, reduction in pay or position, or suspension for more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four (24) work hours in the case of an employee required to be paid overtime compensation, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, the employee and his designated agent/representative if known.

2. AMENDMENTS TO ORDERS.

Amendments to the orders of removal, reduction in pay or position or suspension may be made by the appointing authority at any time provided the employee and his designated agent/representative, if known, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as herein provided.

3. HEARING PROCEDURE.

In the hearing of such appeals the order of procedure shall be as follows:

- a) Swearing in witnesses.
- b) The appointing authority taking action affecting the employee shall introduce his evidence in support of the charges and specifications.
- c) The employee affected shall then produce such evidence as he may wish to present to refute such charges.
- d) The appointing authority may offer evidence in rebuttal.
- e) The Commission may, in its discretion, hear arguments.

4. RULES OF EVIDENCE: REPRESENTATION BY COUNSEL.

A hearing before the Civil Service Commission must conform to the standards of a fair trial with due process of law. Where the testimony of one (1) or the other of two (2) witnesses becomes critical as to the truth involved, testimony bearing on the motive or credibility of either witness should be admitted. The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof and burden of proof applied by courts in civil cases. However, the rules of evidence shall not strictly apply to hearings before the Commission. The appellee and appellant may be represented by counsel.

5. RESIGNATION BEFORE FINAL ACTION.

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

RULE XI
IMPLEMENTATION OF RULES
(O.R.C. 124.20)

1. GENERAL PROVISION.

The Commission may issue memoranda to implement the provisions of these rules and to establish the necessary forms or procedures which are necessary to carry out these rules. Any such memorandum shall be distributed to all departments, boards, bureaus, commissions and to any other agencies that may be affected by the content of the memorandum.

RULE XII

CLASSIFICATION

1. CLASSIFICATION:

A grouping of positions that have like characteristics.

2. POSITION:

A group of duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one (1) person.

3. CLASS SPECIFICATIONS:

A description of the content and boundaries of each class and the knowledge, education, and experience necessary to hold a position in the class.

4. CLASS:

A group of positions established sufficiently similar in respect to the duties, responsibilities, and authority thereof that the same description title may be used to designate each position allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability and other qualifications should be required of the incumbents, that the same tests of merit and fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity under substantially the same employment conditions.

5. CLASSIFICATION PLAN:

A position classification plan consists of (1) the system of classes and class specifications, and (2) a code of formal fundamental rules for the installation and maintenance of the classification plan and for the interpretation, amendment, and alteration of the classes and class specifications, to keep pace with changes in the municipal service and the positions therein.

6. PAY PLAN:

A plan by which the rates of pay for positions, as previously arranged under a classification plan are determined.

RULE XIII
REPORTS BY APPOINTING AUTHORITIES

1. **REPORTS OF APPOINTING AUTHORITIES AND/OR DEPARTMENT HEADS TO COMMISSION**

In order that the Commission may make required certification and/or approvals and keep proper records of changes in their service, each appointing authority and/or department head shall make prompt and complete report to the HR Department, as the Civil Service Commission's designee, of the following matters, as well as other matters mentioned elsewhere in these Rules, upon the forms prescribed, or by letter where no form is prescribed:

- a) Appointments, whether emergency, provisional, limited, probationary, permanent or promotional.
- b) Reinstatement appointments.
- c) Refusal or neglect to accept appointment by a person certified.
- d) Transfer from one (1) class to another, one (1) division to another, one (1) department to another, or from one (1) payroll to another.
- e) Change in compensation.
- f) Separation from service.
- g) Suspension.
- h) Creation or abolition of any position.
- i) Any material change in the duties or responsibilities of an employee.
- j) Copy of each payroll as submitted to Auditor and Treasurer.
- k) Charges for purposes of demotion, removal or discharge.
- l) Changes in name or address of employee.