City of Cincinnati and Board of Education – Civil Service Commission

Civil Service Rules

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Rule 01: DEFINITIONS

NOTE: Every use in these rules of the pronoun “he” or “his” refers equivalently to “she” or “her”.

Section 1. The term "Civil Service" includes all offices and positions of trust or employment in the service of the City of Cincinnati and the Board of Education.

Section 2. The term "appointing authority" signifies an officer, board or commission having the power of appointment to or removal from positions in any office or department. Appointing authorities include the following: City Manager, City Solicitor, Director of Human Resources/Civil Service Secretary, Board of Park Commissioners, Board of Health, Board of Education, Mayor and the Cincinnati Recreation Commission.

Section 3. The term "class" or "classification" refers to a group of positions established under these rules sufficiently similar in respect to duties, responsibilities, and qualifications requirements to be designated by the same descriptive title and equitably compensated within the same salary scale.

Section 4. The term "new position" means a position created through the authorized addition to an organization unit, or a position not previously existent, or a position created through an authorized change by the Civil Service Commission in a classification.

Section 5. The term "eligible list" means a list of names of persons who have been found qualified through suitable tests, for employment in positions allocated to a specified class, arranged in the order of merit.

Section 6. The term "referred list" means the use of the most appropriate list when an eligible list is not available for the position to be filled.

Section 7. The term "to certify" means to supply from an eligible list the names and rank of the highest persons on the list in accordance with Rule 07, Section 7 and Rule 08, Section 1, for each vacancy to be filled.

Section 8. The term "promotion" means an appointment made in accordance with these rules from a lower class to a higher class involving an increase in responsibilities, a change in classification title and the application of a higher salary scale.

Section 9. The term "classified service" comprises all of the following types of service in the City and the Board of Education not specifically included in the unclassified service. Classified employees are subject to examination and fitness tests, and appointments in the classified service require approval of the Civil Service Commission.

A. "Permanent employee" means any employee in the civil service who has been regularly appointed after serving a probationary period to a position normally involving continuous year round service.

B. "Temporary employee" means an employee appointed on an interim or temporary basis without regard to the rules of RC 124.01 to 124.64. The temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made. A temporary appointment longer than one hundred and twenty days may be made if necessary by reason of sickness or disability of a regular employee. Such temporary appointment shall continue only during such period of sickness or disability or other approved leave of absence. (RC 124.30)

C. "Seasonal employee" signifies any employee in the classified service whose services are required only during certain parts of the year, such a position being intermittent or broken in nature. (Refer to OAC 123:1-25-04)

D. “Provisional employee” means an employee in the classified service that is appointed to a position under section RC 124.3, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period.

Section 10. The term "unclassified and casual (part-time) service" comprises the following which shall be exempt from examination and do not have appeal rights to the Civil Service Commission:

A. All officers elected by popular vote or persons appointed to fill vacancies in such offices;

B. All election officers and employees and clerks of the Board of Education;

C. Such employees of the City Council as are engaged in legislative duties;

D. The members of all boards and commissions, and the heads of the departments;

E. Employees engaged in library work or in teaching, educational or research work in connection with the public school system;

F. Employees in Community Development and City Planning Departments;

G. Four Administrative Specialists, Administrative Technicians or Clerk Typist 3’s and one Administrative Specialist for elective offices and each of the principal executive officers, boards or commissions, except the Civil Service Commission, authorized to appoint such classifications.

H. The deputies of principal executive officers authorized by law to act for and in place of their principals and holding a fiduciary relationship to such principals;

I. Assistants to the City Solicitor;

J. Student employees of the Board of Education or the City of Cincinnati (co-ops and interns included); and

K. "Temporary employees" appointed for an emergency which requires extra persons without delay. Appointment may be made without regard for an existing list or these rules. Such appointments are unclassified, require Civil Service Commission approval, and are limited to 120 days. A person may not serve consecutive temporary appointments.

Section 11. The term "employing unit" is a department or division as determined by the Civil Service Commission.

Section 12. The term "unskilled labor" refers to a group of classifications as determined by the Commission for which there are minimal or no education or experience requirements.

Section 13. The term "principal appointive officer" or "appointive officer" refers to the Mayor, the City Manager, and the directors of departments and the superintendent of public schools or an authorized designee.

Section 14. The term "seniority points" refers to additional credit for seniority which is added to an applicant's grade on a promotional examination. Seniority credit for non-uniformed and Police personnel shall equal one point for the first four years of service, and six tenths of one point for each of the fifth through fourteenth years of service. Seniority credit for Fire personnel shall equal one point for each of the first four years of service and six-tenths of a point for each year for the next ten years of service.

Section 15. The term “retention points” refers to a compound number used for layoff and displacement purposes of classified employees which includes seniority credit for each complete month of service and a base two hundred points, and credit for efficiency or performance (service rating) (refer to Rule 12, Layoff and Recall for further information).

Section 16. The term "director of administrative services" or "director" as stated in sections of Chapter 124 of the Ohio Revised Code pertains to the Civil Service Commission (refer to Rule 02, Section 4).

Section 17. The term "lack of funds" means an employing unit has a current or projected deficiency of funding to maintain current, or to sustain projected levels of staffing and operations.

Section 18. The term "lack of work", for purposes of layoff, means a department has a current or projected temporary decrease in the workload, expected to last less than one year, which requires a reduction of current or projected staffing levels.

Section 19. The term "job abolishment" means the permanent deletion of a position or positions from the organization or structure of a department for one year or more due to lack of continued need for the position(s). A department may abolish positions as a result of a reorganization for the efficient operation of the employing unit, for reasons of economy or for lack of work.

Section 20. The City of Cincinnati and the Board of Education each constitute a separate layoff jurisdiction. Each layoff jurisdiction is autonomous and layoff, displacement, reinstatement and reemployment procedures shall apply only within the jurisdiction affected by the layoff.

Section 21. The term "classification series" refers to a group of classifications through which an employee may reasonably expect to be promoted or which show a logical relationship to each other on the basis of work performed, qualifications and rate of pay. Specific classification series are determined by the Civil Service Commission.

Section 22. The term "good standing", as it relates to requests for reinstatement to a former classification or restoration to a former eligible list, means no disciplinary action (i.e., written reprimands, suspension, loss of time, demotion, or reduction in pay) within two years of the date of application, and the employee's last annual performance evaluation being acceptable (a “Meets Expectations” rating).

Section 23. The term "reemployment" means, for purposes of layoff, an appointment to a new appointing authority from a jurisdictional layoff list with retention of seniority, status (i.e., provisional, certified or unclassified) pay step, and time toward step advancement [Refer to Ohio Revised Code Section 124.327 (E) (F)].

Section 24. The term "reinstatement" means the act of returning a person to service, following a period of separation or a leave of absence, retaining seniority and status (i.e., provisional, classified or unclassified). For purposes of layoff, "reinstatement" means the act of selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff [Refer to Ohio Revised Code Section 124.327 (E) (F)].

Section 25. The term "dismissal" means removal from office as a result of disciplinary action.

Section 26. The term "separation" means removal from office as a result of resignation, retirement, layoff, death or medical separation.

Section 27. The term “point of service” means rank seniority, not total length of service in the department. (Refer to RC 124.37)

Rule 02: ORGANIZATION AND DUTIES

Section 1. Officers: The Civil Service Commission, upon the appointment of a new member or the reappointment of an existing member, at the expiration of a regular term shall proceed to the election of a Chairman and a Vice Chairman (see Article 5, Section 1 of the Charter of the City of Cincinnati, for term of office).

Section 2. Civil Service Secretary: The Director of Human Resources functions as the City Human Resources Officer and the Civil Service Secretary pursuant to the provision of Article 5, Section 2 of the Charter of the City of Cincinnati, which states:

The City Manager shall appoint the secretary of the Civil Service Commission, who shall act as the human resources officer of the city government and must be a person experienced in human resources work. He shall also act as chief examiner and superintend the examinations subject to the direction of the Commission. He shall appoint all of his subordinates.

The City Manager may designate some other officer of the City, on a temporary basis, to perform the duties of the Civil Service Secretary in case of the absence or disability of the Director of Human Resources.

The Civil Service Secretary, subject to the approval of the Commission, shall supervise its office and have charge of the preparation of examination schedules, the holding of examinations, the certification of eligibles, the keeping of records, and the preparation of policies and procedures prescribing the detailed proceedings to be followed in the administration of these rules and in carrying on the routine of business. He shall appoint such subordinates as may be necessary and shall recommend the names of special examiners for appointment by the Commission. He shall maintain official records of the acts of the Commission. He shall have such authority to take action on routine civil service matters as is delegated to him by the Commission and recorded in the minutes of the Commission.

Section 3. Official Signatures: The Chairman of the Commission, or in his absence or incapacity, the Vice Chairman, together with the Secretary, shall sign the minutes of the official acts of the Commission.

Section 4. Powers and Duties of the Commission: The Commission is required to administer and enforce the State Civil Service Laws and its own rules which sustain the State Civil Service Laws. As an administrative body, it is responsible for the legal advertising of all entrance and promotional civil service examinations; the conduct and grading of these examinations, the determination of rules and regulations governing examination conduct and other matters covered in the State Civil Service Laws; the classification of all positions; and

the review of such human resources transactions as transfers, reinstatements, emergency and exceptional appointments for conformity with law.

In addition, it has the appellate function of hearing appeals from certain suspensions, dismissals and demotions.

Whenever the Commission has reason to believe that any officer, Board, Commission, or person concerned with appointments, layoff, suspension, or removal, has abused such power by making or recommending any action in violation of the State Civil Service Laws or these rules, it shall be the duty of the Commission to make an investigation, and if it shall find that such violation of the provisions or intent and the spirit of the law or rules has occurred, it shall make a report thereof to the chief appointing authority involved, who shall have the power to remove forthwith such guilty officer, Board, Commission or person, an opportunity first being given to such officer, Board, Commission or person of being heard publicly in person or by counsel in his own defense.

Section 5. Appearance before the Commission: Whenever an individual or group has a matter which requires or might require the consideration or decision of the Commission, such individual or group shall first inform the Secretary in writing, who shall make the necessary arrangements to bring such matters before the Commission in regular session.

Rule 03: OFFICIAL RECORDS OF THE COMMISSION

Section 1. Commission Minutes: The Secretary shall keep record of such official actions of the Commission as are required under these rules. The Commission's minutes shall record all matters. Examples of such matters are:

A. Appeals from dismissal, separation, demotion, suspension of more than three working days, displacement, layoff, disqualification for promotional exam;

B. Appeals of the results of a classification study, rejection of an application;

C. Reinstatements of former classified employees to their positions and replacements of names on and removal of names from eligible lists;

D. Transfers from one department to another;

E. Temporary promotions;

F. Exemptions from competitive examinations in the case of exceptional appointments, promotion without exam;

G. Changes in the classification of individual employees and/or positions, or changes in the content of the official class specification;

H. Approval of, or changes in, examination schedules, special examiners;

I. Approval of Eligibility lists of examinations; and

J. Notices of personnel actions resulting from collective bargaining agreements between the City or Board of Education with an authorized employee organization under provisions of Ohio Revised Code Section 4117.08.

Section 2. Official Roster: The Secretary shall maintain an official roster showing the names, titles, and rates of pay of all employees in the classified service.

Section 3. Other Records: The Secretary shall oversee the maintenance of the official classifications, performance reviews, files of examination papers, correspondence and other data. Such records will be maintained on file for varying periods of time as approved by the Civil Service Commission, the Auditor of the State of Ohio and the Ohio Historical Society.

Rule 04: CLASSIFICATION

Section 1. Classification Plan: The classes of positions described in the official classification and salary schedules, entitled "Salary Schedule (year), Department of Human Resources" and "Salary Schedule for Civil Service Employees, Cincinnati Public Schools", as published with such modifications as may be made thereto from time to time in accordance with these rules, shall constitute the official classification plan for all positions in the service of the City of Cincinnati and the Cincinnati Public Schools, respectively (with the exception of teaching, educational, research and library positions). No person shall be employed or regularly assigned to work under any classification not appropriate to the duties to be performed. The official classification and salary schedules as hereby made a part of these rules.

Section 2. Class Specifications: The Secretary shall maintain in the office a record for each classification established. The record shall contain the classification title, the duties performed, examples of work performed, the knowledge, skills and abilities required and the minimum qualifications required (required education and experience). The official copy of such specifications shall include the date of approval and the signature or initials of the Secretary **or** any employee authorized by Commission to make such endorsement. Approval of all amendments to the specifications adopted under these rules shall be similarly endorsed. The official class specification shall be open to the public at all times during business hours.

Section 3. Class Specifications Interpreted: The specifications of classes of positions in the classification plan are hereby declared to have the following force and effect:

A. They 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 exclude others not mentioned if such others are similar in kind or quality, nor to limit the power of appointing authorities to modify or alter the detailed tasks involved in the duties of any position. When a substantial change of duties outside the current classification is made, except for a temporary period or by the addition of duties that are incidental to the main employment, such change shall be reported to the Commission within 60 days with a view to a possible reclassification of the position.

B. In determining the allocation of a given position the specifications shall be considered as a whole. Consideration shall be given to the general duties and responsibilities, the examples of duties cited, the minimum entrance qualifications, and relationships to other classes as affording an inclusive picture of the employment the class is intended to embrace.

Section 4. Distribution of Positions to Classes: Upon recommendation of the Secretary each position in the civil service (with the exception of teaching, educational, research and library positions) shall be distributed to the appropriate class by the Civil Service Commission. The distribution of any position to its appropriate class shall involve the adoption of the class title

for all positions in the class in payroll records, in requests to the Civil Service Commission for the certification of eligibles, and in all similar employment processes and documents.

Section 5. Classification of New Positions: Whenever a new position is to be established, the appointing authority or principal executive officer shall report such fact to the Civil Service Commission and transmit a comprehensive description of the duties. The Commission shall thereupon investigate the actual or suggested duties and qualification requirements and allocate the position to its appropriate class in accordance with the classification plan.

Section 6. Reclassification of Positions and Incumbents: Each appointing authority is responsible for maintaining the integrity of the classification plan by assigning employees duties which are appropriate for their class in accordance with these rules and the applicable class specification. No supervisor may knowingly assign substantial higher level duties except for a temporary promotion or temporary transfer situation.

When the duties and responsibilities of existing positions are changed outside of the current classification, the appointing authority or principal executive officer shall report such fact to the Commission within 60 days of such changes, and transmit to the Commission a full statement of the circumstances, a description of the duties and applicable conditions of employment, if any; copies of such notices shall be provided for the affected employee(s). Requests for audits of positions may be initiated by the Commission, the Civil Service Secretary, an appointing authority or principal executive officer, or an employee working in the position.

The Commission staff shall, after investigation and review of job duties, work samples and/or any other appropriate documents or evidence, allocate or reallocate every position to the appropriate class. The appointing authority, principal executive officers and employees concerned shall have the opportunity to comment to Commission on the reclassification study report prior to Commission's approval.

I. When a position is reclassified to a higher or different classification, several resolutions are available:

A. The agency may request a certified eligible list for the higher classification, and if the incumbent falls within appointing range, the incumbent will be promoted into the higher position. If the position is to be filled through promotion by means other than a promotional list as approved by Commission, <u>and</u> the incumbent is deemed eligible for the promotion, the incumbent will be promoted into the higher position.

B. If the incumbent is promoted from an existing list, the promotion shall be effective the beginning of the pay period in which the study is approved by Commission. If the incumbent is promoted after a list is created, or by any other method approved by Commission, the promotion shall be effective following normal rules of promotion.

C. Incumbents holding permanent status in a position reclassified to a different classification with the same top pay step, as approved by the Commission, may be reclassified to the different classification if they meet the qualifications and all rules for transfers are followed.

D. If the agency determines not to fill the position at the classification approved by Commission, management may remove from the employee the higher level and/or non-conforming duties as identified as a result of the class study and ensure that the employee's assigned duties are within the employee's classification.

E. If the agency determines to fill the position at the classification approved by Commission and an incumbent is not eligible for the higher level classification, the employee shall be reassigned to a position in his proper classification. If such a position is not available, see Section C above.

II. When a position is reclassified to a classification having a lower salary range two resolutions are available:

A. Incumbents holding permanent status in a position reclassified to a classification having a lower salary range may be reassigned to a vacant position in their current classification.

B. If the agency determines not to fill the position at the classification approved by Commission, management may add appropriate duties in order to ensure that the employee's assigned duties are within the employee's classification. These new job assignments must be approved by Commission.

Section 7. Amendment of the Classification Plan: The Commission, and/or the Civil Service Secretary or designee, as deemed necessary and after conference with the appointing authorities and principal executive officers involved, may establish new classes, abolish, merge or divide existing classes and amend the class specifications to meet changing conditions.

Section 8. Dual Classifications (applicable only to the Board of Education): Where it is determined by the appointing authority, with the approval of the Commission, that it is frequently necessary for an employee to perform duties outside of his classification, such employee may be appointed to a class involving such duties and retain his original classification. Competitive examination shall be the means of selection for dual class if the position is of a higher level than the original classification, except as the Commission shall otherwise determine. Any subsequent full time vacancy in the higher classification shall be filled by the employee holding a dual classification with the highest seniority in that class and in the same employing unit. No employee may be made full time in any higher class unless his last service rating was at least "satisfactory".

Rule 05: APPLICATION FOR ENTRANCE EXAMINATION

Section 1. Notice of Examination: Notice of competitive examination, open to persons employed in the civil service and to those who have not been so employed, should be given by advertisement and by posting notices electronically on the City of Cincinnati's website not less than two calendar weeks prior to such examination.

Section 2. Application: Each applicant shall complete a formal application, in which the applicant shall state the applicants' name, address, and such other information as may reasonably be required concerning applicant's education and experience. The completed application which may consist of a formal application, resume, responses to supplemental questions or other documents specified in the job posting will be the sole criteria in determining an applicants' eligibility for any examination. Information showing that an applicant meets all of the minimum qualifications as stated on the job posting must appear on the completed application. Failure of an applicant to indicate the qualifications as to experience or any other requirements described in the job posting will be considered sufficient cause to exclude an applicant from examination. An applicant may correct an incomplete application as long as any necessary corrections are made prior to the posting deadline. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except, as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. (OAC 123:1-11-08)

Section 3. Citizenship: Applications will be accepted from all persons, however, the Ohio Revised Code in 124.22 states: An applicant for a civil service examination must be a United States citizen or have a valid permanent resident card.

Section 4. Residence: Applications for City positions will be accepted without any limitation as to residency of applicants. Persons appointed to the positions must comply with the residency regulations of the appointing authority of the jurisdiction in which they seek employment and with the laws of the State of Ohio.

Section 5. Age Requirements: The Commission may establish maximum and minimum age limits for examinations in such cases where the Commission deems it necessary.

Section 6. Commission to Rule on Educational Requirements: The Commission may establish educational requirements for only those positions for which educational requirements are expressly imposed by a section of the Revised Code or federal requirements or for which the Commission determines that the educational requirements are job related.

Section 7. Rejection of Application, Refusal to Appoint, Examine or Certify Applicants: The Secretary may, refuse to appoint or examine an applicant, or after an examination, refuse to certify the applicant as eligible, who is/has

A. found to lack any of the established preliminary requirements for the examination.

B. addicted to the habitual use of intoxicating liquors or drugs to excess.

C. a pattern of poor work habits and performance with previous employers.

D. guilty of infamous or notoriously disgraceful conduct.

E. dismissed from either branch of the civil service for delinquency or misconduct.

F. made false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in the application of examination, in establishing eligibility, or securing an appointment.

G. the applicant was previously employed by the City of Cincinnati or Board of Education and was either dismissed or did not resign in good standing within the past 2 years or failed the probationary period for the classification being applied for within the past 2 years.

H. the applicant, after notification, did not promptly present himself at the time and place designated for the examination.

I. the applicant failed or withdrew from an examination for the same or similar classification within the preceding six months.

Applicants wishing to appeal the rejection of their application to the Commission must submit their appeal in writing no later than fourteen calendar days from the date on the rejection notice.

Section 8. Veterans Preference: An applicant shall receive veteran credit on an entrance examination for the classified service, provided the applicant has received a passing grade in all phases of the examination and meets all of the following requirements:

A. The applicant must have an honorable discharge from the United States Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, Air National Guard, Merchant Marine or have transferred to the reserve with evidence of satisfactory service, or have been a Red Cross Nurse (Note: general, medical, convenience of the government, hardship, bad conduct and dishonorable discharges do not apply); and

B. The applicant must be an Ohio resident as of the test application closing date; and

C. The applicant must have served on active duty meaning full-time duty in the active military service of the United States, including duty on the active list, full time training duty, annual training duty, and attendance, while in active military service, at a school designated as a service school by law or by the Secretary of the military department concerned: and

D. The applicant must have completed more than one hundred eighty days of active duty service.

Special provisions for veteran credit with the City of Cincinnati are:

A. A qualified veteran, upon presentation of an official document stating an honorable discharge shall receive additional credit of five points;

B. A qualified disabled veteran, upon presentation of a certificate of honorable discharge and an official statement dated within the last six months from the Veteran's Administration or the Service agency attesting to the existence of a ten percent (10%) or greater service connected disability shall receive additional credit of ten points. However, no credit will be given to an applicant who was discharged by the Army, Navy, Air Force, or Marine Corps for physical disability at the time of his physical examination for entrance into the service.

Veterans must submit the DD-214 and all other documents verifying their status when filing an application or, when permitted by the Secretary, no later than the date of the examination.

Special provisions for veteran credit with the Board of Education are upon presentation of a certificate of service or honorable discharge; a veteran shall receive additional credit of twenty percent (20%) of his total grade given in the regular examination.

Veterans must submit the DD-214 and all other documents verifying their status when filing an application or, when permitted by the Secretary, no later than the date of the examination.

Section 9. Postponement and Cancellation of Examinations: Any examination may be postponed or canceled at the discretion of the Commission and/or the Secretary. In either case, each applicant shall be notified of the postponement or cancellation, and the action, together with the cause thereof, reported to the Commission and an entry made in its minutes.

Section 10. Fees: No fees shall be charged for any examination.

Section 11: Commission to Rule on Work Experience Requirements. The Commission may establish work experience requirements for each classification, which will be written into the official classification specifications. Furthermore, the specification for each classification shall be considered as an addendum to these Rules. All applicants who meet the qualifications as established by the Civil Service Commission shall be eligible to take open competitive examinations and be considered for the exceptional appointment process. Applicants for open competitive examinations and the exceptional appointment process wishing to appeal the rejection of their application for failure to possess the required work experience time may submit their appeal to the Civil Service Commission in writing no later than fourteen calendar days from the date on the rejection notice.

Rule 06: EXAMINATIONS

Section 1. Examinations: All applicants for positions and places in the classified service shall be subject to examination. Any examination under this section shall be public and be open to all citizens of the United States and those persons who have legally declared their intentions of becoming a United States citizen. Such examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity and physical or psychological fitness.

Section 2. There shall be two types of competitive examinations: Open Competitive and Promotional Competitive.

A. Open competitive examinations shall be open to all applicants who meet the minimum requirements listed in the classification specification for the classification being tested.
B. Promotional competitive examinations shall be limited to current City employees who meet the minimum requirements listed in the classification specification for the classification being tested.

Section 3. There shall be a Noncompetitive examination that includes an evaluation of the applications to determine if the applicants meet the minimum requirements for the classification being examined. Noncompetitive examinations may also consist of other components, such as qualifying tests, to determine if the applicant can perform the duties of the classification. In the absence of qualifying tests, applicants who meet the minimum requirements shall have their names placed on the appropriate Eligible list. Applicants shall be notified in writing whether they passed the qualifying examination and if their name appears on the eligible list for the classification examined.

Section 4. Contents of Examinations: Examinations held to establish an eligible list for any class may consist of the following parts. The parts listed below may be given a weight in examinations or may be used in excluding from further examination applicants who do not meet the minimum required standards as outlined in the Examination Announcement/Job Posting.

A. Written Tests: This part, when required, shall include a written demonstration designed to measure the degree to which an applicant possesses the minimum qualifications, or their education, training and experience as it relates to the minimum qualifications established for the class of positions to which they seek appointment. The Secretary may, in his discretion, verify a competitor's statements as to training and experience and govern his rating accordingly.

B. Structured Oral Interview: This part, when required, may be used under the supervision of the Civil Service staff in examinations where a written test is unnecessary, impracticable or insufficient.

C. 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.

D. Physical Ability Tests: This part, when required, shall consist of tests of physical condition, muscular strength, agility, and physical fitness of competitors.

E. Medical/Physical Fitness: This part, when required, shall include an evaluation conducted by a licensed physician authorized by the Civil Service Commission concerning job-related criteria as determined by the Commission.

F. Behavior/Psychological Assessment Tests: This part, when required, shall include written, oral, or performance tests which predict the suitability of candidates to perform the work involved in the classification.

Section 5. Identity of the Examinee Concealed: Whenever feasible the identity of all persons taking a competitive examination shall be concealed from the examiners by use of an identification number which shall be used on all examination papers and the candidate's application when he presents himself for examination. The 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, or any candidate who reveals his identification number to any member of the Commission or its staff, directly or indirectly, may be disqualified and the candidate so notified. No candidate shall be permitted to take notes, copy or reproduce any portion of the examination questions or other examination material.

Section 6. Method of Grading Examinations: Each part of the examination for each classification shall be graded separately. Scores for each part shall be continuous (e.g. 1 to 100) or discrete (e.g. pass/fail). Weighting of the various parts of the examination shall be based upon the results of the job analysis. When supported by the results of the job analysis, part(s) of the exam may be used to determine eligibility to compete on a later part(s) of the exam, and such part(s) may either be weighted or not weighted in the computation of the final score. Passing scores will be determined after the examination by the Civil Service examiner together with the Secretary. Determination of the passing score will be based on the results of the job analysis, analysis of examination results, consultation with subject matter experts, or other professional methods. The final grade for each candidate shall be a single score. If two or more candidates receive the same final grade, a candidate with veteran's preference will be ranked above a non-veteran. Ties between veterans and ties between non-veterans will be broken by priority of filing date on applications as indicated by the time stamp. The names of the applicants receiving a passing score shall be posted in the Commission's offices and entered on

the appropriate eligible list. The grade of any applicant failing to qualify shall not be made public.

Section 7. Minimum Grades on Each Section: The Secretary may, at his discretion, determine a minimum grade for any part or parts of an examination. Any candidate who fails to attain at least this minimum grade shall be considered to have failed the examination, and shall not be examined on any further parts if any are planned.

Section 8. Examination Monitor: No persons other than authorized members of the Commission's staff, or in the case of the Board of Education, authorized members of the Civil Service Personnel Office Staff, or other persons approved by the Commission or Secretary, shall act as monitors or spectators while an examination is being conducted.

Rule 07: ELIGIBLE LISTS

Section 1. Posting of Lists: From the results of each examination, the Commission shall prepare and keep open for public inspection an eligible list of persons who achieve the minimum passing score or better on the examination and are otherwise eligible. Such persons shall be notified and take rank upon the eligible list in the order of their relative grades without reference to priority of time of examination. Whenever it becomes necessary to re-administer an 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. Each person whose name appears on the existing list which is to be merged with a new list shall have an opportunity to compete in the second examination, provided he meets the qualifications. Standing on the eligible list then shall be determined by the grade on the subsequent examination. Those eligibles who do not take the second examination will remain on the list according to their grade on the earlier exam and will be removed from the list when the expiration date from the first list is reached.

Section 2. Duration of Eligible Lists: The term of eligibility of each list shall be fixed by the Commission at not less than one year nor more than two years for the City of Cincinnati and for not less than one year nor more than two years, closing after each appointment and reopening with a full certification for the same classification for the Board of Education.

Section 3. Disqualification of Eligibles and Removal from List: After the creation of an eligible list, if the Commission has reason to believe that any person whose name appears on a list is disqualified for appointment because of reasons which developed subsequent to his examination; such person shall be notified and given an opportunity to be heard. If such person fails to appear for a hearing, or upon being heard fails to satisfy the Commission, his name shall be removed from the appropriate list. The following are cause for disqualification:

A. Inability to perform the duties of the classification;

B. Errors disclosed in computing scores;

C. False statements made on the application;

D. Any personal activity for which a background investigation demonstrates the likelihood of an adverse effect on his performance in the position to which he seeks appointment, or activity prohibited by the Ohio Revised Code;

E. Failure to report or arrange within three days after receiving notice of certification (Saturdays, Sundays and holidays excepted) for an interview with an appointing authority;

F. Dismissal from City service within the last two years in the case of a City employee who has competed on an open exam;

G. Any other similar reason.

The name may be reinstated on the eligible list only by a written satisfactory explanation of the circumstances submitted to and approved by the Commission.

Section 4. Change of Address: Each person on an eligible list shall file with the Commission written notice of any change of address.

Section 5. Revocation 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 due to errors, fraud or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be given opportunity to compete and a new eligible list shall be established. No eligible list shall be revoked except upon written notice to all persons whose standing may be affected. The Commission must take action on the reasons for such alteration or revocation and an entry of the action must be made in the minutes of the Commission.

Section 6. Eligible Lists Resulting from an Open and Promotional Examination: An examination may be given both as open and promotional, for example when an insufficient number of eligibles are available for a full certification. The list of competitors passing the promotional examination shall be prepared separately from the list of competitors passing the open examination. The promotional eligible list shall be used first. When there is an insufficient number of competitors on the list to constitute full certification, the Secretary may authorize the certification of competitors from both the promotional and open eligible lists to constitute a full certification.

Rule 08: APPOINTMENT TO THE CLASSIFIED SERVICE

Section 1. Certification and Appointment Process: Immediately upon receipt of a request for certification, the Commission shall certify to the appointing authority in which a position in the classified service is to be filled, the names, addresses and rank of the top 25% or a minimum of ten names standing highest on the eligible list for the class or grade to which the position belongs; provided that the Commission may certify less than ten names if ten names are not available. When less than six names are certified to an appointing authority, appointment from the list shall not be mandatory, and a new examination may be secured.

A person certified from an eligible list more than four times to the same appointing authority for the same or similar position may be removed from further consideration.

A. Certification of Municipal Workers for Permanent Positions: When an employing unit which employs Municipal Worker has a permanent vacancy in a class in which Unskilled Laborers are employed, this permanent vacancy shall be filled from among the three Municipal Workers of that employing unit with the highest seniority. When an employing unit has a permanent vacancy and does not employ Municipal Workers in the classification, the ten Municipal Workers with the highest seniority from employing units where Municipal Workers are employed will be certified for consideration.

B. Cancellation of Certification: If at any time after eligibles have been certified by the Commission, the appointing authority decides not to fill the vacancy or decides to fill the vacancy by other methods approved by the Commission, the certification shall be canceled.

C. Employment Interview and Result: Any appointing authority or his authorized representative shall be privileged to examine the application and test(s) scores of applicants prior to the interview, should this be desired in determining the relative fitness of persons under consideration for appointment.

D. Appointment Date: The date on which the appointing authority signs the appointment form is the official appointment date regardless of the actual starting date of employment. All applicable benefits and service credit will be counted from the appointment date.

E. Appointments in Uniformed Fire and Police Service Resulting from Promotion: Appointments in a promoted rank within the Fire Department shall be made within ten days following certification. Appointments in a promoted rank within the Police Department shall be made within thirty days following certification.

Section 2. Types of Appointment through Examination and Non Examination:

A. Permanent Appointments: Positions should be filled by permanent appointment whenever possible. However, conditions may warrant other appointments listed.

B. Temporary Appointment: Use of temporary appointments shall be in accordance with Sections 124.30 (A), of the Ohio Revised Code.

Section 3. Under special circumstances the following appointments may be made:

A. Exceptional Appointments: In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can be best filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of the statute requiring competition, but no suspension shall be general in application, and all such cases of suspension shall be recorded in the minutes of the Commission with the reason stated.

B. Temporary Appointments: Use of temporary appointments shall be in accordance with Sections 124.30 of the Ohio Revised Code.

Temporary Appointments may be made when there is urgent need to fill a position and Civil Service is unable to certify a list of eligible persons. Temporary appointments may not continue longer than 120 days; except if the temporary appointment is due to sickness, disability, or other approved leave of absence of a regular employee, the temporary appointment may continue as long as the leave. Temporary appointments shall not be made successively. An employee who serves in a temporary appointment for a period of six months of continuous service and who demonstrates merit and fitness for the position shall become a permanent appointee in the classified service at the end of the six months.

Section 4. Any permanent employee who was separated in good standing may be:

A. Reinstated within one year from the date of such separation to a vacancy in the same or similar classification in the same department, with the approval of the Commission, provided there is no existing promotional eligible list and there are no employees who have been laid off and whose names appear on a layoff list for the class. This section is applicable unless superseded by a collective bargaining agreement. If such separation was due to injury or physical disability, such person shall be reinstated to the same or similar classification he held at the time of his separation, within thirty days after written application for reinstatement and after passing a physical examination made by the City Physician or his designee, showing that he has recovered from such disability or is able to perform the essential duties of the classification with or without accommodation, provided further that such application for reinstatement be filed within two years from the date of separation, and further provided that such application shall not be filed after the date of service eligibility retirement. In the case of requested reinstatements of sworn employees of the Police and Fire Divisions, a copy of the reinstatement request shall be furnished to the appropriate department head or to the Fire Chief or Police Chief as appropriate. (Sworn employees of the Police and Fire Divisions may not be reinstated above the rank of Police Officer and Fire Fighter, and must pass a physical examination disclosing that the person is physically fit to perform the duties of the office of Police Officer or Fire Fighter (ORC 125. 50); or

B. Restored to an appropriate eligible list with the approval of the Commission within a period of one year from the date of separation. The employee will be placed on the eligible list in accordance with the grade he received if the list from which he was appointed is still in effect. In the case that the eligible list from which he was appointed

has expired, or if an employee requesting to be restored to an eligible list for a classification in which they previously served did not take an examination, the employee will be placed at the bottom of the appropriate eligible list.

Section 5 Transfer of Unclassified Employees: Whenever, by reason of reorganization of one or more departments, divisions or bureaus of the city service, an employee in the unclassified service is not needed or his position is abolished in such unclassified service, the employee, with the approval of the City Manager or other chief appointing authority and the Civil Service Commission, may be transferred to a vacant position with similar duties in the classified service in the same or other departments, divisions or bureaus. Only employees who have occupied such unclassified service positions for two or more years may be transferred to the classified service. No such transfer shall be made to a position occupied by a regular appointed employee in the classified service or to a position for which an employee is on a Recall list by reason of layoff.

Section6. Reassignment within a Given Class: Nothing herein shall be construed to interfere with the right of the City Manager or other appointing authorities to assign or reassign employees within a given class among the various departments under their control as deemed in the best interest of the service.

Section 7. Coursework, License, Certificate and Registration Validation: For any classification requiring coursework, license, certificate and/or registration, verification of such must be submitted to the Civil Service Commission prior to any personnel action being taken (i.e. hire, promotion, transfer) This includes new hires, promotions, transfers, voluntary demotions, and reassignments. Individual agencies must verify annually that employees within the agency hold the proper and current license, certificate and/or registration.

Rule 09: PROBATION

Section 1. Probationary Period: All classified appointments, including temporary appointments, shall be for a probationary period, fixed by the Commission in accordance with Chapter 124 of the Ohio Revised Code. Length of probationary periods for City of Cincinnati classifications is contained in the official classification and salary schedule entitled "Salary Schedule (year), Department of Human Resources", which is hereby made part of these rules. No final appointment or promotion shall be deemed made until the appointee has satisfactorily served his probationary period. In determining the probationary period of a Board of Education seasonal or school year employee, only periods when such employee is on work status shall be counted.

If a probationary employee is absent because of military duty or illness for a substantial portion of his probationary period, the Commission may extend his probationary period by the number of working days not exceeding the length of time he was absent.

Section 2. Probationary Period for Temporary: Service performed as a temporary shall be included in the probationary period.

Section 3. Removal of Employee: (Except Fire Fighter - see Ohio Revised Code Section 124.49) A probationary employee may be removed for cause without right to appeal to the Commission at anytime during probation.

Section 4. Probationary Report: A performance report must be completed by the department not later than ten days prior to the end of the probationary period. The report shall indicate whether the performance of the employee is satisfactory. If a probationary employee is to be separated from employment prior to completion of his probationary period a performance report must be made and included in the separation papers. The performance report shall state the reason for such separation.

Section 5. Ineligibility Due to Probationary Failure: An employee failing to qualify in his probationary period shall be ineligible for any civil service examination for a period of one year, unless, in the judgment of the Civil Service Secretary, the cause of his removal will not affect his usefulness in some other type of employment.

Section 6. Demotion to a Former Classification Resulting from Failure of Probation:

A. An employee promoted from the same employing unit who fails to qualify on his probationary period shall be reinstated to the same or similar classification from which he was promoted in the same employing unit.

B. An employee promoted to a position in a different employing unit who fails to qualify on his probationary period may, with the consent of the Commission and the department head of the previous employing unit, be reinstated to the same or similar classification from which he was promoted in the originating employing unit. An employee not so reinstated may be placed on a Recall list for the same or similar classification from which he was promoted, with the consent of the Commission, for a period of one year. An employee on such a list shall have preferential reemployment status in the classification from which the employee was originally

promoted or in any lesser-paying classification deemed appropriate by the Commission. Reemployment in a lesser classification shall not be cause to remove the employee from the Recall list for the classification from which the employee was originally promoted.

C. An employee who fails probation while serving in a temporary appointment shall be restored to a position in the classification from which he was temporarily appointed.

Rule 10: PROMOTIONS

Section 1. Commission to Rule on Promotional Examinations: The term "Promotional Examination" signifies a test to determine the relative standing of applicants for positions in a specified class and is open only to employees in the classified permanent service who, at the time of the examination, are serving actively in other specified classes for such a period as may be prescribed by the Commission, or otherwise meet the qualifications established by the Commission. Vacancies above the lowest grade of any classification series shall be filled whenever practical by the promotion of employees in the classified permanent service. In the event there are no qualified applicants or an insufficient number of qualified applicants to take a promotional examination, or if a promotional examination is given and an insufficient number of applicants pass the examination to satisfy the certification requirements, then an open-to-the-public examination may be announced. The Commission shall determine whether a promotional examination for employees whose experience would be preparation for the higher position shall be held or whether an open-to-the-public examination shall be scheduled. (See Rule 07, Section 6 regarding Eligible Lists Resulting from an Open and promotional examination.)

Promotions in every case shall involve definite permanent changes in duties and an increase in responsibilities and shall not be made merely to increase compensation.

Section 2. Qualifications for Promotional Examinations: All classified permanent employees who meet the qualifications as established by the Civil Service Commission shall be eligible to take promotional examinations for a higher classification, for an equivalent (but not the same) classification, or for a classification in a lower grade within a different classification series, except:

A. Employees for whom the last annual performance evaluation was less than satisfactory for Police, 7.5 rating points or 6.5 promotion points;

B. Employees for whom two of the last three annual performance evaluations was a “does not meets expectations”; (OAC 123:1-23-03)

C. Employees who have been demoted to a lower classification as a result of a disciplinary action in the twelve month period preceding the examination;

D. Employees who fail their probationary period in the twelve month period preceding the examination, unless, in the judgment of the Civil Service Secretary, the failure will not affect their usefulness in some other type of employment.

The Secretary, subject to appeal to the Commission, may reject any application from an employee who had failed or withdrawn from an examination for the same or similar classification within the preceding six months. Temporary transfer and/or temporary promotion time will not be counted for examination eligibility purposes. The Civil Service Commission will consider requests for waiving the time in grade eligibility requirement only from those individuals who are within fifteen days of meeting such requirement. At least one-half of the required work experience must have taken place within the five years immediately preceding the examination, unless specified otherwise on the announcement. Time in grade requirements

for examination eligibility shall be established by the Civil Service Commission and shall be those requirements as stated on the official classification specification. Furthermore, the specification for each classification shall be considered as an addendum to these Rules.

Applicants wishing to appeal the rejection of their application to the Commission must submit their appeal in writing no later than fourteen calendar days from the date on the rejection notice.

Section 3. Announcement of Examination and Application for Promotional Examination: Whenever a promotional examination is ordered, notice of such examination shall be published by the Commission in electronic format and distributed to all departments for distribution to employees. It shall be the duty of the department head or division head to see that employees are notified of the examination. Transmittal of notice may be by electronic or hard copy.

Each applicant must be responsible for the completion of his own application form. All applications shall be filed electronically as specified in the examination announcement (job posting) not later than the date specified in the announcement of examination.

Section 4. Selection of Promotional Examination Date for Police and Fire: Whenever a vacancy occurs in a promoted rank and no eligible list for such rank exists, the appointing authority shall certify the fact to the Commission, and the Commission shall within sixty days of such vacancy conduct a competitive promotional examination.

In order to compete for promotion in the Police or Fire Divisions, applicants must meet the time-in-grade eligibility requirements at the time of the examination.

Section 5. Contents and Grading of Examinations: Each promotional examination shall relate directly to the minimum qualifications and duties of the class of positions for which the examination is being held. The names of applicants receiving a passing score on a promotional examination shall be entered on the appropriate eligible list. Official eligible lists will be maintained by the Civil Service Secretary, and will be made available to the public; provided however that names and scores of competitors who fail to qualify shall not be made public.

A. Examinations held to establish an eligible list for any class may consist of the following components in any combination. Each of these components may be weighted OR may be used in progression such that candidates must pass one component before advancing to the next.

- Written tests: Uses a written tool to measure the applicant's qualifications for the class of positions being sought.
- Education, training and experience tests: measures the applicant's qualifications for the class of positions using a quantitative evaluation of his documentation of training and experience.
- Oral Interview: Uses a structured oral interview tool to evaluate an applicant's qualifications for a class of positions, where a written test is unnecessary, impracticable or insufficient.
- Practical Tests: includes such tests of performance or trade as will determine the ability and manual skill of competitors to perform the work involved.
- Physical Ability Tests: consists of tests of physical condition, muscular strength, agility, and physical fitness of competitors.

- Medical/Physical Fitness: includes an evaluation conducted by a licensed physician authorized by the Civil Service Commission concerning job-related criteria as determined by the Commission.
- Behavior Assessment Tests: includes written, oral, or performance tests which predict the suitability of candidates to perform the work involved in the classification.
- Background check/polygraph tests.

Each part of the examination for each classification shall be graded separately. Scores for each part shall be continuous (e.g. 1 to 100) or discrete (e.g. pass/fail). Weighting of the various parts of the examination shall be based upon the results of the job analysis. When supported by the results of the job analysis, parts of the exam may be used to determine eligibility to compete on later parts of the exam, and such parts may either be weighted or not weighted in the computation of the final score. Passing scores will be determined after the examination by the Civil Service examiner together with the Secretary. Determination of the passing score will be based on the results of the job analysis, analysis of examination results, consultation with subject matter experts, or other professional methods. The final grade for each candidate shall be a single score. If two or more candidates receive the same final grade, a candidate with veteran's preference will be ranked above a non-veteran. Ties between veterans and ties between non-veterans will be broken by priority of filing date on applications as indicated by the time stamp. The names of the applicants receiving a passing score shall be posted in the Commission's offices and entered on the appropriate eligible list. The grade of any applicant failing to qualify shall not be made public.

The Secretary may designate various subject matter experts as special examiners to assist in preparing and/or grading examinations. Such special examiners are required to maintain strict confidentiality and security with regard to all examination matters.

The identity of all persons taking promotional examinations shall be concealed from the examiners by use of an identification number which shall, whenever feasible, be used on all examination papers and the candidate's application when he presents himself for examination. The 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, or any candidate who reveals his identification number to any member of the Commission or its staff, directly or indirectly, may be disqualified and the candidate so notified.

All forms of cheating are strictly prohibited. Cheating will result in disqualification from competition.

In promotional examinations, credit for seniority in service shall be added to the examination grade, but no credit for seniority or any other reason shall be added to an examination grade unless the applicant achieves a passing score on the examination without counting such extra credit.

B. Credit for Seniority. For those making a passing score on the examination, additional credit for seniority will be awarded.

1. Seniority credit on promotional examinations consists of credit awarded for continuous service which has not been broken by dismissal, layoff or resignation without reinstatement in the classified service of the City of Cincinnati, Board of Education and the University of

Cincinnati (which includes University Hospital), except that credit for service with the University of Cincinnati shall be limited to City of Cincinnati and Board of Education employees in service as of July 1, 1977, and to University of Cincinnati service prior to July 1, 1977 when the University went under state control.

2. Seniority credit is given for service in a provisional, temporary or seasonal appointment, if such service led directly into permanent employment without a break in service. Seniority credit is also given for service in a seasonal appointment if the employee receives a permanent appointment within a year of the most recent layoff. An employee whose city service is interrupted only by military service shall receive credit for seniority on the basis of his combined city and military service.

3. A non-uniformed employee whose city service is interrupted only by a resignation under Rule 8, Section 4a, shall receive credit for his service prior to resignation. However, uniformed police and fire personnel are not entitled to seniority credit for service prior to a resignation. Additionally, in promoted fire ranks, credit is given only for service in the Fire Division. Seniority credit is not given for service as an unclassified, student, temporary, emergency, unclassified casual or federally funded (e.g., Emergency Employment Act, Public Service Employee, Comprehensive Employment Training Act, Model Cities, Pilot Cities, etc.) employee.

4. For non-uniformed employees and uniformed police personnel, credit for seniority shall equal, for the first four years of creditable service, one percent of the total grade attainable in the promotional examination and for each of the fifth through fourteenth years of creditable service, six-tenths percent of the total grade attainable.

5. For uniformed fire personnel, credit for seniority shall equal, for the first four years of creditable service, one percent of the total grade attainable in the promotional examination and for each of the fifth through tenth years of creditable service six-tenths percent of the total grade attainable. In computing the seniority credit for uniformed fire personnel, half of the credit set forth above will be given for each half year of service.

6. If two or more candidates receive the same final grade on a promotional examination, including any additional credit, the candidate with the greatest seniority will be ranked highest. If two competitors were appointed on the same day, ties will be broken by priority of the filing date on current applications as indicated by time stamp.

Section 6. Inspection of Examination Papers:

A. The Civil Service Secretary shall set forth reasonable regulations to govern the administration of the review period including the setting of dates, times, and location for review. Examination material shall be available for inspection only after the Commission has determined its availability will not threaten the security or reuse of the examination. Inspection shall not be permitted of standardized tests prepared by experts outside the city service, where such inspection is specifically prohibited by the preparer or where such inspection would tend to reduce the validity of the test results.

After the grading of such examination papers, any participant in the examination who deems his examination papers have been erroneously graded shall have the right to appeal to the Commission.

B. Inspection of examination papers for uniformed fire positions are subject to the rules listed above in Section 6(A). However, in the case that the Commission finds an error in the rating key or answer, it shall publish a revised rating key or answer. The revised rating key or answer shall then be available to participants subsequent to such determination of error or errors. In addition, review of promotional examination materials for uniformed fire and police positions is restricted to one visit per day. Each visit is limited to a maximum of two hours. The number of visits during the entire review period shall not exceed a total of two.

Section 7. Duration of Promotional Eligible Lists: The term of eligibility of each list shall be fixed by the Commission at not less than one year nor more than two years for the City of Cincinnati and for not less than one year nor more than two years, closing after each appointment and reopening with a full certification for the same classification for the Board of Education.

Section 8. Certification of Promotions:

A. Uniformed Services: Whenever a vacancy occurs in a promoted rank in the Police or Fire services, except for the rank of Police Chief and Assistant Police Chief or Fire Chief and Assistant Fire Chief, only the person having the highest rating on the appropriate eligible list shall be certified.

B. Non-Uniformed Services: Whenever a vacancy occurs and a promotional eligible list exists for the classification in employing units of the city service, the one person (AFSCME), three persons (Non-Represented) or ten persons (CODE) having the highest rating on the eligible list shall be certified. A single eligible list of all passers will be established when city-wide promotional examinations are given. Employing Unit lists will be used unless superseded by a collective bargaining agreement.

Section 9. Promotion Without Examination: The Commission recognizes the following situations in which it may authorize promotion of an eligible employee without competition:

A. If a vacancy exists in a classification requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational nature, and the appointing authority establishes in writing to the satisfaction of the Commission that only one employee of the department has such qualifications, promotion may be approved.

B. If a classification has been established with advance approval of the Commission for the purpose of training an employee for promotion to a higher classification, and the selection of the employee has been made with due regard for the requirements of the higher classification, the Commission may, upon recommendation of the appointing authority, approve the promotion without examination upon completion of suitable job training and satisfactory job performance as prescribed in the class specification for the higher classification. With advance approval of the Commission, a classification may be established for the purpose of training an employee for promotion to a higher classification upon completion of suitable job training and satisfactory job performance as prescribe in the class specification for the higher classification. When these qualifications have been met, and upon the recommendation of the agency head, the Commission may approve promotion without examination.

C. If a vacancy exists in a classification other than sworn police and fire classifications in a given employing unit where there is no eligibility list from which a certified appointment may be made, and there is one qualified and interested employee for AFSCME, three or fewer qualified and interested employees for Non Represented or ten or fewer qualified and interested for CODE, the appointing authority may request and the Commission may approve a promotion without examination.

Section 10. Temporary Promotions: The Civil Service Commission may approve an interim or temporary promotion to a higher classification when requested by a department head. Temporary promotions may be made due to sickness, disability or other absence of a regular employee, or due to a position vacancy pending filling of the position permanently. The employee recommended for temporary promotion must meet the qualification and eligibility requirements of the higher classification. All such temporary promotions shall be recorded in the minutes of the Commission. Temporary promotions may be made for a period not to exceed three pay periods (six weeks), after which the promotion must be rotated among all other interested and qualified eligibles in the employing unit. The Commission will consider requests for exception to the rotation requirement where it can be shown that a serious operational problem and/or serious inequity would result from the rotation. Requests for temporary promotion shall include:

A. The name of the vacant classification and number of vacancies;

B. Number of qualified and eligible employees for the promotion;

C. The plan for rotation, including designation of pay periods each nominee will serve, or plan against rotation; and

D. Reasons for the plan.

Section 11. Alternative Examination Dates and Special Arrangements: Whenever, because of illness, injury or religious belief, an applicant for promotional examination is unable to sit for the exam on the scheduled date, time and/or location, he may request from the Commission an alternative schedule or special arrangement. Approval for an alternative schedule or special arrangement shall only be given if the security and/or integrity of the examination can be maintained, and it does not add substantial cost or time to be incurred in the judgment of the Commission.

Section 12. Examination Monitor: No persons other than authorized members of the Commission's staff or, in the case of the Board of Education, authorized members of the Civil Service Personnel Office staff, or other persons approved by the Commission or Secretary, shall act as monitors or spectators while an examination is being conducted.

Section 13. Twelve Month Rule: Employees who accept a non-represented position due to promotion or demotion cannot voluntarily or otherwise leave the position for at least twelve months from the first day in the new position.

Rule 11: TRANSFERS

Section 1. Interdepartmental Transfers: An employee in the classified service who has served the required probationary period in his current classification may be transferred from a position in one department to a position in the same or similar class and same pay (based on top salary steps) for which they are qualified, in another department, with the consent of the employee to be transferred and the director of the department to which the employee is to be transferred, with the approval of the Civil Service Commission. An additional probationary period is not given in such interdepartmental transfers.

Employees of the Board of Education may not transfer to a City position, nor may City employees transfer to a Board position; employees of the City and the Board of Education may apply for open to the public entry-level positions in either jurisdiction for which they are qualified.

Nothing stated here regarding transfers shall be construed to interfere with the right of the city Manager or other appointing authorities to assign or reassign employees within a given class among the various departments under their control as deemed in the best interest of the service. (Rule 8, section 6)

Section 2. Assignment to Other Work: An employee in the classified service may be assigned to work other than that described in the specifications of his classification but of the same general level of responsibility for a period of thirty calendar days without notice to the Commission. Such an assignment shall involve no change in compensation. No person shall be assigned for more than thirty calendar days on other duties than those implied by his class title unless he has qualified through competitive examination and is appointed in accordance with these rules.

Section 3. Transfer of Unclassified Employees: Whenever, by reason of reorganization of one or more departments, divisions or bureaus of the city service, an employee in the unclassified service is not needed or his position is abolished in such unclassified service, the employee, with the approval of the City Manager or other chief appointing authority and the Civil Service Commission, may be transferred to a vacant position with similar duties in the classified service in the same or other departments, divisions or bureaus. Only employees who have occupied such unclassified service positions for two or more years may be transferred to the classified service. No such transfer shall be made to a position occupied by a regularly appointed employee in the classified service or to a position for which an employee is on an eligible list by reason of layoff or reclassification.

Section 4.Employees who accept a non-represented position due to transfer cannot voluntarily or otherwise leave the position for at least twelve months from the first day in the new position.

Rule 12: LAYOFF AND RECALL PROCEDURES

THE FOLLOWING ARE THE LAYOFF AND RECALL PROCEDURES UNLESS SUPERSEDED BY A COLLECTIVE BARGAINING AGREEMENT

Section 1. Procedure for Layoff in Non-Uniformed Classifications: Employees may be laid off as a result of lack of funds within an agency. The appointing authority shall determine whether a lack of funds exists. Employees may be laid off as a result of lack of work within an agency. The appointing authority shall determine whether a lack of work exists. Employees may be laid off as a result of abolishment of positions within an agency. The appointing authority shall determine whether any positions should be abolished. Lack of funds, lack of work and abolishment are used here as defined by ORC 124.321.If there is a reduction of the work force, the appointing authority shall follow the procedures for laying off employees within each employing unit, unless otherwise stated, subject to the following modifications:

A. The employee whose position has been abolished shall have the right to fill an available vacancy within the employee's classification;

B. If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, then the employee with the fewest retention points shall be displaced;

C. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series;

D. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series.

E. In the event of the four actions described not occurring, the employee shall be laid off.

Section 2. Appointment Categories and Priorities: Employees shall be laid off in the order set forth in this section within the primary appointment categories of part time probationary, part time permanent, full time probationary, full time permanent. Whenever a reduction in force is necessary within each of the primary appointment categories, temporary, then permanent employees within the employing unit within the classification series shall be laid off in the following order:

A. Temporary appointed employees;

B. Permanent appointed employees still on probation;

C. Permanent appointed employees who have successfully completed probation;

Within each of the above categories, part time employees (i.e. less than 75 percent work time) must be laid off before full time employees within the employing unit within the classification series.

Section 3. Displacement Procedures: A laid-off employee has the right to displace the employee with the fewest retention points in the classification from which the employee was laid off or in a lower or equivalent classification, in the following order:

A. Within the classification from which the employee was laid off;

B. Within the classification series from which the employee was laid off.

An employee laid off in the classified service shall displace the employee within the same employing unit in the following manner:

A. Each laid off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series; except that a laid-off provisional employee shall not have the right to displace a certified employee;

B. Any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series; except that a displaced provisional employee shall not displace a certified employee. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same layoff jurisdiction or appointing authority has been reached and if necessary, laid off.

The Commission shall presume that any laid off employee will exercise their displacement rights. Employees not wishing to exercise their displacement rights shall notify the principal appointive officer of their department or appointing authority, in writing, of their intention within five working days after receiving notice of layoff. Employees not wishing to exercise their displacement rights will be laid off.

No employee shall displace an employee for whose position or classification there exists special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupation qualification, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position or classification.

Section 4. Retention Points: Retention points need to be calculated for permanent employees only. An employee's total retention points shall be the sum of the base retention points plus the retention points assigned for continuous service and for relative efficiency in service.

A. Credit for Continuous Service: Credit for a complete month of service will be given for any calendar month in which an employee is employed in the layoff jurisdiction as established under these rules. Each employee is to receive 2.175 retention points for each completed month of continuous service in the layoff jurisdiction. Authorized military leave or Family Medical Leave Act (FMLA) shall not be considered as an interruption of continuous service. Retention points will not be given for service in the fire or police forces, nor for service as a student, temporary or emergency employee, nor for service as an Emergency Employment Act or Public Service Employee or other similar type of employee. Service shall be considered to be noncontinuous when an employee:

1. Quits or resigns; however, if resignation is followed by reinstatement within one year, credit for continuous service prior to resignation will be given but no credit will be given for the time between resignation and reinstatement;

2. Is discharged for just cause;

3. Is laid off for a period of more than twelve (12) consecutive months (Non Represented), thirty-six (36) consecutive months (AFSCME) or forty-eight (48) consecutive months (CODE). If an employee is laid off and recalled, credit for continuous service prior to the layoff will be given but no credit will be given for the time the employee was actually laid off;

4. Transfers to the unclassified service and returns to the classified service. Credit for continuous service prior to the transfer to the unclassified service and following return to the classified service will be given but no credit will be given for the time served in the unclassified service.

B. Base Retention Points: Two hundred (200) additional points are added to those earned in section A to yield the employee's total seniority points.

C. Credit for Efficiency:

CITY OF CINCINNATI	
Performance Evaluation	Point Value
Exceptional	2
Exceeds Expectations	1.5
Meets Expectations	1
Needs Improvement	.5
Unacceptable	0

BOARD OF EDUCATION	
Performance Evaluation	Point Value
Excellent	20
Very Good	15
Satisfactory	10
Improvement Needed	0
Unsatisfactory	0

Section 5. Recall Procedure for Non-Uniformed Employees: (unless superseded by a collective bargaining agreement).

A. Employees who have been laid off or have, by virtue of exercising their displacement rights, been displaced to a lower classification in their classification series, shall be placed on appropriate layoff lists. Those employees with the most retention points shall be placed at the top of the layoff list to be followed by employees ranked in descending total retention order. Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff.

B. An employee who is laid off retains reinstatement rights in the appointing authority from which he was laid off. Reinstatement rights continue for one year (Non Represented), thirty-six months (AFSCME) and forty-eight months (CODE) from the date of layoff. During this one-year period, thirty-six month period or forty-eight month period, in any layoff jurisdiction in which an appointing authority has an employee on a layoff list, the appointing authority shall not hire or promote anyone into a vacancy in that classification until all laid-off persons on a layoff list for that classification are reinstated or decline the position when it is offered.

C. Each laid off or displaced employee, in addition to reinstatement rights within the employee's appointing authority, shall have the right of service reemployment with other appointing authorities within the layoff jurisdiction but only in the same classification from which the employee was initially laid off or displaced. Layoff lists for each appointing authority must be exhausted before jurisdictional reemployment layoff lists are used.

D. Any employee accepting or declining reinstatement to the same classification and same appointment type from which the employee was laid off or displaced shall be removed from the appointing authority's layoff list.

E. Any employee accepting or declining reemployment to the same classification and the same appointment type from which the employee was laid off or displaced shall be removed from the jurisdictional layoff list.

F. An employee who does not exercise his option to displace under Section 3 of these rules shall only be entitled to reinstatement or reemployment in the classification from which the employee was displaced or laid off.

G. An employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced, shall thereafter only be entitled to reinstatement to a classification higher, up to and including the classification from which the employee was laid

off or displaced, in the classification series than the classification that was declined.

H. Any employee reinstated or reemployed under this section shall not serve a period upon reinstatement or employment except than an employee laid off during an original or promotional probationary period shall begin a new probationary period.

Section 6. Layoff and Displacement Procedures for Uniformed Police and Fire Personnel: Shall be in accordance with ORC 124.37 unless otherwise modified by applicable collective bargaining agreements.

Section 7. Appeals: An employee may appeal a layoff, or displacement which is the result of a layoff, to the Civil Service Commission. The appeal shall be filed or postmarked no later than ten days after receipt of the notice of layoff or after the date the employee is displaced. In cases involving the laying off of classified employees the affected employee may appeal the decision of the Civil Service Commission to the common pleas court within the time allowed by law.

Rule 13: PERFORMANCE RECORDS

Classified employees shall be rated or evaluated with respect to performance once during each calendar year. Each employee shall be evaluated by his immediate supervisor. If an employee receives approximately equal supervision from two persons, both supervisors shall cooperate in and sign the evaluation. All forms and methods for evaluating performance shall be approved by the Civil Service Commission. Each employee shall be informed of his performance rating.

Section 1. Probationary Performance Reports: A performance evaluation shall be completed ten days prior to the conclusion of the probationary period, unless the employee fails probation, in which case the final evaluation will be made at the time of removal. The final probationary evaluation shall state whether the employee is to be retained or removed.

Rule 14: REDUCTION OR DEMOTION

Section 1. Voluntary Demotion: An employee may, with the agreement of the department head and the approval of the Civil Service Commission, be reclassified and transferred to a vacant position, which he is qualified to fill, in a class having lower compensation.

Section 2. Involuntary Demotion Resulting from Disability: When an employee becomes disabled and cannot perform the duties of his classification, he may, upon request of the department head or upon his own request, be reclassified and transferred to a vacant position, which he is able to fill, in a class having lower compensation. He first shall be served with a written notice of such demotion and have a fair chance to file an explanation. Complete facts regarding such a change in classification shall be reported to the Commission in the manner set forth in appeals from dismissals (see Rule 17). The reclassification shall not become effective until approved by the Commission.

An employee demoted as a result of a disability may, or the department head may, at any time after the effective date of a demotion request the Civil Service Commission to reconsider the reclassification of the demoted employee to the classification from which the employee was previously demoted, provided that such appeal shall not be filed after the date of service eligibility retirement. The demoted employee must pass an examination administered by the City Physician, or by a licensed physician designated by the City physician, showing that the employee has recovered from the disability.

Section 3. Any permanent employee who has been voluntarily demoted and is in good standing may be:

A. Reinstated to a vacancy in his former classification with the agreement of the department head and the approval of the Commission, within a year from the date of the voluntary demotion, provided there is no existing promotional eligible list for the classification and there are no employees who have been laid off and whose names appear on a layoff list for the classification.

B. Restored to the appropriate eligible list with the approval of the Commission within a period of one year from the date of the voluntary demotion. The employee will be placed on the eligible list in accordance with the grade he received if the list from which he was appointed is still in effect. In the case that the eligible list from which he was appointed has expired, or if the employee requesting to be restored to the eligible list for a classification from which they previously served but did not take an examination, the employee will be placed at the bottom of the appropriate eligible list.

Rule 15: SENSITIVE CLASSIFICATIONS/POSITIONS

Section 1. Criteria for Determining that a Classification or Position is Sensitive: Certain classifications or positions shall be considered sensitive in nature if the duties involve any of the following factors:

1. Access to a private home;
2. Handling of money and/or negotiable instruments;
3. Inspections for granting licenses, approval of work being done, etc.;
4. Contact with children;
5. Access to chemicals, drugs and/or medications;
6. Exposure to possibility of bribery or extortion;
7. Opportunity for pilferage;
8. Concerned with community security (e.g., police and fire protection, water supply, computer programs);
9. Access to sensitive information;
10. Possession of weapons, e.g. firearm, chemical irritant, batons, etc.
11. Any other factor which is determined by the Commission to be a job-related concern sufficient to consider the classification as sensitive.

Section 2. Background Investigations: The Commission shall maintain a list of sensitive job classifications or positions for which background investigations shall comprise a portion of the selection process. Applicants competing on entrance or promotional examinations for a classification or position which is considered sensitive must submit to a background investigation, after a department has determined that the applicant is qualified and has made a contingent offer of employment. Such rejection or removal shall be accomplished by a written notice from the Secretary, and the applicant shall have the right to appeal such removal or rejection to the Civil Service Commission.

All background investigations for sensitive classifications or positions shall be initiated by the Human Resources Department. The Human Resources Department shall notify the appropriate investigative agency of the need to conduct background investigations for certain applicants. The results of the background investigations shall be transmitted in confidence by the investigative agency to the Human Resources Department. The Secretary may notify the principal appointive officer of the results of such an investigation for the purpose of removing the applicant from the selection process, or if the background investigation results in information which adversely affects the applicants' performance in the classification or position in which he is currently serving.

Classification	Reason Code (s)
Accountant & Senior Accountant	
Administrative Specialist (HR related duties, Health/Vital Records Section)	6,9
Administrative Technician (Human Resources, Health/Vital Records Section)	6,9
Airport Manager	
Assistant City Manager	
Assistant Director of Human Resources	6,9
Assistant Finance Director	
Assistant Fire Alarm Operator and Dispatcher*	8
Assistant Health Laboratory Manager*	
Assistant Operator and Dispatcher	8
Assistant to the City Manager	
Automotive Mechanic	7
Automotive Mechanic Helper	7
Budget & Evaluation Director	
Building Plans and Examiner Analyst	3
Buyer & Senior Buyer	2,6
Case Worker Associate	1,4,7,8
CCA Director	
Chemist & Senior Chemist	5,8
City Solicitor	
City Treasurer & Deputy City Treasurer	2
Clerk/Clerk Typist 2 (Health/Vital Records Section)	6,9
Clerk Typist 3 (Human Resources)	6,9
Clinical Medical Laboratory Technician	5
Community Center Director	4
Contract Compliance Officer	
Contract Compliance Specialist & Senior Contract Compliance Specialist	3,6

Computer Operator*	8
Computer Programmer Analyst	8
Computer Systems Analyst	8
Crime Analyst	1,2,4,5,6,7,8
Customer Relations Representative (Health/Vital Records Section)	6,9
Dental Assistant	5
Dental Hygienist	5
Division Manager	
Economic Development Director	
Emergency 911 Operator	9
Environmental Programs Manager	
Environmental Safety Specialist & Senior Environmental Safety Specialist	
Fire Recruit	2
Health Laboratory Director*	
Home Health Aide	1,5,7
Human Resources Analyst & Senior Human Resources Analyst	
Information Technology Coordinator	
Industrial Waste Inspector & Industrial Waste Investigator	3,6,8
Inspector	1,3,6
Internal Audit Manager	
Internal Auditor & Senior Internal Auditor	
Laboratory Technician	5
Litter Control Officer	3,6,10
Medical Assistant	5
Nature Education Center Director	4
Nurse Practitioner	1,5
Park Naturalist	4
Parking Attendant*	2

Parking Enforcement Officer*	6,10
Parking Meter Collector*	2
Parking Superintendent	
Pension Fund Manager	
Pharmacist	5
Pharmacy Director	
Pharmacy Technician	5
Plant Operator (Water Works)	5,8
Police Recruit	1,2,3,4,5,6,7,8,10
Public Health Nurse	1,5
Public Vehicle Investigator	6
Radio Operator Technician	6
Reproduction Machine Operator	7,9
Sanitarian in Training, Sanitarian & Senior Sanitarian	1,3,4,5,6,7,8
Senior Computer Programmer Analyst	8
Sewer Construction Inspector	6
Storekeeper	7
Supervising Human Resources Analyst	6,9
Supervising Management Analyst (Internal Audit)	
Technical Systems Analyst	8
Utility Technician	1
Vital Statistics Coordinator	
Water Customer Service Representative	1,2
Water Works Dispatcher	2
Water Works Guard	8,10
Water Works Valve Operator	8

Rule 16: DISCIPLINARY ACTION

Section 1. Reduction, Suspension and Dismissal: The tenure of every employee shall be during good behavior and efficient service and no such employee shall be reduced in pay or classification, suspended, or dismissed except for incompetency, inefficiency, dishonesty, substance abuse, 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 the rules of the Commission, or any other failure of good behavior. In any case of reduction, suspension of more than three working days, or dismissal, the appointing authority shall furnish the employee with a copy of the order of reduction, suspension or dismissal, which order shall state the reasons therefore. Such order shall be filed with the Commission. Copies of memoranda and written reprimands which demonstrate the reason(s) for disciplinary action must be maintained. Disciplinary action for inefficiency, failure of good behavior, and/or any other item(s) listed above can result in the following:

A. Reduction - an appointing authority may demote an employee from his classification to a lower related classification for purposes of discipline. An appointing authority may also reduce an employee's pay within the classification he is presently serving for purposes of discipline.

B. Suspension - an appointing authority may terminate an employee's employment and compensation for a fixed period of time for the purpose of discipline.

C. Dismissal - an appointing authority may terminate an employee's employment. Employees may be dismissed as a result of an accumulation of acts of lesser consequences.

Additional grounds for dismissal are:

1. Absence from duty without permission; or

2. Absence from duty by an employee for three consecutive days without any explanation within that period, or his failure to return from leave of absence after the leave has expired or been revoked.

The appropriate department shall immediately notify the employee of the dismissal by certified mail. Notice of such dismissal is sufficient if mailed to the employee's last known address as specified by Personnel Policies and Procedures Policy No. 2.5. The explanation referred to above must be made to the employee's crew leader, supervisor, or other official as specified by the department or division regulations. If within ten days after the last day of actual work prior to the unexplained absence the employee should furnish to the appointing authority a satisfactory explanation of his absence, an entry of dismissal may be set aside by the recommendation of the appointing authority with the approval of the Commission.

Furthermore, an employee may request a hearing by his agency, during that same ten day period, to consider the charges against him and allow an opportunity to satisfactorily explain his absence.

The dismissal of an employee will not become effective until the appointing authority has held a hearing at the department/division level to permit the employee to present matters in his defense and has sent written notice of dismissal to the employee. The written notice must contain one or more of the statutory reasons or grounds for dismissal together with specifications and facts as will enable the employee to be placed fairly upon his defense. A copy of the notice of dismissal, including specifications must be filed with the Commission. Exception to the requirement for such a hearing are dismissals resulting from failure of probation and for reasons outlined in C (2) above.

Section 2. Appeal: Within ten calendar days following the filing of such order resulting in reduction, suspension of more than three working days, or dismissal, the employee may file an appeal, in writing, with the Commission. 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, or within such reasonable additional time as determined by the Commission and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of dismissal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or the employee may appeal from the decision of the Commission to the court of common pleas of Hamilton County.

In the case of the suspension for any period of time, or demotion, or dismissal of a chief of police or fire chief or any sworn, uniformed member of the Police or Fire Division, the appointing authority shall furnish such chief or member of a division with a copy of the order of suspension, demotion or dismissal, which order shall state the reasons for such action. Such order shall be filed with the Commission. Within ten days following the filing of such order such chief or member of a division may file an appeal, in writing, with the Commission. In the event such 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 or within such reasonable additional time as determined by the Commission from and after its filing with the Commission, and it may affirm, disaffirm or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the Commission to the court of common pleas for Hamilton County. Such appeal shall be taken within thirty days from the finding of the Commission.

The Commission may appoint a Trial Board, consisting of one, two or three members, providing that at least one of the members shall be a member of the Commission who shall act as Chairperson. The Trial Board may hear appeals of any matter within the jurisdiction of the

Commission, and shall recommend its disposition to the Commission. Determination of an appeal is not final until reviewed and acted upon by the full Commission. The Commission may alter, amend, affirm or reverse the recommendation of the Trial Board, or may order a rehearing of the appeal.

Section 3: Felony Conviction. An employee of the City of Cincinnati convicted of a felony immediately forfeits their status as a classified employee in public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modifications or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled. Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused personal, compensatory time and vacation leave as authorized by law.

As used in the section, “felony” means any of the following: (1) a felony that is an offense of violence as defined by Section 2901.01 of the Ohio Revised Code (ORC); (2) a felony that is a felony drug abuse offense as defined by Section 2925.01 of the ORC; (3) a felony under the laws of this state or the United States that is a crime of moral turpitude; (4) a felony involving dishonest, fraud or theft; or (5) a felony that is a violation of Section 2921.05, 2921.32, 2921.42 of the ORC.

Rule 17: APPEAL TO THE COMMISSION, HEARINGS AND COMMISSION ACTION

Section 1. Appeals to the Commission of Disciplinary Action, Layoff and Displacements, Criminal Background Check, and Minimum Qualifications:

An employee may appeal an order of dismissal, separation, demotion, suspension in excess of three working days, displacements, layoffs, results of a criminal background check or failure to meet the minimum qualifications for an Open Competitive, Non Competitive or Promotional examination by filing a notice of appeal with the Commission.

A. The notice of appeal must be in writing and filed no later than ten calendar days after the order of dismissal, demotion, suspension, displacement, layoff, failure to hire based on the criminal back ground check or failure to meet the minimum qualifications for a classification has been filed by the appointing authority with the Civil Service Commission.

B. Contents of Appeals: All appeals to the Commission shall be written. Notices of appeals should include the following information:

1. The appellant's name, address and telephone number.
2. The name of the appointing authority and/or department/division.
3. A description or summary of the action which is being appealed.

Failure to supply the information listed above may result in dismissal of the appeal. Prior to dismissing the appeal, the Commission shall attempt to obtain the required information from the appellant. Appellants shall notify the Commission, in writing of any change of address during the pendency of the appeal.

C. Upon receipt of such an appeal, the Commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear such appeal within thirty calendar days after the time stamped date of receipt of the written appeal or within such a reasonable additional time as determined by the Commission. Written notice shall be given to the appellant and to the appointing authority of the time and place of hearing of the appeal. The Commission may affirm, disaffirm or modify the judgment of the appointing authority.

D. Notice of Hearing: Parties (the appellant and the department) will be notified by the Commission in writing of the scheduled hearing at least ten working days prior to such hearing. Parties wishing to reschedule a hearing must do so in writing at least five working days prior to the scheduled hearing.

E. Hearing Proceedings: Hearings shall be open to the public; however, no person may take photographs (still or otherwise) during the appeal proceedings. The proceedings

shall be as informal as is compatible with the requirements of justice. The Secretary shall furnish to the Commission, as official documents comprising the record of appeal, the Notice of Appeal, a copy of the Notice of Disciplinary Action, Separation or Layoff (Form 32) pertaining to the appellant, and a copy of the appellant's Civil Service employment record, including past disciplinary actions, if any. The Commission shall hear evidence upon the charges and specifications as filed by the appointing authority.

1. Order of Proof – Disciplinary Appeals shall be as follows:

The appointing authority shall present his evidence in support of the charges. The appellant shall then produce such evidence as he may wish to offer in his defense. The parties in interest may then offer rebuttal evidence. The Commission in its discretion may hear arguments.

2. Order of Proof – All other Appeals shall be the reverse of 1 above.

3. Evidence and Counsel - the admission of the evidence shall be governed by the decision of the Civil Service Commission or trial hearing board. The Commission shall have the power to subpoena and require the attendance of witnesses; to subpoena the production of pertinent documents; and to administer oaths. The appointing authority may be represented by the City Solicitor, assistant city solicitors or other counsel designated by the City Solicitor. The appellant may also be represented by legal counsel.

4. Failure of Parties to Appear - if the employee shall fail to appear at the time fixed for the hearing, the Commission shall hear the evidence and render judgment thereon. If the appointing authority shall fail to appear at the time fixed for the hearing, and if no evidence is offered in support of his charge or charges, the Commission may render judgment as by default or may hear evidence offered by the employee and render judgment thereon. The Commission shall forthwith notify the appointing authority and the employee of its judgment.

5. Decision Rendered - the Commission shall, after due consideration, render its judgment affirming, disaffirming or modifying the action of the appointing authority as appropriate under the facts of the case. The decision rendered shall be officially recorded in the minutes and copies shall be forwarded to the appellant and to the appointing authority.

F. Resignation Before Decision: The acceptance by an appointing authority of the resignation of a person dismissed before final action on the part of the Commission will be considered a withdrawal of the charges, and the separation of the employee

concerned shall be recorded as a resignation not in good standing and the proceedings shall be dismissed without judgment.

G. Disqualification for Promotional Examination or for Reappointment: An employee who is demoted for disciplinary reasons is ineligible for a promotional examination within one year of the effective date of his demotion. An employee who is dismissed for misconduct or who resigns while not in good standing shall be disqualified from taking any civil service examination for two years thereafter, and his name shall be removed from all eligible lists, unless, in the judgment of the Commission, the cause of his dismissal or resignation under charges will not affect the possibility of his usefulness in some other type of employment.

Section 2. Appeals to the Commission for All Other Actions: An employee may appeal the results of a classification study, rejection of application, or the grading of an examination by filing a notice of appeal with the Civil Service Commission. The notice of appeal must be in writing and filed with the Commission not later than fourteen calendar days from the date of notice.

A. Contents of Appeals: All appeals to the Commission shall be written. Notices of appeal should include the following information:

1. The appellant's name, address and telephone number;
2. The name of the appointing authority and/or department/division;
3. A description or summary of the action which is being appealed.

Failure to supply the information listed above may result in dismissal of the appeal. Prior to dismissing the appeal, the Commission shall attempt to obtain the required information from the appellant. Appellants shall notify the Commission, in writing, of any change of address during the pendency of the appeal.

B. Procedure in Classification Appeals: The parties in appeals of classification studies are the employee who is incumbent in the position, his principal appointive officer, and the authority which conduct the classification study.

The Commission shall conduct a fact-finding hearing to determine the duties which are performed by the incumbent in the affected position. The witnesses shall be limited to the affected employee, his immediate supervisor, a representative of the appointing authority and the designee of the authority who conducted the classification study unless there is substantial disparity in their

testimony or other reason to believe their testimony is inaccurate, to be determined by the Commission. Examination of the witnesses shall be conducted by the Commission, subject to further limited examination by the parties.

The Commission shall compare the duties performed by the incumbent employee to the appropriate class specifications and determine the classification which most appropriately describes the duties performed in the affected position.

Rule 18: VIOLATION OF THE CIVIL SERVICE COMMISSION RULES AND PENALTY

Section 1. Violations: After a rule has been duly established and published by the Civil Service Commission, no person shall make an appointment to an office or select a person from employment contrary to such rule, or willfully refuse or neglect to comply with or conform to such rules, or willfully violate any of such rules unless superseded by provisions of Ohio Revised Code Section 4117 or court orders.

Section 2. Penalty: Whoever violates Section 1 above shall be fined not less than fifty nor more than five hundred dollars or be imprisoned not more than six months, or both. If any person who is convicted of violating these rules holds any public office or place of public employment, such office or position shall by virtue of such conviction be rendered vacant. These penalties will be enforced by the appropriate governmental agencies pursuant to state law.

Rule 19: AMENDMENTS TO RULES

A copy of each proposed rule, rescission or amendment to such Rules shall be filed with the Commission at least thirty calendar days prior to any public hearing on the proposed rule. Filing, for purposes of this rule, shall mean the notification to each appointing authority of the particular proposed rule; rescission and amendments shall be made available to any citizen upon request. Notice shall be provided at least thirty calendar days prior to any hearing regarding adoption, rescission or amendment of any rule. Notice of hearing shall be placed in the Commission's minutes and shall run for three weeks. The notice shall contain the date, time and place of the hearing.

Rule 20: PUBLIC NOTICE OF REGULAR AND SPECIAL MEETINGS

Notice of the time and place of regularly scheduled meetings of the Civil Service Commission shall be published in advance of such meeting with the Clerk of Council. Notice of the time, place and purpose of all special meetings shall be posted at the main office of the Civil Service Commission, and outside the office of the Clerk of Council and on the City of Cincinnati's website.

Special meetings of the Civil Service Commission shall not be held unless twenty four hours advance notice is given to the news media that have requested notification. In the event of an emergency requiring immediate official action, the member(s) calling such emergency meeting shall notify the news media that have requested notification immediately of the time, place and purpose of such meeting. To request notification, the news media shall submit a written request to the Civil Service Commission at its office, Centennial Plaza Two, 805 Central Avenue, Suite 200. Such request shall include the name and address of the news media making the request and a telephone number for use by the Civil Service Commission. The notification required by this rule shall be made by telephone call to the number included in the news media request. The responsibility for keeping the required information current shall be that of the news media making the request.

Any person who wishes to obtain advance notification of all meeting at which any specific type of public business is to be discussed shall submit a written request for notification to the Civil Service Commission. Such request shall include the name and address and telephone number of the person making the request and shall be accompanied by payment of a reasonable fee for such notification, as determined by the Civil Service Commission. Notification shall be made by mailing a copy of the agenda or a notice of the time, place and purpose of the meeting to the person requesting notification, except in the event of a special meeting such notification may be made by telephone call. The responsibility for keeping the required information current shall be that of the person making the request.