

# CSC

## Information Items

- 1. Civil Service Rule 5 – APPLICATION FOR ENTRANCE EXAMINATION**
  - a. Section 1 – revised
  - b. Section 2 – revised
  - c. Section 3 – revised
  - d. Section 8 – revised
  - e. Section 11 – rescinded
  - f. Section 12 - revised
  
- 2. Civil Service Rule 6 - EXAMINIATIONS**
  - a. Section 2 - Added
  - b. Section 3 – 7 renumbered
  - c. Section 8 – Added
  
- 3. Civil Service Rule 15 – Sensitive Classifications/Positions**
  - a. Section 2 – revised
  
- 4. Civil Service Rule 17 – APPEAL TO THE COMMISSION, HEARINGS AND COMMISSION ACTIONS**
  - a. Entire rule revised and reordered

## **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 conspicuously in the office of the Commission and in all other locations and media the Civil Service Secretary determines to be appropriate, in the City Bulletin or a newspaper of general circulation in Cincinnati and by posting notices conspicuously in the office of the Commission and elsewhere as may be deemed advisable not less than two calendar weeks prior to such examination.

**Section 2.** Application: Each applicant must be responsible for the completion of his own application form. All applications shall be signed, and filed in the offices of the Commission unless otherwise specified in the examination announcement not later than the date specified in the announcement of examination in the Official Bulletin of the Commission. Civil Service Commission Minutes.

**Section 3.** Citizenship: Applications will be accepted from all persons, however, the 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. Commission may exclude aliens from competition where the fact of such alienage would impede efficient and effective performance on the job. Persons appointed to positions must comply with the United States Department of Justice, Immigration and Naturalization Service requirements concerning the employment of United States citizens and aliens lawfully authorized to work in the United States.

**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 to be written into specifications for classes which are subject to examination. Educational requirements, however, may be waived by the Commission for employees who wish to compete in open examinations for which they are otherwise qualified on the basis of work experience with the City or Board of Education.

**Section 7.** Rejection of Application: The Secretary may, subject to appeal to the Commission, reject any application for cause, among which any of the following shall be sufficient:

- A. The applicant lacks any of the minimum qualifications set forth in the official specification;
- B. The applicant is not within the prescribed age limits;

C. The applicant does not meet the physical requirements of the position to which he seeks appointment. An applicant disqualified for medical reasons only may compete upon presentation of medical evidence that the disqualifying conditions have been corrected;

D. The applicant has been convicted of a crime that would adversely affect his performance in the position to which he seeks appointment, or a background investigation has resulted in information that demonstrates the likelihood of an adverse effect on his performance in the position to which he seeks appointment (see Civil Service Rule 15, Police Record Checks for Sensitive Classifications);

E. The applicant has been dismissed from previous employment for delinquency or misconduct; or had a pattern of poor work habits and performance.

F. The applicant made a false statement in his application with regard to any material fact;

G. The applicant was previously employed by the City 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, Army, 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.

Special provisions for veteran credit with the City of Cincinnati and the Board of Education 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.

~~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.

## **CIVIL SERVICE RULE 05 (7/2005)**

~~**Section 11.** Commission to Rule on Work Experience Requirements: The Commission may establish work experience requirements to be written into specifications for classes, which are subject to examination, and as stated on the official classification specification. 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. For open competitive examinations, the work experience must have been performed no more than five years prior to the examination. Applicants for open competitive examinations 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.

**Section 12.** Reasons for Refusal to Appoint, Examine or Certify Applicants: The Commission may refuse to appoint or examine an applicant, or after an open competitive examination, refuse to certify the applicant as eligible who: (1) is found to lack any of the established preliminary requirements for the examination; ~~(2) has been convicted of a felony;~~ (32) who is addicted to the habitual use of intoxicating liquors or drugs to excess; (43) has a pattern of poor work habits and performance with previous employers; (54) has been guilty of infamous or notoriously disgraceful conduct; (65) who has been previously dismissed from civil service for delinquency or misconduct; or (76) who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment.

## **RULE 06: ENTRANCE EXAMINATIONS**

**Section 1.** Examinations: All applicants for positions in the classified service shall be subject to examination. Such examination may include an evaluation of such factors as education, training, knowledge, skill, ability, manual and physical dexterity, physical and behavior assessment fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experience and shall be designed to measure the degree to which applicants meet the minimum qualifications of the position for which appointment is sought.

**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-23.** 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.

- A. Written test: 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. 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 Test: 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 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 34.** 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 45.** 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 56.** 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 6.7** 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 8** 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.

## **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:

- A. Access to a private home;
- B. Handling of money and/or negotiable instruments;
- C. Inspections for granting licenses, approval of work being done, etc.;
- D. Contact with children;
- E. Access to chemicals, drugs and/or medications;
- F. Exposure to possibility of bribery or extortion;
- G. Opportunity for pilferage;
- H. Concerned with community security (e.g., police and fire protection, water supply, computer programs);
- I. Access to sensitive information;
- J. Possession of weapons, e.g. firearm, chemical irritant, batons, etc.
- K. 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 and will be rejected or removed from the examination or appointment in question if the applicant has been convicted of a crime that would adversely affect his performance in the classification or position to which he seeks appointment, or if the background investigation results in information that would adversely affect his performance in the classification or position to which he seeks appointment. 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 ~~Secretary~~Human Resources Department. The ~~Secretary~~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 ~~Secretary~~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 ~~applicant's~~applicants' performance in the classification or position in which he is currently serving.

**Department of Human Resources  
And  
Civil Service Commission**

**List of Sensitive Classifications/Positions**

Reason and Codes for Inclusion on Sensitive Classification List:

<b>Reason</b>	<b>Code</b>
Access to private home	1
Handling of money and/or financial documents	2
Inspections for granting of licenses, approval of work being done etc	3
Contact with children	4
Access to chemicals, drugs and/or medications	5
Exposure to possibility of bribery/extortion	6
Opportunity for pilferage	7
Concerned with community security (e.g. police and fire protection, water supply, computer programs, etc	8
Access to sensitive information	9
Possession of weapons, e.g. fire arm, chemical irritant, baton, etc	10

<b>Classification</b>	<b>Reason Code (s)</b>
Accountant & Senior Accountant	
Administrative Specialist (HR related duties)	
Administrative Technician (Human Resources)	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 (Health)	5,8
City Solicitor	
City Treasurer & Deputy City Treasurer	2

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
CRR- Dental Assistant	5
CRR- Medical 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	
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



## RULE 17: APPEAL TO THE COMMISSION, HEARINGS AND COMMISSION ACTION

### ~~Section 1. Appeal to the Commission and Notice of Hearing for of Disciplinary Action, Failure of the First Half of Probation, and Layoff/~~

#### and Displacements:, Criminal Background Check, Minimum Qualifications

An employee may appeal an order of dismissal, separation, demotion, suspension in excess of three working days, ~~failure of the first half of probation~~, displacement, or layoff, results of a Criminal background check or failure to meet the minimum qualifications for an Open Competitive, Noncompetitive or Promotional examination by filing a notice of appeal with the Commission (~~refer to Civil Service Rule 16~~).

A. The notice of appeal must be in writing and filed no later than ten calendar days after the order of dismissal, demotion, ~~failure of probation~~, suspension, displacement, or 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 all~~ 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 judgement of the appointing authority. ~~This section applies unless superseded by a collective bargaining agreement.~~

~~Section 2. Appeal 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.~~

~~Section 3D.~~ Section 3D. Notice of Hearing: Parties (the appellant and the department) will be notified by the Commission in writing of the scheduled hearing at least ~~thirty ten~~ working days prior to such hearing. ~~Both parties must notify the Commission at least ten working days prior to the scheduled hearing date agreeing to proceed with the hearing on the scheduled date and list potential witnesses; such lists will preclude the parties from having additional witnesses testify at the scheduled~~

hearing. Parties wishing to reschedule a hearing must do so in writing at least ten five working days prior to the scheduled hearing. Failure of either party to comply with this provision shall be governed by Sections 5C and D. of this Rule.

Section 5D. Disciplinary Appeal 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 with it by the appointing authority. No specifications will be considered by the Commission.

A1. Order of Proof -- Disciplinary Appeals shall be the order of proof 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.

B3. 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.

C4. 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 judgement 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 judgement as by default or may hear evidence offered by the employee and render judgement thereon. The Commission shall forthwith notify the appointing authority and the employee of its judgement.

D5. Decision Rendered - the Commission shall, after due consideration, render its judgement 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.

Section 6E.. 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 judgement.

Section 7F.. 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 judgement 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. Appeal 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.

**Section 4A. Contents of Appeals:** All appeals to the Commission shall be written. Notices of appeal should include the following information:

- A<sub>1</sub>. The appellant's name, address and telephone number;
- B<sub>2</sub>. The name of the appointing authority and/or department/division;
- C<sub>3</sub>. 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.

~~Section 5. Disciplinary Appeal 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 with it by the appointing authority. No specifications will be considered by the Commission.~~

~~A. Order of Proof the order of proof 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.~~

~~B. 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.~~

~~C. 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 judgement 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 judgement as by default or may hear evidence offered by the employee and render judgement thereon. The Commission shall forthwith notify the appointing authority and the employee of its judgement.~~

~~D. Decision Rendered the Commission shall, after due consideration, render its judgement 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.~~

~~**Section 6. 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 judgement.~~

~~**Section 7. 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 judgement 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 8. 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.



**CITY OF CINCINNATI**  
**Human Resources Policies and Procedures**

No. 2.11	Policy: Criminal Background Checks	No. of Pages: 6
Revision Date: 7/30/2012	Supersedes: N/A	
City Manager: <u>Milton Dohoney, Jr.</u>	HR Director: <u>Georgetta Kelly</u>	

**2.11 CRIMINAL BACKGROUND CHECKS**

It is the policy of the City of Cincinnati that applicants considered for full-time or part-time employment will be subject to a criminal background check prior to being hired or appointed by the City of Cincinnati or any of its departments for all positions deemed to be sensitive. A list of Sensitive Classifications can be found on page 5 of this policy. For Police and Fire, the background check is part of the selection process. For all other positions, criminal background checks will be conducted after a department has determined that the applicant is qualified and has made a contingent offer of employment.

Departments may also obtain a Driver's Abstract report and/or require proof of a valid driver's license if the position applied for requires driving. These checks may also be completed for current employees and those who seek promotion, demotion, and transfer between departments. Intra-department reassignment would not be subject to these checks if the position the employee is transferring from also required a background check.

No questions concerning prior convictions will be present on the Job Application. Where state or federal law prohibits employees with certain criminal records in certain positions, the Job Announcement for those positions shall reference the specific relevant state or federal law and list the offenses that trigger the prohibition.

Any criminal-record information gathered for an applicant or employee shall be kept strictly confidential except as otherwise provided by law. All background checks, except for Police and Fire, will be evaluated by the Human Resources Department, and paid for by the hiring department. Any background check shall be made available only to the Director of Human Resources or designee and the relevant hiring decision-maker from the City department where the applicant would be employed.

**A. PROCESS**

**1. Sensitive Classifications (See Section F):**

Positions that are considered "sensitive" per CSC Rule 15 should complete, at a minimum, a Hamilton County records check through Police Records. To do this, the applicant or employee should complete a Personal Information Release form. If the applicant or employee has lived



## CITY OF CINCINNATI Human Resources Policies and Procedures

outside of Hamilton County within the past 5 years, then a records check using a more extensive records check should be done. The applicant or employee will complete the Personal Information Release form required by the agency conducting the background check. This form should then be submitted to Police Records unless the department performs its own background checks. The reports will be sent directly to the requesting department.

### 2. Classifications Not Deemed Sensitive:

Positions that are not deemed "sensitive", only a Hamilton County record check done through Police Records is required. The applicant or employee shall complete a Personal Information Release form, which is then submitted to Police Records. The report (RCIC Response) will be forwarded directly to the requesting department.

## B. CRIMINAL RECORDS THAT BAR EMPLOYMENT

The following convictions will prevent a person from being hired:

1. A misdemeanor or felony conviction for any sexual crime at any time in the past.
2. A misdemeanor or felony conviction in the past five years for any drug offense, crime of violence or a crime of domestic violence knowingly causing the victim harm.
3. Any felony conviction in the last five years.

## C. CRIMINAL RECORDS THAT MAY BAR EMPLOYMENT

In cases where a person has a conviction that is older than the timelines described above, the Human Resources Department will determine if the person's criminal background is related to the duties and responsibilities of the position, and will then approve or deny a person as eligible for the position. *(For example: A person applies for a position that requires the employee to enter homes. The candidate has a prior misdemeanor conviction for theft. The candidate may be deemed ineligible for the position.)* Persons who are deemed ineligible for a position based on criminal history will be mailed a rejection letter stating the reason for the rejection.

The Department should forward a copy of the application, job announcement, and criminal background check, along with a memo addressed to the Human Resources Director advising whether the department wishes to hire the applicant. This information will be reviewed and a determination made.



## CITY OF CINCINNATI Human Resources Policies and Procedures

When a person's criminal background is not related to the duties and responsibilities of the position, the following factors will be used to determine if a person is eligible for the position:

1. The nature of the offense
2. The seriousness of the offense (e.g. misdemeanor v. felony)
3. The number of convictions
4. The applicant's age when convicted
5. The time elapsed since the applicant's conviction
6. Evidence of rehabilitation by the applicant
7. Any other mitigating or aggravating factor or circumstance

The above mentioned factors may be considered when the position applied for has any of the following duties associated with the position:

1. Access to a private home
2. Handling of money 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. Concerned with community security (e.g. police and fire protection, water supply, computer programs)
8. Access to sensitive information
9. Possession of weapons ( e.g. firearm, chemical irritant, batons)

### D. FORFEITURE OF PUBLIC EMPLOYMENT

Per the Ohio Revised Code § 124.34, persons convicted of felonies involving one or more of the following shall immediately forfeit their public employment:

1. Offense of violence
2. Felony drug abuse
3. Crime of moral turpitude
4. Felony involving dishonesty, theft, or fraud
5. Felony related to obstruction of justice, having an unlawful interest in a public contract, or retaliation.

These cases will be handled by the Law Department on a case by case basis.



**CITY OF CINCINNATI**  
**Human Resources Policies and Procedures**

**E. MISCELLANEOUS PROVISIONS**

1. Fingerprinting: Some positions require that a person be fingerprinted in order to receive a criminal conviction check by the Ohio Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation. These positions are typically those who work with children, senior citizens, or persons with disabilities or who enter departmental facilities during the time children are participants.
2. Municipal Workers: Departments intending to hire persons as Municipal Workers, whether seasonally rehired, temporary, or volunteer, regardless of full or part-time status, are subject to this policy.
3. Routine Record Checks: Criminal background checks, Driver's Abstracts, and proof of having a valid driver's license may be conducted on a regular basis for some positions. The positions and frequency of the checks will be determined by the Human Resources Department.
4. Appeal Process: Denial of employment, transfer, demotion, or promotion may be appealed to the Civil Service Commission, provided the applicant or employee submits his or her appeal in writing no later than fourteen calendar days from the date on the rejection letter. If the accuracy of the criminal records is in dispute, an appeal should be made to the Civil Service Commission within the above timeframe.

**F. SENSITIVE CLASSIFICATIONS**

<b>Reason</b>	<b>Code</b>
Access to private home	1
Handling of money and/or financial documents	2
Inspections for granting of licenses, approval of work being done, etc.	3
Contact with children	4
Access to chemicals, drugs and/or medications	5
Exposure to possibility of bribery/extortion	6
Opportunity for pilferage	7
Concerned with community security (e.g. police and fire protection, water supply, computer programs, etc	8
Access to sensitive information	9
Possession of weapons, e.g. fire arm, chemical irritant, baton, etc.	10



**CITY OF CINCINNATI**  
**Human Resources Policies and Procedures**

<b>Classification</b>	<b>Reason Code (s)</b>
Accountant & Senior Accountant	2,9
Administrative Specialist (HR related duties)	6,9
Administrative Technician (Human Resources)	6,9
Airport Manager	2,4,6,7
Assistant City Manager	2,6,9
Assistant Director of Human Resources	6,9
Assistant Finance Director	2,6,7,9
Assistant Fire Alarm Operator and Dispatcher*	8
Assistant Health Laboratory Manager	5
Assistant Operator and Dispatcher	8
Assistant to the City Manager	2,6,9
Automotive Mechanic	7
Automotive Mechanic Helper	7
Budget & Evaluation Director	2,6,7,9
Building Plans and Examiner Analyst	3
Buyer & Senior Buyer	2,6
Case Worker Associate	1,4,7,8
CCA Director	6,8,9
Chemist & Senior Chemist (Health)	5,8
City Solicitor	6,9
City Treasurer & Deputy City Treasurer	2
Clerk Typist 3 (Human Resources)	6,9
Clinical Medical Laboratory Technician	5
Community Center Director	4
Contract Compliance Officer	6,9
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
CRR- Dental Assistant	5
CRR- Medical Assistant	5
Dental Hygienist	5
Division Manager	2,6,9
Economic Development Director	6,9
Emergency 911 Operator	9
Environmental Programs Manager	9
Environmental Safety Specialist & Senior Environmental Safety Specialist	9
Fire Recruit	1,2,4,5,7
Health Laboratory Director	5



**CITY OF CINCINNATI**  
**Human Resources Policies and Procedures**

Home Health Aide	1,5,7
Human Resources Analyst & Senior Human Resources Analyst	6,9
Industrial Waste Inspector & Industrial Waste Investigator Inspector	3,6,8 1,3,6
Internal Audit Manager	2,6,9
Internal Auditor & Senior Internal Auditor	2,6,9
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	2
Pension Fund Manager	2,7,9
Pharmacist	5
Pharmacy Director	5
Pharmacy Technician	5
Plant Operator (Water Works)	5,8
Police Recruit	1,2,4,5,6,7,8,9,10
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
Technical Systems Analyst	8
Utility Technician	1
Water Customer Service Representative	1,2
Water Works Dispatcher	2
Water Works Guard	8,10
Water Works Valve Operator	8

\*Obsolete