

**RULES OF THE
CIVIL SERVICE COMMISSION
CITY OF MAPLE HEIGHTS
MAPLE HEIGHTS, OHIO**

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**Members of the Commission:
(As of July 22nd 2016)**

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Walter Bizzell Jr., Secretary
Georgette Vidmar, Member-At-Large**

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RULES OF THE

**CIVIL SERVICE COMMISSION
CITY OF MAPLE HEIGHTS
MAPLE HEIGHTS, OHIO**

RULE 1: GENERAL INFORMATION

- 1.1 Statement of Purpose. The Civil Service Commission (hereinafter "Commission") shall prescribe, amend, and enforce rules for the classification of positions in the civil service of the City of Maple Heights (hereinafter "City"). The Commission recognizes that these Rules are important for the advancement of City services and the development of competent personnel to perform those services. These Rules express the Commission's commitment to increasing the quality and efficiency of City services and recognizes the Commission's responsibilities to the public.

RULE 2: CIVIL SERVICE COMMISSION - GENERALLY

2.1 Organization.

- (a) The Commission shall be comprised of three (3) individuals who are electors (registered voters) of the City. Each individual shall be appointed to the Commission by the Mayor for a period not to exceed six (6) years. In the event a member of the Commission resigns or is removed before the end of his/her term, the Mayor shall appoint an individual to serve for the remainder of the unexpired term.
- (b) The officers of the Commission shall consist of a Chairperson and a Secretary. All other members of the Commission shall be known as "members at large." Officers shall be elected by a majority vote of the Commission. The officers shall hold offices for a period of one (1) year, or until their successors are duly elected. Officers shall be elected at the first regular meeting of the Commission in January of each year.
- (c) The Chairperson shall preside at all meetings of the Commission and shall sign all documents, papers, reports and records pertaining to the affairs and business of the Commission. In the absence of the Chairperson, the Secretary shall perform the duties of the Chairperson. The Secretary shall keep an official record in the form of minutes of all proceedings of the Commission.
- (d) The Commission shall comply with Robert's Rules of Order in the conduct of its meetings. All official documents, papers, minutes, reports and records pertaining to the affairs and business of the Commission shall be submitted to the Commission for approval by all members and shall be certified by the Chairperson and/or the Secretary.
- (f) At any meeting, the Commission may assign defined duties to each member of the Commission. Any actions there under, however, shall at all times be reported to the full Commission and be subject to its revocation or approval.
- (g) The City shall designate an individual to act as Staff Secretary for the Commission. The Staff Secretary shall assist the Commission, as necessary and appropriate, to:
 - (1) distribute notices of Commission meetings to the media and others;

- (2) file and preserve all records, papers and other data belonging to the Commission or its officers: and
- (3) do and perform such other duties as may from time to time be required by the Commission.

2.2 Quorum. A majority of the Commission shall constitute a quorum for the transaction of business at any regular or special meeting.

2.3 Meetings.

- (a) Regular Meetings. Regular meetings of the Commission shall be held at City Hall or such other available meeting space which is convenient to all members of the Commission. The Commission may hold no less than six (6) meetings per calendar year. No meeting shall be held on a holiday. The time and date of each regular meeting will be at the discretion of the Commission.
- (b) Special or Emergency Meetings. Special meetings of the Commission may be held at the request of any Commission member. Notices of special meetings shall be given to all members at least two (2) days in advance, exclusive of weekends or holidays. In the event of an emergency requiring immediate official action, written notice clearing indicating the emergency shall be given to the members at least twenty-four (24) hours in advance of the meeting. Notices for all special and emergency meetings shall include the date, time and location of the meeting as well as a general indication for the purpose of the meeting. Business transactions at a special or emergency meeting shall be confined to the purpose(s) specified in the written notice thereof.
- (c) Notice of Meetings. The Commission will provide a reasonable method for the public to determine the time, place and purpose of all meetings, whether regular, special or emergency. Notices of the date, time and purpose of all regular and special meetings shall be provided to the Mayor's Secretary at least forty-eight (48) hours, exclusive of weekends and holidays, in advance of such meeting so that the City may comply with the requirements of O.R.C. 121.22. In the event of an emergency requiring a meeting on less notice than is provided by the Ohio Revised Code, the Mayor's Secretary shall be notified immediately so that reasonable notice may be given to the news media which have requested such information. Persons desiring notices and agendas of meetings of the Commission shall deposit self-addressed, stamped envelopes with the Mayor's Secretary.
- (d) Open Meetings. The Commission will take all official actions and hold all deliberations in meetings that are open to the public except as indicated in Section 2.3(e).
- (e) Executive Session. The Commission may go into executives session to consider, discuss and decide upon the following matters:
 - (1) Personnel matters involving dismissal, discipline, or demotion of a public employee;
 - (2) The investigation of charges or complaints against a public employee, unless the employee requests a public hearing;
 - (3) Pending or imminent court action;

- (4) Preparing for, conducting, or reviewing collective bargaining strategy;
- (5) Specialized details of security arrangements where disclosure of the information to be discussed in executive session might reveal information that could be used to commit, or avoid prosecution for, a violation of the law.

2.4 Counsel. The City's Director of Law, or a duly designated representative, shall be the counsel for the Commission and shall be the Commission's legal advisor and attorney. Said individual shall provide legal advice and representation as well as perform such other related matters as may be requested from time to time by members of the Commission. Members of the Commission shall be indemnified and held harmless in conjunction with all official activities in accordance with the provisions of Section 260.17 of the Codified Ordinances and the appropriate sections of Ohio law.

2.5 Validity of Rules. If any portions of these Rules are held by any court of competent jurisdiction to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other portion unless it clearly appears that such other portion is wholly or necessarily dependent for its operation upon the portion held invalid or unconstitutional.

RULE 3: CIVIL SERVICE COMMISSION - POWERS AND DUTIES

3.1 Scope. The Commission shall prescribe, amend and enforce rules for the purpose of carrying out the provisions of the Charter and the Ordinances of the City relating to the Civil Service. The Commission shall also prescribe, amend and enforce the appropriate laws, rules and regulations in force within the State of Ohio that are not in conflict with the City Charter or Ordinances.

3.2 Changes/Amendments to Rules. The Commission shall have the power to change, amend, revoke or modify these Rules, or any portion thereof, by a majority vote of the Commission. Such action and the reasons therefor shall be entered in the minutes of the Commission at the time such action is taken. The Commission shall ensure that counsel is provided with appropriate notice of potential changes to these Rules in order that counsel is able to provide advice about the legality and validity of the action.

3.3 Waiver of Rules. In specific cases where, in the judgment of the Commission, it is in the interest of the public service, any rule or guideline hereby adopted may be waived by a majority vote of the Commission. Such action and the reasons therefor shall be entered in the minutes of the Commission at the time such action is taken. The Commission shall ensure that counsel is provided with appropriate notice of a potential waiver to these Rules in order that counsel is able to provide advice about the legality and validity of the action.

3.4 Records. The Commission shall maintain the general, financial and personnel records, except as otherwise provided by law.

(a) The Commission shall maintain the following general records:

- (1) A correspondence file which contains all official communications to and from the Commission. Correspondence will be maintained for a period of five (5) years.
- (2) All reports to the State of Ohio concerning the activities of the Commission. Reports shall be maintained for a period often (10) years.

All minutes of Commission meetings. Minutes will be maintained for a period of ten (10) years.

- (b) The Commission, in cooperation with the City's Finance Department shall maintain all payroll records for employees holding civil service positions. Payroll records shall be maintained for of period of two (2) years.
- (c) The Commission, in cooperation with the City's Human Resources Department, shall maintain the following records:
 - (1) All documents identified in Section 3.5 relating to Classified Personnel. This documentation shall be maintained during the tenure of each person's employment.
 - (2) The Listing of all persons making application for competitive original appointment examination. The listing shall contain the applicant's name, address, telephone number and title of examination for which application was received. These listings shall be maintained for a period of two (2) years.
 - (3) All applications for those persons passing the competitive original appointment examination. These applications shall be kept on file during the term of the eligible list.
 - (4) All eligible lists which are established by the Commission. These lists shall contain the name, rank and grade of applicants who obtain passing grades in competitive examinations and the disposition of all eligible certified for appointment. The lists shall be preserved for a period of four (4) years after the date said eligible lists become invalid.

3.5 Updates on Status of Classified Personnel.

- (a) In order that the Commission keep proper records of changes in service, each department Chief shall provide the Commission with the following information:
 - (1) any appointments;
 - (2) refusal or neglect on the part of an individual who has been duly certified to accept an appointment;
 - (3) changes in the rank of any employee holding a classified service position;
 - (4) transfer, lay-off, leave of absence, resignation, suspension, reduction or removal of any employee holding a classified service position as well as a written explanation of the cause;
 - (5) creation or abolition of any position in the department which is subject to appointment by the Commission;
 - (6) efficiency ratings for employees holding a classified service position where established by the Commission; and
 - (7) correspondence, memoranda, records, and/or any other documentation pertaining to the performance of an employee in the classified service.

- (b) Each department Chief shall provide the Commission with the information identified in paragraph 3.5(a) no later than fourteen (14) business days after receipt of said information.

3.6 Public Inspection of Records.

- (a) Official records of the Commission shall be open to public inspection during regular business days and hours upon application to the Chairperson of the Commission.
- (b) In order to review the official records of the Commission, individuals shall:
 - (1) submit a written request identifying the specific records to be reviewed; and
 - (2) schedule an appointment to review Commission records during regular business hours; and
 - (3) pay the cost for any photocopies of any Commission records.

3.7 Investigations by the Commission. The Commission may order an investigation into any matter, which is addressed, in the City Charter, the City Ordinances or in these Rules pertaining to employees in the classified service.

- (a) Said investigation may be commenced upon receipt of a written request from a member of the Commission or any other individual or entity. Each written request shall include the date of the request, the matter to be investigated, the person(s) involved, and the full identity of the individual/entity requesting the investigation. The Commission may, at its discretion, keep the identity of the requesting individual/entity anonymous. No requests will be considered by the Commission if the individual/entity making the request does not disclose his/her/its identity.
- (b) The Commission shall keep the Mayor, the affected department Chief and the Director of Law, or his/her duly designated representative, timely advised of the fact that an investigation has been instituted, the progress of the investigation, and the results of said investigation.
- (c) Each member of the Commission or any person whom the Commission may appoint to make any investigation authorized or required by this section, shall have power to subpoena, require the attendance of witnesses, require the production of documents pertinent to the investigation, and to administer oaths to such witnesses.

3.8 Payrolls. The payroll records for all employees holding civil service positions shall be sent to the Commission for review.

- (a) The Chairperson, or his/her designated Commission representative, shall certify the accuracy of the bi-weekly payroll records for all employees in the classified service of the City.
- (b) Any errors on the payroll shall be underlined in red ink and marked "disapproved by the Civil Service Commission." The Chairperson, or his/her duly designated Commission representative, shall send a memorandum regarding such disapproval to the department

Chief charged with paying the wages. A copy of said memorandum shall be provided to the Personnel Director and to the Finance Director. Payment shall be withheld until approved by the Commission.

RULE 4: CLASSIFICATION OF PERSONNEL

4.1 Classifications. The civil service of the City shall be divided into the unclassified service and the classified service.

- (a) Only those employees designated in the classified service and specifically identified in Section 4.2 hereof shall be subject to these Rules.
- (b) The unclassified service is comprised of all persons in the employ of the City who are not included in the classified service and not specifically identified in Section 4.2 of these Rules.

4.2 Classified Service. The offices and positions in the service of the City which are identified in this section, whether permanent, temporary or provisional, shall be in the classified service and subject to these Rules.

- (a) Police Department personnel within the classified service shall include:
 - (1) Police Cadet (all classes);
 - (2) Patrol Officer;
 - (3) Police Sergeant;
 - (4) Police Lieutenant;
 - (5) Police Captain; and
 - (6) Police Chief.

The titles used within the Police Department are reflective only of their respective classification. There are other descriptive titles used within the department, and specified within the collective bargaining agreements for pay purposes, to identify the specific job assignments. They are not promotional ranks beyond the initial classification. Examples include: Corporal, Detective; Police Sergeant - OIC Detective Bureau; Police Lieutenant - OIC Detective Bureau.

- (b) Fire Department personnel within the classified service shall include:
 - (1) Fire Cadet (all classes);
 - (2) Firefighter;
 - (3) Fire Lieutenant;
 - (4) Fire Captain; and
 - (5) Fire Chief.

The titles used within the Fire Department are reflective only of their respective classification. There are other descriptive titles used within the department, and specified within the collective bargaining agreements for pay purposes, to identify the specific job assignments. They are not promotional ranks beyond the initial classification. Examples include: Firefighter, Fire Prevention Bureau; Fire Lieutenant, Fire Prevention Bureau; Fire Platoon Captain; Fire Captain Assistant to Chief.

RULE 5: CIVIL SERVICE EXAMINATIONS - GENERAL INFORMATION

- 5.1 Separate Examinations for Police and Fire Departments. Examinations shall relate to the matters that will fairly test the relative fitness of individuals to discharge the duties of the positions for which they seek appointment. Accordingly, separate examinations will be held for those individuals seeking original appointment and promotion within the police and fire departments.
- 5.2 Use of Aids in Examination Barred. When a candidate in any examination is found to be using, without permission of the Commission, any extraneous means of information, memoranda, pamphlet, book or other aid to assist himself/herself in an examination, the examiner shall take from the candidate any such aid, shall immediately dismiss the candidate from the examination and shall record such incident on the candidate's papers or record. The Commission in such instance shall give the candidate a score of zero and bar him/her from any future examination for any position within the City.
- (a) Use of electronic or cellular devices, during examination, is prohibited.
- 5.3 Defective or Incomplete Applications. Failure of a candidate to fully complete their application, have the necessary signatures and/or attach the requisite documentation described in the notices announcing the examination will be considered sufficient cause to exclude him/her from the examination. The Commission shall provide written notification of such defective or incomplete application to the candidate prior to the date the examination is conducted.
- 5.4 General Procedure for the Preparation and Implementation of Examinations.
- (a) The Human Resources Department, and/or such other department as identified by the Mayor, shall assist the Commission in implementing the necessary procedures to conduct examinations for original appointment and promotion. Activities include, but are not limited to:
- (1) prepare and coordinate the appropriate notices and advertising;
 - (2) prepare the application forms in accordance with these Rules as well as any additional contents required by the Commission;
 - (3) provide the necessary personnel to distribute application forms as well as gather and organize completed application forms;
 - (4) prepare a list of all individuals submitting an application form;
 - (5) coordinate space for examination and/or meeting rooms;
 - (6) provide the necessary personnel to act as proctors in the examination room;
 - (7) act as liaison with testing entities to coordinate receipt of examination materials and receipt of scoring information/documentation;
 - (8) prepare a listing of all candidates and their final examination scores;
 - (9) prepare a draft of the eligible list of all candidates who successfully completed the examination; and

- (10) prepare draft notices to all candidates regarding their final examination scores and the time within which they have to review and/or protest scoring.
- (b) The Commission shall provide assistance and advice, as necessary and appropriate, to ensure that all activities in conjunction with the examination process proceed in a timely and accurate manner.

RULE 6: CIVIL SERVICE EXAMINATIONS - ORIGINAL APPOINTMENT

6.1 Examination for Original Appointment (General Information).

- (a) Examinations for original appointment shall include a written examination and such other media or components as approved by the Commission.
- (b) The Commission shall retain a professional testing company to conduct the written components of the original appointment examination.

6.2 Application for Entrance Examination.

- (a) The Commission shall periodically determine the amount to be charged for each application. Any fee charged shall be non-refundable.
- (b) The application fee will be waived for those individuals who submit an affidavit of residency in accordance with the provisions contained in Section 6.6(c) (5).
- (c) The Commission shall furnish application forms for examination. Application forms shall provide for the submission of information as set forth in Section 124.22 et. seq. of the Ohio Revised Code. The Commission may determine and provide for the submission of any other relevant information either on the application form or supplemental sheet.
- (d) Applications for examination must be made on the application form furnished by the Commission and must be returned within the time limits prescribed by the Commission.

6.3 Required Documentation.

- (a) Completed applications must be returned with copies of the applicant's birth certificate and high school diploma or G.E.D. results. It is the applicant's responsibility to provide copies of the documents requested. The City will not make copies for the applicants. All required documents must be provided at time of application.
- (b) Applicants applying for additional credit must provide copies of the appropriate documentation identified in Section 6.6. All required documents must be provided at time of application.

6.4 Residency.

- (a) An applicant must be a United States citizen, or have legally declared the intention of becoming a United States citizen to apply for a civil service examination. All required documents must be provided at time of application.

6.5 Age Requirements.

- (a) Applicants for examination for original appointment to the police department as a Cadet Police Officer must have attained the age of twenty-one (21) on or before the date of original appointment.
- (b) Applicants for examination for original appointment to the fire department as a Cadet Firefighter/Paramedic must have attained the age of eighteen (18) on or before the date of the written examination.

6.6 Application for Additional Credit.

- (a) In order to receive any additional credit, a candidate must attain a minimum passing score of seventy percent (70%) on the written test.
- (b) Total credits added to the candidate's test score shall not exceed thirty five percent (35%) of the written examination score.
- (c) Additional credit on an examination for original appointment shall be given as follows:

(1) *Police Certification Credits:* An applicant for the Cadet Police Officer examination who submits a copy of a certificate from any school certified by the Ohio Peace Officer's Training Council which indicates successful completion of the certified basic training course in advance of sitting for and successfully passing the entrance examination shall receive a ten percent (10%) credit to his/her total score. The certificate must be valid at the time of the examination and must be maintained up to and including the date of the original appointment. If the certificate is not valid on the date of the original appointment, the additional credit previously awarded will be deleted from the applicant's total score and the applicant's total score will be recalculated and his/her place on the eligibility list will be adjusted accordingly.

Prior Police Officer Experience: An applicant for Cadet Police Officer who (1) has had previous experience as a police officer with one year or more of service time (≥ 2080 hours) in the past two (2) years, and (2) submits proper certification to support their prior experience in advance of sitting for and successfully passing the entrance examination shall receive a fifteen percent (15%) credit to his/her total score.

(2) *Paramedic Certification Credit:* An applicant for the Cadet Firefighter/Paramedic examination who submits a copy of a valid Ohio paramedic certification card shall receive a twenty-five percent (25%) credit to his/her total grade. The paramedic certification must be valid at the time of the examination and must be maintained up to and including the date of original appointment. If the certification is not valid on the date of original appointment, the additional credit previously awarded will be deleted from the applicant's total score.

(3) *Firefighter Certification Credit:* An applicant for the Cadet Firefighter/Paramedic examination who submits a copy of a valid Ohio Fire Fighter Two certification card shall receive a twenty percent (20%) credit to his/her total score.

- (4) *Military Service Credit*: An applicant who submits a copy of form DD-214 showing honorable discharge or a certificate of service showing current duty in a reserve unit or active duty unit shall receive a twenty percent (20%) credit to his/her total score.
- (5) *City Residency Credit*: An applicant who submits a residency affidavit indicating the applicant has been a resident of the City of Maple Heights for a minimum of twelve consecutive months prior to the date of application shall receive a ten percent (10%), credit to his/her total score. Examples of proof of residency will include a current utility bill, rental contract/receipt, occupancy permit, bank statement and tax return. The documents must be notarized.
- (6) *Two-Year Degree Credit*: An applicant who submits a certified transcript or diploma signifying completion of a two or four year degree shall receive a five percent (5%) credit to his/her total score given in the regular examination in which he/she received a minimum passing score of seventy-five percent (75%).

6.7 Conditions to Employment.

- (a) Prior to appointment, a complete physical examination will be given along with an agility test, oral interview, polygraph tests and psychological tests and such other tests as deemed appropriate by the Commission. In addition, a full background investigation and a driver's record check will be conducted. Applicants must have a valid Ohio driver's license prior to and at the time of appointment. All applicants must successfully complete the physical examination. All required documents must be submitted at time of application.
- (b) The applicant must be able to physically perform the essential functions of the position.
- (c) Fire cadets will be required to successfully complete, at their own expense, the physical agility test approved by the Northeast Ohio Fire Chiefs Association. Candidates must successfully complete the test within the time recommended by the Northeast Ohio Fire Chiefs Association. Certificates issued to successful candidates will be valid and accepted by the Commission for a period of one year following the date of the physical agility test. The certificate must be valid on the date of hire or appointment.
- (d) As a condition of employment, fire cadets are required to become paramedics on their own time and at their own expense in order to successfully complete their probationary period.

6.8 General Information.

- (a) Any false information, misrepresentation or deliberate omission of a fact either included within the application or provided during the pre-employment process may be justification for denial of employment, or if employed, termination of employment.
- (b) Notice of competitive entrance examinations will be given through newspapers of general circulation, posting of notices conspicuously on the City Hall bulletin board, and by such other means as may be deemed appropriate by the Commission.

RULE 7: CIVIL SERVICE EXAMINATIONS - PROMOTIONAL

7.1 Promotional Examination (General Information).

- (a) Promotional examinations will include a written examination, an assessment center and a drug screen.
- (b) The Commission shall retain a professional testing company to conduct the written component of the promotional examination. The written examination must be graded at the test site, with each candidate receiving his/her grade prior to leaving the test site.
- (c) A professional testing company shall be retained to conduct the assessment center component of the police and fire promotional examinations.

7.2 Eligibility to Take Examination.

- (a) In order to be eligible to take the promotional examination for any classification, candidates must have at least one (1) year of experience in the classification immediately under the classification for which the examination is being conducted. Work in any classification under a temporary assignment will not be included when computing years of experience in a classification.
- (b) The Commission may, at its discretion, include candidates with at least one (1) year of experience in the two (2) classifications immediately under the classification for which the examination is being conducted if there are not two (2) candidates available or willing to participate in the competitive examination.

7.3 Application for Promotional Examination.

- (a) Application forms for the promotional examination will be furnished by the Commission. The Commission may determine and provide for the submission of any other relevant information on a supplemental sheet.
- (b) Applications for examination must be made on the form furnished by the Commission and must be returned within the time limits prescribed by the Commission.

7.4 Total Score Attainable on Promotional Examination.

- (a) The maximum raw score for the written portion of the examination will be 100 points. The maximum raw score for the assessment center portion of the examination will be 100 points. The maximum raw examination score will be 200 points, excluding any additional credits awarded.
- (b) The weighted score attainable on the examination shall be 100 points. This sum is determined by the raw score for each portion of the examination multiplied by the weighting factor.
- (c) Weighting for each of the promotional examinations will be as follows:
 - (1) Police Promotional Examinations

Police Sergeant	Written 50%	Assessment Center 50%
Police Lieutenant	Written 40%	Assessment Center 60%
Police Captain	Written 40%	Assessment Center 60%
Police Chief	Written 30%	Assessment Center 70%

(2) Fire Promotional Examinations

Fire Lieutenant	Written 50%	Assessment Center 50%
Fire Captain	Written 40%	Assessment Center 60%
Fire Chief	Written 30%	Assessment Center 70%

7.5 Passing Score.

- (a) Candidates for promotion must score 70 out of a possible 100 points on the written portion of the promotional examination before being eligible to participate in the assessment portion.
- (b) Candidates must attain a minimum score of 70 points out of a possible 100 points on both the written and assessment portions of the examination in order to pass the promotional examination.
- (c) Candidates attaining the minimum passing score will be included on the eligibility list for promotion and will be scheduled for the drug screen/psychological examination when appropriate.

7.6 Application of Credits (Generally).

- (a) Additional credits will be awarded for seniority and for efficiency.
- (b) All information and documentation regarding credits to be awarded to each candidate shall be submitted to the Commission by the appropriate department Chief prior to the time the written component of the examination is conducted.
- (c) No credit for seniority or efficiency shall be added to an applicant's examination grade unless the applicant achieves the minimum passing score of 70 points on the written and 70 points on the assessment center components without counting such extra credit.
- (d) Points for seniority and efficiency rating credits shall be applied to the overall police examinations.
- (e) Points for seniority rating credits shall be applied to the overall fire examinations.

7.7 Seniority Credits.

- (a) Credits will be awarded for seniority in accordance with the provisions of Ohio Revised Code Section 124.31. The maximum amount of seniority credits allowed shall be set at 10 points. Cut-off dates for seniority credits will be the date on which the written component of the examination is conducted.
- (b) Credits shall be awarded only for a full year of service. No proportional credits will be awarded for a partial year of service.

7.8 Efficiency Credits. Credits will be awarded for efficiency ratings for Police promotional in accordance with Article 15, Section 2 of the City Charter. The maximum amount of credits allowed will be set at 10 points.

7.9 Overall Scoring for Promotional Examination. To ensure a complete understanding of the scoring process, the following is an example score of a candidate taking the promotional examination:

(a) Police Sergeant Promotional

written exam (raw score)	80	assessment center (raw score)	70
multiplied by weighting factor	$\times \underline{50\%}$	multiplied by weighting factor	$\times \underline{50\%}$
weighted score (written exam)	40	weighted score (assessment center)	35
weighted score -written exam	40	total weighted score	75
weighted score -assessment center	$+\underline{35}$	seniority credits	10
total weighted score	75	efficiency credits	$+\underline{8}$
		total overall score	93

(b) Firefighters Lieutenant Promotional

written exam (raw score)	80	assessment center (raw score)	70
multiplied by weighting factor	$\times \underline{50\%}$	multiplied by weighting factor	$\times \underline{50\%}$
weighted score (written exam)	40	weighted score (assessment center)	35
weighted score -written exam	40	total weighted score	75
weighted score -assessment center	$+\underline{35}$	seniority credits	$\underline{10}$
total weighted score	75	total overall score	85

7.10 Administrative Information.

- (a) There shall be no fee to take the promotional examination.
- (b) After the written portion of the examination has been completed, each candidate will receive their raw score. A list will be posted which contains the names and score of those candidates who receive a passing score.
- (c) After the assessment center portion of the examination has been completed, each candidate will receive written notice of their raw score. A list will be posted which contains the names, written portion scores, assessment center portion scores; extra credits and total scores of those candidates who receive a passing score.
- (d) Information regarding the period within which each candidate has to review and protest their scores on the written and assessment center portions of the examination will be included with the formal test score notification.
- (e) In the event there is a tie for any position within the final test rankings, the tie will be broken based on the following factors:

- (1) the higher assessment center score; and, if necessary,
 - (2) the higher written score; and if necessary,
 - (3) a coin toss.
- (f) In the event no candidate achieves a passing score of 70% or greater on the written examination, the Civil Service Commission will meet and decide whether to retest the same candidates using a different testing company or to open the testing process up to the next lower rank. Any decision rendered by the Civil Service Commission regarding retesting will be final.
- (g) The Commission shall establish a certified eligibility list of all candidates who have successfully passed the promotional examination. Individuals who are eligible for promotion shall be identified in accordance with Ohio Revised Code Section 124.44.

7.11 Temporary and Emergency Appointments.

- (a) Upon receipt of a request for certification for a position for which no appropriate eligible list is available, the Commission shall notify the department Chief and the Mayor that nomination for a temporary appointment may be made to fill such position until an eligible list can be created, or for a period not to exceed six (6) months.
- (b) Emergency appointments may be made by the department Chief and the Mayor when the welfare of the public and the necessities of the City's operation make it necessary to do so. Written notice of the emergency appointment, along with the reasons for the emergency, must be given to the Commission within fourteen (14) business days after the appointment has been made. The emergency appointment shall not be effective for a period longer than six (6) months or until an eligible list can be certified.

RULE 8: ELIGIBLE LISTS

8.1 Life of Eligible Lists.

- (a) Eligible lists for original appointment shall be valid for a period of no less than one (1) year and no more than two (2) years from the date of promulgation. The Commission may, at its discretion, prior to the date of expiration of eligibility for original appointment, extend the period of eligibility for that group in six month increments, provided the total period of eligibility shall not exceed two (2) years.
- (b) Eligible lists for promotion shall be valid for a period of two (2) years from the date of promulgation.

8.2 Certification of Eligible Lists and Appointments.

- (a) The Commission shall formally approve all eligibility lists; certify their accuracy, and forward copies to the Mayor, the Director of Human Resources, and the appropriate department Chief along with a memorandum that provides information regarding the date of expiration of the eligible lists. The eligible lists shall contain the names of all candidates who passed the examination process. The candidates shall be ranked based on their overall examination scores.

- (b) The Mayor/Safety Director and the appropriate department Chief will appoint eligible candidates in accordance with the provisions contained in Section 124.27 of the Ohio Revised Code subject to the disqualification provisions contained in these Rules. The Commission will be notified of all appointments within fourteen (14) business days after the appointment has been made.

8.3 Disqualification for Appointment. If, at any time after the creation of an eligible list, the Commission has reason to believe that any candidate whose name appears on the list has in any manner become disqualified for appointment, such candidate shall be notified and given opportunity to be heard. If the candidate fails to appear for hearing or does not provide information satisfactory to the Commission, the candidate's name shall be removed from the appropriate eligible list.

8.4 Address Change Notification. Each person whose name appears on an eligible list shall file a written notice of any change in address with the Commission. The notice shall state the candidate's name, the eligible list on which his/her name appears, his/her new address, and his/her last address as registered with the Commission. In the event a candidate does not properly notify the Commission of an address change and the Commission is unable to locate the candidate, the candidate's name will be removed from the appropriate eligibility list.

RULE 9: LINE OF DUTY INJURY HEARING

9.1 Participation of Commission Representative. A representative of the Commission shall participate in any panel established through the collective bargaining process to hear and rule upon line of duty injury cases.

RULE 10: CIVIL SERVICE COMMISSION APPEAL AND HEARING PROCEDURE

10.1 Time of Appeal. Any employee in the classified service who, after the hearing before the Mayor and/or department Chief, is reduced in rank or compensation, laid off, suspended for a period longer than ten (10) days, discharged or otherwise disciplined, may appeal to the Commission within fourteen (14) days after the receipt of written notice of such action. The appeal shall be made by filing with the Commission a written statement advising that the employee appeals the order. The written statement shall accurately reflect a summary of the order.

10.2 Date of Hearing. The Secretary of the Commission shall schedule a time and date for the hearing of such appeal by the Commission. The hearing shall be held within thirty (30) days from the date the appeal was filed with the Commission. If the employee filing the appeal fails to appear at the designated time and place scheduled by the Commission and fails to provide good cause why he/she did not attend the hearing, the appeal shall be dismissed by the Commission. If the Mayor and/or department Chief fails to appear at the time and place scheduled by the Commission, the Commission may hear evidence offered by the employee bringing the appeal and render its decision on the merits.

10.3 Jurisdiction. The Commission shall not be deprived of jurisdiction to hear any appeal due to the failure of the Mayor and/or the department Chief to file his/her decision with the Commission except as otherwise provided by law or contract.

10.4 Quorum. Two members of the Commission shall constitute a quorum at any scheduled appeal hearing. The Commission shall not act without the concurrence of at least two members. Any

member of the Commission may write a concurring or dissenting opinion in any decision in which he/she participates.

- 10.5 Multiple Appeals. If two or more appeals involve substantially identical issues of fact and law, the Commission may consolidate them into a single hearing upon its own motion or the motion of any party.
- 10.6 Continuance. The Commission may postpone or continue any hearing upon the application of any party or upon its own motion.
- 10.7 Subpoena. For the purpose of conducting a hearing, the Commission may require the attendance of any witnesses and the production of such documents and/or records as it deems necessary. The Commission may also take the depositions of witnesses. For such purpose, the Commission shall issue a subpoena for any witness or a subpoena duces tecum to compel witnesses to produce any relevant documents and/or records.
- 10.8 Oaths. The Commission may administer oaths or affirmations.
- 10.9 Representation. At any hearing, the employee bringing the appeal may be represented by an attorney or may represent him/herself or may be represented by a representative whom he/she authorizes to appear on his/her behalf. If the employee will be represented by another individual, the employee will provide immediate written notification of such representation to the Commission.
- 10.10 Witnesses. All witnesses at a hearing before the Commission shall testify under oath or affirmation. A witness may be accompanied and advised by legal counsel. Participation by counsel is limited to protection of the witness' rights.
- 10.11 Procedure. At the hearing on appeal, the Commission shall consider the charges and specifications contained in the order of the Mayor and/or designated representative. In reaching its decision, the Commission shall also take into consideration the record and history of the employee filing the appeal as contained in the records and files of the Commission. No substantial amendment of, nor addition to, said charges and specifications will be permitted or considered by the Commission. The order of the appeal procedure shall be as follows:
 - (a) The Mayor and/or department Chief shall briefly state the grounds and facts alleged to sustain the original order.
 - (b) The employee filing the appeal, or his/her designated representative, shall briefly state an explanation or defense.
 - (c) The Mayor and/or department Chief shall present the evidence in support of the original order.
 - (d) The employee filing the appeal, or his/her designated representative, shall present the evidence in support of the explanation earlier stated.
 - (e) The Mayor and/or department Chief shall present any rebuttal evidence.
 - (f) Argument will be permitted only when desired by the Commission.

- 10.12 Resignation during Appeal. In the event an employee filing an appeal offers his/her resignation and said resignation is accepted by the Mayor or department Chief before a final order has been issued by the Commission, the Commission shall consider such resignation as a withdrawal of the charges on appeal. The appeal shall be dismissed without decision, except that the facts pertaining to such resignation and the disposition of the appeal shall be entered into the records of the Commission.
- 10.13 Record of Proceedings. Any hearing before the Commission shall be recorded by a duly registered court reporter. In the event the decision of the Commission is appealed to the Court of Common Pleas, the written transcript of the hearings and exhibits shall be transmitted to the Court.
- 10.14 Contents of Final Order. The Commission may affirm, disaffirm or modify the order which was the subject of the appeal. In the event the Commission's order disaffirms or modifies the original order, the employee filing the appeal shall be reinstated under such conditions as the Commission may make in connection with its final order.
- 10.15 Notice of Final Order. The final order of the Commission shall be signed by the Chairperson and mailed to all hearing participants within thirty (30) days after the date of the hearing. Copies of final order of the Commission shall be sent by certified mail to the affected employee and his/her representative. Copies of the final order of the Commission shall be sent by regular mail to the other parties and their representatives.

“Any language contained within the Rules of the Civil Service Commission for the City of Maple Heights that conflict with any provisions in a Collective Bargaining Agreement shall be superseded by the language in the Collective Bargaining Agreement.”