



609 Harris Road  
Sheffield Lake, Ohio 44054

**RULES**

**of the**

**CITY OF SHEFFIELD LAKE**

**CIVIL SERVICE COMMISSION**

Christopher Rewak – Chair

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## TABLE OF CONTENTS

RULE I - DEFINITION OF TERMS.....	2
RULE II - ORGANIZATION AND STAFF.....	3
RULE III - REPORTS TO THE COMMISSION.....	4
RULE IV – CLASSIFICATION.....	4
RULE V - APPLICATIONS.....	4
RULE VI – EXAMINATIONS.....	6
RULE VII - ELIGIBILITY LISTS.....	9
RULE VIII - CERTIFICATION.....	11
RULE IX – TYPES OF APPOINTMENTS AND PROBATIONARY PERIODS.....	12
RULE X – PROMOTIONS IN GENERAL.....	14
RULE XI - PROMOTIONS IN DIVISIONS OF POLICE AND FIRE.....	15
RULE XII – TRANSFERS, LAY-OFFS, MILITARY DUTY, AND RESIGNATIONS.....	17
RULE XIII - DISCHARGES, SUSPENSIONS, AND DEMOTIONS.....	19
RULE XIV - APPEALS TO THE COMMISSION AND HEARING PROCEDURES.....	20
RULE XV - INVESTIGATIONS.....	22
RULE XVI - WAIVER OF RULES.....	23
RULE XVII - AMENDMENTS.....	23
RULE XVIII - SAVING CLAUSE.....	23
APPENDIX.....	23

## RULE I - DEFINITION OF TERMS

The following Rules and Regulations of the City of Sheffield Lake Civil Service Commission were duly revised and adopted by the Commission on \_\_\_\_\_, 2024.

The several terms herein specified, as used in these Rules and Regulations of the Civil Service Commission of the City of Sheffield Lake (hereinafter "Rules"), shall be defined as follows:

1. "Commission" refers to the municipal Civil Service Commission of the City of Sheffield Lake, County of Lorain, State of Ohio.
2. "Civil service", standing alone, refers to and includes all employees in the classified service of the City of Sheffield Lake.
3. "Classified service" shall include all sworn full-time members of the police and fire departments, including the Chief of the Police Department and the Chief of the Fire Department and all full- time police dispatchers.
4. "Unclassified service" shall include all full-time members of the Streets and Roads Division, Water and Sewer Division, Parks Division, part-time patrol officers of the Police Division, and part-time firefighters in the Fire Division.
5. "Appointing Authority" is the Mayor of the City of Sheffield Lake.
6. "Armed Forces" means one or all of the following:
  - a. United States Army, Navy, Marine Corps, Air Force, Coast Guard and Space Force;
  - b. United States Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve;
  - c. Army National Guard and Air National Guard;
  - d. Commissioned Corps of the Public Health Service; and
  - e. Any other category of persons designated by the President in time of war or emergency.
7. "Charter" means the official Charter of the City of Sheffield Lake, Ohio, as duly adopted by its electors.
8. "Lateral Transfer" is an individual who has served or is serving as a peace officer or law enforcement officer in another jurisdiction who meets the Lateral Transfer qualifications as set forth herein and as established by the Commission.

9. "Secretary" means the Secretary of the City of Sheffield Lake Civil Service Commission as duly appointed pursuant to Section 157.01 of the Codified Ordinances of the City of Sheffield Lake and Rule II, Section 2 herein.

## RULE II - ORGANIZATION AND STAFF

Section 1. OFFICERS. The Commission shall designate one (1) of its members as chairperson and one (1) of its members as a vice-chairperson, and each shall serve a term of two years or until a replacement is elected. Should the chairperson be unable or unavailable to discharge chairperson duties, the vice-chairperson shall be authorized to serve in the chairperson's stead.

Section 2. SECRETARY. The Commission shall have a Secretary who shall not be a member of the Commission, and shall carry out the secretarial and administrative functions as required by the Commission and these Rules and who shall be appointed by the Appointing Authority with concurrence of a majority of the City Council. The Secretary to the Commission shall not hold any other municipal office, or appointment within the City of Sheffield Lake.

Section 3. OFFICIAL SIGNATURES. The Secretary of the Commission is hereby authorized to sign all papers, vouchers, payrolls, and other documents for and on behalf of the Commission, except such as are by law specifically required to be signed by the chairperson.

Section 4. OFFICIAL RECORDS. The Secretary shall keep in the form of minutes, a record of the official action of the Commission in accordance with Ohio law with regard to:

- a. All appointments to positions in the classified service and the titles thereof.
- b. Transfers, suspension, removals, and reinstatements to eligibility lists.
- c. Lists of all examinations with their dates.
- d. Results of all requests for re-gradings of examinations.
- e. Decisions on appeals of suspension, demotion, or dismissal, and the reason in brief for each.
- f. Classifications of positions and changes in classifications.
- g. Appointments of special examiners.
- h. Refusals to certify names on the payrolls and reasons therefor.
- i. Decisions in all hearings.
- j. Non-competitive tests and the reasons therefor.

Section 5. OFFICIAL ROSTER. An "Official Roster" shall be kept in the office of the Commission, which shall contain the name of every individual employed or performing duties in the classified service. This file shall show for each employee the following:

- a. Name.
- b. Title.
- c. The date and character of each appointment and every subsequent change in status.
- d. The date of examination and listing, the grade received, and the rank on the eligibility list.

### RULE III - REPORTS TO THE COMMISSION

In order that the Commission may keep proper records of changes in the civil service, the Appointing Authority or a designee shall report to the Commission within thirty (30) days of the event the following:

- a. Appointments, whether temporary, emergency, permanent, or promotional.
- b. Refusal or neglect on the part of an individual, duly certified, to accept an appointment.
- c. Changes in the rank of any employee holding a classified service position.
- d. Transfers, lay-offs, leaves of absence, resignations, suspensions, reductions or removals of an employee, and the cause for each.
- e. Creation or abolition of any position in the classified service in the department.
- f. Efficiency ratings of employees where established by the Commission.

### RULE IV – CLASSIFICATION

The classification of offices and positions in the service of the City of Sheffield Lake shall be as set forth at Article VI of the Charter of the City of Sheffield Lake and Chapter 157 of the Codified Ordinances of the City of Sheffield Lake.

### RULE V - APPLICATIONS

Section 1. GENERAL. No individual shall be permitted to enter an examination for a classified position in the competitive or noncompetitive classes for both original appointments and promotional appointments unless they have:

- a. Filed a written or electronic application on the forms prescribed by the Commission;
- b. Qualified in accordance with the minimum entrance qualifications for the examination and will comply with the Appointing Authority's prescribed job description and qualifications for the position being applied for; and
- c. Had the application approved in accordance with the Rules of the Commission.

Section 2. FILING OF APPLICATIONS. Applications must be signed personally or electronically by the applicant. All applications shall be returned as designated by the Commission and within the time limit fixed in the official notice of the examination. Defective applications may be returned to the applicant with a notice to amend the same.

Section 2 (A). The Civil Service Commission may advertise and accept applications, for a period of time to be determined by the Commission, or for an indefinite period of time if designated by the Commission, for candidates to submit applications to be placed on a Lateral Transfer list for consideration for an original appointment in the Police Department as a patrol officer.

Section 3. REJECTION OF APPLICATION. The Commission may, for sufficient cause, reject an application prior to the date of the examination for which it is filed. In all cases of rejection, the applicant shall be notified of the rejection and the reasons therefor. Any of the following may be sufficient cause for rejecting an application:

- a. That the applicant lacks any of the minimum entrance qualifications set forth in the official notice of the examination;
- b. That the applicant is physically so disabled as to be rendered unable to perform the duties of the position which the applicant seeks;
- c. That the applicant is a convicted felon;
- d. That the applicant has been guilty of infamous or notoriously disgraceful conduct;
- e. That the applicant has been dismissed from the civil service for delinquency or misconduct;
- f. That the applicant was previously in the classified service of the City of Sheffield Lake or any other public employer and was removed for cause or resigned pending dismissal; or
- g. That the applicant has made a false statement in the application with regard to any material fact.
- h. That the applicant has failed or refused to execute a release authorizing a criminal background check.

Section 4. MINIMUM QUALIFICATIONS The Commission shall establish for each open competitive examination minimum entrance qualifications which shall be published in the official announcement of each examination and which shall include, among other things, requirements with regard to:

- a. Age of Applicants. The minimum and maximum age restrictions for entry level classified positions in the Divisions of Police and Fire that are set forth in these Rules shall be published in the official announcement of each examination therefor and the age of an applicant at the time of an applicant's submission of the application to take the examination shall be the determinative age to qualify to take the examination and to be appointed to the position if selected by the Appointing Authority.

- b. Experience and Education. The Commission may establish experience and educational requirements where they are necessary to the performance of a specific job or professional position.
- c. Job Qualifications. The Commission shall include in the official announcement of each examination the specific job qualifications for the position being applied for as established in writing and adopted by the Appointing Authority or by the City Council.
- d. Licenses. Whenever a license is required by law to perform the duties of a classification, the applicant shall present such license or a certified copy thereof at the time of filing the application for entrance to an examination for such classification.
- e. Lateral Transfers. Qualifications necessary to be placed on the Lateral Transfer list. The Civil Service Commission shall establish the qualifications for candidates to be placed on the Lateral Transfer list for consideration for an original appointment in the Police Department as a patrol officer, and for appointment to the Police Department, without competitive examination, and without regard to any existing eligibility list.

At a minimum, the applicant to be placed on the Lateral Transfer list must be an OPOTA certified law enforcement officer and shall meet all of the following:

1. Must have completed probation, have worked as a police officer within the past two years, and have at least 12 months of full-time law enforcement experience, or a minimum of 2080 hours of part-time law enforcement experience.
2. Lateral Transfer candidates will be considered from out of state who possess a current Ohio certification.
3. Shall successfully complete the interview process, and must hold any other qualifications as determined by the Civil Service Commission.
4. The applicant for a Lateral Transfer appointment shall, prior to appointment, be subject to a complete background investigation and evaluation.
5. Lateral Transfer appointments shall be given credit based on prior work experience toward vacation, and may be given credit for time-in-rank for promotional test eligibility, and promotional test bonus points.
6. Lateral Transfer appointments will not be given credit based on prior work experience toward seniority in rank for the purposes of vacation time selection, scheduling, or longevity.
7. All lateral transfers will be subject to a six-month probationary period.

Section 5. ANTI-DISCRIMINATION. The Sheffield Lake City Council and the Civil Service Commission formally declare that the City of Sheffield Lake shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), marital status, amnesty, status

as a covered veteran or pregnancy in accordance with applicable federal, state and local laws.

## RULE VI – EXAMINATIONS

Section 1. NOTICES. The Commission shall prepare a notice for each competitive and non-competitive examination which may include, among other things, the date, time, place, and type of examination, processing fee, if any, the minimum entrance qualifications, indication of applicable salary, and statement of the duties and typical tasks for the classification. Such notice shall be posted. All notices for examinations shall include the minimum score necessary to be attained in order to pass the examination.

Notice of promotional examinations shall be advertised for not less than 30 days prior to the date of the examination. The Commission shall provide notice of all other examinations at least 14 days prior to the date of the examination.

Wherever additional publicity is deemed necessary by the Commission, said examination may be advertised in periodicals, newspapers and appropriate electronic media. Notices may also be furnished to schools, universities, libraries, and the headquarters of interested organizations.

Section 2. CONTENTS OF EXAMINATIONS. Examinations shall consist of one or more of the following:

- a. Written, Performance, and Assessment Center. These shall be designed to determine the applicant's familiarity with information and material which could reasonably be expected of applicants for the position, to determine the applicant's potential for learning the job, and/or to assess the applicant's ability to respond appropriately to on-the-job situations likely to be encountered in the position.
- b. Oral Interview. This part, when required, shall include an interview(s) to determine more about an applicant's qualifications for the position which shall be conducted by the Commission's designee(s).
- c. In the case of Lateral Transfer applicants, the Commission may permit an examination to consist of an interview process to evaluate the training and experience of the applicant that is designed to fairly test the relative capacity of the person examined to discharge the particular duties of the position.

Section 3. CONDUCT OF EXAMINATIONS. All examinations shall be conducted under the direction of the Commission, which may from time to time designate special examiners as may be required.

Whenever definite time limits have been set for the completion of an examination or parts thereof, announcement of the prescribed time limits shall be made at the beginning of the examination or parts thereof.

No applicant shall be admitted to an examination after an applicant who has seen the questions has withdrawn from the examination room.

The following paragraph shall be read to or provided to the applicant:



ANY APPLICANT WHO, DURING AN EXAMINATION, AIDS OR ATTEMPTS TO AID THE APPLICANT OR ANOTHER APPLICANT IN ANSWERING QUESTIONS BY REFERENCE TO NOTES OR OTHER MATERIAL NOT APPROVED FOR USE BY ALL APPLICANTS, OR BY CONFERENCE WITH OTHER APPLICANTS, SHALL BE DISMISSED FROM SUCH EXAMINATION OR THE EXAMINATION SHALL NOT BE CONSIDERED BY THE COMMISSION AND THE APPLICANT SHALL RECEIVE NO GRADE.

Any applicant failing to appear for any part of an examination shall be excluded from further consideration in the establishment of the eligibility list.

The Commission shall have the discretion to specify one or more of the following individual parts of an examination:

- a. Written Test. A written test shall be administered to all qualified applicants in the time and manner specified by the Commission, which may include an electronic test through an accredited testing network, and an applicant must achieve a minimum score of seventy percent (70%) as a cumulative total score on the Written Test to be eligible to take another part of the examination;
- b. Performance, Assessment Center and Physical Ability Tests. These parts, when required, shall be administered to applicants at the times and places designated by the examiner. Similar tasks shall be assigned to all applicants competing in the same examination. The test shall be conducted by examiners designated by the Commission; and/or
- c. Oral Interview. This part, when required, shall include individual interviews to determine more about an applicant's qualifications for the position which shall be conducted by the Commission's designee(s).

Section 4. SCORING OF EXAMINATIONS. The Commission shall determine the method of scoring, including weights for the different parts of the examination. The method determined shall apply uniformly to all applicants for a position.

Section 5. ADDITIONAL CREDITS TO SCORES. Additional credits awarded under this Section 5 shall not exceed a total of ten (10) points.

Military Credit. On examinations for original appointment, five (5) credit points shall be added to the passing score of any honorably discharged veteran having served at least one (1) continuous year of active military service in the Armed Forces of the United States. Military credit shall be given to all civil service applicants, including police, fire, and clerical/records clerk positions.

Police:

Five (5) credit points for 2 years' experience (4160 hours) as municipal or township police officer, deputy sheriff, university police officer, Ohio State Highway Patrol Officer, or CMHA Police Officer of Transit Authority Officer.

Five (5) credit points for an associate degree in criminal justice, law enforcement or police science, or a bachelor degree (BA/BS) from an accredited college in any field.

Fire:

Five (5) credit points for 2 years' equivalent experience as a firefighter/paramedic.

Five (5) credit points for an associate degree in a fire service-related field, or a bachelor degree (BA/BS) from an accredited college in any field.

Section 6. REVIEW OF EXAMINATION PAPERS. Any applicant shall have the right to review the applicant's own papers and to submit in writing a request that the Commission review a specific answer or the correction of a clerical error, except for promotional exams for the Division of Fire where State regulations will be followed.

Such requests for review and correction shall be made within seven (7) days after the test results are available. No grade given in any examination shall be changed after the establishment of an eligibility list. Examination papers are not subject to examination by the public except upon unanimous vote of the Commission.

Section 7. NON-COMPETITIVE EXAMINATIONS. Non-competitive examinations for classified service positions shall be regarded as exceptional and may be held only for positions which pursuant to the Commission's discretion may require qualifications of a scientific, professional, educational character, or job-related experience. Non-competitive examinations shall be of such character as will determine whether the qualifications of the applicant enable the applicant to perform the duties of the position; and the applicant shall be required to possess the qualifications as specified by the Commission in order to be eligible for the position. Whenever the Commission deems it advisable, competitive examinations may be ordered for any position previously filled by non-competitive tests, including for Lateral Transfer appointments to the Police Department.

Section 8. POSTPONEMENT AND CANCELLATION. The Commission may postpone or cancel any examination because of an inadequate number of qualified applicants or for other sufficient cause. All such postponements or cancellations shall be recorded in the Commission's minutes.

Section 9. PRESERVATION OF PAPERS. All examination papers shall be preserved in the office of the Commission for at least the life of the eligibility list.

## RULE VII - ELIGIBILITY LISTS

Section 1. PASSING GRADE. From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection an eligibility list of the applicants whose grade in the written examination is not less than a cumulative score of seventy percent (70%), and who are otherwise eligible. Such persons shall be notified and take rank upon the eligibility list(s) in the order of their respective overall score. In the case of a Lateral Transfer list, candidates shall not be ranked but shall be placed on the Lateral Transfer list upon meeting the minimum qualifications established by the Civil Service Commission and successfully completing the interview process as determined by the Police Chief or their designee.

Section 2. DURATION OF LIST. An eligibility list created by the Commission shall remain in force not longer than two (2) years, which may in the sole discretion of the Commission be extended for up to two (2) additional six (6)-month periods of time. Each name on the eligibility list shall remain in force not longer than three (3) years. The Commission may hold competitive examinations whenever it determines this to be in the best interest of the community. Those passing will be placed on the eligibility list in the position to which their overall score entitles them. The Civil Service Commission shall maintain separate eligibility lists for competitive examination candidates and Lateral Transfer candidates.

Section 3. CAUSE AND REMOVAL. The Commission may, at any time, remove an applicant from any eligibility list for any one (1) or more of the following causes:

- a. A voluntary written withdrawal from the eligibility list by the applicant;
- b. When an applicant is appointed from the eligible list;
- c. Failure to respond to notice of certification under Rule VIII, Section 4, within the time limited in such notice;
- d. Declination of appointment;
- e. Failure to withdraw waiver of certification within the time limit in these Rules;
- f. Attempted deception or fraud in connection with any application or test;
- g. Willfully or knowingly making any false statement, certificate, mark, grading, or report with regard to any test or appointment made or held under the Civil Service provisions of the Charter and these Rules;
- h. In any case where the Commission has reason to believe that an applicant is, or has, in any manner become disqualified for the position for which the applicant is listed; or
- i. Failure to timely notify the Commission of the applicant's change in contact information.

Section 5. REQUEST FOR REINSTATEMENT. Whenever an applicant is removed from an eligibility list for any one or more of the above-mentioned causes, the applicant shall promptly be notified thereof and may, within thirty (30) days thereafter, present to the Commission a request in writing for reinstatement to the list; provided, however, that where the applicant has been removed from an eligibility list for the reasons stated in c., e. and i. of Section 4 above, and it can be shown that at the time of such removal the applicant was serving on active duty as a member of the United States Armed Forces, such applicant may request reinstatement within ninety (90) days following honorable discharge and, upon presentation of proof of such honorable discharge and physical fitness to perform the duties of the position, shall be reinstated to the eligibility list.

## RULE VIII - CERTIFICATION

Section 1. MEDICAL AND PHYSICAL ABILITY EXAMINATIONS AND TESTS. Whenever in the judgment of the Civil Service Commission that physical qualifications are position-related, the applicant shall be required to pass a medical examination and/or a physical ability test. A medical examination and/or a physical ability test may be directed to occur either before the applicant's principal examination(s) provided for in Rule VI hereof, or before being placed on the appropriate eligibility list, or before certification for appointment, or before appointment, as the Commission may deem advisable.

- a. Medical Examinations. Medical examinations shall be administered by a certified healthcare provider.
- b. Physical Ability Tests. Physical ability tests shall be administered by a qualified entity to perform such tests, as approved by the Commission, and shall be job-related. The Commission may consult and be guided by the Appointing Authority's recommendations with respect to the extent and character of physical ability tests to be given for particular positions. The applicant shall be responsible for scheduling, completing and paying the cost for a physical ability test.

Section 2. NOTICE OF VACANCY. Before any position in the classified service shall be filled, whether for an original or for a promotional appointment, the Appointing Authority shall make a written request of the Commission for the certification of the names of eligible candidates for such position and shall state whether the employment is to be permanent or temporary, and if temporary, the duration and conditions of employment. Upon receipt of such requests, the Commission shall certify to the Appointing Authority the names and addresses of the ten (10) candidates standing highest on the eligibility list or the lesser number of candidates if there are less than ten (10) candidates on the eligible list. If more than one position is to be filled, the Commission may certify additional names from the eligibility list.

Section 3. APPOINTMENTS FROM ELIGIBILITY LIST. The Appointing Authority shall appoint in the following manner:

- a. The Appointing Authority shall have the discretion to select appointments from either the Lateral Transfer eligibility list or the competitive examination eligibility list for an original appointment to the Police Department.
- b. For original appointments from the competitive examination eligibility list, beginning at the top of the list, each time a selection is made, it shall be from one (1) of the names that ranks in the top ten (10) candidates remaining on the eligibility list or the top twenty-five percent (25%) of the candidates remaining on the eligibility list, whichever is greater, who is willing to accept appointment to the position. When less than ten (10) names are certified to the Appointing Authority, appointment from said eligibility list shall not be mandatory. For original appointments from the Lateral Transfer eligibility list, appointments may be made from any name on the list.

- c. For promotional appointments, the Appointing Authority has the discretion to choose one (1) of the top three (3) candidates on the eligibility list whose names are at the top of the eligibility list. In the event the candidate chosen by the Appointing Authority for appointment waives certification or appointment, or is otherwise disqualified from serving in the promotional position, the Appointing Authority shall then choose one (1) of the remaining candidates from the top three (3) candidates on the eligibility list whose names are at the top of the eligibility list.

Section 4. CERTIFICATION OF CANDIDATES. No person shall be certified on an eligibility list more than three (3) times to the same or similar position except at the request of the Appointing Authority.

Certification for temporary appointment shall not be counted as one of the three (3) certifications allowed each eligible.

Whenever one (1) or more candidates who have been certified withdraw or waive certification or fail to respond to notice of certification, the certification on which the candidate(s) appear shall be supplemented by an equal number of additional candidates from the eligibility list, if there are candidates remaining on the eligibility list, in order of rank.

No request for certification of a candidate(s) to supplement existing certifications shall be honored by the Commission after the expiration of such eligibility lists.

Section 5. NOTICE OF CERTIFICATION. A candidate, when certified to the Appointing Authority for consideration for appointment, shall be notified in writing of the certification. Such notice shall be sent by electronic mail or regular U.S. Mail to the last address provided by the candidate as shown by the records of the Commission. It is the responsibility of the candidate to ensure their electronic mail and/or regular mailing address on file with the Commission is valid.

Section 6. WAIVER OF CERTIFICATION. Any eligible candidate may waive certification in writing except that an eligible candidate may not waive certification more than once and the reasons for such waiver of certification must be approved by the Commission.

A waiver of certification shall remain in effect until withdrawn, but no waiver shall be permitted for a period longer than six (6) months, after which time, if the waiver is not withdrawn, the candidate shall be removed from the eligibility list. An eligible candidate shall not be entitled to certification while the candidate's waiver of certification is in effect.

Section 7. AUTHORITY. No request for certification of eligible candidates and no notice of appointment, whether of a permanent or temporary appointment, shall be recognized by the Commission unless made by and over the signature of the Appointing Authority.

#### RULE IX – TYPES OF APPOINTMENTS AND PROBATIONARY PERIODS

Section 1. REGULAR APPOINTMENTS. Regular appointments shall be made in the manner provided in Article III and Article VI of the City Charter; provided, however, that an appointment made as a result of certification from an eligibility list shall be deemed to be a regular appointment to the position for which such certification is made.

Regular appointments shall be either original or promotional. An original appointment shall be any

appointment made from an eligibility list created as a result of an open competitive or non-competitive test. An appointment shall be deemed to be promotional when made from any promotional eligibility list and involving an advancement in rank or increase in salary, or both.

Original appointment to the uniformed safety forces of the Divisions of Police and Fire shall be in the entry-level positions of police officer or firefighter in the respective Divisions.

Section 2. MINIMUM AND MAXIMUM AGE. No applicant shall be eligible to receive an original appointment as a police officer in the Division of Police, or a firefighter in the Division of Fire unless the applicant has reached the age of twenty-one (21). The age of an applicant at the time of an applicant's submission of the application to take the examination for the position shall be the determinative age to qualify to take the examination and to be appointed to the position if selected by the Appointing Authority.

Section 3. PROVISIONAL APPOINTMENT. If, in the opinion of the Appointing Authority, there are urgent reasons for filling a position and there are no eligible candidates on an eligibility list established as a result of an examination for the position, the Appointing Authority may provisionally appoint a qualified individual to fill the vacancy until an eligibility list is established and an appointment made therefrom.

No provisional appointment shall be continued for more than ninety (90) days after an eligibility list has been established for the position, and in no event for more than 120 days from the date of appointment without the Commission's approval.

Section 4. EMERGENCY APPOINTMENT. If exigent circumstances require the immediate service of one (1) or more individuals, and it is not possible to employ a candidate(s) from an eligibility list, the Appointing Authority may appoint a qualified individual(s) without regard to the provisions of these Rules governing appointments. In no case, shall an emergency appointee serve for more than ninety (90) working days during any twelve (12)-month period.

Each emergency appointment shall be reported in writing to the Commission by the Appointing Authority immediately upon making the appointment. The Commission reserves the right to inquire into the nature of the emergency on the basis of which the appointment is made.

Section 5. TEMPORARY APPOINTMENT. If a temporary appointment is required, the Appointing Authority shall first request the candidate(s) from an appropriate eligibility list who have indicated a willingness to accept temporary employment. If less than three (3) such candidates are available for the position, the Appointing Authority may appoint any qualified candidate from the eligibility list.

The acceptance or refusal of temporary appointment shall not affect an eligible candidate's standing on an eligibility list or the candidate's eligibility for regular appointment.

The duration of temporary appointment shall not affect an eligible candidate's standing on an eligibility list or the candidate's eligibility for regular appointment.

The duration of temporary appointments shall be limited to need and shall in no event continue for more than 120 days in any twelve (12)-month period. Successive temporary appointments shall not be made, nor shall a temporary appointee receive successive temporary appointments to the same position.

Section 6. PROBATIONARY PERIOD. All original appointments to the City of Sheffield Lake shall be for a probationary period of one (1) year. All promotional appointments in the Police and Fire Divisions shall be for a probationary period of six (6) months.

The probationary period shall be an essential part of the examination process and shall be used to give the employee full opportunity to demonstrate successful performance on the job.

Prior to the conclusion of the employee's probationary period, the Appointing Authority shall recommend in writing to the Commission the acceptance or rejection of such employee in the position. If no such recommendation is submitted, the employee's appointment automatically becomes final and the Commission is so notified.

If the Appointing Authority recommends dismissal or demotion, supporting the recommendation with a statement of facts, the employee, with the approval of the Commission, may be removed without restriction or right of appeal.

Section 7. SENIORITY. Seniority shall be based upon the date of hire with the City of Sheffield Lake.

Section 8. OFFERS OF APPOINTMENT. All offers of appointment are conditioned upon the successful completion of the pre-employment process of the City of Sheffield Lake.

#### RULE X – PROMOTIONS IN GENERAL

Section 1. GENERAL. Vacancies above the lowest grade in the classified service shall be filled as far as practicable by the promotion of classified employees. The Commission shall in each case determine whether it is practicable to fill a position by promotion and from what classifications such promotion shall be made.

Section 2. PROMOTIONAL EXAMINATION. Competition in a promotional examination shall be limited to employees in the next lower rank of the service unless the Commission shall deem it for the interest of the service to admit to the examination of employees from other ranks. Examinations for promotion shall be of the same character, held in the same manner, and the papers shall be marked according to the same standards as are prescribed for open competitive examination.

Section 3. QUALIFICATIONS. The Commission shall establish the period of legal service including in the next lower classification of classifications, including probationary time, and may

prescribe other reasonable requirements for entrance to promotional examinations and shall publish all such requirements in the official announcement of each examination.

Section 4. TEMPORARY PROMOTIONS. In the event a vacancy occurs in a higher position and in the absence of an eligibility list, a temporary promotion may be made from employees in the next lower classification upon the request of the Appointing Authority and approval by the Commission; provided, however, no such temporary promotion shall continue beyond the establishment of such eligibility list.

## RULE XI - PROMOTIONS IN DIVISIONS OF POLICE AND FIRE

Section 1. PROGRESSION. Promotions in the uniformed force of the Divisions of Police and Fire shall be from class to class, from the lowest class to the highest within such Divisions as duly classified in the rules and regulations governing said Divisions respectively. All promotions shall be by successive ranks insofar as practicable. However, where the Commission determines that there are less than two candidates holding positions in the rank next lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow a candidate(s) holding positions in the next lower rank who are eligible, to compete with the candidate(s) holding positions in the rank lower than the position to be filled.

Section 2. PROCEDURES. Examinations for applicants for promotion in the Divisions of Police and Fire shall be held by the Commission as required and applications to take such examinations shall be made on the forms furnished by the Commission. Examinations for promotion shall be conducted in accordance with the general rules of the Commission governing examinations, except that in no event shall a promotional examination in the Police or Fire Divisions include a performance or physical agility portion. If an Oral Interview portion is included as part of a promotional examination in the Police or Fire Divisions it shall be conducted by an independent testing company and shall comprise no more than twenty-five percent (20%) of the overall score on the examination.

Section 3. ELIGIBILITY. An applicant for promotion in the Division Fire must be a firefighter for a minimum of forty-eight (48) months, not including the person's probationary period, from date of hire by the City of Sheffield Lake, prior to the examination.

An applicant for promotion in the Division of Police must have been a police officer for a minimum of twelve (12) months including the person's probationary period, from the date of hire by the City of Sheffield Lake. Lateral Transfers to the Division of Police may be given credit for time in rank in another department for purposes of eligibility to take a promotional examination.

An applicant for the position of Chief in the Divisions of Police and Fire must meet the qualifications for those positions in a written job description/qualifications document authorized by the Appointing Authority.

Section 4. APPLICATION. All questions in the application shall be fully answered by the applicant. If the application form shall require a certificate, it shall be the duty of such applicant to produce such certificate. No application shall be deemed complete until all appropriate certifications are filed with the Commission.



Section 5. CONTENT OF EXAMINATION. Applicants for promotion shall be tested to determine that they possess the knowledge, skills and abilities to perform the duties of the office.

Section 6. SENIORITY CREDIT. On examinations for promotion, the "Seniority Credit" for seniority in service in the Divisions of Police and Fire shall be added to an otherwise passing score as follows:

FOR THE DIVISION OF POLICE:

For each full year of the first five years of service – one percentage point per year up to a maximum of five (5) percentage points. Lateral Transfers who have been permitted to take a promotional examination based upon work experience in another department shall be eligible for seniority credit based on years worked in another department.

FOR THE DIVISION OF FIRE:

For each full year of years 6 through 10 of service – one percentage point per year up to a maximum of five (5) percentage points

The total score of the promotional examinations for both Police and Fire Promotional Examinations (combined score of the qualifying written and assessment center oral interview examinations) shall be multiplied by the "Seniority Credit." The product of the multiplication shall be added to the total score, resulting in the final grade. (Example: Applicant scores a combined 87% on the written and oral interview portions of the examination and is eligible for 5% seniority credit:  $.87 \times .05 = .0435$ ;  $.87 + .0435 = .91$  (Final Score).

No Seniority Credit shall be added to an applicant's grade unless the applicant achieves a minimum passing grade on the examination.

Section 7. PERFORMANCE EVALUATION CREDIT. In the Division of Police, credit for performance in service shall be added to promotional examination score in the following manner:

- a. The average value of the last two (2) years of performance evaluations completed by management in the Division of Police, or as many evaluations as are available, with a minimum requirement of two (2) performance evaluations in an amount up to but not to exceed ten (10) percent (0.10), will be added to the final score of the Police promotional examinations; and
- b. The credit shall be calculated by scaling the average of the performance evaluations onto a 100-point scale if not already based on 100 points (e.g., an evaluation of "3 out of 4" would scale to 75 points) and multiplying that number by ten (10) percent (0.1), with the resulting product being the Performance Evaluation Credit.

Section 8. REVIEW OF EXAM PAPERS. After a written exam has been held and prior to the grading of such exam, each applicant shall have a period of five (5) working days to inspect questions, rating keys or answers to the exam and to file any protest provided the protest is in writing and anonymous to the Commission. The Commission shall review all protests, and if an error is found, a revised rating key will be posted.

After the grading of written exam papers, each applicant who believes the examination may have

been erroneously graded, shall have the right to appeal to the Commission within five (5) working days of notification of grades.

Results of assessment centers of promotional examinations cannot be protested.

Section 9. BREAKING OF TIE SCORES. In a promotional examination, should two (2) or more applicants receive the same grade, seniority in the classification from which the promotion is sought shall determine the order in which the applicant shall be placed on the eligibility list. If applicants are still tied after the aforementioned seniority has been considered, then seniority in the next lower ranks shall be used.

Section 10. CERTIFICATION TO THE APPOINTING AUTHORITY. Once all of the promotional examinations have been graded, the Commission shall certify to the mayor, the name of the three persons receiving the top scores from the eligibility list for consideration for appointment pursuant to Rule VIII, Section 3(c) herein.

## RULE XII – TRANSFERS, LAY-OFFS, MILITARY DUTY, AND RESIGNATIONS

Section 1. TRANSFERS. With the approval of the Commission, any employee who has been regularly appointed to a position in the classified service may, upon the written request of employee's Appointing Authority, be transferred from the position the employee holds to a like position in the same class to another department or division with the approval of the Appointing Authority. The seniority of a transferred employee in the position transferred to shall be effective as of the date of the transfer.

Section 2. LAY-OFFS. Whenever it becomes necessary for a reduction in force, the Appointing Authority may lay-off any employee in such classification; provided, however, that where two (2) or more employees are employed in a classification they shall be laid off in the inverse order of appointment in such classification unless otherwise first approved by the Commission for good cause shown, and provided further that no lay-offs shall be affected or influenced by politics, sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap, marital status, amnesty, status as a covered veteran or pregnancy.

In every case of lay-off the Appointing Authority is required to notify the Commission immediately in writing stating the reasons for such lay-off, whether it is for lack of work and/or lack of funds. The following consequences ensue from lay-offs:

- a. When any regular employee is laid-off, the name of such employee shall be placed at the head of the eligibility list for the classification from which laid-off and if there is no existing eligibility list at the time, the name of such person shall constitute one.
- b. When two (2) or more employees have been laid-off, whether at the same time or not, their names shall be placed at the head of such eligibility list in the order of their appointment in the classification held when laid off. Such employee shall be eligible for certification and reappointment for a period of two (2) years thereafter.
- c. If an eligibility list is regularly established prior to the expiration of the period of eligibility herein fixed for laid-off employees, the names of such employees shall be carried forward at the top of such new list for such length of time as equals the unexpired portion of the

employee's eligibility as herein fixed.

- d. A regular employee laid off and placed by the Commission upon an eligibility list as provided by this section may, during such lay-off, accept certification and appointment to another position covered by such eligibility list; and thereupon the name of such employee shall be removed from the eligibility list.
- e. When such employee is re-employed from an eligibility list see Rule VII Section 4.b.

### Section 3. MILITARY DUTY.

Any regular full-time employee who is on a leave of absence from the City due to military service in the Armed Forces of the United States or State of Ohio shall be restored to the employee's position as follows:

- a. Reinstatement. Upon application, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists, the employee shall be assigned to a position in a classification similar to that formerly occupied. The employee shall receive like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of the case.
- b. Permanent Disability. If the employee is unable to perform the duties of the employee's prior position by reason of disability sustained during military service, the employee shall be placed in another *existing* position where the employee is able to perform the duties of the position. The employee shall receive like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of the case.
- c. Temporary Disability. If an employee who is entitled to reinstatement under this rule is unable to perform the duties of the employee's office or position and there is no reasonable accommodation at the date of the employee's application for reinstatement thereto because of a temporary physical disability resulting from military service, the employee shall be restored to such office or position when the physical disability is removed, provided the physical disability is removed within one (1) year from the date of application for reinstatement.
- d. Pay. While on leave of absence from the City due to military service, the employee shall be entitled to payments as provided in the Codified Ordinances of the City.
- e. Use of Accrued Paid Leave. While on leave of absence from the city due to military service, the employee may elect to use the employee's accrued paid leave without deduction of any pay received as a result of their military service.

### Section 4. RESIGNATIONS AND WITHDRAWALS OF SAME.

Any employee in the classified service who has resigned in good standing and is eligible for rehire may request in writing the withdrawal of such resignation and may, with the approval of the Commission, be restored to the current eligibility list; provided such request is made within one (1) year after said resignation shall have become effective.

If at the time of such withdrawal of resignation there is an eligibility list, the resignee shall be placed on it in accordance with the score received by the resignee on the examination from which

the resignee was appointed. If no eligibility list is in existence at the time of withdrawal of resignation, the resignee(s) shall constitute an eligibility list; provided, however, that if an eligibility list is created during such resignee's period of eligibility, the resignee shall be placed on the new eligibility list as hereinbefore provided. Further, such resignee's eligibility for certification shall be limited to a time period to be determined by the Commission but not to exceed one (1) year following the date of approval of the resignee's withdrawal of resignation. However, nothing in this Section shall limit the application of Rule VII Section 2.

Wherever an employee in the classified service resignes while charges of misconduct are pending, such resignation may not be withdrawn.

### RULE XIII - DISCHARGES, SUSPENSIONS, AND DEMOTIONS

Section 1. TENURE. The tenure of every employee in the classified service shall be during good behavior and efficient service. No such employee shall be discharged, suspended, or demoted for that are political or for reasons based on sex, race color, religion, gender, sexual orientation, gender identity or expression, origin, age, genetic information, disability or handicap (except where handicap is an obvious and bona fide obstacle to required job performance), marital status, amnesty, status as a covered veteran or pregnancy, for refusing to contribute to any political fund, or for refusing to render partisan political service; nor shall any such employee be discharged, suspended, or demoted for any cause until such employee has been given opportunity to be heard in the employee's own defense as provided in the following sections.

Section 2. CAUSES FOR DISCIPLINARY ACTION. Any employee in the classified service may be discharged, suspended, or demoted for any one (1) or more of the following causes: neglect of duty; absence without leave; incompetency or inefficiency in the employee's work; incapacity due to mental or physical disability; conduct unbecoming an employee in the public service; intoxication, disorderly or immoral conduct while on duty; insubordination, offensive conduct or language toward fellow employees, superiors, or the public; willful violation of any of the provisions of law governing the civil service or rules or regulations of the Commission; conviction of a felony or of a misdemeanor involving moral turpitude; negligent or willful damage to public property; wasteful use of public supplies or equipment; the use or attempt to use political influence or authority upon any person in the service, or engaging in any political activities such as are prohibited by civil service laws or the Rules of the Commission; and for other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance, or nonfeasance in office.

Section 3. NOTICE TO EMPLOYEE. When any employee in the classified service of the City is to be discharged, suspended, or reduced in rank or compensation, the department or division head or the Appointing Authority, as the case may be, shall first notify such employee of the reasons therefor specifically stated in writing. Within five (5) days of receipt of such notice, the employee may be heard in the employee's own defense before the Authority.

The notice herein provided for shall be served personally upon such employee, by delivery by a recognized, national overnight delivery service, addressed to the employee's last known address or last known electronic mail address or other last known contact information.

Section 4. NOTICE TO COMMISSION. A copy of the notice provided for by Section 3 hereof shall forthwith be filed with the Commission, and a copy of any reply in writing to the charges made by such employee shall be promptly filed with the Commission by the department or division head or the Appointing Authority, as the case may be.

Section 5. SUSPENSIONS. Notwithstanding the provisions of Section 3 of this Rule, when any employee in the classified service of the City is suspended by the department or division head or by the Appointing Authority, as the case may be, for purposes of discipline for a period not exceeding three (3) workdays at any one (1) time, it shall only be necessary for the department or division head or the Appointing Authority to notify the Commission forthwith in writing of such suspension, the reason or reasons therefor, and the duration thereof; provided, however, that at the same time such written notice is sent to the Commission, a copy thereof shall be delivered to the suspended employee by the department or division head or the Appointing Authority. There shall be no hearing before the Appointing Authority for a suspension not exceeding three (3) workdays. The Commission will not entertain an appeal of suspension made under this Section 5.

Section 6. HEARING BEFORE APPOINTING AUTHORITY. At any hearing before the Appointing Authority, the discharged, suspended, or reduced employee shall be heard in person or by counsel in the employee's own defense and may support the same by testimony of witnesses.

At the conclusion of such hearing or within three (3) work days thereafter, the Appointing Authority shall either sustain or overrule the action of the discharge, suspension, or reduction of the employee concerned. In any event, the decision of the Appointing Authority shall be immediately certified in writing to the Commission and to the employee.

Section 7. DECISION OF AUTHORITY. A discharge, suspension, or reduction in rank shall be effective from the time of the decision of the Appointing Authority, sustaining the same.

If the employee has heretofore been relieved of duty upon service of the notice provided for in Section 3 of this rule and the decision of the Appointing Authority is to sustain the charges, the intervening time shall be construed to be a suspension pending disciplinary action.

When the Appointing Authority overrules the charges, the employee concerned shall be immediately restored to the employee's position, as of the date such employee was first relieved of duty.

#### RULE XIV - APPEALS TO THE COMMISSION AND HEARING PROCEDURES

Section 1. TIME OF APPEAL. Appeal to the Commission from the decision of the Appointing Authority shall be deemed perfected when the employee concerned shall file notice thereof in writing to the Commission within ten (10) days after such decision.

The Secretary of the Commission shall forthwith set a date and hour for the hearing of such appeal by the Commission, which shall not be later than thirty (30) days of the filing of the notice of appeal hereinbefore provided. The secretary shall notify the employee and the Appointing Authority when such appeal shall be heard by the Commission.

Section 2. JURISDICTION. On all appeals to the Commission, the Commission may affirm, disaffirm, or modify the decision of the Appointing Authority. The Commission shall not be deprived of jurisdiction to hear any appeal due to the failure of the Appointing Authority to file their decision with the Commission.

Section 3. QUORUM. Two (2) members of the Commission shall constitute a quorum at any scheduled hearings. The Commission shall not act without the concurrence of at least two (2) members. Any member of the Commission may write a concurring or dissenting opinion in any decision in which the member participates.

Section 4. MULTIPLE APPEALS. If two (2) 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 either party.

Section 5. CONTINUANCE. The Commission may postpone or continue any hearing upon the application of any party or upon its own motion.

Section 6. SUBPOENA. For the purpose of conducting a hearing, the Commission may require the attendance of such witnesses and the production of such records as it desires, and it may accept the deposition testimony of witnesses, provided both of the parties to the appeal participated in taking the deposition. For such purpose, the Commission may, and upon the request of any party receiving notice of said hearing, shall, issue a subpoena for any witness or a subpoena *duces tecum* to compel the production of any records.

Section 7. OATHS. The Commission may administer oaths or affirmations of truthfulness.

Section 8. REPRESENTATION. At any hearing, the appellant may be represented by an attorney or may self-represent.

Section 9. WITNESSES. All witnesses at a hearing before the Commission shall testify under oath or affirmation of truthfulness. A witness may be accompanied and advised by legal counsel. Participation by legal counsel is limited to protection of the appellant's rights and legal counsel shall not be a fact witness.

Section 10. EVIDENCE. The Chairperson of the Commission shall pass upon the admissibility of evidence and may limit cumulative testimony. The Commission may admit evidence of prior discipline if it is offered to prove either:

- a. Notice to an employee that particular conduct is unacceptable; or
- b. A continuing problem justifying harsher discipline than might otherwise be the case.

Section 11. PROCEDURES. On all appeals to the Commission, the following procedures will be followed:

- a. Evidence in support of the charges shall first be heard.
- b. Evidence in defense or avoidance of the charges shall next be heard.
- c. Argument on the evidence, if required, shall then be heard.

The Commission may require, limit, or eliminate opening statements and closing arguments. Copies of exhibits shall be made available to the Commission as they are identified.

Section 12. CROSS-EXAMINATION. The Commission may call any party to testify under oath as upon cross-examination. Either party may call the opposing party as if on cross-examination and may cross-examine a witness testifying in support of the other party.

Section 13. If a party is not permitted by the Commission to admit certain evidence into the hearing record, the party shall be permitted to proffer that evidence into the hearing record.

Section 14. RECORD OF PROCEEDINGS. All hearings shall be recorded unless the Commission orders a stenographic record. Consistent with the approved City records retention schedule, recordings may be erased but only with the permission of the Commission, after a final Commission order has been issued and at least sixty (60) calendar days have passed from the mailing of notice of the final order to the parties entitled to receive such notice. When the Commission's decision is appealed to the Court of Common Pleas, the Commission shall transmit a transcript of the record of all hearings for the appeal to the Court which shall include but may not be limited to any recordings, stenographic record, and all exhibits, proffered evidence and other documents related to the hearing.

Section 15. FINAL ORDERS. The final decision and order of the Commission shall be supported by conclusions of fact. Final orders shall be signed by the Chairperson. The original order shall be journalized and a copy of the order placed in the Commission's case file. Copies of final orders of the Commission shall be hand delivered, sent by certified U.S. Mail, or delivered by a recognized, national overnight delivery service, to the affected employee at the employee's address last known to the City, and sent by regular mail or hand delivered to the other parties and their representatives. The Commission's decision becomes final for purposes of an appeal to the Court of Common Pleas upon delivery of the Commission's decision to the affected employee.

#### RULE XV - INVESTIGATIONS

The Commission shall make investigations concerning all matters touching the enforcement and effect of these Rules. In the course of such investigations, the Commission may administer oaths and affirmations of truthfulness and take testimony relative to any matter which the Commission has authority to investigate.

## RULE XVI - WAIVER OF RULES

In specific cases where in the judgment of the Commission it is in the interest of the public service, any Rule adopted herein may be waived by a majority vote of the Commission. Such action and the reasons therefor shall be entered into the minutes of the meeting.

## RULE XVII - AMENDMENTS

The Commission shall have the authority to change, amend, revoke, or modify these Rules, or any Rule herein or any part thereof, by a majority vote of the Commission, provided one (1) week's notice of such proposed change, together with the text or summary of the proposal shall be given by publication as directed by the Commission and by posting on the bulletin board of the City Hall.

All changes, amendments, revocations and modifications to these Rules shall also be provided to City Council.

These Rules and all amendments thereto shall be published in accordance with City ordinance.

## RULE XVIII - SAVING CLAUSE

If any Section or part of a Section of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other Section or Part of a Section of these Rules unless it clearly appears that such other Section or Part of a Section is wholly or necessarily dependent for its operation upon the Section or Part of a Section the court so held invalid or unconstitutional.

## APPENDIX

The Classified Positions for the City of Sheffield Lake are as follows:

Police Chief

Sergeant Police

Fire Chief

Fire Lieutenant

Firefighter

Superintendent of Roads and Sanitation and Superintendent of Water and Sewer Divisions