

**NORTH OLMSTED CIVIL SERVICE COMMISSION**

**RULES AND REGULATIONS HANDBOOK**

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# **NORTH OLMSTED CIVIL SERVICE COMMISSION**

## **RULES AND REGULATIONS HANDBOOK**

### **PREFACE**

It is intended that this manual serve the following purposes:

- a. Acquaint the reader with general information pertaining to the formation and operation of the North Olmsted Civil Service Commission.
- b. Serve as an authoritative reference for the administration and dispatch of Civil Service matters.

## **CHAPTER 1**

### ***INTRODUCTION***

#### **Section 1. Legal Basis for the Civil Service System**

The foundation, basis and authority of the North Olmsted Civil Service Commission are derived from the United States Constitution, Constitution of the State of Ohio, the Charter of the City of North Olmsted and the Ohio Revised Code.

Amended 5/19/08

#### **Section 2. Commentary**

Careful examination of Article XV, Section 10 of the Ohio Constitution reveals a number of facts:

- (a) It is not self-executing. That is, it can be made effective only by legislative action.
- (b) It applies only to the state, county and city civil service, not to villages or special districts. However, it may be noted that by statute the non-teaching employees of city school districts, city health districts, and general health districts have been placed for certain purposes under the city civil service jurisdiction. (Section 124.40 O.R.C.).

Amended 5/19/08

On January 5, 1993, the North Olmsted City Council adopted Ordinance number 93-2 that instructed the Civil Service Commission not to provide services to the North Olmsted Board of Education, North Olmsted School System, and/or their employees and to delegate to the Board of Education all responsibility over its original appointments.

No exceptions are made or can be made even by statute to the requirement that appointment and promotions are to be made according to merit and fitness in the state, county, or city civil service.

Merit and fitness must be determined by competitive examinations. While the determination of practicality and feasibility may, in the first instance be made by the proper civil service agency, it is the courts that have the last word.

#### **Section 3. Ohio Revised Code - Chapter 124**

The main body of state civil service law is found in Chapter 124. Many of the sections were first enacted in 1913, although these have been extensively amended at almost every session of the Ohio General Assembly. Many new sections have been added from time to time to meet the demands of lobby groups or to adapt the law to changing needs. The matter regulating civil service of a city is a matter of municipal concern. In recognition of this fact, the State Legislature of Ohio has provided that there shall be a municipal civil service in each city of the state of Ohio.

These commissions will have the same powers and duties with respect to civil service of such city as prescribed upon the State Personnel Board of Review and the Director of the Department of Administrative Services unless otherwise provided by local charter or ordinance. For the proper conduct of its work, the civil service commission is given power to draft rules and regulations which are given the force of law, but which may readily be amended or rescinded.

**Section 4. North Olmsted Civil Service System - Commentary**

While a civil service system existed before the adoption of the City Charter effective January, 1960, the adherence to former civil service, as well as the expansion, or revision and deletion of civil service rules derive from the O.R.C., the North Olmsted City Charter and local ordinances. Accordingly, members of the commission adopted the North Olmsted Civil Service Rules and Regulations on June 21, 1962.

On May 2, 2006 the voters of the City of North Olmsted approved to change Article VI, Section 4 of the North Olmsted Charter enabling the Civil Service Commission to prescribe and enforce Rules and Regulations for the Classified Service that may be different than State's general statutes on civil service law. The Charter amendment clarifies the exercise of Home Rule authority to adopt Rules and Regulations which may be different from the State's general statutes on civil service law.

The adopted "Rules and Regulations" were formulated within the following parameters:

1. Rules and regulations shall rest upon authorization.
2. Rules and regulations shall implement the law into a language that is non-technical and easily understood.
3. Rules and regulations shall establish, in some detail, the technical policies and administrative procedures necessary for successful function of the North Olmsted Civil Service System.
4. Rules and regulations shall be consistent with and follow the basic intent of the law.
5. Part-time employees as determined by the Commission shall be any employee who is employed by the City of North Olmsted up to and including, but not exceeding, twenty (20) hours per the designated five-day pay schedule work week.
6. Rules and regulations shall recognize the limitations of civil service authority. Basic decisions such as the establishment of positions, salary levels for each position and appropriate funds therefor allow the North Olmsted City Council to determine the number and caliber of employees, as well as the nature of their duties.

7. The Rules and Regulations handbook shall be comprehensively reviewed by the Commission every two years. Directors and Department Heads may be invited to provide the Commission suggestions for amendment. Any amendments to the rules and regulations must be made by a majority vote of Commission members at a public meeting. Upon the amendment of any rule or regulation, the Secretary shall update the handbook. Copies of the amended and updated handbook and/or amended page(s) shall then be provided to Directors and Department Heads. The Commission may amend the rules and regulations at any time, providing such amendments are made by a majority vote of Commission members at a public meeting.

This handbook shall be considered a public document to be made available for inspection by the general public. Persons wishing to obtain a copy of the handbook for inspection may do so by giving the Secretary to the Commission reasonable notice and paying over to the Secretary to the Commission a sum of five (\$0.05) cents per single-sided page. Payment should be made payable to the City of North Olmsted.

8. It is assumed that the above guidelines require a working knowledge of both the Ohio Revised Code and the North Olmsted City Charter provisions relating to civil service.

Amended 5/19/08

## **Section 5. Reference Sources**

An annotated copy of the State's Civil Service Laws is updated periodically. Copies can be obtained by contacting:

**Department of Administrative Services Personnel Division  
Mail Room  
30 East Broad Street (28th Floor)  
Columbus, Ohio 43215  
614-466-3455**

A copy of the North Olmsted City Charter provision addressing the Civil Service Commission (Article VI, Section 1 through 7) and Home Rule (Article VI, Section 4) can be found in the appendix of this handbook.

Written queries may be mailed to the following address:

**North Olmsted Civil Service Commission  
5200 Dover Center Road  
North Olmsted, Ohio 44070**

Amended 9/20/10

**CHAPTER 2**

**ADMINISTRATION**

**Section 1. Composition of the North Olmsted Civil Service Commission**

- a. The Civil Service Commission shall consist of three (3) residents of the City, not holding other municipal office or employment, to be appointed by the Mayor for a term of six (6) years each, with the stipulation that no member may serve two (2) full terms consecutively. When a vacancy occurs during the term of any member of the Commission, it shall be filled for the unexpired term.

Amended 5/19/08

- b. The Commission shall elect one of its members as Chairman and one as Vice Chairman who shall serve in that capacity until a new member is appointed and qualified, at which time successors as Chairman and Vice Chairman shall be elected.

Amended 5/19/08

**Section 2. Duties of the North Olmsted Civil Service Commission**

**a. Commission Members**

1. It shall be the duty of each member to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.
2. The Commission shall enforce and administer the Civil Service Laws of the State of Ohio and the Rules and Regulations herein prescribed relative to civil service in the City of North Olmsted.
3. The Commission shall employ a suitable person to act as Secretary of the Commission. The Commission and/or the Mayor shall prescribe the minimum experience of the Secretary of the Commission prior to interviewing applicants seeking the position of Secretary of the Commission. The Secretary shall perform work related to the business of the Commission as well as other work as assigned by the Mayor or his designee. On a day-to-day basis, the Secretary shall report to the Mayor or his designee.

Amended 5/19/08

**b. Officers**

1. It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission.

2. The Chairman shall preside at all meetings of the Commission.
3. The Chairman shall sign the minutes of all actions taken by the Commission and sign all warrants or order for the payment of money from the accounts and funds of the Commission, when the Secretary is unavailable.
4. The Chairman may elect to or upon the request another member of the Commission, call a special meeting of the Commission.
5. In the absence of the Chairman, the Vice Chairman shall act as a Chairman with two (2) members of the Commission constituting a quorum, except for disciplinary hearings, where all members must be present. An affirmative vote of at least two (2) members shall be required for the adoption of any resolution or motion.

Amended 5/19/08

**Section 3. Secretary**

- a. The Secretary shall attend all meetings of the Commission and keep the minutes thereof.
- b. The Secretary shall keep all Commission records and files in an accurate and proper manner.
- c. The Secretary shall prepare and deliver or cause to be delivered, notices and other communications ordered by the Commission.
- d. The Secretary shall maintain and provide eligible lists composed of the ranked test scores from competitive testing.

Amended 5/19/08

- e. The Secretary shall certify payrolls and sign all warrants or orders for the payment of money on behalf of the Commission except all payroll vouchers reflecting the hours worked by the Secretary in all pay periods, which the Mayor or his designee shall approve and sign when necessary.

Amended 5/19/08

- f. It shall be the Secretary's duty to handle such correspondence as the Commission shall determine, prepare the agenda for scheduled Commission meetings, and perform such other duties as may be required by the Commission.

Amended 5/19/08

- g. The Secretary shall maintain a file containing the name, address, and telephone number of each member of the Commission. Said file should also contain information with respect to the initial appointment date of Commission members and the date such terms expire.

**Section 4. Agenda Composition - North Olmsted Civil Service Meetings**

The order of business for meetings of the Commission shall be:

- I. Roll Call
- II. Disposition of Minutes
- III. Communications
- IV. Old Business
- V. New Business
- VI. Adjournment

***RULES AND REGULATIONS OF THE  
NORTH OLMSTED CIVIL SERVICE COMMISSION***

***RULE I***

***NOTIFICATION AND EXAMINATION PROCESS***

**Section 1: Notice of Entry-Level Examinations**

- a. Reasonable notice of competitive entrance examinations shall be given through the local newspapers. A notice of upcoming competitive entrance examinations shall also be posted in conspicuous places, as determined by the Commission.
- b. The Civil Service Commission shall have the right to limit the number of applicants who will be allowed to sit for the written test provided any such limit is listed in the notice of the entrance examination.

Amended 12/17/07

**Section 2: Content of Entry-Level Examination Notices**

Content of the examination notice and the qualifications of the applicants shall be determined by the Civil Service Commission.

## **RULE II**

### **ENTRY-LEVEL APPLICANT QUALIFICATIONS**

#### **Section 1: General Qualification Information**

- a. Applicants shall be citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens.

Amended 4/21/08
- b. Applicants shall be present at the test site as stated in examination notice. Application forms shall be prescribed in accordance with uniform guidelines established by Human Resources, including the applicants' consent to submission of criminal conviction and drivers' license record checks.

Amended 6/16/2014
- c. Applicants shall possess all other prerequisite qualifications established by the Commission, which may include educational requirements as a condition of taking such examination, as determined by Rule of the Commission with regard to prerequisites expressly imposed by law or which the appointing authority may propose and the Commission may determine to be specifically job-related.

Amended 10/15/07
- d. Photocopies of the original documents verifying educational and/or technical background and length of military service shall accompany the application.
- e. Applicants passing the written examination shall take and pass all additional qualifying tests mandated by the Commission.

Amended 5/24/04
- f. Applicants who are eligible to take an entry-level examination shall register and be prepared to verify their identity with a driver's license, a comparable document and/or fingerprinting process in accordance with the application packet .
- g. Applicants shall be disqualified from examination and/or certification based upon any of the following:
  1. Lacks any of the established, preliminary requirements, including certification of educational or licensing qualifications, including a drivers' license;
  2. Adjudicated to be chronic alcoholic or drug addict;
  3. Documented pattern of discharge for just cause by previous employers;
  4. Dishonorably discharged from any branch of military services or reserves for delinquency or misconduct;
  5. Convicted of any felony offense whatsoever or any misdemeanor offense involving violence, theft, fraud or moral turpitude including any sexual misconduct;
  6. Convicted of infamous or notoriously disgraceful criminal conduct;

7. Documented false statement of material fact or other deception or fraud in the application or examination process.

Added 6/16/2014

**Section 2: Nature of Examination**

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

**Section 3: Vision Standards**

- a. The following vision standards apply to all entry-level Police Officer and Firefighter/Paramedic applicants:
  1. **Fireman**: Deficient functional color perception related to the job description.
  2. **Police**: Deficiency in color perception of such a nature as to prompt an accurate identification of the colors of standard traffic lights and normal objects.
- b. Visual Requirements for all entry-level Police Officer and Firefighter/Paramedic applicants are as follows:
  1. Visual Acuity - Corrected (with spectacles or contact lenses). Standard - 20/20 binocular (both eyes open). Screening referral - less than 20/20 binocular or 20/40 or worse with either eye alone must be referred for the confirmation that candidate meets binocular vision standards.
  2. Visual Acuity - Uncorrected (no spectacles or contact lenses).  
Standard - 20/40 binocular.  
Screening failure - less than 20/40 binocular.  
Screening referral 20/200 or worse with either eye alone must be referred for confirmation that candidate meets binocular vision standard.  
\*See Contact Lens Waiver and/or Refraction Modification Waiver
  3. Hyperemia  
Standard - less than 2.00 D. (spherical equivalent) of hyperopia in either eye.  
  
Screening referral - binocular visual acuity (uncorrected) which does not decrease by at least one full acuity line with +1.50D lenses.

Amended 9/13/04

4. Binocular Vision  
 Standard - clear, comfortable binocular vision with good stereopsis all normal working distances and viewing angles with correction.  
 Screening referral - stereo - acuity poorer than 80" on Titmus test or equivalent; or distance phoria equal to or exceeding 5 eso or 5 exo; or near phoria equal to or exceeding 6 eso or 10 exo.
  
5. Color Vision  
 Standard - normal or anomalous trichromacy (no filters may be used).  
 Screening referral - failure on a series of pseudoisochromatic plates.
  
6. Visual Fields  
 Standard - normal visual fields.  
 Screening failure - failure to meet perimetry standards listed:  
Values

Temporal	-85 degrees
Superior-temporal	-51 degrees
Superior	-45 degrees
Superior-nasal	-48 degrees
Nasal	-54 degrees
Inferior-nasal	-48 degrees
Inferior	-64 degrees
Inferior-temporal	-80 degrees
<u>Screening Referral -</u>	<u>Failure on a field screener</u>
  
7. Pathology Standard  
 -no pathological conditions which impair or would eventually impair visual performance.  
 Screening referral - failure on ophthalmoscopic examination.

**Section 4: Contact Lens Waiver (Police and Fire Department Applicants)**

A contact lens wearer is probably at less risk of having his or her contact lens vision correction device dislodged or forcibly removed while on duty than is a spectacle wearer. Therefore, the Appointing Authority may consider waiving the uncorrected visual acuity standard for a successful Police and/or Fire Department applicant, contact lens wearer under the following conditions:

1. The candidate shall verify to the Commission, through medical certification of an optometrist or ophthalmologist that he/she has been a successful contact lens wearer for a minimum of one year prior to the date of the examination. Amended 5/24/04
  
2. The Police and Fire Department recognizes the need to routinely verify that the contact lenses are being worn while on duty.

3. The individual has at least annual examinations by an optometrist or ophthalmologist to verify that he/she is continuing successful wearing of contact lens.

**Section 5: Refractive Modification Waiver (Police and Fire Department Applicants)**

Applicants who undergo refractive modification procedures such as radial keratotomy, etc. may be considered for appointment to the Police and/or Fire Department under the following conditions:

The applicant shall supply evidence from his or her eye care practitioner at the time of vision screening requirement. The evidence shall clearly indicate the applicant has had at least one year of stable non-fluctuating vision following the procedure. Since these types of procedures are not usually performed on both eyes at the same time, the one-year waiting period shall begin only after the procedure is performed on the last eye.

The evidence shall also clearly indicate the applicant has at least two eye/vision examinations by an optometrist or ophthalmologist to verify that he/she is maintaining stable non-fluctuating vision.

**Section 6: Entry-Level Firefighter/Paramedic & Police Medical Examinations and Psychological Evaluations Required**

The Commission shall on an as needed basis determine and choose the name of the physician(s) and/or other licensed medical practitioners and facilities for the administration of all psychological evaluations, physical, vision and hearing examinations of all entry-level Police and Firefighter/Paramedic candidates as may be required and ordered by the Commission.

Amended 1/27/2014

No person shall be eligible to receive an original appointment as a police officer or as a firefighter/paramedic unless the person has not more than one hundred twenty days prior to the date of such appointment passed a physical examination, given by a licensed physician, selected and paid for by the appointing authority, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that the applicant meets the physical requirements necessary to perform the duties of a police officer as established by the Civil Service Commission having jurisdiction over the appointment.

Amended 9/17/2012

**Section 7: Other Entry-Level Police and Firefighter/Paramedic Requirements**

- a. Applicants for entry-level appointment to the Police Department or Fire Department shall pass written, agility, physical, vision and hearing examinations. Applicants shall also pass a background investigation, including a polygraph test, prior to being interviewed and pass a psychological evaluation during and in conjunction with the interview process.

- b. No applicants for entry-level appointment to the Police Department as a police officer shall be eligible to receive an original appointment unless the person has reached the age of twenty-one and has not yet reached the age of thirty-five years of age or older, and no person can be declared disqualified as over age prior to that time.

Amended 9/17/2012

- c. No applicants for entry-level appointment to the Fire Department as a Firefighter/Paramedic shall be eligible to receive an original appointment unless the person has reached the age of eighteen and has not yet reached the age of thirty-one years of age or older and no person can be declared disqualified as over age prior to that time.

Amended 9/17/2012

- d. Applicants for entry-level appointment to the Fire Department as a Firefighter/Paramedic shall have a valid State of Ohio Paramedic Certificate issued and dated prior to the application deadline for the entry-level examination, and shall include a copy of said certificate with the application submitted for the entry-level examination. If such certificate is unavailable at the time of application submittal, a candidate may request in writing, an opportunity to present a valid State of Ohio Paramedic Certificate, issued and dated prior to the deadline for the entry-level examination, to supplement the application prior to the date of the entry-level examination. To remain eligible for appointment, the applicant's certification shall remain valid in accordance with state law, be in accordance with the level of qualifications mandated by the North Olmsted Fire Department, and applicant shall be required to present evidence of current continuing education training hours as mandated by the State of Ohio for E.M.T. Paramedic recertification.

**Section 8: Police and Fire Department Agility Test Required**

- a. Entry-level candidates for the Police Department shall be required to pass an agility test. The test will be the "Police Agility Exam" administered by Cuyahoga Community College. Candidates shall be responsible for registration in the program and meeting all prerequisites and fees as stipulated by the test administrator. Candidates shall submit valid certification dated within one year to the Civil Service Commission at the time of application and shall maintain valid certification for the duration of the eligible list.

Amended 2/24/2014

- b. Entry-level candidates for the Fire Department shall be required to pass an agility test. The test will be the "Firefighter's Physical Agility Test" administered by either Cuyahoga Community College or Stark State College. Candidates shall be responsible for registration in the program and meeting all prerequisites and fees as stipulated by the test administrator. Candidates shall submit valid certification dated within one year to the Civil Service Commission at the time of application and shall maintain valid certification for the duration of the eligible list. For purposes of this section, passing time shall be equal to or less than four minutes and thirty seconds (4:30.00).

Amended 2/24/2014

- c. Information regarding Tri-C's physical agility testing programs and/or Stark State College and the Commission's certification requirements will be furnished at the time of application for all Police and Fire entry level examinations. Such information may include promotional materials published by Tri-C and/or Stark State College and shall include the foregoing rule. The Commission may issue notice to entry level candidates, which notice shall include a statement that a candidates' failure to submit to the Commission, or other failure to maintain certified physical agility test results, will result in removal of the candidate's name from the entry level eligible list.

Amended 2/24/2014

**Section 9: Building Inspector Examinations**

Entry level examinations for building inspector shall be administered by any party so designated by the Commission. Examinations shall consist of a written examination and essay component that will fairly and accurately assess the relative capacity of applicants to discharge those particular duties of the position for which appointment is sought.

The Commission shall prescribe the subjects of each examination and the relative weights to be assigned thereto; provided, however, that any such determinations shall be adopted by the Commission prior to the date of such examination.

Amended 6/26/07

**Section 10: Entry-Level Clerical**

Clerical applicants, e.g., clerk-typist and secretarial applicants shall pass a written examination and pass a proficiency evaluation. The proficiency evaluation shall include typing, word processing and data entry computer skills. Such proficiency evaluation shall be administered by any person, group of persons or firm designated to do so by the Commission. The proficiency evaluation will be administered as a part of the interview process. Any applicant who fails the proficiency evaluation will be removed from the eligible list. The proficiency evaluation shall be based on a pass/fail basis.

**Section 11: Other Testable Positions**

Applicants for all other positions deemed testable by the Civil Service Commission shall be required to meet all qualifications for the position as stipulated in the published public notice and shall be required to successfully pass all required testing and all other requirements established by the Commission. The Civil Service Commission of the City of North Olmsted shall not render service to the North Olmsted Board of Education in accordance with Ordinance 93-02.

**Section 12: Examination Postponement**

Entry-level examinations, unless postponed, shall be held upon dates fixed by the Commission. Examinations may be postponed by order of the Commission.

Amended 5/24/04

## **RULE III**

### **PROMOTIONS**

Amended 5/16/11

#### **Section 1: Promotional Examination Notice**

- a. In order to determine the number and rank of prospective promotional candidates, the Civil Service Commission may solicit by correspondence from those interested in the promotional examination the affirmation or waiver of such a privilege to compete. Interested candidates must file a Letter of Intent to compete within deadlines set by the Commission and, if not, the candidate's right to participate is waived.

Amended 7/21/2014

- b. Upon receipt of Letters of Intent, the Commission shall determine eligibility to compete based upon applicable service credit, time in grade and employment status. Employment status shall be reported to the Commission on application forms designed to provide the Commission with information regarding employment status, which forms shall be signed by the prospective candidates and verified by the appointing authority. Employees must be in good standing to be eligible for promotional examination. Good standing shall be defined as and evidenced by documentary proof of all required licenses/certifications and verification that employment status is not compromised by leave of absence or disciplinary action, including any probationary period of pending action, but excluding oral or written reprimand, for one (1) year prior to notice of promotional examination.

Added 7/21/2014

- c. Public notice of competitive promotional examinations shall, unless waived by all persons eligible to participate, be published and posted in all appropriate departments not less than thirty (30) days prior to the examination date. The notice shall contain a description of the source material from which the written examination questions are prepared. Such source material shall be readily accessible to participants; however, contrary to Revised Code Section 124.45, failure to comply with this requirement shall not make void the pursuant examination. Content of the examination notice and the qualifications of the applicants shall be determined by the Civil Service Commission. Test material may include but shall not be limited by the test subjects addressed in Revised Code Section 124.45, as determined by the Commission upon consultation with testing companies selected by the Commission to fashion such tests, which shall include a written component and may also include additional practical methods in machine or equipment operation and/or oral assessments as deemed appropriate by the Commission and weighted in its discretion.

Amended 8/20/2012

- d. Public notice of open, competitive promotional examination for the position of Fire Chief or Police Chief shall be published in such form and for such duration as determined by the Commission. The notification may be published in newspapers of general circulation, trade journals, online systems and with employment agencies; and shall reserve the Commission's right to screen public applicants and limit number of candidates invited to take promotional examination.

Amended 7/21/2014

**Section 2: Firefighter Promotions**

- a. Vacancies in positions above the rank of regular firefighter in the Fire Department shall be filled by competitive promotional examinations and promotions shall be by successive ranks, to the extent that sufficient promotional candidates satisfy the time in grade and actively compete for vacancy, and as provided by these Rules in lieu of Revised Code sections 124.45 to 124.49.

When a vacancy occurs in the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless the person has served forty-eight months, not including the person's probationary period, in the rank of regular firefighter. In those cases when there are less than two persons in the rank of regular firefighter who have served forty-eight months, not including the person's probationary period, in that rank and who are willing to take the examination, this service requirement may be waived by the Commission.

When a vacancy occurs in the promoted rank, other than the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless the person has served twelve months in the rank from which the promotion is to be made, provided that, in those cases when there are less than two persons in that next lower rank who have served twelve months in that rank and who are willing to take the examination, the twelve-month service requirement may be waived by the Commission. If the application of the twelve-month service requirement to persons in the next lower rank does not produce two persons eligible and willing to compete, the same method shall be followed by going to the successively lower ranks until two or more persons are eligible and willing to compete in an examination for the vacancy.

Amended 8/20/2012

- b. In the event that there are not at least two candidates eligible for a promotional test, a probationary Fire Department officer shall be permitted to take the test before permitting an officer of the next lower rank to take the test.
  - c. The Commission shall, upon receipt of written notification of the anticipated date of retirement, resignation or termination of the Fire Chief, together with written confirmation of the appointing authorities' intention to fill such vacancy by the Safety/Service Director, initiate an open, competitive promotional selection process including examination. The Commission may issue public notice prior to an actual vacancy in the position of Fire Chief. The duration of the examination process, date of examination and deadline for certification of results shall be with the Commission's discretion.
- Added 1/28/2013
- d. The rank of Fire Chief shall be subject to an open, competitive promotional examination governed by these Rules instead of and not limited by R.C. Section 124.45. The examination shall not be limited to internal candidates eligible by virtue of prior service in the North Olmsted Fire Department, invited by successively lower ranks and verified by letter of intent. Notwithstanding the written application of two or more internal candidates,

the Commission shall also accept external applications after public notice. The efficiency and seniority credit pursuant to Section 7 shall not apply to the Fire Chief Promotional Examination.

Amended 2/11/2013

- e. The Commission shall, following an open, competitive promotional examination to fill a vacancy in the position of Fire Chief pursuant to these Rules rather than state law, certify the name of the top applicant who attained the highest overall score to the appointing authority for appointment as Fire Chief.

Added 1/28/2013

**Section 3: Police Promotions**

- a. Promotion of Police Officer shall be made in accordance with these Rules, which deviate from the provisions of Section 124.44 of the Ohio Revised Code, including specifically that position of police sergeant shall be filled by promotion from among persons who have served at least thirty-six (36) months in the rank of patrol officer, including probationary period, with the North Olmsted Police Department at the time of the scheduled promotional examination and that promotional examination may be held more than sixty (60) days after the vacancy of a promoted rank. No positions above the rank of patrol officer in the police department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer in a police department shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled, except that the position of Police Chief shall be subject to open, competitive examination as provided by these Rules.

Amended 7/21/2014

- b. No position above the rank of patrol officer in a police department shall be filled by any person unless the person has first passed a competitive promotional examination. Promotion shall be by successive ranks insofar as practicable, and no person in a police department shall be promoted to a position in a higher rank who has not served at least twelve months in the next lower rank. No patrol officer shall be promoted to sergeant unless they have served at least thirty-six (36) months as patrol officer, including the probationary period. No competitive promotional examination shall be held unless there are at least two persons eligible to compete. If the Commission determines that there are less than two persons holding positions in the rank next lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow the persons holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank next lower than the position to be filled. If a vacancy occurs in a position above the rank of patrol officer in a police department, and there is no eligible list for such rank, the Commission shall hold a competitive promotional examination which, contrary to R. C. 124.44, may be conducted more than sixty (60) days after the vacancy. After the examination has been held and an eligible list established, the Commission shall forthwith certify to the appointing authority the name of the person on the list receiving the highest rating. Upon the certification, the appointing authority shall appoint the person so certified with thirty days from the date of the certification. If there is a list, the Commission shall, when there is a vacancy, immediately certify the name of the person on the list having the highest rating, and the appointing authority shall appoint that person within thirty (30) days from the date of the certification. No credit for seniority, efficiency,

or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.

Added 7/21/2014

- c. The Commission shall, upon receipt of written notification of the anticipated date of retirement, resignation or termination of the Police Chief, together with written confirmation of the appointing authorities' intention to fill such vacancy by the Safety Director, initiate an open, competitive promotional selection process including examination. The Commission may issue public notice prior to an actual vacancy in the position of Police Chief. The duration of the examination process, date of examination and deadline for certification of results shall be with the Commission's discretion.

Added 7/21/2014

- d. The rank of Police Chief shall be subject to an open, competitive promotional examination governed by these Rules instead of and not limited by R.C. 124.44. The examination shall not be limited to internal candidates eligible by virtue of prior service in the North Olmsted Police Department, invited by successively lower ranks and verified by Letter of Intent. Notwithstanding the written application of two or more internal candidates, the Commission shall also accept external applications after public notice. The efficiency and seniority credit pursuant to Section 7 shall not apply to the Police Chief Promotional Examination.

Added 7/21/2014

- e. The Commission shall, following an open, competitive promotional examination to fill a vacancy in the position of Police Chief pursuant to these Rules rather than state law, certify the name of the top applicant who attained the highest overall score to the appointing authority for appointment as Police Chief.

Added 7/21/2014

**Section 4: Nature of Promotional Examinations**

Promotional examinations, including those for the Police Department or Fire Department, may consist of a written examination, an oral assessment or a combination of the two. Promotional examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which promotional appointment is sought. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto; provided, however, that any such determinations shall be adopted by the Commission prior to the date of such examination.

Amended 9/13/04

**Section 5: Promotional Application Form**

Promotional candidates shall be required to complete an application form, the content of which may be determined by the Human Resources Department, subject to the Commission's approval, and which shall include eligibility and employment information required by Section 1(b). Contrary to any rights arising by state law, no promotional candidate shall be eligible for examination solely based upon rank or seniority. The Commission shall review and decide all Promotional candidate applications prior to the examination date. Said hearing date may be scheduled after public notice issued pursuant to Rule III (c).

Amended 8/11/2014

**Section 6: Promotional Examination Date**

Promotional examinations, unless postponed, shall be held upon dates fixed by the Commission. All candidates who are eligible to take a promotional examination shall register and be prepared to verify their identity with a driver’s license or a comparable document. Examinations may be postponed by order of the Commission, which shall designate the reason.

Amended 8/11/2014

**Section 7: Efficiency and Seniority Credit – Promotional Examinations**

- a. Applicants receiving a passing score in competitive promotional examinations shall receive additional credit to their scores where applicable, for efficiency and seniority.

Amended 5/16/11

- b. Efficiency and seniority credit shall be added to an applicant’s final score, subsequent to the examination.
- c. Seniority and efficiency evaluation point credits shall be awarded when the efficiency evaluation results are received from the respective department for which the promotional examination is being held.

Seniority credit, as permitted herein, will be awarded in the following manner:

1 point for each of the first four years; 0.6 (6/10) point for each additional year up to and including the fourteenth year for a maximum total of 10 points.

1 yr. = 1 pt.	6 yrs. = 5.2 pts	11 yrs. = 8.2 pts.
2 yrs. = 2 pts.	7 yrs. = 5.8 pts.	12 yrs. = 8.8 pts.
3 yrs. = 3 pts.	8 yrs. = 6.4 pts.	13 yrs. = 9.4 pts
4 yrs. = 4 pts.	9 yrs. = 7.0 pts.	14 yrs. = 10 pts.
5 yrs. = 4.6 pts.	10 yrs. = 7.6 pts.	

- d. For police department promotional examinations, efficiency evaluation credits shall be awarded based on the efficiency evaluation of the applicant within six months of the scheduled examination, using the following scale:

Efficiency Rating (E) Exceeds Expectations	1 Point
Efficiency Rating (M) Meets Expectations	1 Point
Efficiency Rating (B) Below Expectations	0 Points
Efficiency Rating (U) Unsatisfactory	0 Points

Amended 8/18/08

- e. For fire department promotional examinations, efficiency evaluation credits shall be awarded based on the most recent annual efficiency evaluation of the applicant, using the following scale:

Exceeds Accepted Standard	3.00 Points
Above Accepted Standard	2.00 Points
Fulfills all the Requirements of Successful Operation	1.00 Point
Marginal-Improvement Needed	0.00 Points
Failing to Meet Minimum Requirements Of Successful Operation	0.00 Points

Amended 9/15/2014

- f. Other positions subject to efficiency evaluations shall have credit awarded based on the most recent evaluation, using a scale determined by the Commission.

Added 5/16/11

## **RULE IV**

### **SCORING – PROTESTS – RANKING**

#### **Section 1: Grading, Protest and Inspection Procedure, Posting of Ranking and Notification**

The written examination papers of each candidate shall be graded by an outside scoring company. The passing score for the examination shall be determined by the Commission prior to the identification of the candidates.

- a. After an entry level examination has been held, each candidate shall be notified by mail as to the grade achieved. Amended 7/19/10
  
- b. After the grading of such examination papers, any candidate who believes his/her examination papers to have been erroneously graded shall have the right to appeal to the Commission, and said appeal or appeals shall be heard by the Commission. Amended 11/5/07
  
- c. A ranked list for entry-level and promotional exams shall be posted in the Civil Service Office. Notice of certification of examination results shall be issued by the Commission to the appointing authority who shall, in the case of promotional examination, appoint such person. Amended 5/16/11

#### **Section 2: Tie Score Entry-Level**

In the event two or more applicants receive the same final score in an entry-level examination, the order in which their names shall be placed on the eligible list shall be determined in accordance with the following priorities listed in descending order.

- a. Veteran over non-veteran.
- b. Priority in time of filing the application with the Commission (stamped received time and date on application packet).
- c. Earliest time recorded for the completion of written test.
- d. Time of signature of application.
- e. Coin toss by Civil Service Commission. Amended 2/22/10

#### **Section 3: Tie Score Promotional**

In the event two or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligibility list. When seniority is used as a determining factor, it shall be restricted to the date of hire within the department within which the promotion is sought. Should the seniority be identical, the order of priority shall be determined by a coin toss. For open/competitive Fire Chief examination where seniority and efficiency are not a determining factor, the order of priority among candidates achieving a tie score shall be determined by a coin toss. Amended 2/11/2013

**RULE V**

**EXTRA CREDIT FOR MILITARY SERVICE AND  
EDUCATION**

Amended 2/24/2014

**Section 1: Military Service Credit as Delineated Below**

- a. Conflicting with and deviating from particular aspects of Revised Code Sections 124.23(C) and/or 124.26, military service credit shall be awarded to any eligible entry-level candidate who is currently or has completed full-time duty in the active military service of the United States, including a member of a National Guard or Reserve Component serving on active duty or full-time training, who has been honorably discharged or transferred to a reserve unit, subject to satisfactory evidence and documentation (DD-214 or equivalent).

Amended 7/13/15

- b. Such credit shall be awarded in the following manner: one (1) point for each 6 months of active military service, up to a maximum of ten (10) points.

Amended 7/13/15

**Section 2: Educational Credit for Patrol Officer**

Amended 1/27/2014

- a. Eligible candidates for Patrol Officer may receive additional educational credit in accordance with the following scale:
- Four-year college degree in criminal justice/law enforcement equals three (3) points.
  - Current Certification by State of Ohio as peace officer (basic training academy and examination) equals three (3) points.
  - Four-year college degree in any other field equals two (2) points.
  - Two-year college degree in criminal justice/law enforcement equals two (2) points.
  - Any two-year college degree equals one (1) point.

Amended 7/13/15

- b. Such credit shall be awarded, upon submission of a qualifying State Certification and/or diploma from an accredited institution, up to a maximum of six (6) points.

Amended 7/13/15

**Section 3: Educational Credit for Firefighter/Paramedic**

Amended 1/27/2014

- a. Eligible candidates for Firefighter/Paramedic may receive educational credit in accordance with the following scale:
- Four-year college degree in fire safety management or public safety management equals three (3) points.
  - Four-year college degree in any other field equals two (2) points.

- Two-year college degree in Fire Technology/Public Administration equals two (2) points.
- Any two-year college degree equals one (1) point.
- Firefighter 2 Certification equals one (1) point.
- Fire Inspector Certification equals one (1) point.

Amended 1/27/2014

- b. Such credit shall be awarded, upon submission of a qualifying diploma from an accredited institution, up to a maximum of five (5) points.

Amended 9/20/10

**Section 4: Educational Credit for Other Entry-Level Positions**

Amended 1/27/2014

- a. Eligible candidates for other entry-level positions may receive educational credit in accordance with the following scale:

- A four-year college degree equals two (2) points.
- A two-year college degree equals one (1) point.

- b. Such credit shall be awarded, upon submission of a qualifying diploma from an accredited institution, up to a maximum of three (3) points.

Added 5/16/11

**RULE VI**

**EXPENSES OF EXAMINATION PROCESS**  
**&**  
**APPLICATION FORM INFORMATION**

**Section 1: Expense**

Except as specifically provided otherwise by another provision within these Rules and Regulations, all expenses incurred in the examination process, including publication, contracting and test administration shall upon the recommendation of the Civil Service Commission be submitted to the appropriate department of the City of North Olmsted.

Amended 3/24/08

**Section 2: Application Form Information**

The Commission shall furnish application packets and shall require persons applying for an examination for original appointment to file with the Commission, within reasonable time prior to the examination, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. The Commission may determine and provide for the submission of any other relevant information either on the application form or a supplemental sheet. Blank forms for applications shall be shall be furnished by the Commission without charge to any person requesting the same but the Commission may establish and enforce an application fee for entry level examinations.

Amended 7/15/13

**Section 3: Application Acceptance/Rejection**

- a. All applications shall be picked up at the designated location specified in the posted or published notices.
- b. All applications shall be legibly printed in ink or typed, contain a full address including zip code, and be signed and dated by the applicant verifying the accuracy of the information provided on the application form. Applicants shall also list their name and address, including zip code, on the front of the return envelope, when submitting their application. All applications shall be returned to: North Olmsted Civil Service Commission, 5200 Dover Center Road, North Olmsted, Ohio 44070, unless otherwise stated in print.

Amended 9/20/10
- c. If an application is rejected by the Civil Service Commission, the applicant will be notified as soon as practicable following the Commission's review. An applicant whose application is rejected shall not be entitled to a refund of any processing fee.

Amended 3/24/08
- d. Any false information provided, or material omissions made, on an application or during an examination or interview, constitutes just cause for disqualification of the applicant.

- e. All applications shall be received by the Civil Service Commission no later than the date indicated in the application packet. Amended 5/24/04
  
- f. Any required processing fee must accompany the application and be in the form of a cashier's check or money order for the exact amount, made payable to the City of North Olmsted. Amended 3/24/08
  
- g. Applicants shall satisfy any requirements established by the Commission for certification or reference by those authorized to verify the applicant's character or qualifications. Added 7/15/13
  
- h. The Commission may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established preliminary requirements for the examination, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment. Added 7/15/13

**Section 4: Examinations**

- a. All applicants for positions and placed in the classified service shall be subject to examination, except as provided by Rule IX. Added 7/15/13
  
- b. Any examination administered under this section shall be public and be open to all citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens. For examinations administered by the Commission, the Commission may determine certain limitations as to citizenship, age, experience, education, health, habit, and moral character. Added 7/15/13
  
- c. An Examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement. Added 7/15/13
  
- d. Except as otherwise provided in Rule IX, when a position in the classified service is to be filled, an examination shall be administered. The Commission shall have control of all examinations administered for positions and is authorized to delegate such control to administrative staff and independent testing companies retained by the City. Added 7/15/13

e. No questions in any examination shall relate to political or religious opinions or affiliations.

Added 7/15/13

f. No credit for seniority, efficiency, military service, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.

Added 7/15/13

## **RULE VII**

### **ELIGIBLE LIST**

#### **Section 1: Composition**

The Commission shall prepare and keep open for public inspection an eligible list which shall consist of the names and examination grades of all applicants who received a passing grade on an examination. The list shall rank the applicants in order of their grade and any credits added thereto. The list shall be considered a public record and shall be prepared as soon as is practicable following the examination.

#### **Section 2: Criteria**

Additional criteria may be adopted by the Commission to determine which applicants shall be placed on, or subsequently removed from, the eligible list.

#### **Section 3: Evaluation of Additional Criteria**

- a. Unless otherwise determined by the Civil Service Commission, the additional qualifications such as the physical agility test requirement for police and fire department applicants shall be evaluated using a pass/fail basis.
- b. Unless otherwise determined by the Civil Service Commission, the additional proficiency evaluation qualifications such as the typing, word processing and data entry proficiency requirement for clerical (clerk-typist, secretary) applicants shall be evaluated on a pass/fail basis.
  - a. A failing grade on any required additional criteria shall cause the removal of the applicant's name from the eligibility list.

Amended 5/24/04

#### **Section 4: Candidate Transfer**

Due to the possibility of different criteria and established passing grades in different testable positions, no person shall be entitled to have his/her name transferred to an eligible list of a lower class in the same series requiring qualifications of the same general character.

#### **Section 5: Duration of an Eligible List**

The term of each list and the names of the applicants thereon shall be fixed by the Commission, and shall be for a period of not less than one (1) year and not more than two (2) years. Any list that has been in existence for more than one (1) year may, at the discretion of the Commission when in the public interest, be terminated at any time.

Amended 3/24/08

#### **Section 6: Insufficient Names Remaining**

In the event that fewer than seven (7) names remain on an eligibility list, the list shall no longer be considered valid for purposes of appointments to entry-level positions.

Amended 3/24/08

**Section 7: Revocation of Lists**

- a. No eligible list shall be revoked except upon written notice to all persons whose standing may be affected and upon an entry in the minutes of the Commission as to the reasons for such revocation.
- b. An eligible list may be revoked and another examination ordered only when, in the judgment of the Commission such action is deemed necessary by reason of errors, fraud, or obviously inappropriate standards prescribed in the connection with that examination.
- c. All competitors in an examination that has been revoked shall be notified by the Commission and shall be advised of their eligibility to compete in a rescheduled examination without filing a separate application and without the payment of an additional fee.

**Section 8: Availability of Candidates**

To ascertain the availability of candidates on an eligible list for future interview processes, the Commission may, from time to time, require of each candidate a mandatory declaration of status thereto in the form of a mailed inquiry letter. Neither the mailing date nor the receipt deadline of an inquiry letter shall be set for dates coincident with a hiring process for the position in question. Failure of a candidate to respond shall result in that candidate's removal from the eligible list, pursuant to North Olmsted Civil Service Rule VII, Sections 8d and 8l.

Amended 8/11/06

**Section 9: Disqualification and Notice**

If at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list is disqualified, including reasons cited by an Appointing Authority, the Commission may immediately determine such disqualification and order removal of a candidate's name from an eligible list. The removed candidate shall be notified of disqualification and offered an opportunity to appeal to the Commission within ten (10) days and to be heard pursuant to Rule XIII.

Reasons for removal include the following:

Amended 5/23/16

- a. The eligible person's application contains a false statement or a material omission.
- b. The eligible person has a physical or mental disability which would interfere with the proper performance of his/her duties in the position he/she seeks.
- c. The eligible person fails to report for, or arrange within six (6) days (Sundays and holidays excluded) of the post-marked date on his notification, an interview with the Appointing Authority.
- d. The eligible person fails to respond to a notice from the Civil Service Commission within a deadline provided.
- e. The eligible person declines an appointment without reasons satisfactory to the Civil Service Commission.

Amended 5/24/04

- f. The eligible person fails to inform the Commission by written notice of any change of his/her address.
- g. The eligible person cannot be located by the postal authorities.
- h. The eligible person fails to be appointed after being certified two (2) times. Amended 9/21/15
- i. The eligible person does not pass the background investigation.
- j. The eligible person for position of firefighter or police officer fails to pass physical agility test or fails to maintain valid certification.
- k. The eligible person fails to meet age requirements for entry-level police and fire department positions.
- l. The eligible person fails any other requirement as specified by the Commission or the Appointing Authority.

**Section 10:** Any time that a candidate on an eligible list notifies the Commission, in writing, of the withdrawal of his/her application or candidacy for employment, for reasons either disclosed or personal, the Commission may consider and act upon such request at its next meeting by removing such name from the eligible list.

Amended 11/8/05

**RULE VIII**

**APPOINTMENT FROM AN ELIGIBLE LIST**

**Section 1: Commencement of Appointment Process**

a. Entry-Level Appointment

- i. Whenever a vacancy occurs, the appointing authority shall notify the Civil Service Commission. The Commission shall, certify to the appointing authority the names, addresses, and rankings of the ten (10) highest applicants on the eligible list for the position.

Amended 8/3/15

- ii. An eligible person may be certified to the appointing authority for more than one concurrently vacant entry-level position. The Commission shall not certify an eligible person to the appointing authority more than two (2) times.

Amended 8/3/15

- iii. If there is no valid eligible list for an entry-level position determined by the Commission to be testable, the Commission shall conduct a test for a new eligible list.

Amended 2/22/10

- iv. Should an eligibility list expire subsequent to the start of the interview process, the appointing authority may continue to hire from the expired eligibility list for that particular position.

Amended 10/15/07

b. Promotional Appointment

- i. When the appointing authority determines that a vacancy exists or anticipates that a vacancy will occur and further determines to fill the vacancy, the appointing authority may then determine to request promotional testing by the Commission. Promotional testing shall proceed pursuant to these Rule, which may be conflicted with and deviate from Ohio Revised Code Sections 124.44 and 124.45. . The Commission shall, pursuant to City of North Olmsted Charter Article 6, Section 4, certify to the appointing authority the name and address of the highest-ranking candidate on the eligible list.

Added 8/3/15

- ii. If there is no valid eligible list, the Commission shall conduct a test for a new eligible list.

Added 2/22/10

**Section 2: Appointment Process**

- a. All original and promotional appointments to positions within the classified service shall be made from names certified by the Commission.
- b. Prior to the completion for the entry-level appointment process, the Commission may, at the request of the appointing authority, certify additional applicants from the eligible

list, selected in descending order of ranking, so that the appointing authority may select from at least ten (10) names for each vacancy. Amended 8/3/15

- c. If the appointing authority declines to make an appointment from the names certified by the Commission, the appointing authority shall provide the Commission with its justification and such additional information that the Commission may require. The Commission shall notify the certified candidates and schedule the request for removal and recertification for hearing in accordance with Rule VII, Section 9. Amended 3/24/08
- d. Upon filling a vacancy, the appointing authority shall immediately notify the Commission in writing of the name of the appointee, the title of the position, the duties and responsibilities of the position, the starting salary and/or other compensation for the position, and such other information relating to the position that the Commission may require of the appointing authority.

Amended 1/10/06

**RULE IX**

**TEMPORARY AND  
EXCEPTIONAL APPOINTMENTS**

**Section 1: Non-Competitive Appointment**

Positions in the classified service may be filled without competition under the following conditions:

- a. **Temporary:** Whenever there are urgent reasons to fill a vacancy, due to emergency or other temporary vacancy, and the Civil Service Commission is unable to certify a list of candidates from an eligible list to fill the vacancy on a permanent basis, and where the urgency of the circumstances compels the appointing authority to make an immediate appointment, such noncompetitive temporary appointment is authorized for a period of not longer than one hundred and twenty (120) days, and successive temporary appointments are prohibited. The appointing authority must immediately notify the Commission of the vacancy, its duration, the date of temporary appointment, and the urgent circumstances related thereto. If applicable, the Commission may determine whether to proceed with a competitive examination and establish an eligible list.

Amended 4/21/14

- b. **Exceptional:** Whenever there is a vacancy in a position in the classified service where peculiar and exceptional qualifications of scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case would be impracticable and that the position can best be filled by selection of some designated person of high and recognized attainment of such qualities.

Amended 11/15/10

**Section 2: Non-Competitive Appointment Procedure:**

Procedure for making temporary and exceptional appointments is as follows:

- a. **Temporary:** Where the services to be rendered by an appointee are for a temporary period, due to an emergency or other vacancy, and the need for such service is important and urgent, the appointing authority may select any person on a noncompetitive basis for a period of not longer than one hundred and twenty (120) days. Successive temporary appointments to the same position shall not be made under this provision. If an eligible list exists for the position temporarily vacated, the appointing authority shall request certification of candidates and must consider such candidates for temporary appointment prior to consideration of other candidates. The appointing authority shall not select from other candidates until certified candidates decline the temporary appointment. Due to urgent circumstances, the Secretary of the Commission is authorized to immediately release contact information from the eligible list to the appointing authority in order to expedite said temporary appointment.

1. The acceptance or refusal by a person eligible for a temporary appointment shall not affect standing on the list for permanent appointment; nor shall the period of temporary service be counted as part of the appointee's

probationary service if he/she is subsequently appointed to a permanent position.

2. In the event an eligible list is not available, the appointing authority may proceed immediately to fill a vacant position with a qualified individual.
3. Temporary appointments may be reviewed by the Commission, upon the written notification of the appointing authority who shall set forth in full any reasons for the temporary appointment.

Amended 4/21/14

- g. **Exceptional:** Where there is a vacancy in a position in the classified service where peculiar and exceptional qualifications of scientific, managerial, professional or educational character are required, and competition in such special case would be impracticable, the appointing authority may fill that position with a designated person of commensurate qualities. Appointments may be authorized by the Commission, except in the case of sworn Police and Fire Department personnel, upon the written request the Appointing Authority who shall set forth in full any reasons for the request.

Amended 11/15/10

**Section 3: Commission Notification of Appointment:**

The appointing authority shall immediately notify the Commission of any temporary appointment rendered or exceptional appointment requested.

Amended 4/21/08

**Section 4: Information to Be Provided to Appointees:**

The appointing authority shall provide each temporary and exceptional appointee with a written job description for the assigned position and a copy of the Civil Service rules concerning eligibility and requirements for future certification to the appointing authority for a permanent appointment. Any person so appointed to fill a position without competitive examination, shall be entitled to successfully completing the probationary period or by remaining in the position for a period of six months of continuous service, whichever is longer, pursuant to Revised Code Section 124.271.

Amended 4/21/08

**Section 5: Appointee Acknowledgment Statement:**

For each temporary or exceptional appointment made, the appointing authority shall submit to the Civil Service, within ten (10) days of the appointment, a statement signed by the appointee acknowledging receipt of information regarding Civil Service classification and has been provided with a copy of the Civil Service Rules and Regulations concerning temporary and exceptional appointments.

Amended 4/21/08

**Section 6: Temporary Employee Testing Criteria:**

- a. Shall not receive a permanent appointment unless certified by the Commission for selection by the appointing authority.
- b. Shall be removed upon failure to be appointed by the appointing authority, or upon failure to pass any component of the competitive examination.

Added 9/15/08

**RULE X**

**TRANSFERS - REINSTATEMENTS**

**The following rules shall apply to all situations or circumstances not covered by the union's collective bargaining agreement.**

**Section 1: Transfers**

- a. Any employee holding an office or position in the classified service may be transferred with the consent of the Commission to a similar position in another office, department or institution having the same pay and similar duties, except for transfers otherwise prohibited by these Rules and Regulations.
- Amended 4/21/08
- b. No transfer shall be made from an office or position in one class to an office or position in another class.
- c. No transfer shall be made to an office or position for original entrance to which there is an examination involving essential test or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by said employee.

**Section 2: Reinstatements**

Any person holding an office or position in the classified service, who has been separated from the service without delinquency or misconduct due to an injury, physical or psychiatric disability may upon passing a physical or psychiatric examination which shows recovery from such disability, make written application to be reinstated within three (3) years from the date of such separation to a vacancy in the same or similar office or position in the same department, under the provisions of in Ohio Revised Code Section 124.32 (b). The Civil Service Commission shall, upon receipt of such application, immediately notify the appointing authority, and conduct a reinstatement hearing within 30 days.

Amended 4/21/08

**RULE XI**

**LAYOFFS**

**The following rules shall apply to all situations or circumstances not covered by the union's collective bargaining agreement.**

**Section 1: Lack of Funds**

A "lack of funds," for purposes of layoff, means that the appointing authority has a current or projected deficiency of funding to maintain current levels, or to sustain projected levels, of staffing and operations. The appointing authority is not required to transfer money between funds in order to offset a deficiency or projected deficiency in funding for staffing and operations; "lack of funds" may be presumed by the appointing authority upon reduction or withdrawal of funding for any program dependent upon state of federal grant or similar funding mechanism. Determination of such a condition and notification procedure shall be made in accordance with Ohio Revised Code Section 124.321 (A) and (B).

Amended 4/21/08

**Section 2: Lack of Work**

A "lack of work", for purposes of layoff, means the appointing authority has a current or projected decrease in the workload, which requires a deduction of current or projected staffing levels. Determination of such a condition and notification procedure shall be made in accordance with Ohio Revised Code Section 124.321 (c).

Amended 4/21/08

**Section 3: Abolishment of Position**

- a. "Abolishment of position" means the permanent deletion of a position from the organization or structure of the appointing authority due to lack of continued need for the position. Conditions under which abolishment can occur, notification procedures and documentation of rationale for abolishment shall be in accordance with Ohio Revised Code Section 124.321 (D) and (E).

Amended 4/21/08

- b. The appointing authority shall not effect a plan for reorganization of a City department or division that includes a proposed abolishment of civil service positions without first providing the Civil Service Commission and the affected employee(s) with a statement of rationale, supporting documentation for the proposed abolishment, and a notice of abolishment.

Amended 11/16/09

- c. Supporting documentation for all abolishments shall include the following:

- i. Job description of the position to be abolished
- ii. Current and proposed organizational charts
- iii. Summary and analysis of impact to services

Addition 11/16/09

- d. Abolishments for purposes of efficient operation shall include analyses, reports or studies of productivity and/or cost-effectiveness.

Addition 11/16/09

e. Abolishments for reasons of economy shall include financial reports projecting deficiencies in funding. Addition 11/16/09

f. Abolishment's due to lack of work shall include evidence of elimination of services, or decreased workload for a period of at least one year. Addition 11/16/09

**Section 4: Layoff Procedure**

a. Determination as to which classification or classifications a layoff or layoffs shall occur in, and the number of layoffs to be made, shall be in accordance with the procedures of Ohio Revised Code Sections 124.322, 124.323 and 124.326.

b. In layoffs, consideration shall be given to employee's length of service and also includes efficiency in service, appointment type, or such other factors deemed appropriate.

c. Whenever a reduction in force is necessary within a Civil Service classification, employees shall be laid off in the following order:

1. Temporary employees
2. Part-time probationary
3. Part-time permanent
4. Seasonal employees
5. Full-time probationary
6. Full-time permanent

Amended 4/21/08

d. Full-time employees should be laid off in the following manner:

1. Employees serving provisionally who have not completed their probationary period after appointment.
2. Employees serving provisionally who have satisfactorily completed their probationary period after appointment.
3. Employees appointed from certified eligible lists, or who are certified, and who have not completed their probationary period after appointment.
4. Employees appointed from certified eligible lists, or who are certified, and who have successfully completed their probationary period after appointment.

**Section 5: Displacement Procedure**

a. Determinations as to displacement privileges shall occur in and shall be in accordance with the procedures of Ohio Revised Code Sections 124.321 and 124.324. The appointing authority may commence a "paper layoff" process and thereby require employees subject to layoff to exercise displacement options before a date certain.

b. A laid-off employee has the right to displace an employee with less seniority in the classification from which the employee was laid off, or in the immediately lower or equivalent classification, in the following order:

1. Within the classification from which the employee was laid off.
2. Within the classification series from which the employee was laid off.
3. Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, so long as that employee meets the minimum “position specific” or bona fide occupational qualifications established by the appointing authority for said classification.

Amended 8/18/08

**Section 6: Seniority**

- a. In addition to the provisions set forth above, layoffs shall be made in accordance with the seniority status of the employees.
  1. If the lengths or service of two or more employees are identical, layoffs shall be made in accordance with performance evaluations.
  2. In the absence of performance evaluations or if employees have received equal ratings in the most recent performance evaluation, the appointing authority shall provide the Commission with critical assessments of job performance for each employee.
- b. Reinstatements shall also be granted in accordance with the above provisions and the seniority status of the employees.
- c. The right of reinstatement shall extend one (1) calendar year from the date of layoff.

Added 11/17/08

Amended 4/21/08

**Section 7: Appeal**

A classified employee may appeal a layoff, or a displacement that is the result of a layoff, to the Civil Service Commission. The appeal shall be filed or postmarked no later than ten (10) days after the receipt of a notice of layoff or displacement.

Added 12/15/08

**RULE XII**

**REDUCTION, SUSPENSIONS, REMOVALS**  
**& PROBATIONARY PERIODS**

**The following rules shall apply to all situations or circumstances not covered by the union's collective bargaining agreement.**

**Section 1: Cause:**

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, suspended or removed except for the following:

- a. Incompetence.
- b. Inefficiency.
- c. Dishonesty such as, but not limited to theft; or the falsification of any statement; or a material omission, in an application.
- d. Drunkenness.
- e. Use of abusive controlled substances.
- f. Immoral Conduct.
- g. Insubordination.
- h. Discourteous treatment of the public.
- i. Neglect of Duty such as, but not limited to, absence from duty without leave for any time; or failure to report if leave has expired.
- j. Violation of Civil Service law, as embodied by statute, ordinance or these Rules, or other violation of work rules, regulations, or policies of the appointing authority.
- k. Any other failure of good behavior.
- l. Any other act of misfeasance, malfeasance or nonfeasance in office.
- m. Conviction of a felony offense.

Amended 4/21/08

**Section 2: Violations:**

Disciplinary proceeding shall be in accordance with Revised Code Section 124.34, except as otherwise provided herein. Any violation of Section 124.34 of the Ohio Revised Code, the Rules and Regulations of the North Olmsted Civil Service Commission, or any other failure of good behavior, or any other act of misfeasance, malfeasance or nonfeasance in office, or

conviction of felony, including an alleged violation of a “last chance agreement” shall be considered to be cause for reduction in pay or position, suspension or removal. Whistleblower Protection law shall apply to all employees.

Amended 2/25/08

**Section 3: Entry-Level Probationary Periods:**

- a. The probationary period for entry-level firefighter and police candidates shall begin on the date of swearing in and shall be in accordance with a standing collective bargaining agreement; and absent direction from a collective bargaining agreement shall be in accordance with State Law.

Amended 3/14/06

- a. The probationary period for all other entry-level positions shall begin on the date of hire and shall be for a period of six (6) months.

Amended 2/25/08

- b. The appointing authority may, at its discretion and in accordance with law, remove probationary employees within the probationary period. Notice of such removal may be provided to the Civil Service Commission. Any such action or the reasons therefore, shall not be subject to appeal or review by the Commission.

Amended 2/25/08

**Section 4: Promotional Probationary Periods:**

- a. All promotional appointments may be for a probationary period of twelve (12) months. No promotion shall be deemed final until the appointee has satisfactorily served the probationary period.
- b. Upon an employee’s completion of the probationary period, the appointing authority shall send record of the employee’s service to the Commission and, if such performance is satisfactory, the appointee shall continue in the promoted rank. If during the probationary period the appointee’s service is unsatisfactory, the employee shall be demoted or reduced in rank by order of the appointing authority to the position held prior to promotional appointment.
- c. In all cases of unsatisfactory performance during probationary periods, the appointing authority shall furnish the employee with a written notice of unsatisfactory probationary performance and indicate the reason for that determination. Within ten days thereafter such employee may appeal from the decision or order of the appointing authority to the Commission; thereafter the Commission shall hear the appeal in accordance with Section 6 herein and Rule XIII.

Amended 2/25/08

**Section 5: Procedure for Service of Order of Reduction, Fine, Suspension or Removal:**

- a. The appointing authority shall serve a notice of any order to reduce or remove upon the affected employee and, within three (3) days, provide a copy to the Civil Service Commission. Such notice and copy shall also be required in the following orders:

1. For employees exempt from payment of overtime compensation, a suspension or fine of forty (40) or more working hours;
  2. For employees not exempt from payment of overtime compensation, a suspension or fine of twenty-four (24) or more working hours.
- b. Such order shall state or describe the reason or basis for discipline and contain a reference to these Rules and the employees' remedies herein.
  - c. Unpaid administrative leave upon felony charge: In any case of an employee charge with a violation of law that is punishable as a felony, the appointing authority may, in its discretion, place an employee on unpaid administrative leave for a period not to exceed two (2) months in accordance with Revised Code Section 124.288.

Amended 2/25/08

**Section 6: Appeal Procedure:**

- a. Except as otherwise provided herein by Rule, the Civil Service Commission shall review disciplinary cases in accordance with Revised Code Section 123.34.
- b. Following the appointing authority's notice of discipline, the employee may appeal to the Commission within ten (10) days. For purpose of calculating such ten (10) days, the said calendar days shall run from the date on which said notice is served, either by hand delivery or the date of delivery by certified mail, whichever date occurs first.
- c. Upon receipt of an appeal, the Commission shall forthwith notify the appointing authority and shall hear the appeal within thirty (30) days from and after its filing by the employee and in accordance with Rule XIII. The Commission may, upon hearing, affirm, disaffirm or modify the judgment of the appointing authority.
- d. The appointing authority or employee may thereafter appeal from the decision of the Commission in accordance with law.

Amended 2/25/08

## **RULE XIII**

### **HEARINGS PROCEDURE**

#### **Section 1: Appeal:**

- a. When an appeal is filed, or a request to appeal granted, the Commission shall immediately notify the appointing authority and employee and shall hear the appeal (or appoint a trial board to hear the appeal), as follows:
  1. The hearing shall be scheduled within thirty (30) days from the filing of the appeal with the Commission. An appeal is considered filed within the meaning of this section when it is received by the Commission. The appeal is considered received by the Commission on the date that it is received by the Secretary. Amended 3/24/08
  2. The Commission shall notify the appointing authority, the employee, and his attorney, if any, of the time and place of the hearing.

#### **Section 2: Time of Hearing – Notifications:**

- a. The hearing shall be scheduled within thirty (30) days from the filing of the appeal with the Commission. An appeal is considered filed within the meaning of this section when it is received by the Commission's secretary. Amended 3/24/08
- b. The Commission shall notify the appointing authority and the employee of the time and place of the hearing.
- c. The Commission may affirm, disaffirm, or modify the judgment of the appointing authority.

#### **Section 3: Amendments:**

Amendments to an order of removal, reduction in pay or position, or suspension may be made by the appointing authority at any time provided the employee and his attorney, if any, receives copies of the amended order at least ten (10) calendar days before the date set for the hearing.

#### **Section 4: Hearing Procedure:**

- a. The appointing authority shall first present his/her evidence in support of the charges and specifications.
- b. The employee shall then present such evidence as he/she may wish to refute such charges.
- c. The appointing authority shall be permitted to offer evidence in rebuttal.
- d. The Commission may, in its discretion, hear opening and final arguments, or require briefs from the parties.

#### **Section 5: Rules of Evidence - Representation by Counsel - Court Reporter:**

- a. The production of evidence at the hearing of appeals and the Commission's decision on the appeal shall be governed by the Ohio rules of evidence, and the burden of proof required by courts generally in civil cases.
- b. Both the Appointing Authority and employee may be represented by counsel.

- c. The Commission shall provide a court reporter to take down verbatim all testimony and arguments presented at the hearing. The cost of the reporter's services shall be provided by the City.

**Section 6: Resignation Before Final Action:**

- a. An employee who appeals a removal order may give his resignation to the Appointing Authority prior to the decision of the Commission. The resignation, if accepted by the Appointing Authority, shall be considered a withdrawal of the charges.
- b. Notice of acceptance of such resignation shall be submitted immediately to the Commission by the Appointing Authority.
- c. The resignation of such employee shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

Amended 1/13/06

**RULE XIV**

**ARCHIVES - ACTIVE FILES**

Civil Service Records shall be kept, destroyed and made available for public inspection in copying in accordance with the Ohio Public Records Law.

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**APPENDIX**

**ARTICLE VI - CHARTER OF THE CITY  
OF CITY OF NORTH OLMSTED**

**THE CIVIL SERVICE COMMISSION**

**SEC. 1. MEMBERSHIP.**

The Civil Service Commission shall consist of three (3) electors of the City, not holding other municipal office or employment, to be appointed by the Mayor for a term of six (6) years each, excepting that of the members first appointed, one shall be appointed for a term of two years, one for four years, and one for six years, with the stipulation that no member is eligible to succeed himself. When a vacancy occurs during the term of any member of the Commission, it shall be filled for the unexpired term in the manner authorized for the original appointment.

**SEC. 2. OFFICERS.**

The Commission shall designate one of its members as Chairman, and may appoint a Secretary who shall not be a member of the Commission, and may hold other municipal office or employment.

**SEC. 3. DUTIES.**

The Civil Service Commission shall prescribe, amend, and enforce rules for the classification of offices, positions, and employment in the Civil Service of the City; for examinations and resignation therefor; for appointments, promotions, removals, transfers, lay-offs, suspensions, reduction and reinstatement therein; for appeals to the Commission; and for standardizing positions and maintaining efficiency therein. Therefore, positions under the Civil Service Commission shall be divided into Classified and Unclassified Service.

- A. The Unclassified Service shall include:
  - 1. All officers elected by the people.
  - 2. All directors of departments.
  - 3. The members of all boards or commissions appointed by the Mayor or the Council.
  - 4. The Clerk of Council and the secretary of the Civil Service Commission.
  - 5. Superintendent, Assistant Superintendent, Division Heads, and Assistants to Division Heads, except the Police Chief and Fire Chief.
  - 6. All unskilled laborers.
  - 7. Three secretaries, assistants or clerks to the Mayor, one (1) secretary to each Director or Department Head, and all temporary part-time office help.
  
- B. The Classified Service shall comprise all positions not specifically included in this Charter in the Unclassified Service.  
(Amended 11-5-85.)

**SEC. 4. PROCEDURE.**

The Civil Service Commission of the City of North Olmsted shall prescribe and enforce rules and regulations for the Classified Service that may be different than State's general statutes on civil service law, shall keep a record of its proceedings and examinations, which shall be open to public inspection, and shall in all matters not in conflict with this Charter or the City's ordinances, conduct its affairs in accordance with its own lawfully adopted rules and regulations, which may be different from State's general statutes on civil service law. In all promotional examinations, the Civil Service Commission of the City of North Olmsted shall certify to the appointing officer after examination, the name of the top applicant to the position open by promotion and the appointing officer shall appoint the said top applicant in all cases to the position to be filled by promotion. (Amended 5-2-06.)

**SEC. 5. SALARIES.**

The salaries of the Commission shall be determined by the Council.

**SEC. 6. REMOVAL OF COMMISSIONER.**

The Mayor may at any time remove any Commissioner for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency. Said removal shall not become final without the concurrence of two-thirds (2/3) of the members of Council. From the time when the Mayor notifies a Commissioner of his removal, said Commissioner shall be suspended pending the outcome of the necessary concurrence of Council. (Amended 11-6-90.)

**SEC. 7. FUNDS.**

A sufficient sum shall be appropriated by the Council each year to carry out the civil service provisions of this Charter.

Amended 5/19/08

Rules and Regulations adopted by the North Olmsted Civil Service Commission this  
21st day of JULY, 2014

JERRY BARRETT, CHAIRMAN

MARTIN HAYES, VICE CHAIRMAN

KIMBERLY RAHM, COMMISSIONER

Amended 7/21/2014