YOUNGSTOWN CIVIL SERVICE COMMISSION RULES & REGULATIONS

CIVIL SERVICE COMMISSION
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TABLE OF CONTENTS

		PAGE
RULE I	DEFINITIONS……..	1
RULE II	THE CIVIL SERVICE COMMISSION……... ORGANIZATION AND ADMINISTRATION, MEETINGS	3
RULE III	CLASSIFICATION OF POSITIONS……..	5
RULE IV	APPLICATION FOR EXAMINATION……..	8
RULE V	EXAMINATIONS……	10
RULE VI	ELIGIBILITY LISTS, CERTIFICATIONS, APPOINTMENTS …	18
RULE VII	PROBATION, LEAVE, TRANSFER……..	24
RULE VIII	DEMOTION, SUSPENSION, REMOVAL ……	29
RULE IX	LAYOFFS, DISPLACEMENT AND RE-EMPLOYMENT RIGHTS, CLASSIFICATION SERIES …….…….	32
RULE X	REINSTATEMENT AFTER VOLUNTARY RESIGNATION OR AFTER A SEPARATION DUE TO PHYSICAL DISABILITY……	36
RULE XI	PAYROLLS……...	38
RULE XII	INVESTIGATIONS, HEARINGS AND APPEALS.……	39
RULE XIII	AMENDMENTS TO THE RULES…….....	41
RULE XIV	SEVERABILITY……...……	41
RULE XV	ADOPTION OF RULES……...	42

TABLE OF CONTENTS

	PAGE
RULE I – DEFINITIONS	**1**
RULE II – THE CIVIL SERVICE COMMISSION ORGANIZATION AND ADMINISTRATION, MEETINGS	**3**
SECTION 1 - ORGANIZATION AND ADMINISTRATION	3
SECTION 2 – MEETINGS	4
RULE III – CLASSIFICATION OF POSITIONS	**5**
SECTION 1 – HOME RULE CHARTER	5
SECTION 2 – UNCLASSIFIED SERVICE	5
SECTION 3 – CLASSIFIED SERVICE	6
SECTION 4 – CONFORMANCE TO CLASS DUTIES	6
SECTION 5 – AMENDING OFFICIAL CLASSIFICATION	6
SECTION 6 – PERIODIC INVESTIGATION OF CLASSIFICATION	6
SECTION 7 - THE UNSKILLED LABORER CLASS	7
RULE IV – APPLICATION FOR EXAMINATION	**8**
SECTION 1 – NOTICE OF OPEN COMPETITIVE EXAMINATION	8
SECTION 2 – NOTICE OF PROMOTIONAL TESTING	8
SECTION 3 – CITIZENSHIP AND RESIDENCE	9
SECTION 4 – FILING THE EXAMINATION APPLICATION	9
SECTION 5 – INFORMATION REQUIRED ON APPLICATIONS	9
RULE V – EXAMINATIONS	**10**
SECTION 1 – CHARACTER OF EXAMINATION	10
SECTION 2 - PARTS OF EXAMINATION	10
SECTION 3 – LICENSES REQUIRED	12
SECTION 4 – SCHEDULING OF EXAMINATIONS	12
SECTION 5 – THE EXAMINATION	12
SECTION 6 – METHOD OF RATING	12
SECTION 7 – BONUS POINTS FOR ENTRY-LEVEL EXAMINATIONS	13
SECTION 8 – PROMOTIONAL EXAMINATIONS	14
SECTION 9 – SENIORITY CREDIT IN PROMOTIONAL EXAMS	14
SECTION 10- EFFICIENCY CREDIT IN PROMOTIONAL EXAMINATIONS -REPEALED-	15
SECTION 10 - PROMOTION WITHOUT EXAMINATION	15

PAGE

SECTION 11 – POLICE PROMOTIONAL EXAMINATIONS 15
SECTION 12 – FIRE SERVICE PROMOTIONAL EXAMINATIONS 16
SECTION 13 – REVIEW, APPEAL, AND RATING OF PROMOTIONAL EXAMINATIONS 16
SECTION 14 – INSPECTION OF EXAMINATION GRADING ON PROMOTIONAL EXAMINATIONS ONLY 17
SECTION 15 – PREPARATION OF ELIGIBILITY LISTS 17

RULE VI – ELIGIBILITY LISTS, CERTIFICATIONS, APPOINTMENTS 18

SECTION 1 – ELIGIBILITY LISTS 18
SECTION 2 – REMOVAL FROM ELIGIBILITY LIST 18
SECTION 3 – CERTIFICATIONS 19
SECTION 4 - NOTICE OF CERTIFICATIONS –REPEALED- 19
SECTION 4 – CERTIFICATION OF APPLICANTS WITH CRIMINAL CONVICTIONS; HIRING POLICY 19
SECTION 5 – INTERVIEWING ELIGIBLE APPLICANTS 20
SECTION 5 – LIMITATION ON NUMBER OF CERTIFICATIONS OR CONSIDERATIONS –REPEALED- 20
SECTION 6 – APPOINTMENTS FROM ELIGIBILITY LISTS 20
SECTION 7 – PROVISIONAL APPOINTMENTS – REPEALED- 21
SECTION 8 – EXCEPTIONAL CLASSIFIED APPOINTMENTS 21
SECTION 9 – TEMPORARY APPOINTMENTS 22
SECTION 10 – AGE AND PHYSICAL EXAMINATION REQUIREMENTS FOR POLICE OFFICERS 22
SECTION 11 – AGE AND PHYSICAL EXAMINATION REQUIREMENTS FOR FIREFIGHTERS 23
SECTION 12 – SEPARATE POLICE AND FIRE EXAMINATIONS 23

RULE VII – PROBATION, LEAVE, TRANSFER 24

SECTION 1 – PROBATIONARY PERIOD – LENGTH 24
SECTION 2 – DISMISSAL OR REDUCTION DURING PROBATIONARY PERIOD 24
SECTION 3 – SICK LEAVE 25
SECTION 4 - SICK LEAVE EXTENSION 25
SECTION 5 – ANNUAL VACATION AND HOLIDAYS 25
SECTION 6 - LEAVE OF ABSENCE WITHOUT PAY 26
SECTION 7 – MATERNITY AND MILITARY LEAVE 27
SECTION 8 – ABSENCE WITHOUT LEAVE 27
SECTION 9 – FAILURE TO RETURN FROM LEAVE OF ABSENCE 27
SECTION 10 – LEAVE OF ABSENCE WITH PAY 28
SECTION 11 – TRANSFERS 28

	PAGE
RULE VIII – DEMOTION, SUSPENSION, REMOVAL	**29**
SECTION 1 – GENERAL LIMITATIONS	29
SECTION 2 – PROCEDURE	29
SECTION 3 - INVOLUNTARY DISABILITY SEPARATION	30
SECTION 4 - VOLUNTARY DISABILITY SEPARATION	31
RULE IX – LAYOFFS, DISPLACEMENT AND RE-EMPLOYMENT RIGHTS, CLASSIFICATION SERIES	**32**
SECTION 1 – LAYOFF PROCEDURE	32
SECTION 2 – RETENTION POINTS DEFINED	32
SECTION 3 – DISPLACEMENT RIGHTS	33
SECTION 4 – NOTIFICATION OF LAYOFF	33
SECTION 5 – EXERCISE OF DISPLACEMENT RIGHTS	34
SECTION 6 – CLASSIFICATION SERIES	34
SECTION 7 – REEMPLOYMENT AND REINSTATEMENT RIGHTS AFTER LAYOFFS	34
SECTION 8 – APPEAL OF LAYOFF OR DISPLACEMENT	35
SECTION 9 - POSITIONS TARGETED FOR ATTRITION	35
SECTION 10 - EXPEDITED FILING AND ABOLISHMENT	35
RULE X – REINSTATEMENT AFTER VOLUNTARY RESIGNATION OR SEPARATION DUE TO PHYSICAL DISABILITY	**36**
SECTION 1 – VOLUNTARY RESIGNATION	36
SECTION 2 – REINSTATEMENT AFTER SEPARATION DUE TO DISABLING ILLNESS, INJURY, OR CONDITION	36
RULE XI – PAYROLLS	**38**
RULE XII – INVESTIGATIONS, HEARINGS AND APPEALS	**39**
SECTION 1 – AUTHORITY TO INVESTIGATE	39
SECTION 2 – ADMINISTERING OATHS – SUBPOENA POWERS	39
SECTION 3 – HEARINGS AND APPEALS	39
RULE XIII – AMENDMENTS TO THE RULES	**41**
SECTION 1 – PROCEDURE	41
SECTION 2 – PREVIOUS RULES	41
RULE XIV – SEVERABILITY	**41**
RULE XV – ADOPTION OF RULES	**42**

RULES AND REGULATIONS
CIVIL SERVICE COMMISSION
CITY OF YOUNGSTOWN, OHIO

PREFACE

The Civil Service Commission of the City of Youngstown, Ohio, hereby promulgates its rules and regulations governing the civil service of the City of Youngstown, Ohio. These Rules and Regulations shall control, and the rules promulgated by the Ohio Department of Administrative Services shall not apply.

RULE I

DEFINITIONS

1. APPOINTING AUTHORITY – The Mayor, or Board or Commission, having the power of appointment to, or removal from, positions of employment or service in the City of Youngstown.

2. CERTIFICATION – The act of supplying names in writing from an official eligibility list to an Appointing Authority for the purpose of employment selection.

3. CLASSIFICATION – The placing of positions into separate and specific job titles and pay ranges, based upon the duties, responsibilities, and qualifications required for the positions.

4. CLASSIFICATION SERIES – Pursuant to Rule IX, Section 4, of these rules, a classification series is a group of positions sufficiently similar in respect to the progressive nature of the required duties, responsibilities, skills, and qualifications so as to form a career progression.

5. CLASSIFIED SERVICE – All offices and positions in the civil service that are not specifically included in the unclassified service.

6. CONSIDERATION – The process in which an Appointing Authority, when making an appointment from a certified eligibility list, must consider the first ten (10) names on the list, and then select one of those ten. If more than one appointment is to be made, the Appointing Authority must, for each appointment, consider the first ten names remaining on the list, and then select one of those ten. This procedure should be repeated for each appointment to be made (See Amendment 96-1).

7. ELIGIBILITY LIST – The list of the names of persons who have qualified, through competitive examination, for consideration for appointment to vacancies in the classified service. The names shall be listed in descending order, starting with the highest final grade attained on the examination.

8. FINAL GRADE – The total score attained by an applicant. It may include points scored in written, oral, and performance tests and any bonus points, such as military credit or seniority points.

9. NON-COMPETITIVE EXAMINATION – An examination given, without competition, to fill a position that requires peculiar or exceptional qualifications of a scientific, managerial, professional, or educational character, and for which competition would be impractical. A non-competitive examination is given only at the request of an Appointing Authority and with the approval of the Civil Service Commission. All such exams shall be noted in the annual report to the State (Amendment 08-9). (Amendment 07-5 –Provisional Appointments Repealed July 1, 2007)

10. OPEN COMPETITIVE EXAMINATION – An examination, which is open to any person who meets the requirements for admission to the exam.

11. PERMANENT EMPLOYEE – An employee in the classified service of the state, any county, city health district, or city school district who is appointed to a position under section 124.30 of the revised code and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period. (Amendment 14-01)

12. POSITION – An employment unit with clearly defined duties, responsibilities, and qualifications, which normally requires the full-time services of one person.

13. PROMOTIONAL EXAMINATION – An examination open only to persons already employed by the City of Youngstown, in specific classifications or meeting specific qualifications, which is given for the purpose of determining eligibility for promotion to a higher classification.

14. PROVISIONAL EMPLOYEE OR APPOINTEE – Any employee in the classified service who is appointed to a position for which there is no eligibility list in effect at the time of the appointment (Amendment 07-5 –Provisional Appointments Repealed July 1, 2007).

15. RE-EMPLOYMENT LIST – A list of employees who have been laid off from their positions and who are eligible to be recalled to those positions, based on seniority in those positions.

16. SENIORITY – The length of continuous service from the date of employment with the City, except as otherwise provided elsewhere in these Rules.

17. TRANSFER – The horizontal movement of an employee from one position to another similar or related position, not involving a change in salary grade or salary rate.

18. UNCLASSIFIED SERVICE – Offices and positions in the civil service of the City which are specified by the City of Youngstown Charter and state statutes as being in the unclassified service.

RULE II

THE CIVIL SERVICE COMMISSION

SECTION 1 – ORGANIZATION AND ADMINISTRATION

The Mayor shall appoint to the Civil Service Commission one (1) person as the successor of the member whose term has expired, to serve six (6) years and until a successor is appointed. If a vacancy occurs as the result of an unexpired term, the Mayor shall make the appointment to that vacancy. At the time of any appointment, not more than two commissioners shall be adherents of the same political party.

A municipal civil service commission or any member of such civil service commission may be removed from office by the Mayor of the City of Youngstown, in accordance with the provisions of Section 124.40 (A), paragraphs 5 and 6, of the Ohio Revised Code.

Biennially, in January, the Civil Service Commission of Youngstown, Ohio, shall meet and proceed to organize by electing from among its members a president, a vice president, and a secretary, who shall serve in these offices until their successors are elected in the same manner. The Commission shall appoint all necessary staff members for which the city council authorizes appropriations.

The expenses and salaries of the Civil Service Commission shall be determined by the Council of the City of Youngstown, and a sufficient sum of money shall be appropriated each year, or whenever necessary to carry out the provisions of civil service laws for the City of Youngstown.

For the purpose of conducting commission business, two (2) members of the commission shall constitute a quorum; after all three members have been notified.

The Commission shall prescribe, amend and enforce rules consistent with the provisions of the civil service laws of the state of Ohio and in accordance with the Home Rule Charter of the City of Youngstown: for the classification of positions in the civil service; for examinations, appointments, promotions, transfers, leaves of absence, lay-offs, reductions, resignations, removals, and reinstatements; for standardizing positions and maintaining efficiency.

The Civil Service Commission of the City of Youngstown shall exercise all other powers, and perform all other duties with respect to the civil service of the city, as are prescribed and conferred upon the Director of Administrative Services and the State Personnel Board of Review with respect to the civil service of the state; and all authority granted to the Director and the Board with respect to the service under their jurisdiction shall, except as otherwise provided in the civil service laws of the state of Ohio, be held to be granted to the Civil Service Commission of the City of Youngstown, with respect to the service under its jurisdiction.

The commission office shall prepare and be responsible for maintaining an official roster showing names, titles, rates of pay, and other data of all persons employed in civil service. No payroll of persons holding positions in the classified service shall be certified or approved for payment unless each name has been placed on the official roster in accordance with these rules. Notification of appointments in the unclassified service shall be supplied to the commission office by the Appointing Authority within forty-eight (48) hours after appointment in such service.

A copy of the annual report of the Youngstown Civil Service Commission shall be filed in the office of the Department of Administrative Services, the Mayor, the City Clerk, and the Civil Service Commission office as a public record.

SECTION 2 – MEETINGS

The following rules shall apply to all regular, special and emergency meetings of the Commission. These rules are established pursuant to Section 121.22 (F) of the Ohio Revised Code.

All meetings shall be held in the Civil Service Commission office, 7th Floor, City Hall, Youngstown, Ohio, unless otherwise scheduled by the Commission, and shall be open to the public except as determined by a majority of a quorum of the Commission pursuant to Section 121.22 (G) of the Ohio Revised Code.

A. REGULAR MEETINGS

Regular meetings of the Youngstown Civil Service Commission will be held on the third (3rd) Wednesday of every month at 4:00 P.M. (Amendment 02-1). If a regular meeting falls on a legal holiday, that meeting shall be held instead on the fourth (4th) Wednesday of that month.

Notice of regular meetings shall be published in the Youngstown Vindicator on at least one occasion annually, on or before the date scheduled for the regular monthly meeting of the Commission.

B. SPECIAL MEETINGS

Special meetings of the Youngstown Civil Service Commission may be called at any time by the President or any two (2) members of the Commission; provided, that at least twenty four (24) hours advance notice of a special meeting shall be given to all news media. Notice of a special meeting shall be made by the Commission office staff by telephone or other reasonable means of communication. Such notice shall be informative as to the time, place, and purpose of the meeting.

C. EMERGENCY MEETINGS

In the event of any emergency requiring immediate official action, a special meeting may be held without giving twenty four (24) hours advance notification to the news media. The Commission shall immediately attempt to give some notification, as time permits, to the news media. The minutes of any such emergency meeting shall state the general nature of the emergency, which required the immediate action.

RULE III

CLASSIFICATION OF POSITIONS

SECTION 1 – HOME RULE CHARTER

In accordance with the provisions of Section 52 of the City of Youngstown Charter, the civil service of the City is divided into the unclassified service and the classified service.

SECTION 2 – UNCLASSIFIED SERVICE

The unclassified service shall include:

1. All officers elected by the people or persons appointed to fill vacancies in such offices.
2. Chief of Police.
3. Chief of the Fire Department.
4. Commissioner of Water.
5. Members of Board of Health of the City of Youngstown Health District.
6. Director of Park and Recreation.* (Amendment 14-02)
7. Commissioner of Engineering.
8. Commissioner of Public Buildings.
9. Director of Law and Assistants.
10. Director of Finance.
11. Clerk of Council.
12. One Secretary for Head of a Department.
13. Unskilled Labor.
14. Architects, Civil Engineers, and other professionals not in the regular employment of the City may be engaged for special work requiring experience and knowledge, by the officers and boards in charge of several departments. The approval of the Mayor and City Council must first be secured in these matters.
15. Director of Community Planning and Economic Development. (Amendment 14-02)
16. Code Enforcement and Blight Remediation Superintendent. (Amendment 14-02)

Employees in the unclassified service are not subject to the examination process.

* Pursuant to the Charter of the City of Youngstown, Section 27, Department of Public Works.

SECTION 3 – CLASSIFIED SERVICE

The classified service shall comprise all positions that are not specifically included in the unclassified service in the City of Youngstown Charter. Employees in the classified service are generally subject to the examination process.

The classified service is divided into two (2) classes:

A. The competitive class, which shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

B. The non-competitive class, which may include positions requiring peculiar and exceptional qualifications of a scientific, professional or educational character, and for which the Commission determines that a competitive examination would be impractical.

SECTION 4 – CONFORMANCE TO CLASS DUTIES

No person shall be employed or regularly assigned under any title wherein the duties performed are not appropriate to the job title. In positions encompassing several duties of comparable levels of difficulty and requiring similar qualifications, the appropriate title will reflect the preponderant duties. In positions encompassing related duties of substantially varying levels of difficulty, the appropriate title shall reflect the most difficult duties required, if such duties are performed to a substantial degree.

SECTION 5 – AMENDING OFFICIAL CLASSIFICATION

Upon written request of the Appointing Authority, it shall be the duty of the Commission to study new positions or existing positions in which there is doubt as to the appropriate job title. The Commission shall amend, if necessary, the official classification of such positions.

SECTION 6 – PERIODIC INVESTIGATION OF CLASSIFICATION

The Commission shall review periodically the suitability of the class titles assigned to each position in the classified service. The Commission shall determine whether employees assigned to the unclassified service are filling positions that are or should be in the classified service, or whether employees in one class are performing duties that are a part of positions in other classes. When such situations are found to exist, the Commission shall notify the Appointing Authority in writing.

SECTION 7 – THE UNSKILLED LABORER CLASS

The unskilled labor class shall include ordinary unskilled laborers in the positions of Substitute-Laborer and Substitute-Custodial Helper in the Youngstown City School District. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the Civil Service Commission. The Civil Service Commission shall require applicants for registration in the labor class to furnish such evidence or take such tests as the Civil Service Commission considers proper with respect to residence, physical capacity to perform the essential functions of the position applied for, with or without reasonable accommodations, honesty, capacity, industry, and experience in the work or employment for which application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the Civil Service Commission shall certify from the highest on the list double the number to be employed; from this number the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment (Amendment 05-2).

RULE IV

APPLICATION FOR EXAMINATION

SECTION 1 – NOTICE OF OPEN COMPETITIVE EXAMINATION

The announcement by the Commission of an open competitive examination shall be officially advertised in local newspapers at least ten (10) days before the day set for the exam. It shall invite qualified persons to make application for admission to the examination (Amendment 08-7). The examination announcement shall state clearly the following:

1. The title of the position for which the examination is to be held.
2. The duties of the position.
3. The minimum qualifications of education and experience required.
4. Residency requirements.
5. The salary range for the position.
6. All information regarding the obtaining and filing of applications.
7. The last day and hour on which applications will be accepted.
8. Licenses or certifications required.
9. The military veterans' preference of 20 percent (20%) and the reserve component of 15 percent (15%) (Amendment 14-05) for applicants who achieved the minimum passing score or greater as established by the Civil Service Commission. (Amendment 11-12)
10. The bonus point credit of fifteen percent (15%) for bona fide residents of the City of Youngstown who achieved the minimum passing score or greater as established by the Civil Service Commission. (Amendment 11-12).

The Commission shall post notices via electronic media of every examination to be conducted for positions in the classified service of the City of Youngstown on the City internet site on the World Wide Web for a minimum of one week preceding any examination (Amendment 11-9).

SECTION 2 – NOTICE OF PROMOTIONAL TESTING

The announcement of a promotional exam shall be made at least thirty (30) days prior to the scheduled date of the exam by the posting of a notice on the bulletin board in the office of the Commission and in each department in which there are employees eligible to apply for admission to the examination. Such notice shall contain the following information:

1. The title of the position for which the promotional examination is to be held.
2. Employees who will be eligible to participate in the exam.
3. The salary range for the position.
4. The last day and hour on which applications will be accepted.
5. A listing of the source material, if used, from which exam questions would be prepared.
6. An explanation of the bonus points attainable through seniority.

SECTION 3 – CITIZENSHIP AND RESIDENCE

All applicants for examinations must be United States citizens or have a valid permanent resident card. (Amendment 14-03). As per Youngstown City Council Ordinance 09-208, all candidates for employment with the City of Youngstown must be a resident of Mahoning County or an Ohio County that is adjacent to Mahoning County at time of hire. (Amendment 10-1 to comply with **Lima v. State, Opinion No. 2009-Ohio-2597).**

SECTION 4 – FILING THE EXAMINATION APPLICATION

Examination application forms shall be filed in the Civil Service office, City Hall, not later than the regular closing of business hour on the date specified in the examination announcement. The application shall be dated, numbered, and recorded in the applications register in the order in which they were filed. (Amendment 08-6)

SECTION 5 – INFORMATION REQUIRED ON APPLICATIONS

The following information is required on all applications for examinations:

1. The position for which the application is made.
2. Applicant's full name and address.
3. Applicant's citizenship status and date of birth when age is a statutory requirement.
4. Educational background.
5. A list of special qualifications or licenses.
6. Applicant's Military Service experience, if applicable.
7. Names and addresses of present and previous employers within the past five (5) years.

RULE V

EXAMINATIONS

SECTION 1 – CHARACTER OF EXAMINATION

All examinations, except those administered under Section 124.30 (A) (2), of the Ohio Revised Code (non-competitive examinations), shall be competitive and open to those applicants who meet the requirements (Amendment 08-8). The examination questions shall be job-related, in order to evaluate the actual duties of the positions. If the Commission determines that certain positions in different departments are identical or very similar in duties and qualifications, then one (1) exam may be given to produce an eligibility list from which appointments may be made to such comparable positions in different departments.

The Commission shall determine, and state in the examination announcement, whether an examination is an entry level or a promotional examination.

SECTION 2 – PARTS OF EXAMINATION

The Commission shall determine the various parts of the examination and the weight to be assigned to each part. All examinations shall be administered by the Commission or by examiners authorized by the Commission. Such examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and 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 method (Amendment 07-3). Where minimum and maximum requirements are established for any examination they shall be specified in the examination announcement. Any examination may include one or more of the following parts:

A. Written Examination – may be either objective or essay type.

B. Oral Examination – may be used to evaluate an applicant's ability to think clearly and quickly, or to measure oral communication skills.

C. Performance Examination – may be used to measure an applicant's knowledge, skill, or ability to operate office machines, computers, equipment, machinery or automotive mechanical tools and equipment.

D. Physical Examination – may be used to measure muscular strength, endurance, agility, and general physical fitness. This type of examination may be given a weight in examination or may be used in excluding from further examination applicants that do not meet the minimum required standards.

E. Medical Examination –where included, shall consist of an examination administered by a licensed physician designated by the Commission to determine the physical condition of the applicant.

F. Psychological and/or Psychiatric Examination—where included, shall consist of an examination by a psychologist and/or psychiatrist examiner designated by the Commission to determine fitness for duty.

G. Experience Evaluation --shall consist of a quantitative evaluation of an applicant's academic training and experiences which is pertinent to the classification for which an examination is taken. The evaluation shall be based wholly on the statement of experience as recorded on the candidate's application form and on academic training based on required credentials, subject to verification by the Commission.

In the Experience Evaluation, an applicant's academic training and/or practical experience which qualifies him/her for entrance to an examination shall be equal to seventy (70%) percent, or other score as determined by the Commission, of the total weight assigned to this part of the examination. When evaluating an applicant's training and/or practical experience which is above the minimum required for entrance to an examination each year of such training and/or experience shall be so valued that the maximum number of years to be credited in a particular examination will equal the remaining portion of the total weight assigned to this part of the examination. Credit shall be awarded for training and experience gained within or outside governmental service. The credit awarded for training and/or experience must be supported by statements recorded in candidate's application form recorded thereon either when originally filed in the office of the Commission or supplemented at a later date with the approval of the Commission. The Commission may give the examining staff the right to refuse applications which do not meet the minimum qualifications. Such rejection shall be final except that the applicant may appeal within five (5) working days after the mailing date of notice of the decision of the examining staff. Upon review, the Commission shall approve or reject the application and the applicant shall be notified of the Commission's decision.

An oral test may be given to an applicant who is not sufficiently fluent in reading or writing English to take a written exam in English. When such applicant is in competition with other applicants taking a written exam, the same questions shall be asked on the oral exam as are asked on the written exam. A request for an oral exam may be denied by the Commission if it is determined that the language problem would adversely affect job performance (Amendment 07-1).

SECTION 3 – LICENSES REQUIRED

If a certificate or a license is required for a classified position by the authority of a City Ordinance, or law of the State of Ohio, or of the United States, an applicant for an examination for that position must present such certificate or license to the Commission at the time of application.

SECTION 4 – SCHEDULING OF EXAMINATIONS

The time, place, and type of an examination shall be determined by the Commission.

All examinations shall be held at the specific location named in the examination announcement and no applicant will be permitted to take an examination elsewhere for personal convenience.

The Commission may cancel, or postpone an examination because of inadequate number of applicants, a change in requirements, or for other sufficient cause. Cancellations or postponements shall be posted and each applicant shall be notified.

SECTION 5 – THE EXAMINATION

The answer sheet of each person taking a competitive, written examination shall be marked with an identification number which shall be used on all examination papers. All examination papers shall be collected by the Commission staff when the exam is completed. No applicant shall be admitted late to an examination after another applicant, who has completed the same exam, has already left the examination room.

SECTION 6 – METHOD OF RATING

Unless previously announced by the Commission, the minimum passing grade for an examination shall be a score of 70%. If an examination consists of more than one part, each part shall be rated separately, and the final grade will be the average score for all the parts included in the examination.

When a pre-qualifying test is given, the Commission will determine the minimum passing grade or cut-off score.

SECTION 7 – BONUS POINTS FOR ENTRY-LEVEL EXAMINATIONS

Bonus points may be added to passing scores on entry-level examinations for various reasons, in accordance with Section 124.23 of the Ohio Revised Code. Whenever bonus points are established for a particular entry-level examination, an explanation of such bonus points shall be specified in the examination announcement. However, a total of 20% of an applicant's examination score shall be the maximum bonus points that may be added to an applicant's passing score on the examination. No bonus points will be added to an applicant's examination grade unless the applicant first achieves a minimum passing grade on the examination. All bonus points must be submitted by close of business (4:00 p.m.) on the last day of the application period; **provided however, the Civil Service Commission reserves the right to extend the bonus points deadline if an applicant is enrolled in the police or fire academies during the application period for accreditation from the State of Ohio. These Applicants must provide written documentation to the commission <u>before</u> the date the eligibility list is established that they have completed the requirements of an Ohio accreditation** (Amendment 17-01). Bonus points received after the application deadline will not be incorporated into the applicant's examination score. Bonus points for entry-level examinations may include:

1. Military Bonus Points – As provided in Section 124.23 of the Ohio Revised Code, any person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, and who is a resident of the state may file with the Commission a certificate of service or honorable discharge (Forms DD-214 or DD-256), and, upon this filing the person shall receive additional credit of twenty percent of the person's total grade given in the regular examination in which the person receives a passing grade (Amendment 07-2). As provided in Section 124.23(C)(2), any member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, who successfully completes initial entry-level training, shall receive a credit of fifteen percent of a person's total grade which the person receives a passing grade (Amendment 14-05).

2. Educational Bonus Points – The Commission may add bonus points to passing scores on entry examinations, based on an applicant's educational attainments or particular college courses which are directly related to the specific examination. Whenever such educational bonus points are established for an entry examination, a detailed explanation of those bonus points shall be specified in the examination announcement. Applicants must provide an original transcript as proof of educational bonus point eligibility.

3. Work Experience – The Commission may add bonus points to passing scores on entry examinations, based on an applicants prior work experience which is directly related to the specific examination. Whenever such work experience bonus points are established for an entry examination, a detailed explanation of those bonus points shall be specified in the examination announcement. Applicants must provide proof of work experience bonus point eligibility (Amendment 90-1 and 06-1).

4. Residency - As provided for in Youngstown City Ordinance ORD-11-244 and in accordance with the City of Youngstown Charter, Section 52 (E) any candidate who is a bona fide resident of the City of Youngstown for at least one year immediately prior to an entry level

examination and remains a resident citizen of the City of Youngstown throughout the selection process, as determined by the Civil Service Commission, at the time of filing his or her application for examination, shall, if a passing grade is attained, have a credit of fifteen percent (15%) added to his or her raw score. The Applicant must show proof of residency by providing the following: Driver's License, Bank Statements, Utility Bills, Mortgage Release/Lease, and/or Insurance Statements. In order to be considered applicants must submit four (4) different proofs of residency from one (1) year ago and four (4) current proofs of residency. (Amendment 11-13)

SECTION 8 – PROMOTIONAL EXAMINATIONS

Vacancies in positions above the entry grade in any service shall normally be filled by promotion, following competitive exams, from among persons already employed in lower classes of positions. Examinations for promotions shall be of the same kind, administered in the same manner, and the papers marked according to the same standards as prescribed for open competitive exams. If the Commission determines that a scheduled promotional examination has not attracted a realistic number of applicants, then that promotional examination may be rescheduled as an open competitive examination.

SECTION 9 – SENIORITY CREDIT IN PROMOTIONAL EXAMS

Seniority credit on promotional exams shall be added to all passing grades on the following basis:

1. Credit for seniority shall equal for the first four years of service, one percent of the total grade attainable in the promotional examination, and, for each of the fifth through fourteenth years of service, six-tenths per cent the total grade attainable. To compute seniority points, the employee's seniority shall be considered to have begun on the employee's original appointment date, and to extend up to, and to include, the date of the promotional exam. Maximum seniority credit shall be (7) points. In the Police Department, credit for seniority shall be based on service as a Youngstown Police Officer only.

2. For Fire Department personnel, one point shall be added for each of the first four (4) years of service as a firefighter and six-tenths of a point shall be added for each year for the next ten (10) years of service as a firefighter. In computing the credit for seniority, half the credit above set out shall be given for a half year of service. To compute firefighter seniority points, fire service seniority shall be considered to have begun on the firefighter's original appointment date, and extend up to, and include, the date of the promotional examination. Credit for seniority shall be based only on service in the Youngstown Fire Department as a firefighter. Maximum credit shall be (10) points. (Amendment 91-3 and 93-1)

A layoff or a leave of absence, other than a maternity or military leave of absence, lasting longer than 30 consecutive days, shall not be counted as eligible service time for seniority credit on

promotional examinations. Time spent on injured-on-duty (disability) status shall count as eligible service time for seniority credit on promotional examinations.

SECTION 10 – EFFICIENCY CREDIT IN PROMOTIONAL EXAMINATIONS

- REPEALED IN ITS ENTIRETY- (Amendment 96-1)

SECTION 10 – PROMOTION WITHOUT EXAMINATION

If a vacancy exists in a classification requiring particular and exceptional qualifications of a scientific, managerial, professional, or educational nature, and the Appointing Authority establishes in writing to the satisfaction of the Commission that only one employee of the department has such qualifications and competition would be impractical, promotion may be approved under Section 124.30 (A) (2) of the Ohio Revised Code. In such case, the Commission may authorize the Appointing Authority to nominate an eligible employee for promotion without competition, but in all cases of promotion without competition, the Appointing Authority shall submit a written statement showing the following (Amendment 05-3):

A.) That the duties performed by the employee nominated are in actual preparation for the higher position.

B.) That such employee is entitled to promotion by reason of conduct and effective performance in his or her current position.

C.) That such employee possesses the appropriate qualifications to be promoted to the higher position.

D.) That such employee:
1. Is certified under his or her current position and would carry certification to the higher position; or
2. Has successfully completed his or her probationary period and no certification list exits in the classification of the vacant position.

SECTION 11 – POLICE PROMOTIONAL EXAMINATIONS

No person in the Police Department shall be examined for any position immediately above the rank of Police Officer unless that person has been certified and has served as a police officer at least two (2) years.

No person in the Police Department shall be examined for any position above the rank of Detective/Sergeant unless that person has been certified and has served in the next lower rank for a period of one (1) year.

All promotional examinations for the Police Department shall be conducted, graded, and processed in the same manner as other promotional examinations.

This section applies unless modified by language in a collective bargaining agreement.

SECTION 12 – FIRE SERVICE PROMOTIONAL EXAMINATIONS

No person in the Fire Department shall be examined for any position immediately above the rank of Firefighter unless that person has been certified and has served as a firefighter at least two (2) years.

No person in the Fire Department shall be examined for any position above the rank of Lieutenant or Inspector, unless that person has been certified and has served in the next lower rank for a period of one (1) year.

All promotional examinations for the Fire Department shall be conducted, graded, and processed in the same manner as other promotional examinations.

This section applies unless modified by language in a collective bargaining agreement.

SECTION 13 – REVIEW, APPEAL, AND RATING OF PROMOTIONAL EXAMINATIONS

On the first business day following a promotional examination, and extending for a period of ten (10) days, (Saturdays, Sundays, and Holidays included) a copy of the promotional examination papers, including the answer key sheet, will be available at the Civil Service Commission office for each applicant's inspection. The promotional examination may be reviewed for its content and validity in relation to the job description and the job title of the position. At this time, an applicant may protest, in writing, on forms provided by the Commission the validity of any or all of the promotional examination questions. The burden of proof in the protest rests with the appellant. The appellant shall not be identified in the protest. This ten (10) day period is for review and protest only, and the contents of the examination papers and answer key are not to be copied in any manner including reproduction, photography, or voice transcription.

Immediately following this ten (10) day period, the Commission will review each protest and make a decision that shall be final. The Commission will revise the answer key, if necessary, in accordance with the Commission's decisions on protested promotional examination questions. The promotional examination answer sheets will then be graded, and the applicant's raw score shall be marked on the front of the answer sheet. The examination identification number will then be matched with its corresponding answer sheet number to identify each applicant. Any bonus points for seniority will be added to the raw score to produce a final score. Each applicant will be notified promptly by mail of that final score. However, each applicant is individually responsible for obtaining the final score from the Civil Service Commission, when such score has not been mailed, or has been lost in the mail. (Amendment 11-2)

Applicants will not be permitted to inspect standardized tests prepared by experts outside the Youngstown Civil Service Commission, where such inspection would tend to reduce the validity of the test results, or where a legal contract would prohibit such review.

SECTION 14 – INSPECTION OF EXAMINATION GRADING ON PROMTIONAL EXAMINATIONS ONLY

For a period of seven (7) days, (Saturdays, Sundays, and Holidays included) starting with the date of the postmark on the grade notification card, the graded answer sheets shall be open for the inspection of any participant in a promotional examination. Each applicant's answer sheet for the promotional examination, identified with the applicant's name and identification number, shall be open to inspection by the applicant. This inspection is to permit an applicant's answer sheet to be compared with the answer key sheet. The answer sheets of all other promotional examination applicants, without identifying name or number, may be inspected at this time. Any grading error should be called to the attention of the Civil Service Commission staff immediately. (Amendment 11-3)

SECTION 15 – PREPARATION OF ELIGIBILITY LISTS

A list of the names of those persons who attained the passing score as established by the Civil Service Commission on the examination shall be arranged in descending order of the final score attained. If two or more applicants receive the same final score in an open competitive examination, the candidate who filed an application at an earlier date than the other candidates shall be placed higher on an eligibility list; provided, that applicants eligible for military bonus points under Rule V, Section 7, of these Rules and Regulations, shall receive priority in rank on the eligibility list over non-veterans on the list with a final score equal to that of the veteran. (Amendment 11-4)

Except in the Police and Fire Departments, in all competitive promotional examinations, if two or more candidates receive the same final score, total continuous city service shall determine the order in which their names will be placed on an eligibility list. In the Police Department, credit for seniority shall be based only on service as a police officer; in the Fire Department, credit for seniority shall be based only on service as a firefighter.

After the Commission has approved and signed an eligibility list, the list shall be entered in the Eligibility Register, and it shall be the eligibility list from which any appointments are made to that position. The Eligibility Register is open for inspection by the public at all times. The examination papers of the successful candidates shall be kept on file by the Commission for as long as the eligibility list produced by the examination remains in effect. The papers of unsuccessful candidates may be destroyed after sixty (60) days from the signing date of the eligibility list (Amendment 96-1).

RULE VI

ELIGIBILITY LISTS, CERTIFICATIONS, APPOINTMENTS

SECTION 1 – ELIGIBILITY LISTS

An eligible list expires upon the filing or closing of the position to be filled. An expired eligibility list may be used to fill a position of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired list be used more than one year past its expiration (Amendment 11-6). The term of an eligibility list shall not exceed two years from date the list was prepared and signed. (Amendment 11-10)

Eligibility lists established for promotional positions in the Fire Department shall continue for a term of two years from the date the list was prepared and signed. (Amendment 11-10)

The eligibility list for each classified position shall include the names of all applicants for the exam: first, those applicants who achieved the minimum passing score or greater as established by the Civil Service Commission, ranked in descending order of their final grade scores; next those who received a grade below the minimum passing score as established by the Civil Service Commission; last those applicants who failed to appear for the exam. (Amendment 11-5)

SECTION 2 – REMOVAL FROM ELIGIBILITY LIST

Names may be removed from an eligibility list by action of the Commission for the following reasons:

A. At the request of the eligible candidate.
B. After four certifications or considerations without receiving an appointment.
C. Conviction as a felon.
D. As provided by state statute.
E. Failure to pass a medical exam.
F. Failure to appear for an interview.
G. Any other just or reasonable cause.

If a person whose name has been certified for appointment is not interested in being considered for appointment, or declines an actual appointment offer, that person's name shall be removed from the eligibility list. If that person's decision is based on illness, military service, or conflict with schooling, that person shall be restored to the eligibility list when that person indicates renewed availability for consideration. Any other person whose name has been removed from an

eligibility list under this rule may be restored to the list upon written request to the Commission, stating the reasons that would justify restoration to the list.

SECTION 3 – CERTIFICATIONS

Whenever a vacant position in the classified service is to be filled, the Appointing Authority shall request in writing from the Commission the names of those eligible for appointment to the position. The requisition shall state whether the position is permanent or temporary and shall specify any additional requirements.

If there is a re-employment list for the position to be filled, the Commission shall certify one name for each vacancy to be filled. If there is no re-employment list, or those on the list decline appointment the Commission shall certify names from the current eligibility list for the position to be filled. If there is one (1) vacancy to be filled, the top ten (Amendment 14-09) or twenty-five (25) percent, whichever is greater, of names on the list shall be certified for consideration. (Amendment 11-7)

SECTION 4 - NOTICE OF CERTIFICATION

- REPEALED IN ITS ENTIRETY- (Amendment 96-1)

SECTION 4 - CERTIFICATION OF APPLICANTS WITH CRIMINAL CONVICTIONS; HIRING POLICY

A. The Youngstown Civil Service Commission may refuse to certify an eligible person who has been convicted of a criminal offense which precludes the applicant from holding a specific position under federal or state law.

B. The Civil Service Commission may otherwise examine an applicant or certify an eligible person convicted of a felony or misdemeanor, provided the conviction has been sealed or expunged, annulled or fully pardoned pursuant to current Ohio law.

C. The Civil Service Commission will examine an applicant, and may certify as eligible a person convicted of a felony or misdemeanor that does not preclude employment under federal or state law, provided the conviction does not bear a direct and substantial relationship to the position and responsibilities that are job related and consistent with business necessity for which the person is being considered.

The Appointing Authority or Designee shall consider and evaluate the following factors:

1.) the nature and severity of the offense;
2.) the age of the person at the time of the offense;
3.) the amount of time that has elapsed since the offense took place;
4.) how long the applicant has lived without incarceration or correctional supervision; and
5.) any documentation or sworn testimony demonstrating the applicant's rehabilitation, including Certification of Qualification for Employment (CQE) awarded by an Ohio Court of Common Pleas.

D. The Civil Service Commission will defer any questions about convictions, unless otherwise provided above, until after an otherwise qualified applicant has been certified as eligible and the applicant is interviewed for the position. A copy of the results of the criminal background check shall be provided to the applicant, less any redactions made pursuant to law. Failure to disclose relevant background information related to criminal offenses or falsification shall constitute grounds for disqualification (Amendment 14-06).

SECTION 5 – INTERVIEWING ELIGIBLE APPLICANTS

After the Civil Service Commission has certified to an Appointing Authority the name of each person eligible for appointment to a classified position, that Appointing Authority shall have discretion to decide which applicants will receive a job interview. An Appointing Authority may interview one (1), more than one (1), or all of the eligible applicants for each appointment to be made. When the Appointing Authority has made an appointment decision, the Appointing Authority shall forward a copy of the letter of appointment to the Civil Service Commission within seven (7) calendar days of the appointment date. (Amendment 96-1)

SECTION 5 – LIMITATION ON NUMBER OF CERTIFICATIONS OR CONSIDERATIONS

REPEALED IN ITS ENTIRETY (Amendment 96-1)

SECTION 6 – APPOINTMENTS FROM ELIGIBILITY LISTS

For all entry level positions in the classified service, the appointing authority shall appoint in the following manner: each time a selection is to be made, it shall be from one of the names that ranks in the top ten (10) names or top twenty-five (25) percent of the eligible list, whichever is greater. (Amendment 14-09) In the event that ten or fewer names are on the eligible list, the appointing authority may select any of the listed candidates. (Amendment 11-8)

In making a promotional appointment from a certified list, such promotional appointment shall be made only from among the three (3) persons standing highest on the eligibility list. (Amendments 96-1 and 01-1) Promotional appointments in the Police and Fire Departments shall be given to the person having the highest standing on the eligibility list for appointment. (Amendment 11-11)

SECTION 7 – PROVISIONAL APPOINTMENTS

REPEALED IN ITS ENTIRETY (Amendment 07-5)

SECTION 8 – EXCEPTIONAL CLASSIFIED APPOINTMENTS

A. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Civil Service Commission is unable to certify to the Appointing Authority, upon its request, a list of persons eligible for appointment to the position after competitive examination, the Appointing Authority may fill the position by noncompetitive examination.

B. When a vacancy exists in a position in the classified service for which exceptional qualifications of a scientific, managerial, professional, or educational character are required, and satisfactory evidence is presented to show that a competitive examination for that position would be impracticable, and that the position can be best filled by the selection of an individual who has those unique qualification, the Civil Service Commission may suspend the statutory provisions requiring a competitive examination. However, any such suspension of an examination requirement shall apply strictly to a specific situation and the reason for such action shall be reported by the Civil Service Commission to the State Personnel Board of Review in the Annual Report but no suspension shall be general in its application (Amendment 07-6).

SECTION 9 – TEMPORARY APPOINTMENTS

Temporary Appointments- When there is an important and urgent need to fill a position on a temporary basis; the Appointing Authority may make such temporary appointment for a period not to exceed one hundred twenty (120) consecutive calendar days without Commission approval**.** The reason for a temporary appointment must be documented by the Appointing Authority. In no case shall successive temporary appointments be made. A Temporary appointment longer than one hundred twenty (120) consecutive calendar days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence subject to the approval of the Commission.

The acceptance or refusal by an eligible person of a temporary appointment shall not affect the person's standing on the eligible list for permanent appointment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

Persons who receive temporary or intermittent appointments are in the unclassified service and serve at the pleasure of their Appointing Authority.

Temporary employees will be subject to Civil Service Testing, there is no exemption for union membership. Temporary employees will be required to pass a Civil Service Examination in order to obtain permanent status—union bidding procedures do not obviate the necessity to test (Amendment 14-07)

SECTION 10 – AGE AND PHYSICAL EXAMINATION REQUIREMENTS FOR POLICE OFFICERS

No person shall be eligible to receive an original appointment to a police department as a police officer subject to the civil service laws of this state, unless that person has reached the age of twenty-one (21) and has, not more than one hundred twenty days prior to the date of such appointment, passed a physical examination given by a licensed physician, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that the person 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. The Appointing Authority shall, file with the Ohio Police and Fire Pension Fund a copy of the report or findings of the licensed physician within sixty (60) days following such appointment (Amendment 04-2)**.** The Civil Service Commission shall pay the professional fee for such physical examination.

SECTION 11 – AGE AND PHYSICAL EXAMINATION REQUIREMENTS FOR FIREFIGHTERS

No person shall be eligible to receive an original appointment to a fire department as a firefighter subject to the civil service laws of this state, unless that person has reached the age of eighteen (18) and has, not more than one hundred twenty days prior to the date of such appointment, passed a physical examination given by a licensed physician, certifying that the applicant is free of cardiovascular and pulmonary diseases, and showing that the person meets the physical requirements necessary to perform the duties of a firefighter as established by the Civil Service Commission having jurisdiction over the appointment. No person shall be eligible to receive an original appointment on or after the person's thirty-fourth (34th) birthday. The Appointing Authority shall, file with the Ohio Police and Fire Pension Fund a copy of the report or findings of the licensed physician within sixty (60) days following such appointment (Amendment 04-1). The Civil Service Commission shall pay the professional fee for such physical examination.

SECTION 12 – SEPARATE POLICE AND FIRE EXAMINATIONS

Separate police and fire examinations shall be given, and separate eligibility lists maintained by the Commission for original appointments to, and promotions in, the police and fire departments. No person shall be transferred from one list to the other. Appointments and promotions in these departments shall be made only from the separate eligibility lists maintained for each department. Transfers of personnel from one department to the other are prohibited.

RULE VII

PROBATION, LEAVE, TRANSFER

SECTION 1 – PROBATIONARY PERIOD –LENGTH

All original and promotional appointments, including provisional appointments, shall be for a probationary period of ninety (90) days dating from the first day of actual appointment. Original appointments in the Police and Fire Departments shall be for a probationary period of one year, dating from the first day of actual employment. Provisions of this section shall not apply to temporary or seasonal employment.

SECTION 2 – DISMISSAL OR REDUCTION DURING PROBATIONARY PERIOD

No original appointment or promotional appointment is final until the appointee has satisfactorily completed the probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. If the Appointing Authority's decision is to remove the appointee, the Civil Service Commission shall be advised in writing of the reason for such decision.

Any employee promoted to a higher classification as a result of certification from a promotional list, who is found during the probationary period to be unsuited for the work of the higher position, shall be returned to the position from which the employee was promoted. If that position has been abolished, it is the responsibility of the Appointing Authority to make every effort to place the employee in a position for which the employee is qualified. If no suitable position is available for the displaced employee, that employee's name shall be placed on the eligibility list for any positions for which the employee is qualified. (Amendment 99-1)

SECTION 3 – SICK LEAVE

Sick leave is the necessary absence from duty of a regular employee because of illness or injury not suffered in the line of duty; however, it shall not include illness or injury incurred while an employee is engaged in outside employment.

All employees shall be granted sick leave in accordance with the provisions of ordinances passed by City Council governing the sick leave of city employees.

In order to be paid for any days of sick leave, an employee must follow strictly any specific rule or regulation of the department regarding sick leave use.

When an employee has used three (3) or more consecutive days of sick leave, the employee shall provide the immediate supervisor, upon request, a physician's statement to verify the sick leave.

An employee's use of sick leave because of a claimed illness or injury may be investigated at any reasonable hour by an authorized representative of the Appointing Authority.

An employee who misuses the sick leave provisions by wrongfully being absent from work, or whose reason for absence is falsified, shall forfeit all accumulated sick leave and be subject to further disciplinary action, including dismissal.

SECTION 4 – SICK LEAVE EXTENSION

In the event of a protracted illness, if an employee has used up all accumulated leave time (sick, vacation, compensatory), an employee may request from the Mayor extended or borrowed sick leave with pay. The Mayor may approve such requests only in exceptional circumstances.

SECTION 5 – ANNUAL VACATION AND HOLIDAYS

Regular full-time employees shall be granted annual vacation in accordance with the provisions of ordinances passed by City Council pertaining to annual vacation of City employees. Employees become eligible for vacation upon reaching the anniversary date of their employment.

Regular full-time employees shall receive pay for holidays as provided by ordinances passed by City Council pertaining to holidays.

SECTION 6 – LEAVE OF ABSENCE WITHOUT PAY

With the approval of the Commission, an Appointing Authority may grant a leave of absence, without pay, to an employee in the classified service under the following conditions:

A. A leave of absence may be granted for a maximum period of thirty (30) days to an employee who has accepted employment with an employer other than the City of Youngstown. A leave of absence may be granted for maximum period of six (6) months to an employee who has accepted a new classified position within the government of the City of Youngstown.

A leave of absence may be granted for a maximum period of six (6) months to an employee for a reason that does not involve other employment.

B. A leave of absence may be granted for a maximum period of four (4) years to an employee in the classified service to accept a position in the unclassified service. Such leave may be renewed by the employee with the approval of the Appointing Authority and the Commission. (Amendment 98-1)

C. A leave of absence may be granted for a maximum period of two (2) years for the purpose of education, formal training, or special experiences that would be of benefit to the service of the City of Youngstown. Such leave may not be renewed by the employee.

Upon completion of the above leaves of absence, an employee shall be returned to the position formerly occupied, or to a similar position if that former position no longer exists. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave, if such earlier return is agreed to by both the employee and the Appointing Authority. If a leave is not actually being used for the purpose for which it was granted, the Appointing Authority may cancel the leave and direct the employee to return to work by giving a written notice to the employee and the Civil Service Commission.

A provisional employee who is on a leave of absence may be replaced by an individual certified from an eligibility list, and may not be returned to active pay status if such eligibility list has come into existence since the provisional employee took the leave from the position to which that employee now seeks to return.

No leave of absence shall be granted to any employee during the probationary period.

An authorized leave of absence does not constitute a break in continuous service, provided the employee returns to active service following the expiration of the leave, and the returning employee retains position status and seniority rights. However, the service time of the employee while on an authorized leave of absence shall not be used for the computation for entitlement to Longevity Pay or any other pay which is computed on the basis of continuous service. (Amendment 11-1)

A leave of absence may be granted to an employee in the unclassified service at the discretion of the Appointing Authority. Such leave shall be reported to the Civil Service Commission but is not subject to its approval. Return of an employee in the unclassified service to a position following leave of absence shall be at the option of the Appointing Authority.

SECTION 7 – MATERNITY AND MILITARY LEAVE

A pregnant employee may use accrued sick leave hours for a pregnancy – related absence from her position. A pregnant employee may request, and shall be granted a leave of absence without pay, subject to the provisions of this Rule and the requirements of the City of Youngstown's Family and Medical Leave Act policy.

An employee shall be granted a military leave of absence, without pay, to be inducted or otherwise enter military duty. A military leave shall be considered as a separation from employment with reinstatement rights. An employee returning from a military leave without pay must apply for reinstatement within ninety (90) days after receipt of an honorable discharge certificate or other document showing satisfactory completion of active military service. Upon proper application, the employee shall be returned to the same or similar position held before entering military service.

SECTION 8 – ABSENCE WITHOUT LEAVE

Unless sick, using scheduled compensatory time, or on vacation, an employee shall be considered absent without leave if the employee fails to work on a regular working day. For each day of absence without leave, an employee shall lose one day of accumulated sick leave credit, and lose the regular pay for that day.

SECTION 9 – FAILURE TO RETURN FROM LEAVE OF ABSENCE

If an employee fails to return to work at the expiration of a leave of absence, the employee's service with the City shall be terminated. The employee may file an appeal of such termination with the Civil Service Commission within ten (10) days of the termination date.

SECTION 10 – LEAVE OF ABSENCE WITH PAY

The Appointing Authority may, with the consent of the Commission, grant a leave of absence without loss of pay for a definite period of time not to exceed thirty-one (31) days in any one calendar year. If compensation is being received by the employee from another source for the same leave, the employee will receive from the City only the difference between such compensation and the regular pay. A leave of absence with pay will be granted only for active military reserve training or for study or training that will be of value to the employee's service with the City.

SECTION 11 – TRANSFERS

Transfer of an employee holding a position in the classified service may be made for the good of the service, with the approval of the Commission, in the following manner:

A. To a similar position having the same pay and title within a department.
B. To a similar position having the same pay and title in another department, upon the written requests of the directors of the departments involved and with the approval of the Appointing Authority.

RULE VIII

DEMOTION, SUSPENSION, REMOVAL

SECTION 1 – GENERAL LIMITATIONS

No person in the classified service shall be reduced in pay or rank, suspended, laid-off or removed by the Appointing Authority for religious, racial, or political reasons, or any other reason not connected with the proper performance of the duties of the position, With the exception of Rule IV, Section 3, of these rules and regulations wherein, an employee who is not a resident of Mahoning County or an Ohio County that is adjacent to Mahoning County shall be subject to dismissal from the service of the City of Youngstown (Amendment 14-08).

SECTION 2 – PROCEDURE

In any case of a suspension of more than three (3) working days, or demotion or removal, the Appointing Authority shall furnish the involved classified employee with a copy of the suspension or demotion or removal, which shall state the reasons therefore. Such orders shall be filed with the Civil Service Commission.

Within ten (10) days following the filing of such order, the employee may file an appeal, in writing, with the Commission (unless that employee is serving in a position which is within a bargaining unit formed pursuant to Ohio Revised Code, Chapter 4117, and the collective bargaining agreement prohibits such appeal to the Civil Service Commission). In the event such an appeal is filed, the Commission shall forthwith notify the Appointing Authority and shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from the date it was filed. The Commission may affirm, disaffirm, or modify any action of the Appointing Authority.

In cases of removal or reduction in pay for disciplinary reasons, either the Appointing Authority or the officer or employee may appeal from the decision of the Commission to the Court of Common Pleas in accordance with the procedure provided by the Ohio Revised Code, Section 119.12.

In cases of suspension for any period of time, or demotion, or removal of any employee of the Police or Fire Department, the Appointing Authority shall furnish such employee of the department with a copy of the order of suspension, demotion, or removal, which shall state the reasons therefore. Such order shall be filed with the Commission. Within ten (10) days following the filing of such order, such employee of a police or fire department may file an appeal, in writing, with the Commission. In the event such appeal is filed, the Commission shall forthwith notify the Appointing Authority and shall hear, or appoint a trial board to hear such appeal within thirty (30) days from the date it was filed. The Commission (or the trial board, if appointed) may affirm, disaffirm, or modify the judgment of the Appointing Authority. An appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

SECTION 3 – INVOLUNTARY DISABILITY SEPARATION

A. An employee who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition may be involuntarily disability separated. An involuntary disability separation occurs when an appointing authority has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition.

B. An appointing authority may require that an employee submit to a medical or psychological examination for purposes of disability separation or a reinstatement from disability separation. The appointing authority may select one or more licensed practitioners to conduct the examinations. The appointing authority shall supply the examining practitioner with the facts relating to the perceived illness, injury or condition. The appointing authority shall supply all physical and mental requirements of the employee's position; duty statements; job classification specifications; and position descriptions. Both the appointing authority and the employee shall receive the results of any examination and related documents subject to division (C) (1) of section 1347.08 of the Revised Code. An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of the examination amounts to insubordination, punishable by the imposition of discipline up to and including removal. The appointing authority shall pay the cost of the examinations except that an employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

C. The employee must submit to the medical or psychological examinations unless: (1) the employee is hospitalized at the time the action is to be taken; (2) the employee has exhausted his or her disability leave benefits; or, (3) substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

D. An appointing authority shall institute a pre-separation hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two (72) hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine the appointing authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

E. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.

F. At the time the appointing authority provides the involuntary separation order to the employee, the appointing authority shall notify the employee of the required procedures for reinstatement. The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status due to the disabling illness, injury or condition. Reinstatement shall be as provided for in Rule X, Section 2 – Reinstatement After Separation Due to Disabling Illness, Injury, or Condition.

G. The procedures outlined in this Rule (VIII) Section 2 shall apply to orders of involuntary separation and appeals thereof (Amendment 07-7).

SECTION 4 – VOLUNTARY DISABILITY SEPARATION

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of his or her position due to a disabling illness, injury or condition.

The appointing authority may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination as provided for in Rule VIII, Section 3(B). If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.

An employee who is granted a voluntary disability separation waives his/her right to a pre-separation hearing and to an appeal of the decision to approve the employee's request. An employee who receives an order denying a voluntary disability separation request may appeal said order pursuant to the procedures outlined in this Rule (VIII), Section 2 (Amendment 08-4).

RULE IX

LAYOFFS

SECTION 1 – LAYOFF PROCEDURE

Whenever a reduction in the work force becomes necessary, the Appointing Authority may layoff employees for the following reasons:

1. a lack of funds
2. a lack of work
3. the abolishment of a position for reasons of economy, lack of work, a reorganization for a more efficient operation of the Appointing Authority, or any combination thereof.

The resulting layoff and displacement of employees, if any, shall proceed in accordance with Youngstown Civil Service Commission Rules and Ohio Revised Code, Sections 124.321- 124. 323.

In accordance with R.C. 124.323, within the affected classification, first part-time probationary, then part-time permanent, and then full-time probationary employees shall be reduced, in that order, prior to a reduction of a permanent full-time employee. In accordance with the above - order of reduction, the employees with the least amount of retention points (seniority) in the affected classification shall be laid off first.

SECTION 2— RETENTION POINTS DEFINED

For purpose of this Rule, retention points shall be based solely on years of continuous seniority with the City of Youngstown. (In accordance with Section 124.37 of the Ohio Revised Code, in the Police and Fire Departments, retention points shall be based solely on years of continuous seniority in the Police and Fire Departments as a police officer or a firefighter). In the event that two or more employees have identical seniority dates based on continuous citywide service, ties shall be broken by utilizing, in the following order, the following methods:

A. The employee who was standing highest on the eligibility list, from which the original appointments to city service were made, shall be considered to have greater seniority than employees originally appointed on the same date from the same eligibility list, who were standing lower on that eligibility list.

B. If the employee was not appointed from a regular eligibility list, as in paragraph "A" above, then the Appointing Authority shall determine the employee to be laid off or displaced first.

SECTION 3— DISPLACEMENT RIGHTS

A laid off employee shall have displacement rights according to Ohio Revised Code, Section 124.324 and this Rule of the Rules and Regulations of the Youngstown Civil Service Commission. The rules promulgated by the Department of Administrative Services shall not apply, and these rules promulgated by the Youngstown Civil Service Commission shall control. The laid-off employee shall have the right to displace an employee with the least amount of retention points *(i.e.* continuous, citywide seniority*)* in the following order:

1. within the classification from which the employee was laid off;
2. within a lower classification 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, except that the employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than three years prior to the date on which the employee was laid off.

If, after exercising displacement rights, an employee is subject to further layoff action, the employee's displacement rights shall be in accordance with the classification from which the employee was first laid off. Displacement (bumping) rights may be exercised by an employee only within the specific classification series within the originally affected position is listed except as provided for in number 3 above.

SECTION 4 — NOTIFICATION OF LAYOFF

Each employee to be laid off or displaced shall be given fourteen (14) days advance written notice by the Appointing Authority. This notice shall be hand-delivered to the employee or mailed by certified mail to the employee's last known address on file with the Appointing Authority. The day the notice is hand-delivered to the employee, or if mailed, the date of the mailing, shall be the first day of the fourteen-day period.

The written notice of layoff or displacement shall contain the following:

1. THE REASON FOR LAYOFF OR DISPLACEMENT.
2. THE EFFECTIVE DATE OF THE LAYOFF OR DISPLACEMENT.
3. THE EMPLOYEE'S CONTINUOUS CITYWIDE SENIORITY DATE.
4. THE PERTINENT INFORMATION REGARDING THE EMPLOYEE'S RIGHT TO APPEAL THE LAYOFF OR THE DISPLACEMENT.
5. AN EXPLANATION OF THE EMPLOYEE'S DISPLACEMENT RIGHTS AND OBLIGATIONS.
6. AN EXPLANATION OF THE EMPLOYEE'S REEMPLOYMENT RIGHTS

SECTION 5 — EXERCISE OF DISPLACEMENT RIGHTS

When an employee is notified by letter pursuant to the Ohio Revised Code and this Rule that the employee may have displacement rights, the employee must notify the Appointing Authority within five (5) working days after receipt of said notification of employee's intention to exercise those rights. If the employee refuses to exercise displacement rights, or fails to notify the Appointing Authority as required by this Rule, the employee will have waived those rights and will be laid off This waiver will not affect the employee's right to be placed on a layoff list as provided by Section 7 of this Rule.

SECTION 6— CLASSIFICATION SERIES

In addition to the definition found in the Ohio Revised Code, Section 124.01 (I), the term "classification series" means a group of positions sufficiently similar in respect to the progressive nature of the required duties, responsibilities, skills, and qualifications so as to form a career progression. Each classified position in the City of Youngstown shall be listed within one particular classification series unless that position is included within a bargaining unit formed pursuant to Ohio Revised Code, Chapter 4117. The various classification series will be prepared by the Youngstown Civil Service Commission and the individual department heads, and, once approved, shall be official civil service documents on file in the Youngstown Civil Service Communication Office for public inspection. Necessary changes in the classification series will be considered by the Youngstown Civil Service Commission upon written petition by a department head, with supporting documentation showing why such changes may be necessary.

SECTION 7 — REEMPLOYMENT AND REINSTATEMENT RIGHTS AFTER LAYOFFS

As provided by the Ohio Revised Code Section 124.327, an employee who has been laid off, or has been displaced to a lower classification in the classification series, shall be placed upon appropriate layoff lists: Such employee shall be placed on a layoff or re-employment list for each classification in the classification series equal to or lower than the classification the employee held at the time of layoff. That employee shall retain those recall or reemployment rights for a one (1) year period from the date of the layoff or displacement. That employee shall be recalled to his/her former position, or reemployed in an equal or lower position in the classification series, before any certifications are made from regular eligibility lists for those positions. After one (1) year from the date of layoff or displacement, such employee shall be removed from the layoff lists.

If an employee on a layoff list refuses recall or reemployment when it is offered by the Appointing Authority, that employee shall be removed from the layoff list pursuant to Ohio Revised Code Section 124.327 (D).

SECTION 8— APPEAL OF LAYOFF OR DISPLACEMENT

An employee may appeal a layoff or a displacement, which is the result of a layoff, to the Youngstown Civil Service Commission. The written notice of appeal shall include the employee's name, the date of layoff or displacement, and the basis of the appeal. The appeal must be filed or postmarked no later than ten (10) days after receipt of the notice of layoff or displacement. If such an appeal is filed with the Civil Service Commission, the Commission shall within five (5) working days, notify the Appointing Authority. The Commission shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from the date it was filed with the Commission.

SECTION 9— POSITIONS TARGETED FOR ATTRITION

Where a reduction in force is to be accomplished by reducing, through attrition, the number of positions in any classification within a department or bargaining unit, the Appointing Authority, or his/her designee, may file with this Commission a listing of the classifications/positions which are to be abolished through attrition.

Thereafter, whenever a vacancy occurs in such preregistered classification/position, by reason of retirement, death, voluntary or involuntary termination or demotion of the incumbent, the position may be filled and immediately abolished in accordance with the expedited procedure set forth in these rules.

SECTION 10— EXPEDITED FILING AND ABOLISHMENT

In addition to the applicable notification requirements in Section 4, whenever a promoted position within the Police or Fire Departments that has been registered as targeted for abolishment through attrition becomes vacant, the appointing authority may utilize an expedited process by simultaneously notifying this Commission and the top ranking candidate for promotion of the following:

- The first anticipated date on which the position will be vacant;
- The classification and, if known, the position control number of the position;
- Notice to the top ranking candidate of his promotion;
- Notice to the top ranking candidate that his new position has been abolished effective at the close of business on the first date of service in the promoted position;
- The restoration of the top ranking candidate to his former now vacant position;
- The placement of the top ranking candidate on a recall list for the classification/position from which he/she has just been laid off, pursuant to abolishment.

Such expedited process shall result in the receipt by the promotional candidate of one (1) day's pay at the promoted rate.

RULE X

REINSTATEMENT AFTER VOLUNTARY RESIGNATION OR SEPARATION DUE TO PHYSICAL DISABILITY

SECTION 1 – VOLUNTARY RESIGNATION

Any employee in the classified service who resigns there from, may request reinstatement to a vacancy in the same or similar position, upon the filing of a written application with the Civil Service Commission at any time within one (1) year from the date of such resignation. An employee reinstated pursuant to the authority of this paragraph shall not receive credit for seniority earned prior to reinstatement.

Any uniformed employee in the classified service in the Police or Fire Department who resigns there from, may request reinstatement to the rank of police officer or firefighter upon the filing of a written application with the Civil Service Commission and upon passing a physical examination disclosing that the person is physically fit to perform the duties of police officer or firefighter. The application for reinstatement must be filed within one (1) year from the date of resignation. Any person reinstated pursuant to the authority of the authority of this paragraph shall not receive credit for seniority earned prior to resignation and reinstatement, and shall not be entitled to reinstatement to a position above the rank of police officer or firefighter, regardless of the position the person may have held at the time of resignation.

SECTION 2 - REINSTATEMENT AFTER SEPARATION DUE TO DISABLING ILLNESS, INJURY OR CONDITION

An employee who has been voluntarily or involuntarily separated from service due to disabling illness, injury or condition may make a written request to the appointing authority for reinstatement from a disability separation (Amendment 08-5). This request may be made no earlier than three (3) months after separation, and not more often than every three (3) months thereafter. An employee is not eligible for reinstatement if no request occurs within two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury or condition and shall be deemed permanently separated from service.

The employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Within sixty (60) days of receiving this evidence, the appointing authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with Rule VIII, Section 3 (B) & (C).

If after medical or psychological examination the appointing authority initially determines that the employee remains incapable of performing the essential job duties, the appointing authority shall give the employee at least seventy-two (72) hours prior notice of a pre-reinstatement hearing.

At the hearing, the employee has the right to examine the appointing authority's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

If after the pre-reinstatement hearing the appointing authority finds the employee incapable of performing the essential duties, then the appointing authority shall not reinstate the employee.

Once an appointing authority determines that the employee is to be reinstated, then the employee has the right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time to disability separation no longer exists or is no longer utilized by the appointing authority, then the employee shall be placed in a similar classification. If no similar classification exits, or the employee no longer meets the minimum qualifications, the employee may be laid off in accordance with sections 124.321 to 124.327 of the Revised Code or in accordance with an applicable collective bargaining agreement executed in accordance with Chapter 4117 of the Revised Code.

If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five (5) years, except that a licensed practitioner shall be appointed by the public employees retirement board or the Police and Fire Pension Board and application for reinstatement shall not be filed after the date of service eligibility retirement. Employers shall restore an employee found to be physically and mentally capable of resuming service under section 145.362 of the Revised Code, but may request the employee to submit to a medical or psychological examination conducted in accordance with Rule VIII Section 3 (B) & (C).

An employee refused reinstatement as provided in this section of this rule shall be notified in writing of the refusal to reinstate and of the right to appeal to the Civil Service Commission as provided for in Rule VIII Section 2.

All persons reinstated to positions in the classified service in accordance with this section, who have suffered a disabling illness, injury or condition incurred in the performance of duty with the City, shall be reinstated without loss of seniority, and their seniority shall continue to accrue during the period of disability.

All persons reinstated to positions in the classified service in accordance with this section, who suffered a disabling illness, injury, or condition incurred other than in the performance of duty with the City shall be reinstated without loss of seniority; however, their seniority shall not continue to accrue during the period of disability (Amendment 07-8).

RULE XI

PAYROLLS

Each department, board, or commission shall submit to the Commission, through the Finance Department, every payroll prepared by them. The payroll shall list the name of the employee, the job title, the rate and amount of compensation, and the pay period covered by the payroll.

Each payroll shall be accompanied by a certificate, signed by the head of the department, verifying that the employees shown on the payroll were present for work or were lawfully excused on the regular working days during the payroll period.

The Commission shall check each payroll against the official roster and shall approve those that are correct; all others shall be returned with the reason for disapproval.

All payrolls shall be certified by the Commission before payment can be made by the Finance Department.

RULE XII

INVESTIGATIONS, HEARINGS AND APPEALS

SECTION 1 – AUTHORITY TO INVESTIGATE

The Commission may investigate any matter pertaining to the enforcement of the Rules, statutes, laws, the Charter of the City of Youngstown and City Ordinances pertaining to the merit system. If a violation should be uncovered, the Appointing Authority shall be notified.

SECTION 2 – ADMINISTERING OATHS – SUBPOENA POWERS

Any Commission member or the duly appointed representative of the Commission shall have power to administer oaths and affirmations to witnesses and to take testimony concerning any matter which the Commission has the authority to investigate.

The Commission shall have the power to subpoena witnesses, to require them to testify, and to bring with them any documents pertinent to the investigation.

SECTION 3 – HEARINGS AND APPEALS

Hearings before the Commission shall be conducted in an orderly manner. The object of a hearing shall be to ascertain the truth concerning the matter to which the hearing relates, and the Commission need not strictly follow the rules of evidence and procedure usually applied by the courts in civil cases.

If an employee disagrees with an action of the Appointing Authority, the employee shall have ten (10) days within which to file a written appeal of that action to the Civil Service Commission. This ten (10) day period shall run from the point in time when the action was taken, when the employee became aware of the action, or when the employee should have become aware of the action of the Appointing Authority. A copy of the employee's notice of appeal shall be forwarded to the Appointing Authority. Reason(s) for the employee appeal need not be given at the time of the appeal; however, not later than seven (7) days before the scheduled hearing date, the employee shall file with the Commission the reason(s) for the appeal. An appeal will not be dismissed for an employee's failure to provide reason(s) for the appeal; however, this failure will be grounds for a continuance of the hearing until such time as the employee does file reason(s) for the appeal with the Commission. The first filing of a notice of appeal with the Commission is the only act necessary to initiate an appeal.

After a notice of appeal is filed with the Commission in a disciplinary matter, no material amendment may be made to the statement of the charges made at the time of the demotion, suspension, or dismissal. If the appellant files with the removing officer a written reply to the charges, such reply may not be materially amended. In all cases, the issues involved shall be confined to the truth or falsity of the allegations in the statement of the charges.

Each party may call witnesses to testify. On its own initiative, the Commission may call witnesses other than those called by either party if the circumstances of the case require it. The Commission's office staff shall issue subpoenas for witnesses when requested by either party or by the Commission. No more than five (5) witnesses may be called by either party except with the consent of the Commission.

The appellant shall present his/her case first. The appellant will confine the evidence and testimony to the reason(s) stated for the appeal on file with the Commission. However, if the appellant, since filing the reason(s) for the appeal, has discovered new reason(s) to support the appeal, the appellant shall state those reasons to the Commission as soon as possible. Either party may be granted a continuance in the event the adverse party presents new reasons for the appeal or a surprise.

Upon the completion of a hearing, the Commission may render its decision immediately, or may take the matter under advisement and render its decision within a reasonable time thereafter. All parties to a Civil Service Commission hearing shall be notified in writing of the Commission's decision.

If the appellant shall fail to appear at the time fixed for the hearing, the Commission may hear the evidence and render judgment thereon. If the Appointing Authority or the authorized representative fails to appear at the time fixed for the hearing, and if no evidence is offered in support of the charges, the Commission may render judgment as by default or may hear evidence offered by the appellant and render judgment thereon.

RULE XIII

AMENDMENT OF THE RULES

SECTION 1 – PROCEDURE

Amendments to the Rules or the adoption of supplemental new Rules shall be by a majority vote of the Commission members. Such changes in the rules shall take effect and be in force one (1) week after the date of passage.

SECTION 2 – PREVIOUS RULES

All previous rules and regulations of the Civil Service Commission are hereby replaced by the foregoing rules and regulations.

RULE XIV

SEVERABILITY

If any section or part of a section of these rules or any amendment thereto shall be held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other section or part of a section of these rules.

RULE XV

ADOPTION OF RULES

The foregoing rules and regulations prescribing the procedures for examinations, appointments, promotions, transfers, leaves of absence, layoffs, reductions, resignations, removals, and reinstatements in the service of the City of Youngstown, Ohio, are hereby adopted this 1st day of May 2018.

JAMES L. MESSENGER
PRESIDENT

JOHN SPIVEY
VICE PRESIDENT

ALFRED J. FLEMING
SECRETARY

JONATHAN HUFF
CIVIL SERVICE ADMINISTRATOR