



City of Willowick
City Council Emergency Special Meeting

Thursday, June 02, 2022 at 6:00 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

Agenda

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

MISCELLANEOUS

- [1.](#) Motion to approve revisions to the Civil Service Rules.

OTHER BUSINESS

ADJOURNMENT

WILLOWICK

CIVIL SERVICE COMMISSION

RULES

Willowick Civil Service Commission:

James Tobin, Chairman
Michael Lazor, Member
Bill Wittlinger, Member

Approved by the Commission on
_____ , 2022

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REFERENCES

ORC 124.31	Promotions
ORC 124.44	Police Department Promotions
ORC 124.45	Fire Department Promotions
ORC 124.271	Provisional Appointments
OAC 123:1-17	Vacancies and Appointments
OAC 123:1-23	Promotions
OAC 123:1-17-02	Certification Eligible List

WILLOWICK CIVIL SERVICE COMMISSION

RULE I.

ORGANIZATION AND ADMINISTRATION

Section 1. The three members of the Civil Service Commission appointed by the Mayor and confirmed by the Council shall elect one of their members to be the Chairman of the Commission. Such election shall be made by a majority vote of all of the members, and said Chairman shall serve for one year or until the election of a successor. Said Chairman shall be elected at the first meeting of the Commission each year.

Section 2. The Director of Finance of the City of Willowick or an appointee of the Mayor shall be Secretary of the Commission. Subject to the approval of the Commission, the Secretary shall keep an official record in the form of Minutes of all the proceedings of the Commission and shall have charge of the certification of eligibles, the filing and preservation of all records, papers and other data belonging to the Commission or its officers and, in addition, shall do and perform all such other duties as may from time to time be required by the Commission.

Section 3. The Law Director of the City of Willowick shall be the Counsel of the Commission, and as such shall be the legal adviser and attorney for the Commission and attend to such other related matters as may from time to time be delegated to him by the Commission.

Section 4. Meetings of the Commission shall be held at the City Hall as called by the Chairman, and upon notice to each member given not less than twenty-four (24) hours prior to the time set for the meeting.

A majority of the Commission shall constitute a quorum for the transaction of business at any meeting of the Commission, and except as otherwise provided, Roberts "Rules of Order" shall be followed in the conduct of the meetings of the Commission.

Section 5. At any meeting the Commission may assign defined duties to any member of the Commission. Any actions thereunder, however, shall at all times be reported to the full Commission and be subject to its approval, modification or revocation. The acts of any Commissioner when in charge during the absence of the others, or of the Secretary during the absence of the Commissioners, shall be reported to the full Commission and shall be subject to its approval, modification or revocation.

RULE II.

CLASSIFICATION

Section 1. The Civil Service of the Municipality is hereby divided into unclassified and classified service. The classified service shall include:

- (a) Members, including officers, of the police and fire departments;
- (b) Except as herein provided, the Civil Service Commission shall determine the practicability of classification and competitive and non-competitive examination for any non-elective office or job in the service of the Municipality.

Section 2. The classes of positions as named and described in specifications adopted by the Commission and with such amendments as may be made thereto under these rules from time to time and as interpreted therein, shall constitute the "Classification Plan" for the classification of positions in the service of the City of Willowick, Ohio.

Section 3. Whenever a position shall have been allocated to its appropriate class in the manner aforesaid, the title of such class shall forthwith become the title of such position and shall be used in the payroll records, in requests to the Commission for the certification of eligibles, and in all similar administrative and employment processes and documents.

Section 4. The Mayor of the City of Willowick (hereinafter called the "appointing authority") shall report to the Commission when a new position is established or when a different class is established due to a change in the specifications of a position. The Mayor will transmit to the Commission a full statement of the circumstances and description of the duties which shall, after investigation of the actual proposed duties, responsibilities and qualification requirements, classify or re-classify the position, allocating it to its appropriate class in accordance with the Classification Plan in effect.

The Commission shall likewise, from time to time, of its own motion, make investigation of all positions in the service, and propose changes in classification whenever the facts are considered to warrant such action. Classification or reclassification in all such cases shall take effect immediately upon approval by the Commission.

Section 5. When a position has been reclassified by the Commission by reason of additional duties or responsibilities, or to correct original errors in classification, the incumbent of the former position may be promoted or appointed to a new position without examination upon request of the appointing authority. It must be shown to the satisfaction of the Commission that the person for whom such promotion or appointment is requested, has fully and capably performed the additional duties and assumed the responsibilities on account of which the reclassification was allowed, and is allowed, and is fully qualified to fill the position.

Section 6. The Commission may, whenever in its sole discretion circumstances warrant, amend the specifications or characteristics for any class, and abolish, merge or divide existing classes, or create new classes under the Classification Plan.

Section 7. These specifications or characteristics of classes or positions in the Classification Plan are hereby declared to have the following force, effect and intentment:

- (a) They are descriptive only, and not restrictive. They are intended to indicate the kinds of positions that should be classified under the respective classes, as determined by their duties, responsibilities and qualification requirements. Every factor essential to the proper performance of the duties of the position shall be considered and weighed in assigning such position to its proper class.
- (b) In determining the class to which any position shall be allocated, these specifications or characteristics of each class shall be considered as a whole. Consideration shall be given to the general duties, typical tasks, responsibilities, desirable entrance qualifications and relationships to other classes in determining the class into which a position shall be assigned.
- (c) As to the particular parts of the determining factors and specifications of classes, the following principles of interpretation shall apply:
 - (1) The "duties statement" shall be construed as a general description of the kind of work involved in a position that properly falls within the class, and not in any sense designating what the duties of any position shall be, nor as affecting or limiting the conceded power which the appointing authority now has or may hereafter be vested with, respecting the right to prescribe or alter the duties of any position; provided, however, that where a substantial change of duties is made, except for a temporary period or by the addition of duties that are incidental to the main employment, such change shall be reported to the Commission with a view to a possible reclassification of the position.
 - (2) The "typical tasks" shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive, and the fact that the actual tasks performed in a position do not apply therein, shall not be taken to mean that the position is necessarily excluded from the class; provided that the tasks constituting the main work of employment are covered by the general statement of duties. On the other hand, any one example of a typical task, taken without relation to the general statement of duties and all other parts of the specifications, shall not be construed as determining that a position shall be included within the class.
 - (3) The statement of "minimum entrance qualifications" constitutes a part of the description or definition of the kind of employment by expressing the minimum qualifications desirable in the case of any new appointee if they are to perform the work properly, and it is to be construed, and not as imposing in itself, any new or additional requirements for the filling of positions.

Section 8. For the purpose of assisting in its work in connection with the classification or reclassification of positions, the Commission may require the appearance before it of the appointing authority in connection with the classification or reclassification then before the Commission.

RULE III.

APPLICATIONS

Section 1. Every applicant for admission to any examination or position in the classified service of the City of Willowick, Ohio, must be a citizen of the United States or a person who has legally declared his/her intentions of becoming a United States citizen, and fulfill the residency requirements as established by the Council of the City of Willowick.

Section 2. Every applicant who expects to claim veteran's preference shall present for inspection at the time of filing the application, a certificate of service and honorable discharge, or copies thereof, showing proof of service.

Section 3. All applicants for position in the classified service must be not less than twenty-one (21) years of age at the time of appointment provided, however, when it seems reasonable and advisable to do so, the Commission may, in its notices of examination and statements of position specifications either modify such minimum age requirement by specifying a lower age requirement or may allow applicants under said minimum age requirement to be examined with the provision that said applicants shall not be eligible for certification as an eligible nor appointment to an office until said applicants reach the minimum age required for the position. No person is eligible as an applicant for admission to any examination for original appointment to the Police Division if such person is thirty-five (35) years of age or older as of the date of examination. No person is eligible as an applicant for admission to any examination for original appointment to the Fire Division if such person is forty-five (45) years of age or older as of the date of examination.

Section 4. Every person applying for his/her examination for eligibility to any position, the duties of which require examination by and the certificate of any Board of Examiners authorized by the laws of the State of Ohio, shall present for inspection by the Secretary of the Commission, at the time when he/she files his/her application for examination, his/her certificate from such Board of Examiners, or a duly certified copy thereof.

RULE IV.

EXAMINATIONS

Section 1. Examinations shall be of such a character and relate to such matters as will fairly test the relative fitness of the persons examined to discharge the duties of the positions to which they seek appointment.

Section 2. Subject to any of the requirements of Article VII, Section 3, of the City Charter as to the requirement of competitive and noncompetitive examinations, whenever the Commission shall decide that the good of the service will be promoted thereby, it may hold an examination for any office or position in the classified service. Adequate public notice of the time and place of every examination shall be given. Such notice shall be posted in a conspicuous place in the City Hall for at least two weeks before every examination. Whenever greater publicity shall be deemed necessary in order to secure the number desired, notice of the examination may also be published in one or more types of social media such as Facebook, the City of Willowick website, and newspapers of general circulation as determined by the Commission. The notice shall contain such other information relating to the scope and character of the examination, and to the qualifications of the applicants, as the Commission may deem proper. Examinations will be scheduled, and may be postponed or cancelled, at the direction of the Commission.

Section 3. Every examination shall be conducted under the supervision of the Commission and, when necessary, and advisable to do so, the Commission may designate examiners to assist in the conduct of the examination.

- (a) Competitive and noncompetitive examinations shall relate to those matters which fairly test the relative capacity and qualifications of the applicant to discharge proficiently the duties of the class to which the individual seeks appointment. Competitive and noncompetitive examinations may consist of written, oral, and/or performance of physical fitness tests; medical examinations; demonstrations of manual skill; evaluation of training and experience; evaluation by any other professionally accepted method; or any combination thereof. Competitive and noncompetitive examinations may also include investigation of training, experience and background.
- (b) For any competitive promotional examination where the number of qualified applicants is less than or equal to the number of candidates who will be certified to the appointing authority to fill a vacancy, the Commission may utilize the following examination procedure:
 - (1) The examination will consist of a 100% training and experience evaluation;
 - (2) The training and experience evaluation shall be a review of the minimum qualifications for the test;
 - (3) Any applicant who meets the minimum qualifications will be considered to have passed the test;

- (4) Necessary precautions shall be taken to protect the confidentiality of test materials, to provide a favorable test environment, and to insure fairness and security in the administration and grading process. Seniority or other preference points, if applicable, shall be added to the passing grades; and
- (5) Examination or parts thereof may be modified or voided by the Commission if it is determined that the results have been jeopardized.

Section 4. The passing grade for written examination shall be fixed at seventy percent (70%). The passing grade of seventy percent (70%) must be attained before military or education credits are awarded to the applicant. The Commission may require an applicant to attain a specified rating in one or more subjects of the examination as a condition precedent to be rated in the remaining subject or subjects.

Section 5. When such proper proof as the Commission shall require is submitted to the Commission, an applicant for original appointment in the Police and Fire Departments shall be credited with up to 10% credit to his/her attained grade for educational achievement and training. No applicant may receive both educational credit and veteran's preference credit but shall receive such credit of the two as will give him/her the higher examination score.

Veteran's Preference

(1) Veteran Defined. A person who (a) served on active military duty in the armed forces of the United States (other than in the Reserves or National Guard) for a period of more than 180 days and was discharged or released under honorable conditions; or (b) was a member of a military reserve component who served on active military duty during a period of war or in a campaign or expedition for which a campaign badge was authorized and was discharged or released from such duty under honorable conditions.

(2) Disabled Veteran Defined. A person who meets the definition of veteran and who has established the present existence of a service-connected disability (incurred or aggravated in the line of active duty) rated ten percent (10%) or higher, as determined by the Department of Veterans' Affairs or by the applicable military service.

(3) Proof of Eligibility. Any veteran who desires to be awarded veteran's preference points should indicate this election on the test application at the time it is filed. As proof of military service and of disability, if any, the veteran must also have on file with or submit to the Commission no later than the final day of testing, or if the veteran has not yet been discharged from the military*, then prior to the date the eligible list is established, Form DD214 or other such document(s) deemed comparable that identifies:

- (a) Branch of service;
- (b) Service dates;
- (c) Character of discharge;
- (d) Present service-connected disability percentage rating (if disability preference points are requested).

*Any veteran who is in active status during the filing period but anticipates discharge prior to the establishment of the open competitive eligible list for the classification for which he/she is applying must submit, no later than the final day of testing, proof of active status in addition to satisfying all other requirements identified for preference eligibility.

(4) Preference Points. Five (5) points shall be added to the final passing grade of each qualified veteran on an open competitive examination who elected the preference. Ten (10) points shall be added to the final passing grade of each qualified disabled veteran on an open competitive examination who elected the preference.

(5) Limitations.

- (a) All applicants seeking veteran's preference points must meet all the minimum qualifications and all other requirements of the position for which they apply.
- (b) No preference points shall be awarded for promotional examinations.
- (c) No person shall be entitled to the addition of preference points to future exam results under this Rule once appointed from an eligible list in which preference points were received, unless such employment was terminated as a result of a layoff

Section 6. The specifics for preference points prior to any examination shall be determined by the Civil Service Commission.

Section 7. All examination papers, with the markings thereon by the examiners, shall be carefully preserved in the office of the Secretary of the Commission for at least ninety (90) days after the creation of the eligible list. Each individual taking a Civil Service Entrance or Promotional Examination shall be notified in writing by the Commission of his or her passing or failure to pass said examination. The Commission may provide five (5) days after the notification of their ranking, for individuals to review the written test questions and answers.

Section 8. Non-competitive examinations may be held for such positions as in the sole discretion of the Commission require peculiar and exceptional qualifications of scientific, managerial, professional or educational character, **or** special training. Competitive examinations may be ordered for any position previously filled by non-competitive examinations. Non-competitive examinations shall be of such character as will determine whether or not the applicant possesses the requisite knowledge, ability, and physical qualifications to enable him/her to perform the duties of the position. An applicant for examination shall be required to attain a qualifying rating to be fixed by the Commission prior to the examination in order to become eligible for the position which he/she seeks.

RULE V.

ELIGIBLE LISTS FOR ORIGINAL APPOINTMENT TO LOWEST GRADE

Section 1. The Commission, as soon as possible after every examination, shall prepare and keep on file for public inspection an alphabetized list of applicants who have passed the examination and not ranked who are eligible for appointment to the position or class of positions for which the examination was held.

All applicants who receive a final average rating of 70% or more in the examination shall be placed on the eligible list in the order of their standing in the examination, together with the date on which they are entered on the list and date of their examination. Applicants who have passed the examination but who have not reached the minimum age required for appointment shall not be placed on the eligible list until such minimum age is reached. Whenever two or more applicants competing for the same position or positions have like averages, their respective priorities on the eligible list shall be the same as the order in which the applications were filed, and notation shall be made upon the list of such fact.

Upon receipt of request for certification to fill a vacancy, the Civil Service Commission shall certify to the appointing authority from the eligible list, the names, addresses and grades of the ten or more persons standing highest on such list that are willing to accept consideration for that appointment type. The appointing authority shall make appointments from the certification eligible list within ninety (90) days. The Commission may, upon review of adequate reasons why the appointment cannot be made within ninety (90) days, provide the appointing authority a follow-up list for an additional thirty (30) day appointment period. If more than one vacancy is to be filled, the number of names to be certified shall be determined in the following manner:

- (1) For 2 to 4 vacancies, fifteen (15) names shall be given.
- (2) For 5 to 8 vacancies, twenty (20) names shall be given.
- (3) For 9 to 12 vacancies, twenty-five (25) names shall be given.
- (4) For 13 to 16 vacancies, thirty (30) names shall be given.

In appointing persons from the certification eligible list, the rule of ten shall be followed; that is, every time a group of ten (10) available applicants is considered, one of said group must be appointed. Beginning at the top of the list every person who is available but not permanently appointed must be considered four (4) times in a group of ten (10) before the person's name may be dropped from further consideration by that appointing authority. When the Commission includes additional names on a certification eligible list, the additional names may be considered for appointment only if one or more of the persons named in the original certification is unavailable or fails to reply to notice of certification. For each person in the original certification who is unavailable or fails to reply to notice of certification, one name from the additional group may be considered for appointment. In any case, the rule of ten as defined in this rule will be used in making all certified appointments.

Section 2. A person serving as a provisional employee who passes an examination, given for the department in which he is employed, for the class or grade in which the person holds the position shall be appointed as a certified employee in the position before the Commission prepares an eligible list.

Section 3. The Commission at any time when in its sole discretion the interest of the service so requires, may hold an examination for eligibles in any class of the classified service, and may consolidate two or more eligible lists of the same kind by rearranging all eligibles named therein according to their standings.

Section 4. When for any reason the Commission shall hold an examination for eligibles in any particular class, and there is an existing list of eligibles for such class, any eligible on such existing list may take the new examination but, by doing so, he/she shall thereby become removed from such existing list and shall be bound by the results of the new examination.

~~**Section 5.** The eligibility list shall remain in effect for a period of two (2) years from the date of the certification of such list.~~

Eligibility lists, as established by the Commission, shall remain in effect for a period of one (1) year from the date of certification of the final results of the competitive examination for the position tested. The Commission may, in its discretion, extend the duration of that list for a period not to exceed one (1) additional year.

(a) Abolishment of Eligibility Lists. The Commission may, in its discretion and at any time, abolish any existing eligibility list or lists. The Commission may hold new competitive examinations whenever, in its judgment, the interest of the public service so requires.

(b) Duration of Examination Grades. The grades and standings, as ranked on the eligibility list or lists, from competitive examinations held by the Commission, shall remain the grades and standings for the period said list(s) are in force pursuant to this Rule.

~~**Section 6.** The Commission may at any time remove the name of an eligible applicant from any eligible list for any one or more of the following causes:~~

- ~~(a) Failure to respond to notice of certification within the time limited in such notice;~~
- ~~(b) Declination of appointment;~~
- ~~(c) Failure to withdraw waiver of certification within the time limit in these rules;~~
- ~~(d) Failure to notify the Commission of change of address;~~
- ~~(e) For attempted deception or fraud in connection with any application or test; or~~
- ~~(f) For willfully or corruptly making any false statement, certificate, mark, grading, or report in regard to any test or appointment held or made under the Civil Service provisions of the Charter.~~

~~Whenever any person is removed from an eligible list for any one or more causes as set forth above, he/she shall be notified immediately in writing by certified mail and may within thirty (30) days thereafter present to the Commission, a written request for reinstatement to the eligibility list. Upon approval by the Commission, the name of such eligible shall be restored to the eligibility list in a position to be determined by the grade obtained by the eligible on his/her examination.~~

Disqualification and Notice. If at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list is disqualified, including reasons cited by an Appointing Authority, the Commission may immediately determine such disqualification and order removal of a candidate's name from an eligible list.

Reasons for removal include the following:

- a. The eligible person's application contains a false statement or a material omission.**
- b. The eligible person has a physical or mental disability which would interfere with the proper performance of his/her duties in the position he/she seeks.**
- c. The eligible person fails to report for, or arrange within six (6) days (Sundays and holidays excluded) of the post-marked date on his notification, an interview with the Appointing Authority.**
- d. The eligible person fails to respond to a notice from the Civil Service Commission within a deadline provided.**
- e. The eligible person declines an appointment without reasons satisfactory to the Civil Service Commission.**
- f. The eligible person fails to inform the Commission by written notice of any change of his/her address.**
- g. The eligible person cannot be located by the postal authorities.**
- h. The eligible person fails to be appointed after being certified two (2) times. Amended 9/21/15**
- i. The eligible person does not pass the background investigation.**
- j. The eligible person for position of firefighter or police officer fails to pass physical agility test or fails to maintain valid certification.**
- k. The eligible person fails to meet age requirements for entry-level police and fire department positions.**
- l. The eligible person fails any other requirement as specified by the Commission or the Appointing Authority.**

The removed candidate shall be notified, in writing, of disqualification and offered an opportunity to appeal to the Commission within ten (10) days of the Commission's determination, and to be heard by the Commission. The hearing shall be scheduled within thirty (30) days from the filing of the appeal with the Commission. An appeal is considered filed within the meaning of this section when it is received by the Commission's secretary. The Commission shall notify the appointing authority and the employee of the time and place of the hearing. The Commission may affirm, disaffirm, or modify the judgment of the appointing authority.

Section 7. When the age of an eligible upon any list reaches the maximum age limit specified for the position for which he/she is eligible, his/her name shall be removed forthwith from such list, and he/she shall be notified of such action by the Secretary.

Section 8. Each eligible shall file with the Commission a written notice of any change of his/her address, which notation shall state his/her name, the eligible list on which it appears, his/her new address and his/her last address as registered with the Commission.

Section 9. Applicant Withdrawal from an Eligible List

- (1) An applicant whose name appears on an eligible list may request, in writing one (1) temporary withdrawal from the selection process.
- (2) No temporary withdrawal shall remain in effect beyond the expiration or replacement of the eligible list from which the temporary withdrawal was requested or, in replacement of the eligible list from which the temporary withdrawal was requested or, in cases where a conditional offer of employment had been made prior to the requested temporary withdrawal, beyond the expiration of the conditional offer of employment.
- (3) An applicant may request, in writing, that his/her name be reinstated to the selection process at any time prior to the expiration or replacement of the eligible list or the expiration of a conditional offer of employment.
- (4) Applicants reinstated to an eligible list pursuant to this rule shall re-enter the selection process in accordance with Commission policy.
- (5) Applicants no longer interested in participating in the selection process may request, in writing, that their name be permanently withdrawn from further consideration. Names permanently withdrawn from an eligible list shall not be restored to that list.

RULE VI.

REQUISITION, CERTIFICATION AND ORIGINAL APPOINTMENT TO THE LOWEST GRADE

Section 1. The appointing authority in which a position in the classified service is to be filled shall notify the Civil Service Commission of the fact, and the Commission shall, except as otherwise provided in this section and sections 124.30 and 124.31 of the Ohio Revised Code, certify to the appointing authority the names and addresses of the ten (10) candidates standing highest on the eligible list for the class or grade to which the position belongs.

Section 2. The appointing authority shall notify the Civil Service Commission of such position to be filled, and the appointing authority shall fill such position by appointment of one of the ten (10) persons certified by the Commission. If more than one position is to be filled, the Civil Service Commission may certify a group of names from the eligible list, and the appointing authority shall appoint in the following manner: Beginning at the top of the list, each time a selection is made, it must be from one of the first ten (10) candidates remaining on the list who is willing to accept consideration for the position.

Section 3. A person certified from an eligible list four (4) times to the same appointing authority for the same or similar positions may be omitted from future certification to such appointing authority, provided that certification for a temporary appointment shall not be counted as one of such certifications.

Section 4. The Commission may at any time remove the name of an eligible applicant from any eligible list for failure to respond to notice of certification within three (3) days in such notice.

Section 5. The appointing authority shall, immediately upon acceptance of appointment by an eligible, report to the Commission the name of the person so appointed and accepting. The names of those certified and not appointed shall thereupon be restored to their positions on the eligible list.

Section 6. Eligibles on any list may waive appointment upon giving reasons in writing satisfactory to the Commission. If the reasons assigned are not approved by the Commission, an eligible may be removed from the list.

An eligible so filing a waiver shall not be entitled to certification as long as his/her waiver remains on file and is not withdrawn, but no waiver shall be permitted for a longer period than thirty (30) days, after which time, if the waiver is not withdrawn, the eligible shall be removed from the list. A second waiver to the same list shall not be allowed.

RULE VII.**TEMPORARY AND EXCEPTIONAL APPOINTMENTS
TO THE LOWEST GRADE**

Section 1. Upon receipt of a request for certification for a position for which no appropriate eligible list is available, the Commission shall notify the appointing authority that nomination for temporary appointment may be made to fill such position until an eligible list can be created, or for a period not to exceed six (6) months.

Section 2. 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 requisition by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the Commission for noncompetitive examination. If such nominee is certified by the Commission as qualified after such noncompetitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the Commission. Such eligible lists shall be prepared within six (6) months, provided that an examination for the position must be held within the six (6) month period from the date of such provisional appointment. **Successive temporary appointments to the same position shall not be made under this provision.**

Section 3. **The placement of a person eligible for a temporary appointment shall not affect standing on the list for permanent appointment; nor shall the period of temporary service be counted as part of the appointee's probationary service, nor attributed seniority in the position, if he/she is subsequently appointed to a permanent position.**

RULE VIII.

PROMOTIONS BEYOND THE LOWEST GRADE

Section 1. Vacancies in positions in the classified service shall be filled insofar as practicable by promotions and for making promotions in the classified service on the basis of merit, to be ascertained as far as practicable by promotional examinations, by conduct and capacity in office, and by seniority in service, and shall provide that vacancies shall be filled by promotion in all cases where, in the judgment of the Commission, it is for the best interest of the service.

Section 2. Whenever there is vacancy in the position of Chief of the Willowick Fire Department, such position shall be filled by any eligible Captain or Lieutenant within the Department after competitive examination and assessment selection process.

Section 3. Whenever there is a vacancy in a position in any department above the lowest grade, and there is no eligible list for such position, the Commission shall ascertain whether there are at least two (2) employees who have served one (1) year or more in the next lowest grade or grades, excluding any probationary period, who are eligible to fill such vacancy. If it is found that there are at least two (2) such employees, the vacancy shall be filled from an eligible list established by a competitive examination given for promotion of such employees.

Section 4. Whenever there are fewer than two (2) persons holding positions in the grade or rank next lower than the position to be filled who are eligible, the Commission shall allow the persons holding the positions in the next lower grade or rank and who have held such grade or rank for one (1) year or more to be eligible. For the purpose of this section, a probationary employee who has not served one (1) full year in their current rank is considered to hold the rank preceding their appointment to their current rank.

Section 5. Notice of all promotional examinations shall be posted by the Secretary of the Commission in a conspicuous place in the City Hall not less than two (2) weeks before the date fixed for the examination. Such notice shall give the date and the character of the examination and shall indicate the grade or rank of persons eligible to compete. Applicants for promotion shall file their application as the Commission has prescribed.

Section 6. In a promotional examination, should two (2) or more applicants receive the same grade, seniority in the classification from which the promotion is sought (respective departmental seniority) shall determine the order in which their names shall be placed on the eligible list.

If the applicants are still tied after the aforementioned seniority has been considered, then the grades received by the applicants in the examination from which appointment to the grade or rank from which promotion is sought shall be used to determine the order of placement on the list.

Section 7. Vacancies in positions above the rank of police officer in a police department shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled. No position above the rank of police officer in a police department shall be filled by any person unless he/she has first passed a competitive promotional examination. Promotion shall be by successive ranks so far as practicable, and no person in a police department shall be promoted to a position in a higher rank who has not served at least twelve (12) months in the next lower rank. No competitive promotional examination shall be held unless there are at least two (2) persons eligible to compete.

After such examination has been held and an eligible list established, the Commission shall forthwith certify to the appointing authority the name of the person receiving the highest rating. Upon such certification, the appointing authority shall appoint the person so certified within thirty (30) days from the date of such certification. If there is a list, the Commission shall, where there is a vacancy, immediately certify the name of the person having the highest rating, and the appointing authority shall appoint such person within thirty (30) days from the date of such certification.

Section 8. When a vacancy occurs in the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless he/she has served twenty-four (24) months in the rank of Firefighter First Class, provided in those cases where there are less than two persons in the rank of Firefighter First Class, who have served twenty-four (24) months therein and are willing to take the examination, the twenty-four (24) month service requirement does not apply.

No person shall be eligible to take the examination unless he has served twelve (12) months in the rank from which the promotion is to be made, provided in those cases where there are less than two (2) persons in such next lower rank who have served twelve (12) months therein and are willing to take the examination, neither the twelve (12) month service requirement nor the probationary restrictions shall apply. If the non-application of the twelve (12) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event this process of searching successively lower ranks reaches the rank of Firefighter First Class, the twenty-four (24) month service requirement applies, provided in those cases where such application still fails to produce two (2) persons who are eligible and willing to compete, said twenty-four (24) month service requirement does not apply. In the event two persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

Section 9. Those persons who compete in a promotional examination for the fire department in accordance with the rules of the Civil Service Commission shall have added to their grade credit for seniority. Credit for seniority shall be given as follows: One (1) point shall be added for each of the first four (4) years of service, and six-tenths (.6) of a point shall be added for each year for the next ten (10) years of service. Credit for seniority shall be based only on service in the fire department of the City of Willowick and the service provided for in the next succeeding paragraph up to and including the application deadline date.

Section 10. When service on the City of Willowick fire department is interrupted by service in the armed forces of the United States, seniority credit shall be granted in promotional examinations for the time so served. No additional credit for military service shall be allowed in promotional examinations. No credit for seniority shall be added to an applicant's grade unless the applicant achieves at least the minimum passing grade on the examination without counting such extra credit.

Section 11. The eligibility list shall remain in effect for a period of two (2) years from the date of the certification of such list. (Amended 4/3/06)

Section 12. During a period of emergency, notwithstanding any provision contained within these rules, a temporary appointment to the position of Fire Chief shall be permitted for a period not to exceed 210 days.

RULE IX.**TRANSFERS, LAY-OFFS AND REINSTATEMENTS**

Section 1. A transfer of an employee from a position in one class to a position in another class, with a higher rate of compensation, or with different or more responsible duties, shall be regarded as a promotion, and shall be subject to the rules of this Commission governing promotions.

Section 2. Whenever it becomes necessary to lay off employees in the classified service for any reason, those persons who have been appointed last shall be the first to be laid off from the service. The names of such persons so laid off shall be returned to their proper positions on the appropriate eligible list for recertification and reappointment when the conditions necessitating the lay off shall have been removed.

Section 3. A layoff list shall be established by the Commission and kept by the Secretary, and the employees whose names appear on such list shall be the first to be selected to refill the positions which were the subject of the layoff and which were held by the persons so laid off.

Section 4. Any person holding an office or position in the classified service who resigns therefrom without delinquency or misconduct on his part may be reinstated upon the request of the appointing authority, with the consent of the Commission, to a vacancy in the same or similar office or position in the same department, provided a written application for reinstatement shall be filed within one (1) year from the date of resignation.

Section 5. Members of the uniformed ranks of the Fire and Police Departments who have resigned in good standing from their offices or positions may request in writing the withdrawal of such resignation and may, with the approval of the Commission, the Director of Public Safety and the division head of the department concerned be reinstated after a physical examination to the position of firefighter or police officer, respectively, in the department from which such officer resigned. Said request for reinstatement must be made within one (1) year from the date of resignation and reinstatement shall not be to a grade or rank above that of Firefighter First Class or Police Officer First Class.

An officer or member so reinstated shall not be entitled to seniority credit for service prior to resignation nor shall such service be considered in determining the eligibility of such reinstated member to enter promotional examinations.

RULE X.**LEAVES OF ABSENCE**

Section 1. Leaves of absence without pay may be granted by the appointing authority. Written notice of all leaves of absence granted, stating the commencement period thereof, shall be filed with the appointing authority.

Section 2. Absence from duty without leave for any time will be considered good cause for dismissal; and absence from duty without leave for three (3) consecutive days shall be deemed a resignation from the service by the absentee upon report of such absence by the appointing authority, and the resignation shall be entered upon the records of the appointing authority. Provided, however, that if at any time within thirty (30) days the person so absenting himself shall make satisfactory explanation to the appointing authority of the cause of his absence, he may be reinstated to his position. Failure to report after an approved leave has expired, or has been disapproved or revoked and cancelled by the appointing authority shall be cause for discharge. Provided further that if an officer or employee so discharged shall show to the satisfaction of the appointing authority that such failure to report was excusable, the appointing authority may then order his reinstatement.

RULE XI.

REDUCTIONS, SUSPENSIONS AND REMOVALS

Section 1. The tenure of every employee in the classified service shall be during good behavior and efficient service. No such officer or employee shall be discharged, suspended or demoted for political, racial or religious reasons, or refusing to contribute to any political fund or refusal to render partisan political service. However, any officer or employee in the classified service may be discharged, suspended or demoted for any one or more of the following causes:

- (1) Neglect of duty
- (2) Absence without leave
- (3) Incompetency
- (4) Inefficiency in his work
- (5) Conduct unbecoming an employee in the public service
- (6) Intoxication in the course of employment
- (7) Disorderly or immoral conduct while on duty
- (8) Insubordination
- (9) Offensive conduct or language towards fellow employees, superiors, or the public in the course of his employment
- (10) Willful violation of any provisions of law governing Civil Service Rules and Regulations of the Commission
- (11) Conviction of a felony or misdemeanor involving moral turpitude
- (12) Neglect or willful damage to public property
- (13) Wasteful use of public supplies or equipment (subjective)
- (14) Incapacity due to mental or physical disability
- (15) Neglect, improper or inefficient handling or accounting for public funds or accounts, or violation of any departmental rule or regulation respecting the handling or accounting of public funds or accounts
- (16) The use or attempt to use political influence or authority upon a person in the service, or engage in any political activity for any public office in the City of Willowick
- (17) For failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office

Section 2. On the hearing of an appeal, the Commission shall consider the charges for specifications set forth in the order of the appointing authority as filed with the Commission, and in reaching its decision shall also take into consideration the record and history of the appellant as set forth in the records and files of the Commission. No substantial amendment of, nor addition to, said charges and specifications shall be permitted or considered by the Commission, and the order of the procedure shall be as follows:

- (a) The appointing authority shall briefly state the grounds and facts alleged to sustain the order.
- (b) The appellant shall briefly state his explanation or defense.
- (c) The appointing authority shall present the evidence in support of the order.
- (d) The appellant shall present the evidence in support of his explanation.
- (e) The appointing authority shall present any rebuttal evidence.
- (f) Argument will be permitted only when desired by the Commission.

The admission and exclusion of evidence and the determination of the appeal shall be governed in general by the rules of evidence and burden of proof applied by the courts in civil cases. Either party may personally represent himself or be represented by counsel.

The Commission shall, after due consideration, render its judgment, affirming, disaffirming, or modifying the order which was the subject of the appeal. In case said judgment be one of disaffirmance or modification, the appellant shall be reinstated under such conditions as the Commission may make in connection therewith.

Section 3. If the appellant shall fail to appear at the time and place fixed by the Commission to prosecute the appeal, the appeal shall be dismissed by the Commission. If the appointing authority fails to appear at such time and place and to offer evidence in support of his charges and specifications, the Commission may hear evidence offered by the appellant and render its decision on the merits.

Section 4. The acceptance by the appointing authority of the resignation of any such appellant before final action on the appeal by the Commission, will be considered as a withdrawal of the charges and thereupon the appeal shall be dismissed without decision, except that the facts pertaining to such resignation and the disposition of such appeal shall be set forth and entered upon the records of the Commission.

RULE XII.

INVESTIGATIONS

Section 1. The Civil Service Commission may make investigations concerning the fact in respect to the execution of the Civil Service provisions of the Charter. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the Commission by any person. The Commission shall cause such complaints to be investigated, and it may report its findings to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Each member of the Commission, or any person whom the Commission may appoint to make any investigation authorized or requested by this section, shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation, and administer oaths to such witnesses.

RULE XIII.

WAIVER OF RULES

Section 1. In specific cases where, in the sole discretion of the Commission, it is in the interest of the public service, any of the rules hereby adopted may be waived by the unanimous vote of all three members of the Commission. Such action, together with the reasons therefore, shall be entered in the minutes of the Commission. In the interests of justice to all concerned and to promote the welfare of the Civil Service in the City of Willowick, Ohio, a wide degree of liberality of construction and interpretation of these Rules and Regulations in any and all circumstances and situations shall be the policy to be adopted and followed by the Commission in its administration of the merit system.

RULE XIV.

ADMENDMENTS

Section 1. The Commission, in its discretion, may change, amend, revoke or modify these rules or any rule herein, or any part thereof, by a majority vote of the Commission. One week's notice of such proposed change, together with the text of the proposal, shall be posted on the bulletin board in the City Hall.

RULE XV.

SAVING CLAUSE

Section 1. If any rule, part of a rule, section or part of a section of these Rules and Regulations is held to be invalid or unconstitutional by any court for any reason, the same shall not invalidate or impair the validity, force, or effect of any other rule, part of a rule, section or part of a section of these Rules and Regulations unless it clearly appears that such other rule, part of a rule, section or part of a section is wholly or necessarily dependent for its operation on the rule, part of a rule, section or part of a section so held invalid or unconstitutional.

DATED: April 1, 2020

BY ORDER OF THE CIVIL SERVICE COMMISSION

Chairman

ATTEST:

Secretary