



# THE DEPARTMENT OF HUMAN RESOURCES

## PROCEDURES AND POLICIES



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## DEFINITIONS

As used in these procedures, the following terms shall have the meaning as indicated below.

**ACTIVE DUTY.** Full-time duty in the active military service of the Armed Forces of the United States or active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or a proclamation of the Governor. "Active duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.

**ARMED FORCES.** The armed forces of the United States of America (Marine Corps, Army, Air Force, Navy, and Coast Guard), the organized militia of the United States when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the President of the United States in time of war or emergency.

**ALLOCATION.** The assignment of a class to a pay range or an appropriate pay level.

**APPLICANT.** Person who has formally applied for a position with the City of Akron.

**APPOINTING AUTHORITY.** A person, Board, or Commission, having the authority to make appointments to positions in the classified service of the City as prescribed in the City Charter.

**APPOINTMENT.** The act by the designated authority of selecting and hiring an individual to fill a vacant position in the classified service of the City. An appointment may be made in any one of the following categories:

1. **PROBATIONARY.** An appointment to a position in the classified service which requires the appointee to serve a prescribed period of time during which the appointee's performance is evaluated. This appointment type is applied before an appointment or employment is made permanent.
2. **PERMANENT.** The appointment status which is conferred on an individual who has satisfactorily completed the prescribed probationary period for the position in the classified service to which the appointment has been made. Such appointments usually involve continuous year round service, although permanent appointments to part-time positions are possible.
3. **PROVISIONAL.** A short term appointment to a position in the classified service without competition, for a period to be determined by the Director of Human Resources. Provisional appointments are used to fill critical positions until a permanent appointment can be made.
4. **SEASONAL.** An appointment to a position in the classified service which requires the service of the appointee only during certain parts of each year, such dates of service prescribed by ordinance.
5. **TEMPORARY.** Any appointment to a position in the classified service made for a temporary period as approved by the Director of Human Resources.

6. **PROVISIONAL EMERGENCY.** An appointment to a position in the classified service when necessary in the interest of public safety, welfare or economy, which requires the services of the person most readily available for the performance of certain work, due to an extreme emergency, . Provisional emergency appointments must be requested by the Mayor and approved by the Director of Human Resources and can be cancelled at the request of the Mayor.

**CALENDAR YEAR.** A twelve (12) month period beginning January 1st and ending December 31st.

**CANDIDATE.** a) Potential applicant for a position with the City of Akron; b) Person seeking a position with the City of Akron.

**CLASS OF POSITIONS (CLASS).** A position or group of positions with duties and responsibilities which are enough alike to be equitably assigned the same title, the same or similar qualification requirements and selection criteria, and the same pay range.

**CLASSIFICATION.** The assignment of a position or group of similar positions to a general class.

**CLASSIFIED SERVICE** – Service in a position listed in the classification and compensation plan that is approved by the Human Resources Commission of the City of Akron.

**COMMISSION.** The Human Resources Commission of the City of Akron, Ohio.

**CONTINUOUS SERVICE.** The time a person has been continuously employed, including time served as a full time, temporary, seasonal, provisional or probationary employee where there has been a continuation of employment to permanent status without any break in service.

**DEMOTION.** Any reduction from one class to another class for which the maximum rate of pay is lower.

**ELIGIBLE LIST.** A list of names established either through examination, or reinstatement, for the purpose of filling vacancies in the classified service.

**EXAMINATION (TEST).** Methods or procedures used by the Department of Human Resources under the direction of the Director of Human Resources to assess the relative capability of candidates to perform the duties and responsibilities of the position sought. Examinations are one or more of the following types:

1. **OPEN COMPETITIVE.** An examination which is open to all qualified candidates.
2. **PROMOTIONAL COMPETITIVE.** An examination which is open to qualified City employees who are in the classified service of the City of Akron.
3. **COMBINED OPEN AND PROMOTIONAL.** An examination which is open to both types of candidates described in 1 and 2 above.
4. **ASSEMBLED.** An examination which requires qualified applicants to report at a designated time or place to participate in the examination.

5. **UNASSEMBLED.** An examination which is based on ratings or ranking of experience, education, and a review and evaluation of written material submitted by the applicant.
6. **NON-COMPETITIVE.** An examination which evaluates candidates to determine the merit and fitness of applicants for classified positions of a scientific, managerial, advanced professional, or advanced educational character.
7. **CONTINUOUS.** An examination that is open to all qualified candidates on a continuous basis without restrictions on time of filling until such time as all position(s) are filled.

**KNOWLEDGE.** Personal wisdom and information obtained through a prescribed course of process of study and/or training to provide acquaintance with or understanding of a science, art, technique or process. When preceded by a qualifying adjective, the knowledge shall have the following meaning:

1. **SOME.** Understanding and information which can be gained with six months to one year of study or training.
2. **KNOWLEDGE.** Understanding and information which can be gained with one to three years of study or training.
3. **CONSIDERABLE.** Understanding and information which can be gained with three to five years of study or training.
4. **EXTENSIVE.** Understanding and information which can be gained with five to seven years of study or training.

**STEP INCREASE.** An increase in pay from one pay step to the next successive pay step within a pay range given to qualified employees on their current anniversary date.

**PAY RANGE.** A group of standard rates of pay with minimum, maximum and intermediate pay steps.

**PAY STEP.** A standard rate of pay within one or several pay ranges.

**DEPARTMENT OF HUMAN RESOURCES.** Employees carry out functions, programs and policies of the Department under the supervision of the Director of Human Resources, according to the authority granted through Akron's Charter.

**DIRECTOR OF HUMAN RESOURCES.** The Director administers the activities of the Department of Human Resources and exercises general supervision over all human resource policies of the City, subject to the direction of the Mayor. The Director's responsibilities and duties are derived from Akron's Charter.

**POSITION.** A specific job that is assigned to a classification.

**PROMOTION.** Any advancement from one class to another class for which the maximum rate of pay is higher.

## **STATEMENT OF PURPOSE**

It is the intent of the Department of Human Resources to establish an equitable and uniform system of human resources administration and to ensure that all procedures and policies are administered in accordance with related laws, ordinances and the Akron City Charter. Decisions on employment shall be based on qualifications, experience, and suitability for the position without regard to race, color, sex, religion, age, disability, national origin, ancestry, veteran status, sexual orientation, gender identity, or other characteristics provided by law. Compensation decisions will be made fairly and consistently. Nothing in these procedures shall be interpreted as amending, modifying, restricting, or superseding the terms of any applicable collective bargaining agreements that are in effect.

## **I. CLASSIFICATION AND COMPENSATION**

### **SECTION 1. Classification Plan**

(a) **CLASSIFICATION PLAN.** A classification plan for all positions in the classified service shall be adopted and maintained by the Department of Human Resources. The plan shall provide for the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities, and so arranged as to permit the filling of the higher grades, so far as practicable, through promotions.

(b) **ESTABLISHMENT OF CLASSES.** The Department of Human Resources may designate new classes, combine, alter or abolish existing classes. The Director of Human Resources shall have the power to create new classifications and revise job descriptions, as necessary, to reflect the duties being performed and the knowledge, skills, and abilities required to perform those duties.

(c) **CONTENT OF CLASSIFICATION PLAN.** The classification plan which shall be maintained by the Department of Human Resources shall include an alphabetical listing of all classifications which have been established together with job descriptions for each classification. The categorization of classes into groups and subdivisions shall be reflected in the job descriptions which also identify the general duties, responsibilities and qualification requirements for the positions included in each classification.

### **SECTION 2. Compensation**

(a) **COMPENSATION SCHEDULE.** A compensation schedule shall be established by the Department of Human Resources. Compensation shall be uniform for like service in each grade. The compensation schedule shall bear a direct relationship to the classification plan in that the allocation of classes to pay ranges shall be determined with due regard to ranges of pay of other classes, relative difficulty and responsibility of positions in the class, availability of employees in particular occupational categories, prevailing rates for similar employment in private establishments in the Akron area, rates of pay in other jurisdictions, cost-of-living factors, the financial policies of the City, and other economic considerations. The compensation schedule shall include:

- (1) Tables of rates of pay indicating the minimum, maximum and intermediate step or steps for each range, as adopted by City Council.
- (2) An alphabetical list of classifications, with the annual rate of compensation for each class.
- (3) Such other listings or tables necessary for the administration of the salary plan.

(b) **ORIGINAL APPOINTMENTS.** The minimum rate of pay for the type of appointment and for the class shall be paid to any person newly entering the classified service except when, as determined and requested by the department head and approved by the Director of Human Resources, the new employee possesses exceptional qualifications above the established minimum or when, in the determination of the Director of Human Resources, market conditions and salary surveys indicate the need for a higher than minimum appointment step for a given category of employment.

Appointments above the minimum rate shall not be permitted in the Police and Fire sworn services with the exception of the Police Chief and Fire Chief.

(c) **STEP INCREASES.** No within-range increases may be granted except under the rules governing step increases. Employees shall receive the next increment step in the pay range for the class, if available under the financial policies of the City, one year from their employment, promotion, or demotion, to their present class, and each year thereafter, if available, until the maximum step of the allocated pay range for the class is reached.

When a step increase is suspended because of a break in service, special post-appointment qualification requirements or other reason, the employee's step increase date is adjusted accordingly, e.g.:

- (1) Break in Service: extended by the number of calendar days that the employee was in a no-pay status.
- (2) Post Appointment Qualification Requirements: adjusted to the day on which the qualification(s) was/were issued by the appropriate authority.

(d) **PROMOTIONS.** Employees promoted to a position in a class for which the maximum rate of pay is higher, except upon entry into the sworn Police and Fire service, shall receive a salary increase as follows:

- (1) To the minimum rate of pay for the class promoted to which provides an increase of at least 8% more than the employee's former hourly wage , or
- (2) To the nearest step within the promotion range which provides a minimum of 8% more than the employee's former hourly wage.
- (3) Promotion of a City employee into an entry level position in the sworn Police and Fire services shall be treated as an original appointment for compensation and step increase date purposes.

(e) **TRANSFERS.** Except for transfers into or between the Police or Fire sworn services, employees transferring from one class to another within the same range and salary schedule retain their current pay rate and step increase date.

Transfers into or between entrance-level classes in the Police or Fire sworn services are treated as original appointments for compensation and step increase date purposes.

(f) **DEMOTIONS, VOLUNTARY.** Permanent employees demoted for causes other than disciplinary or when the employee is appointed to a class with a maximum rate lower than the employee's current maximum rate, shall be placed in the new class as follows:

- (1) At the employee's current rate of pay if their current rate of pay is within the limits of the range for the lower-level class. The employee's step increase date does not change.
- (2) To the maximum rate of pay of the lower-level class if the employee's current rate of pay is the same as or exceeds the maximum for the class.

(g) **DEMOTIONS FOR CAUSE.** Employees demoted for disciplinary actions shall be reduced in pay as follows:

- (1) To the maximum rate of pay for the lower-level class if the maximum rate provides at least one full step pay reduction in the employee's former range, or
- (2) To the nearest step in the lower-level class which provides at least one full step pay reduction in the employee's former range.
- (3) The employee's step increase date changes to the effective date of the demotion.

(h) **FAILURE OF PROBATIONARY PERIOD.** Promoted employees who fail to successfully complete a probationary period or who request a voluntary demotion during the probationary period and are returned to their former class shall be returned to their former range and step.

- (1) Employees who cannot be returned to their former class shall, insofar as possible, be returned to a lower level or similar class at the pay step which most closely reflects their former range and step.
- (2) Step increase dates are extended by the length of time served in the probationary class.

(i) **REALLOCATIONS.**

- (1) When a class is reallocated to a higher range in the compensation schedule, affected employees are provided a salary increase in accordance with the rules for promotion.
- (2) When a class is reallocated to a lower range in the compensation schedule or when a position is reclassified to a lower-level class due to a change in classification criteria, present incumbents of the reduced class or position shall not have their pay or pay potential reduced because of the class reduction action so long as their service in the class is continuous. New appointments into the class shall be made at the reduced range.

(j) **RETURN TO THE CITY SERVICE.**



- (1) Employees who have successfully completed the probationary period for a permanent appointment, have separated and then return to permanent employment with the City within the limits of reinstatement, shall be restored, insofar as possible, to the pay step and step increase date which most closely reflects their prior service in the former class, range and step.
- (2) Employees who return to the City service from a permanent reemployment list shall be restored, insofar as possible, to the pay step and step increase date which most closely reflects their prior service in the former class, range and step.
- (3) Employees who return to the City service after the reinstatement period has expired, are treated as original appointments.
- (k) **TEMPORARY CLASSIFICATION CHANGES.** When an employee vacates a position or is out of work for an extended period of time, a manager may assign another classified employee to work out of classification in a temporarily unoccupied classified position which is allocated to a higher classification.
  - (1) A Division Manager may request a temporary classification change (TCC) for an employee in that division who meets the minimum qualifications and assumes the work of a classification which has a higher rate of pay for at least ten or more working days within a thirty (30) day period. All qualified candidates for the vacancy should be considered for the TCC.
  - (2) Pay increases resulting from temporary actions, are treated as promotions for compensation purposes, except that step increase dates do not change. When returning to the former class, employees are placed in the step which reflects their length of service since appointment to the former class.
  - (3) Requests for TCC extensions beyond three (3) months require additional justification for such extension. TCCs shall not be made to avoid promotional opportunities.
  - (4) TCCs for scheduled vacations, FMLA, and other pre-approved reasons should be submitted as soon as practicable.
  - (5) Procedures for submitting a TCC:
    - A. The department or division manager who determines a temporary classification change is warranted based on circumstances that meet the conditions of this procedure must submit a Temporary Classification Change request including the following information:
      1. Employee name and ID number.
      2. Requests to TCC to a filled position must include the absent employee's name and ID number.
      3. Requests to fill authorized vacant positions must include justification for the TCC.
      4. All requests must include the dates the TCC will be in effect and duration.

- B. Prior to the employee receiving TCC pay, the approval of the Division Manager, Department Manager, Director of Finance, and Director of Human Resources must be documented.

(6) Payment for TCC

- A. The pay rate for the temporary classification change will be determined in a manner similar to promotional increases.
- B. For TCCs to non-management positions, the employee will be paid at the first step in the higher pay grade that is greater than the employee's current pay rate.
- C. For TCCs to management positions, the employee will be paid at the minimum rate for the higher classification's management range or at a rate that provides an increase of 8%, whichever is higher. In no event shall the rate exceed the maximum of the higher pay range.
- D. Payment at the higher hourly rate shall be made only for actual time worked.
- E. Holidays or any other paid leaves shall be computed at employee's regular rate of pay in the lower classification.
- F. For non-management positions, authorized overtime for time worked in the higher classification shall be paid at the higher hourly rate.
- G. Employees with TCCs to salaried management positions do not qualify for overtime.
- H. Temporary classification changes will not affect the base pay or bargaining unit status of the employee serving in the assignment.

(7) Employee Qualifications for Temporary Classification Change

- A. Temporary classification changes may only be made within the smallest Job Ordinance designated employing entity. Across division or department assignments shall not be permitted.
- B. Employees assigned to a higher temporary classification may use such time and experience toward qualifying for promotional opportunities if such time is properly documented and approved in accordance with this procedure.
- C. The employee temporarily assigned to the higher classification must meet the established promotional minimum qualifications of the higher classification with experience in the classified service of the City of Akron.
- D. If the higher classification requires licenses or certifications, the Division Manager or Department Manager shall verify on the TCC request form that the nominee possesses the required valid license or certification.
- E. Division managers, in conjunction with the Director of Human Resources, may designate which employees are eligible for temporary classification changes subject to any contractual agreements with bargaining units. The manager's signature on the approval shall be the assurance that the employee is qualified and capable of performing the duties of the higher classification.

(l) **Holidays.** In accordance with Akron City Ordinance 35.02, permanent full-time employees, except sworn personnel in the Police and Fire Divisions, shall receive compensation at their regular rate of pay for the following holidays: New Year's Day, Martin Luther King Jr.'s birthday, Presidents' Day, Memorial Day (day observed), Independence Day, Labor Day, Columbus Day (day observed), Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day, and three days described as "Personal Days."

- (1) Two and one-half (2 ½) times the employee's regular rate of pay is paid for all hours worked on a holiday.
- (2) Personal days can be used in full day increments only after an employee has been permanent for a minimum of 90 days.
- (3) To be entitled to pay for the holiday enumerated, the employee must be on a paid status the scheduled workday preceding the holiday as well as the scheduled workday following the holiday. In the event that the employee works less than the full scheduled workday on the day which precedes or follows the holiday, holiday pay will be adjusted downward to correspond with the least number of hours worked on either of such days preceding or following the holiday, whichever is lesser.

(m) **Overtime Pay.** One and one-half (1 ½) times the employee's regular rate of pay is paid for all hours worked over forty (40) hours/week and over eight (8) hours in a twenty-four (24) hour period. Individuals working a four (4) day/ten (10) hour day work schedule, shall receive one and one-half (1 ½) times the employee's regular rate of pay for all hours worked over the (10) hours in a twenty-four (24) hour period.

Employees included in the "M" range are not eligible for overtime pay.

(n) **Series of Actions.** When a series of personnel actions create a situation not covered by these procedures, it shall be the general policy that a permanent employee serves no more and no less than one year at a given pay step or equal monetary value of the step within the range for the class before becoming eligible for the next pay step available in the class.

**SECTION 3. Paid Leave Program**

(a) **Paid Leave.** All permanent full-time management and non-bargaining unit employees are included in the paid leave program in accordance with City of Akron Ordinance Chapter 35.14. The paid leave program incorporates vacation time, longevity and sick leave into one program whereby an employee accumulates a specific number of hours each week.

(b) **Paid Leave Accumulation.** The weekly Paid Leave accumulation rates are:

<i>Years of Service Completed</i>	<i>Weekly Accrual Rate</i>
<b>Less than 5 years</b>	2.95
<b>At least 5 years, but less than 10 years</b>	4.18
<b>At least 10 years, but less than 15 years</b>	5.22
<b>At least 15 years, but less than 20 years</b>	6.09
<b>20 years and over</b>	6.95

(c) **Paid Leave Usage.**

(1) The maximum number of paid leave hours to be used as vacation based on completed years of service is:

<i>Years of Service Completed</i>	<i>Hours to be Used as Vacation</i>
<b>One full year</b>	80
<b>More than five years</b>	120
<b>More than ten years</b>	160
<b>More than twenty years</b>	200

Paid Leave can be used only after an employee has been permanent for a minimum of 90 days. Accumulated paid leave hours for vacation usage in excess of the above stated maximum may be granted at the discretion of management.

(2) Employees shall be required to use a minimum number of paid leave hours during each calendar year based on completed service with the City as of January 1 of that calendar year as follows:

<i>Years of Service Completed</i>	<i>Required Yearly Usage</i>
<b>One through five years</b>	40
<b>Five through twelve years</b>	80
<b>Twelve or more years</b>	120

- A. If an employee fails to use the minimum number of paid leave hours during any year, the actual remaining number of unused hours required for usage in that year, not to exceed the above stated minimum, shall be deducted from such employee's paid leave accumulation without further accumulation or carry-over of the unused hours with respect to such employee.
- B. An employee may use paid leave hours for any purpose provided the absences are properly reported to the employee's superior in accordance with report off procedures. Absences for which paid leave hours are paid and which have been arranged and approved by management at least twenty-four hours or the work day prior to the absence shall be deemed pre-approved.

(d) **ACCUMULATED LEAVE LIMITATIONS.** All Management employees (M-range pay group) are subject to accumulated leave limitations as follows:

- (1) Newly hired Management employees may accrue up to 1000 hours of accumulated paid leave that will be paid out at 100%.

- (2) All other hours earned in excess of the accumulated leave balance limitation shall be paid out at 25% upon resignation, retirement or death. Sick leave shall be paid as per code of ordinances Chapter 35.03.
- (3) Employees promoted into Management will be paid out 100% of the accumulated leave balances that the employee had earned as of the first Sunday after promotion or hours accumulated up to 1000, whichever is greater.

(e) **LONGEVITY.** In November of each year each employee in the paid leave program with five or more years of service, as of December 1 of that year, will receive longevity pay in an amount equal to the appropriate hourly rate for such employee as of October 1 of that calendar year times five percent of such employee's accumulated paid leave hours as of October 1. An employee's accumulation of paid leave hours shall be reduced by the amount of paid leave hours which are used in the computation of such employee's longevity pay.

## II. APPLICANTS AND APPLICATIONS

**SECTION 1. GENERAL APPLICATION REQUIREMENTS.** Unless waived, all applicants must:

- (a) Be eligible to work in the United States.
- (b) Meet the minimum requirements as stated in the examination announcement.

**SECTION 2. CHANGES IN ADDRESS OF APPLICANTS.** Any applicant who changes his address after filing application shall notify the Department of Human Resources of the new address.

**SECTION 3. AGE REQUIREMENTS.** Applicants for examination must be at least sixteen (16) provided, however, that the Department of Human Resources may change the minimum age limit and fix other limits for any examination, or particular work by giving notice of the limits prescribed in the notice of such examination.

### **SECTION 4. ACCEPTANCE AND REJECTION OF APPLICATIONS.**

#### **(1) FILING OF APPLICATIONS.**

- (a) All applications shall be completed by the applicant on forms furnished by the Department of Human Resources and filed in the manner prescribed. The statements made therein and any attached or supplementary documents shall be confirmed by signature of the applicant whether electronically or by hand.
- (b) All applications shall be submitted by methods set forth by the Department of Human Resources and must be filed within the posted time limits. Applications shall be noted with the date and time of filing with the Department of Human Resources.
- (c) No questions on the application shall relate to race, color, religion, sex, genetic information, national origin, disability, or political opinions or affiliations.
- (d) No questions on the application shall relate to criminal convictions.

**(2) CHARACTER AND PERSONAL FITNESS OF APPLICANTS.** The Department of Human Resources may investigate the circumstances pertaining to the conviction record of applicants and may accept or reject such application based on local, state and federal laws, licensing requirements, job relatedness, nature and seriousness of the conviction(s), the recency of the conviction(s), and the employment history of the applicant since the conviction(s), and other relevant factors.

**(3) REQUIRED LICENSES, CERTIFICATIONS AND REGISTRATIONS.** For a position requiring a license, certificate or registration within the State, as evidence of professional or technical proficiency and such is required by law to practice a trade or profession, the Department of Human Resources may require the submission thereof at the time of application or may designate other time for submission.

- (a) For positions requiring a valid State of Ohio Driver's license, applicants having a valid driver's license from another state will be accepted conditionally provided that, if selected, an Ohio Driver's License must be obtained prior to appointment. Candidates having six or more points on their driving record at the time of original appointment will be disqualified from further consideration.
- (4) **VETERANS' PREFERENCE.** A candidate participating in and passing a non-promotional competitive examination, who meets the minimum qualifications for the position and obtains a passing grade on the examination, shall have five (5) points added to the examination score provided the candidate is a veteran of the Armed Forces of the United States of America who submits proof of the following to the Director of Human Resources prior to final grading of the examination:
1. The candidate's Active Duty service in the Armed Forces of the United States of America for more than one hundred-eighty (180) days.
  2. The candidate's honorable discharge.
- "Active Duty" and "Armed Forces" are defined in the Definition section of these procedures.
- (5) **RESIDENCY PREFERENCE.** A candidate participating in and passing a non-promotional examination, who has been a resident citizen of the City of Akron continuously for at least one (1) year immediately prior to the date of examination and who remains a resident citizen of the City of Akron throughout the remainder of the selection process shall receive residency preference points. The points are determined as follows:
1. For entrance level sworn positions in the Police or Fire Division: fifteen (15) points will be added to the candidate's total passing examination grade.
  2. For all other non-promotional examinations: Five (5) points will be added to the candidate's total passing examination grade.

Residency preference points shall be determined without taking into account veterans' preference points. Veterans' preference points shall be determined without taking into account residency preference points.

## **SECTION 5. CAUSES FOR DISQUALIFICATION.**

- (1) Although rejection may be based upon causes other than those enumerated, the following are declared to be cause for rejection of the application or disqualification of applicant, if the Director of Human Resources shall find that the applicant:
- (a) Has failed to submit a complete application to the Department of Human Resources on or before the last date for receiving applications as published in the examination announcement.
  - (b) Is found to lack any of the minimum qualifications as stated in the examination announcements.

- (c) Is unable to perform the essential functions of the position for which he seeks appointment with or without reasonable accommodation.
  - (d) Tests positive for the use of alcohol, illegal drugs, or the illegal use of prescribed drugs.
  - (e) Has been dismissed within two years from any public service for inefficiency, delinquency or misconduct, or has quit the City service under charges.
  - (f) Has been convicted of any crime(s) that would preclude the applicant from employment based on job relatedness.
  - (g) Has intentionally made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud in connection with any application or examination.
  - (h) Has not completed eligibility requirements as to length of service by the date of the examination.
- (2) Any employee who is denied permission to compete in any examination, or whose application is disqualified may, within five (5) business days after mailing of notice of rejection or disqualification, make a request for reconsideration in writing to the Department of Human Resources for a review of such ruling. The request for reconsideration must include any documentation and/or information to support the applicant's request. The documentation will be considered in evaluating the applicant's eligibility for employment or promotion. The Director of Human Resources will make a final determination in writing. This decision is final and no further requests for reconsideration may be made by the applicant.



### III. EXAMINATIONS

#### **SECTION 1. ANNOUNCEMENT OF EXAMINATIONS.**

- (1) The Department of Human Resources shall provide public notice of all open and promotional job opportunities, post announcements of competitive examinations to fill vacancies in the classified service, and to provide and maintain eligible lists for classifications for which vacancies are likely to occur. The announcements shall be posted for at least ten (10) calendar days prior to each examination. The official announcements shall be posted in the Department of Human Resources, as well as on the City of Akron's website. The Director of Human Resources may give examinations such other publicity as deemed necessary.
- (2) Examination announcements shall contain the title, definition, salary range, and minimum qualifications for the classification. The Director of Human Resources may publish in the announcement such additional information, requirements or restrictions as deemed necessary to assist potential applicants.
- (3) Promotional examination announcements shall be sent to all departments and the Director of Human Resources may require notice of receipt of such announcements. Department heads shall ensure that such announcements are posted throughout the departments.

**SECTION 2. KINDS OF EXAMINATIONS.** Examinations shall consist of one or more of the following:

- (1) Open competitive examinations, which shall be in part an assembled examination and require applicants to report at a designated time and place to participate in tests prescribed by the Director of Human Resources.
- (2) Promotional competitive examinations, which shall be in part an assembled examination and require applicants to report at a designated time and place to participate in tests prescribed by the Director of Human Resources.
- (3) Competitive unassembled examinations, which shall rank, rate or score the applicant in a standard manner as prescribed by the Director of Human Resources based on information, records and data supplied by the applicant.
- (4) Non-competitive examinations may be held for entrance-level positions which involve unskilled or laboring duties of a part-time, temporary or seasonal nature when competition is found to be impracticable or to determine the merit and fitness of applicants for classified positions of a scientific, managerial, advanced professional, or advanced educational character.
- (5) The Director of Human Resources may suspend competition for positions which require exceptional qualifications of a scientific, managerial, professional or educational nature and accept the appointment of some designated person of recognized attainment in a position requiring such exceptional qualifications provided that satisfactory evidence can be presented showing that competition is impracticable and the posting of an examination announcement has resulted in an insufficient number of qualified applicants.

**SECTION 3. ADMINISTRATION OF EXAMINATIONS.**

- (1) Examinations shall be under the direction of the Director of Human Resources and conducted by representatives of the staff or by special examiners. The Director of Human Resources may designate and appoint special examiners to conduct any part of an examination.
- (2) Examinations shall be scheduled as frequently as the needs of the service may require and may be held at such places and times as the Director of Human Resources deems advisable.
- (3) No applicant shall be admitted to any assembled examination after any other applicant has completed or withdrawn from examination and left the examination room. The Director of Human Resources may refuse to admit an applicant to an examination if timed tests have started.
- (4) Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director of Human Resources.
- (5) The Director of Human Resources may provide reasonable accommodation for disabled applicants who are otherwise qualified.

**SECTION 4. CHARACTER OF EXAMINATIONS.** All examinations and tests shall be practical and impartial and shall relate to matters which will fairly test, measure and assess the relative capacity or potential of the person examined to discharge the duties and responsibilities of the position sought.

**SECTION 5. CONTENT OF EXAMINATIONS.** Examinations may contain one or more of the following tests as may be determined by the Director of Human Resources.

- (1) Written tests of aptitudes, achievement and knowledge of the work.
- (2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests shall be related to the duties of the position sought.
- (3) Oral interviews or ratings which evaluate personal qualifications and communication skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.
- (4) Ratings or unassembled tests which evaluate education, training and/or experience. Such ratings shall be practical and competitive.
- (5) Performance or skill tests which provide for assessment of applicants' abilities and skills to perform the duties of the position sought.
- (6) Physical fitness, athletic or tests of physical ability and skill.

**SECTION 6. MEDICAL EXAMINATIONS.** The Director of Human Resources shall determine whether applicants for any position possess the prescribed standards of health, physical attributes and fitness necessary to perform the duties and responsibilities of the

position sought. Medical examinations will only be administered after a candidate is given a conditional job offer.

- (1) All candidates who are eligible for an original permanent appointment to a position must qualify by passing a medical examination. The results of the medical examination will be used to determine if the applicants possess the necessary physical attributes and fitness to perform the duties and responsibilities of the position sought. The medical examination will not be part of the applicant's final grade or examination average.
- (2) Where positions require special physical or specific standards of fitness the Director of Human Resources shall determine if eligible candidates meet the standards and/or possess the special physical requirements by medical examination or tests prior to appointment to the position.
- (3) The Director of Human Resources may, as deemed necessary, require previous employees, applicants reinstated to eligible lists, temporary, seasonal or part-time applicants to pass a medical examination to determine whether they possess the required standards of health, physical attributes and fitness necessary to perform the duties of the position sought.

**SECTION 7. PSYCHOLOGICAL EXAMINATIONS.** The Director of Human Resources shall determine whether applicants for any sensitive positions must meet psychological standards and demonstrate appropriate behavior and an understanding of right and wrong necessary to perform the duties and responsibilities of the position sought. Candidates who receive a conditional job offer for positions which require a psychological evaluation are required to undergo the evaluation as a condition of employment.

**SECTION 8. POSTPONEMENT AND CANCELLATION OF EXAMINATIONS.** The Director of Human Resources shall have the right to cancel or postpone any examination because of an inadequate number of applications, or non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of appointing officers.

**SECTION 9. GRADING OF EXAMINATIONS.** Examinations shall be graded by statistical methods which proportions and converts individual scores on a scale where 100% represents the highest possible attainment and 70% represents the minimum acceptable attainment. In order to attain a place on the eligible list, a candidate's final general average in the examination must be no less than 70%, provided, however, that the Director of Human Resources may require at least 70% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 70% in that part of the examination will disqualify him in the entire examination.

**SECTION 10. COMBINED OPEN AND PROMOTIONAL EXAMINATIONS.** When, in the judgment of the Director of Human Resources, an insufficient number of qualified promotional candidates are available for an examination, he may announce a combined open and promotional examination. Applicants for a combined examination who have achieved permanent status and possess sufficient experience in the classified service to meet the minimum qualifications for the class, as set forth in the examination announcement, if otherwise qualified, shall compete on a promotional basis and, if eligible, shall be placed on a separate promotional eligible list. Eligible lists resulting from combined open and promotional examinations shall be administered in accordance with Procedure IV and VI.

**SECTION 11. ELIGIBILITY FOR REPEATING EXAMINATIONS.** No person who has taken a competitive assembled examination shall be permitted to be re-examined for the same classification within 180 calendar days from the date of the examination unless a substantially different form of the examination is used. However, if in the judgment of the Director of Human Resources the examination did not result in an adequate number of persons on the eligible list or, if deemed in the best interest of the service, this period of time may be reduced to 60 days from the examination date. The 180 day period shall, however, not be reduced for an examinee who has inspected the examination paper.

This section shall not be applicable to persons repeating tests of strength, ability, or physical fitness. Eligibility for repeating these tests will be determined by the Director of Human Resources.

**SECTION 12. NOTICE OF RESULTS OF EXAMINATIONS.** As soon as the grading of an examination has been completed and an eligible list established, each competitor shall be notified of the results of the examination. In examinations which are open for an indefinite period and for which tests are held periodically and supplementary lists established, eligibility will be determined by the final average of eligible persons without reference to the date they qualified in the examination.

**SECTION 13. INSPECTION OF EXAMINATION PAPERS BY CANDIDATES.**

- (1) All applications, selection devices, and examination papers are the property of the Department of Human Resources and shall be treated as confidential records to the maximum extent possible under law.
- (2) Except as provided below, an examinee may, upon receiving notification of his/her written examination grade, review the keyed copy of the examination and his/her own answer sheet. This review must be requested and held within five (5) business days of the mailing of the examination results. Note-taking in regard to the exam content shall not be permitted. If the examinee finds that a question has been incorrectly keyed, or is invalid, the examinee must provide documentation that substantiates the claim within five (5) business days of the date the original eligible list was established. The Director of Human Resources can determine that the claim is valid or invalid. If an item is proven to be invalid, the Department of Human Resources will correct the error, re-grade the examination, and issue a revised eligible list.
- (3) The scoring by the examiners shall be deemed prima facie correct. No examination answer sheet or related document shall be altered by the examinee. However, any manifest error of scoring may be corrected by the Director of Human Resources.
- (4) Examinees shall not be permitted to inspect examination papers or selection devices used for purpose of employment, promotion, or research:
  1. where inspection would reduce the validity of the selection devices, or
  2. when such materials are commercially published, or
  3. where inspection would violate a test security agreement between the test publisher and the Department of Human Resources.

- (5) The Director of Human Resources may, in the interest of efficiency, authorize inspection periods prior to the examinees receiving notification of their grades. The inspections shall be conducted during regular working hours of the Department of Human Resources.

**SECTION 14. PRESERVATION OF EXAMINATION PAPERS.** After the expiration of the eligible lists, applications and examination papers may be destroyed in compliance with applicable law.

**SECTION 15. RESEARCH AND DEVELOPMENT.** When technically feasible, the Department of Human Resources shall conduct research, studies and programs necessary to the development, construction, and validation of examinations and selection devices. The Director of Human Resources may require the participation and cooperation of City of Akron employees and designate consultants or other experts to assist in carrying out such research, studies and programs.

**SECTION 16. PREFERENCE POINTS.** An applicant may request a review of his/her eligibility for preference points by filing a written request with the Department of Human Resources. This written notice must state the reason for the review and be filed within five (5) business days of the establishment of the eligible list. If the Department of Human Resources finds that an error was made, the error will be corrected and the applicant's preference points will be adjusted accordingly. This does not grant rights to preference points to applicants if the points are not otherwise available. If there is a conflict with a judgment of a court of competent jurisdiction or a collectively bargained agreement, the judgment or agreement prevails over this.

## IV. ELIGIBLE LISTS

**SECTION 1. LIST OF ELIGIBLE CANDIDATES.** The Director of Human Resources shall create a list of eligible candidates in the rank order of their standing in such examination or test for each classification in the classified service for which either original entrance or promotional examinations have been given.

**SECTION 2. PROMULGATION.** An eligible list shall be in effect from the date on which it is signed and promulgated by the Director of Human Resources.

**SECTION 3. DURATION OF ELIGIBLE LISTS:** Promotional eligible lists established for sworn positions in the Fire and Police Divisions shall be in effect for a period of two years. Open eligible lists established for Safety Communications Technician and sworn positions in the Fire and Police Divisions shall be in effect for a period of eighteen (18) months. All other eligible lists shall be in effect for a period of one year. However, an eligible list may be extended or abolished if deemed to be in the best interests of the City by the Director of Human Resources.

**SECTION 4. REMOVAL OF ELIGIBLE CANDIDATES FROM LIST.** The Director of Human Resources may remove the name of an eligible candidate from the eligible list for the following causes:

1. For any cause enumerated in Procedure II, Section 5.
2. Failure to respond to an inquiry notice from the Department of Human Resources as to availability.
3. Failure to notify the Department of Human Resources of any changes in address or inability of the Department of Human Resources to contact the candidate by the candidate's requested method of notification as documented on the candidate's application.
4. Refusal of the candidate to accept an appointment without a reason satisfactory to the Director of Human Resources.
5. Failure to meet the minimum qualifications or requirements for the classification at the time of certification.
6. For any other cause which, in the judgment of the Director of Human Resources, is in the best interest of the City.

**SECTION 5. REINSTATEMENT REQUESTS.** Reinstatement to an eligible list may be had under the following conditions: A request for reinstatement to an eligible list must be made in writing. The average of the efficiency ratings of such applicant for the year preceding resignation must be at least 80%. Any employee whose appointment has become permanent after serving his probationary period satisfactorily who, without fault or delinquency on his part, resigns of his own free will from the service may, after three months and within one year from the date of said resignation, request reinstatement to the eligible list for the class in which such service was rendered, and the Director of Human Resources shall, in his discretion, grant or deny such request. If the request is granted, the position on such eligible list shall be determined by his previous examination grade. Eligibility shall continue for a period of one year, unless the name is removed in accordance with Procedure II, Section 5.

## **V. SEASONAL REEMPLOYMENT**

The Director of Human Resources may provide for appointments that are temporary, provisional, or seasonal in nature.

The selection process for seasonal and temporary positions are non-competitive and positions will be filled based on the needs of the hiring division. Employees who are appointed to a seasonal or temporary position must participate in an open competitive examination process in order to compete for permanent positions. There should be no expectation that a temporary or seasonal position will become a permanent appointment.

Employees who have been appointed for seasonal work and who have served satisfactorily during the season for which appointed shall, if otherwise qualified, and if positions are vacant and funded be contacted to return to positions in which they were employed in the previous year.

## VI. REQUISITION AND CERTIFICATION

**SECTION 1. REQUEST FOR CERTIFICATION.** Whenever a vacancy in the classified service is to be filled, the hiring manager shall submit a requisition to the Director of Human Resources in a manner set forth by the Director. Such requisition shall specify the department, the class, and compensation to be paid, also whether the service is temporary, seasonal, or permanent, when the service is to begin, and the probable length of such service, if not permanent. All requisitions must be approved by the Department Manager, Finance Director, and the Mayor.

**SECTION 2. PRIORITY OF EMPLOYMENT LISTS FOR PERMANENT POSITIONS.** Certification shall be made from existing employment lists in the following order of preference:

- (1) Reemployment from layoff lists;
- (2) Eligible lists (promotional);
- (3) Eligible lists (open).

**SECTION 3. CERTIFICATION FROM ELIGIBLE LIST.** Upon receipt of a requisition for certification of an eligible list to fill a vacancy, in the absence of a reemployment from layoff list, the Director of Human Resources shall certify from the appropriate eligible list the names of the persons with the ten highest scores on such list. The hiring manager shall select from the list of eligible persons certified by the Director of Human Resources unless objection is made regarding a candidate on the eligible list as provided in Procedure VI, Section 5. If the list contains fewer than four names, a hiring manager may request a full certification. A candidate certified a minimum of three times from an eligible list to the same or similar position may be removed from the eligible list. This request must be made in writing to the Director of Human Resources, who shall grant or deny the request.

To expedite the process of filling more than one vacancy, additional names shall be sent to the hiring manager, but the rule of ten scores shall be followed in the appointment process: for each position to be filled, the names of the persons with the ten highest scores shall be certified, and one of said group shall be appointed. When a person has been certified a minimum of three times from the same eligible list, the Director of Human Resources can remove the person from the eligible list.

A fewer number may be certified when there is not the required number on the eligible list. No person shall be certified from a promotional eligible list when permanently separated from the service of the City.

**SECTION 4. NOTICE OF CERTIFICATION TO ELIGIBLE PERSON.** Whenever the name of an applicant is certified to a hiring manager, that applicant shall be notified of certification by a notice sent by the method selected by the applicant as it appears on the application the applicant submitted.

Such notice shall state the title of position, employment status, and the department in which the vacancy exists, and such additional information as the Director of Human Resources deems appropriate.



**SECTION 5. OBJECTION AND SUBSTITUTION.** In case a hiring manager objects to the certification of any eligible, the reasons for objection must be stated specifically in writing and are subject to investigation by the Director of Human Resources. Any cause contained in Procedure IV, Section 4, shall be deemed sufficient reason for objection, but the Director of Human Resources may approve objection for other causes. If the objection is approved by the Director of Human Resources, the next highest name on the eligible list shall be certified and notice of withdrawal of certification sent to the person against whom the objection was sustained.

## VII. APPOINTMENTS

**SECTION 1. PERMANENT APPOINTMENT.** Employment of a person in a position regularly established without limitation as to the length of such service and subject to a probationary period shall be considered a permanent appointment.

- (1) **PROBATIONARY PERIOD PURPOSE.** The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet required work standards.
  - (a) All permanent appointments from open-competitive eligible lists shall be subject to a minimum of a one hundred and eighty (180) day probationary period from the date of such appointment. The established probationary period shall be extended beyond the prescribed limits to cover the period of time which employees entering the classification are required to participate in formal, full-time training programs or periods of time which an employee was unable to work due to approved leave. An employee may be discharged at any time within the probationary period.
  - (b) Any permanent employee who has been promoted from an open or promotional eligible list shall be on probation for a period of ninety (90) days from the date of such appointment. The established probationary period shall be extended beyond the prescribed limits to cover the period of time which an employee was unable to work due to approved leave. If at any time during that period the service of the appointed is not satisfactory, the employee may be reduced by the hiring manager to the position held prior to the promotion. However, if that position is filled or is not funded, the employee shall be reduced to another position in that classification or similar classification as designated by the Director of Human Resources.
- (2) **DUTY OF HIRING MANAGER DURING PROBATIONARY PERIOD.** It shall be the duty of the hiring manager during the probationary period of each employee in the classified service to investigate thoroughly the efficiency, conduct and integrity of such employee, and to determine whether or not the employee shall be retained in the City service in the class to which the appointment was made, and so notify the Department of Human Resources as soon as practicable.

**SECTION 2. TEMPORARY APPOINTMENT.** The Director of Human Resources may provide for appointments that are temporary, provisional, or seasonal in nature. The acceptance or declination of appointment to such position shall not affect the right of an eligible person to certification for permanent appointment. The temporary employee can be terminated at any time with no right to appeal to the Human Resources Commission.

**SECTION 3. PROVISIONAL APPOINTMENT.** When it is urgent that an immediate appointment be made to fill a vacant position and no one is available on an appropriate eligible list, any person approved by the Director of Human Resources may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established.

**SECTION 4. PROVISIONAL EMERGENCY APPOINTMENT.** In case of extreme emergency when it is in the interest of public safety, welfare, or economy to employ persons most readily available for the performance of certain work, the Mayor can request that the Director of Human Resources authorize one or more provisional emergency appointments. Emergency appointments may be canceled at any time by the Mayor.

## VIII. PROMOTIONS

**SECTION 1. PROMOTIONS.** Any advancement to a position for which the maximum rate of pay is higher constitutes a promotion. As far as practical and consistent with the best interests of the City, promotions shall be made by competitive examination.

**SECTION 2. ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS.** Promotional examination shall be limited to permanent employees in the classified service of the City of Akron whose experience in the classified service meets the minimum qualifications as set forth in the promotional examination announcement and who are otherwise qualified.

- (1) Whenever experience in lower classifications tends to qualify employees for higher positions, the Director of Human Resources may designate in the promotional examination announcement a line of promotion as the probable source of recruitment and all candidates who have successfully completed the probationary period in the designated lower class, if otherwise qualified, shall be eligible to take the promotional examination.
- (2) The Director of Human Resources may extend the promotional examination eligibility to permanent employees who have completed one year or more of satisfactory service with the City in a designated class or classes. Such a designation shall be published in the promotional examination announcement indicating the line of promotion and length of satisfactory service necessary for eligibility.
- (3) Nothing in the preceding paragraphs of this Section shall exclude permanent employees of the City from competition in promotional examinations if their experience in the classified service is of the type and duration to meet the minimum qualifications as set forth in the promotional examination announcement and they are otherwise qualified.

**SECTION 3. GRADING OF PROMOTIONAL EXAMINATIONS.** Promotional examinations shall be graded in accordance with Procedure III, Section 9. The final grade of the promotional candidate shall be determined by computing the candidate's seniority and passing assembled examination score. Seniority credit shall be added to 90% of the candidate's passing examination score.

- (1) Seniority credit shall be given based on continuous service with the City as defined in the definition section and up to the maximum allowance of 14 years.
- (2) Seniority credit shall not be awarded to promotional candidates who fail to achieve a passing grade on the assembled examination.

## IX. TRANSFERS

**SECTION 1.** A request for any transfer must be in writing and must state the reasons for the request. The request may be made by the hiring manager or employee concerned and shall be subject to the approval of the Director of Human Resources.

- (1) **DIVISION TRANSFER.** The transfer of an employee from a position in one division to a position in the same class in another division shall be called a “Division Transfer”.
- (2) **CLASS TRANSFER.** The transfer of an employee from a position in one class to a position in another class for which the pay is the same, shall be called a “Class Transfer”. In order to qualify for a class transfer, employees must meet the minimum qualifications for the position. Class transfers can be a result of a transfer, open or promotional eligibility list.

(a) Procedures for Division or Class Transfer:

- i. If an eligible list is in existence, the hiring manager has the option of requesting a transfer list, but must do so when submitting a requisition. If an eligible list is not in existence, the hiring manager has the option of requesting an examination, transfer list, or transfer list and examination simultaneously.
- ii. If a transfer list is requested, a transfer opportunity announcement will be posted for 10 calendar days (excluding holidays) and distributed via email. It will contain the position title, salary range, location of vacancy, and date by which applications must be submitted.
- iii. If the transfer requisition is for a position with four or fewer eligible employees city-wide, no transfer posting is necessary and the hiring manager can request that the requisition be certified with all current incumbents. All eligible employees will be notified to schedule an interview if interested.
- iv. The Department of Human Resources will provide a transfer list to the hiring manager. The list will be rank ordered by computing the employee’s seniority.
- v. Employees designated for layoff that sign up for a transfer will precede other employees, and will be given an interview by the hiring manager. Selection is not mandatory.
- vi. If four or more eligible candidates are on a transfer list, the hiring manager must interview at least four, but may choose to interview more than four employees. The hiring manager will indicate to the Department of Human Resources which employees are to be considered.
- vii. The hiring manager shall submit the selection in the same manner as a promotion.
- viii. Certification will be made from the transfer list first. If a selection is not made, the transfer list will be abolished and certification may be made from the eligible list.
- ix. The Department of Human Resources will issue an approval to the employing division.
- x. The hiring manager and employee will arrange for a starting date and payroll

change. A transferred employee does not receive a pay increase as a result of the transfer and the step increase date does not change.

- xi. Once a transfer is made it is final. A transferred employee does not have rights to return to formerly held positions.
  - xii. Transferred employees do not serve probationary periods in transferred positions.
- (3) **POSITION TRANSFER.** The transfer of an employee from one position to another position in the same class within a division.
- (4) **TRANSFER FOR TEMPORARY WORK.** Transfers may be made for temporary or emergency work with the approval of the Director of Human Resources.

## **X. DISMISSAL, SUSPENSION, DEMOTION, SEPARATION, RESIGNATION**

**SECTION 1. DISCIPLINARY ACTION.** Any permanent employee in the classified service who has completed the probationary period may be dismissed, suspended or demoted for just and reasonable cause and upon specific written charges by the hiring manager.

**SECTION 2. CAUSES FOR DISCIPLINARY ACTION.** Causes for dismissal, suspension or demotion shall include, but are not limited to:

- (a) Excessive absenteeism or tardiness.
- (b) Incompetency or inefficiency.
- (c) Misconduct toward other City employees or officials or the public.
- (d) Insubordination or other failure to obey any lawful and reasonable rule, policy, regulation or direction.
- (e) Solicitation or acceptance of any valuable given in hope or expectation of favored treatment.
- (f) Conviction of a criminal offense involving moral turpitude.
- (g) Willful or negligent conduct which causes waste or damage to public property.
- (h) Conduct unbecoming an officer or employee of the City.
- (i) Absence without leave.
- (j) Refusal to terminate outside employment which is incompatible with or detrimental to job performance or is a discredit to the City of Akron.
- (k) Strong evidence of violation of a felony statute where retention of such employee is not in the public interest.

**SECTION 3. DEMOTION FOR CAUSES OTHER THAN DISCIPLINARY ACTION.** The reduction of an employee from a position in a class to a position in another class for which the maximum rate of pay is lower, shall be called a "Demotion".

- (1) **ADA REASONABLE ACCOMODATION.** When an employee is unable to perform the essential functions of his position due to a physical or mental disability, the employee may be reduced to a vacant position in a lower grade which the employee has the ability to fill. This reduction is a reasonable accommodation in compliance with the Americans with Disabilities Act (ADA) and City policy.
- (2) **FAILURE TO MEET THE MINIMUM QUALIFICATIONS.** When an employee fails to continue to meet the minimum qualifications of the Class, the hiring manager or the employee may request that the employee be reduced to a vacant position in a lower grade which the employee has the ability to fill. If the request is approved by the Director of Human Resources, the employee will be certified on an approved requisition for the vacant position in the lower grade.
- (3) **OTHER VOLUNTARY CAUSES.** A reduction may be made for any reason upon the written request of the employee and the approval of the hiring manager and with the consent of the Director of Human Resources.

**SECTION 4. DISMISSAL, SUSPENSION, AND DEMOTION PROCEDURE.**

- (1) **NOTICE.** The discharge, suspension, or demotion of a permanent employee shall become effective when such employee has been served with a written notice of charges. A copy of the notice and any written response shall be filed with the Commission.

The notice shall contain grounds for the action and such specifications of facts as will enable the employee to make explanation.

- (2) **APPEAL TO THE COMMISSION.** Appeals of these matters are conducted pursuant to Rule 2 and 3 of the Administrative Rules.
- (3) The Appointing Authority or employee may have an appeal of the decision of the Human Resources Commission to the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

**SECTION 5. DISABILITY SEPARATION.** The Appointing Authority may separate from employment an employee who cannot perform the essential functions of the job with or without a reasonable accommodation.

**SECTION 6. RESIGNATION.**

- (1) To resign in good standing, an employee must submit a written resignation to their manager at least two weeks prior to the date the employee intends to leave. This two week notice requirement may be waived by the Director of Human Resources.
  - (a) The department must forward the written resignation to the Employee Records office of Human Resources for the off-boarding process to begin.
- (2) If a hiring manager accepts the resignation of an individual who has been served with a dismissal notice, and such notice has been filed with the Commission, the acceptance of the resignation constitutes resignation in bad standing. Such individual shall not be eligible for vacation pay or terminal leave pay. The charges shall be deemed withdrawn and the proceedings shall be dismissed without judgment. The resignation shall be effective immediately and may not be withdrawn.
- (3) Absence without leave for five (5) consecutive work days shall constitute resignation in bad standing.

Upon submission of sufficient evidence that the employee was physically or mentally unable to notify the hiring manager in person or through another person of the reason for such absence, the hiring manager may request the individual's reinstatement. This reinstatement is subject to the approval of the Director of Human Resources. Such evidence must be submitted to the Director of Human Resources within five (5) business days of the effective date of the resignation in bad standing.

This procedure does not preclude dismissal action for a shorter period of absence if the absence is of sufficient seriousness.



**SECTION 7. RETIREMENT.**

- (1) To retire, an employee must submit written notice of the intent to resign to their manager at least two weeks prior to the date the employee intends to resign from the City. This two week notice requirement may be waived by the Director of Human Resources. The employee must retire through the Ohio Public Employee Retirement System or the Ohio Police and Fire Pension Fund.
- (2) The employee must immediately notify the City when his/her retirement is approved through a state retirement board.

**SECTION 8. ILLEGAL OR FRAUDULENT APPOINTMENT.** An appointment found, upon investigation by the Department of Human Resources, to have been obtained through fraud or material misrepresentation is void ab initio (from the beginning) and a position obtained in this manner shall be deemed to be vacant. Such illegal or fraudulent appointment confers no rights or benefits of that position upon the appointee.

**SECTION 9. DISMISSED EMPLOYEES AND THOSE WHO HAVE RESIGNED IN BAD STANDING.** Any permanent employee who has been dismissed or who resigns in bad standing shall be removed from all eligible lists. The employee shall also be disqualified for a two year period from taking any examinations and from reemployment unless, in the judgment of the Director of Human Resources, the cause of the dismissal or the circumstances of the resignation in bad standing will not adversely affect the individual's ability to perform some other type of employment.

## **XI. LAYOFF, DISPLACEMENT, AND RECALL**

### **SECTION 1. REDUCTION IN PERMANENT CLASSIFIED PERSONNEL.**

- A. Whenever it becomes necessary to reduce the number of permanent employees in the classified service of the City of Akron for reasons of economy and/or efficiency, the Appointing Authority shall have the power to designate the classes, divisions, bureaus and departments to be affected by said layoffs without considering the same or similar classes in other divisions, bureaus or departments. Divisions, bureaus and departments are those employing entities as defined in the omnibus job ordinance and any amendments thereto adopted by City Council.
- B. The Appointing Authority, prior to any reduction of any permanent employees in the classified service of the City of Akron, shall notify the Director of Human Resources of the number of positions to be vacated, the class or classes by division, bureau or department to be affected, and reasons therefore. The Director of Human Resources shall thereupon furnish to the Appointing Authority the names of the employees in the order which such layoffs shall be effected.
- C. A permanent employee in the classified service subject to layoff shall be given a written notice of the layoff by the Appointing Authority at least fourteen (14) calendar days prior to the effective date of the layoff.
- D. A permanent employee in the classified service may appeal a layoff action to the Director of Human Resources within seven (7) calendar days of the receipt of the written notice by filing with the Department of Human Resources a written statement setting forth the reasons for the appeal. The Director of Human Resources shall, within seven (7) calendar days from receipt of the appeal, review the circumstances of the appeal to determine if the layoff procedures were properly followed. The Director of Human Resources will either grant or deny the appeal and his decision is final.

### **SECTION 2. ORDER OF LAYOFF.**

- A. A reduction in the number of employees in a class in a division, bureau or department shall be made in the following appointment definition order:
  - 1. Provisional employees
  - 2. Temporary employees
  - 3. Seasonal employees
  - 4. Permanent part-time employees
  - 5. Permanent employees
- B. Layoff of permanent employees in the classified service shall be made inversely to their total seniority with the City of Akron. Seniority credit for purposes of layoff, reduction, displacement and recall shall mean:
  - (1) The amount of continuous service a permanent employee has accumulated in the classified service of the City of Akron.

- (2) Any permanent employee who has served as a temporary, seasonal, provisional or probationary employee who has achieved permanent status with no interruption in service shall receive seniority credit for the continuous service including the period served as a temporary, seasonal, provisional or probationary appointee.
  - (3) Permanent part-time employees shall have their continuous service prorated as it relates to full-time employment.
  - (4) Any personal leave without pay or disciplinary action in excess of sixteen (16) consecutive calendar days, shall be subtracted when computing the continuous service of an employee, except sick leave or military leave, for purposes of determining total seniority credit.
  - (5) The continuous service of a permanent employee who has resigned and been reinstated shall be computed from the time of the last reinstatement and no seniority credit shall accrue for service prior thereto.
  - (6) Any employee who has been laid-off from a position in the classified service of the City of Akron shall, upon reinstatement, have the time while on layoff subtracted from the computation of continuous service for purposes of determining total seniority credit.
- C. In the event two or more employees subject to layoff have equal total seniority credit, the order of layoff will be determined by computing the average of their most recent employee performance evaluation grade; the employee with the lowest average performance evaluation grade shall be laid off first. In the event the performance evaluation averages of the employees are equal, the next preceding performance evaluations in their current classification, including probationary ratings, may be used to break the tie and determine the order of layoff. Should the preceding procedure of averaging performance evaluations fail to determine the order of layoff, or in the event the employees have not received a performance evaluation in their current classification, the order of layoff shall be in accordance with the employees' final grades received in the selection or promotion process for their current positions; the employee with the lowest final grade to be laid off first.

Should the preceding procedure fail to determine the layoff order, the date of application for the position shall determine the layoff order; the employee with the latest application date to be laid off first.

### **SECTION 3. DISPLACEMENT.**

- A. A permanent employee with at least five (5) years of seniority in the classified service of the City of Akron who has received a notice of layoff shall have the option to be reduced to the next lower class in the same series of classifications in the same department, division or bureau in which the layoff occurred. Such reduction and displacement shall be limited to the smallest employing entity defined by ordinance and named in the layoff notice, providing:
- (1) A position in the next lower classification in the series is vacant and funded. The Appointing Authority shall determine which positions are funded.

- (2) If no funded vacancy exists in the next lower class in the series, and if the laid off employee's total seniority credit computed as of the effective date of the layoff is sufficient, s/he may displace an employee with less seniority in a lower class in the series in the employing entity.
- B. Should an employee with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron, who has received a layoff notice, be unable to be reduced or to displace a less senior employee in a lower class of a series in the employing entity as provided for in Section 3 A of this procedure, the affected employee shall be permitted to return to a class previously held in the employing entity providing the employee still meets the current minimum qualifications as established for the position and providing:
- (1) That position is vacant and funded.
  - (2) If no funded vacancy exists in the formerly held class, the employee's seniority credit computed as of the effective date of the layoff is sufficient to displace an employee with less seniority in the formerly held class.
- C. Permanent employees with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron who occupy a single class position not in a series and who have not held previous lower class permanent positions and receive a notice of layoff, shall be permitted to:
- (1) Be reduced to a lower class within the employing entity provided a vacant funded position exists and the employee meets the minimum qualifications for the position.
  - (2) If a vacant funded position in a lower class does not exist, the employee may displace another employee in a lower class in the employing entity who has the least seniority, provided the employee scheduled for layoff meets the current minimum qualifications for the lower classification.
- D. Any permanent employee in the classified service, who has been served with a layoff notice and is otherwise eligible, must notify the Department of Human Resources in writing of his intent to seek employment in a lower class as defined in this procedure, within five (5) business days of the receipt of the layoff notice. Failure to do so shall result in the employee being laid off.
- E. Permanent employees with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron who are displaced as a result of the provisions of this procedure, may exercise options A, B, or C of this procedure in the same manner as a laid off employee.

**SECTION 4. RECALL FROM LAYOFF.**

- A. Reemployment Lists: The Department of Human Resources shall establish reemployment lists by classifications of laid off permanent employees. Employees shall be placed on a reemployment eligible list based on the classification that employee held at the time of layoff and ranked by seniority credit, the most senior first. Such reemployment eligible lists shall remain in effect until such time as the employee is removed from the list for cause or is reemployed in the classification from which s/he was laid off. After a period of four (4) years, an employee's name shall be removed from the reemployment eligible list.

- B. Removal of Eligible Candidate from Reemployment Lists: The name of a laid off employee may be removed from the reemployment eligible list for any of the following causes:
- (1) Failure to respond to a written inquiry regarding the laid off employee's availability for work. Given sufficient and good cause for failure to reply, the Director of Human Resources may reinstate the laid off employee to the reemployment eligible list. The laid off employee shall not be considered for any positions filled while not on the reemployment eligible list.
  - (2) Failure to notify the Director of Human Resources of any changes in contact information in writing while their name remains on the reemployment eligible list.
  - (3) Any of causes enumerated in Procedure II, Section 3 of the Human Resources Procedures and Policies.
  - (4) Failure to respond to a written notice from the Director of Human Resources to return to work or declining an appointment to the same or similar class from which the employee was laid off.
  - (5) Employees recalled from a reemployment eligible list must return to paid status within ten (10) calendar days of the receipt of notification.
- C. Reemployment in a Lower, Temporary or Seasonal Class. For a period of two (2) years after being placed on a reemployment eligible list, a laid off employee may be certified to fill permanent, temporary or seasonal positions in the classified service which are at an equal or lower classification than the position from which the employee was laid off, provided that the laid off employee meets the current minimum requirements for the classification. Such recalls shall be at the discretion of the Director of Human Resources, who may prescribe such procedures as provided in Procedure II limited to the laid off employees. Acceptance of a lower, temporary or seasonal position does not remove the laid off employee's name from the reemployment eligible list.
- D. Eligibility for Promotions: Laid off employees not working in a permanent position in the classified service of the City of Akron shall have their names removed from existing promotional eligible lists and shall not be eligible to participate in promotional examinations.
- E. For purposes of layoff, displacement and recall, a "series of classifications" shall be as determined by the Director of Human Resources.

## **XII. PERFORMANCE MANAGEMENT**

**SECTION 1.** It shall be the duty of the Director of Human Resources to administer a performance management program for the purpose of providing useful feedback about job performance, facilitating better working relationships, providing a historical record of performance and contributing to the professional development of employees in the classified service. The performance management program shall measure performance as objectively as possible to determine the quality and quantity of work performed and assist in the establishment and accomplishment of goals and objectives for the employee.

### **SECTION 2. PERFORMANCE EVALUATIONS.**

- A. Performance evaluations shall be conducted annually.
- B. Performance evaluations shall be based upon the independent judgment of one or more supervisors, at least one of whom shall be the immediate superior of the employee whose services are rated.
- C. The factors and method of scoring shall be the same for all employees in the same class and shall bear fair relationship to the duties and responsibilities of the employees to be rated.
- D. After the performance evaluation report has been completed and approved, it shall be presented to the employee for review and signature. No alterations shall be made to the performance evaluation after it has been signed by the employee.
- E. When the performance evaluation has been completed, reviewed and signed, a copy shall be furnished to the employee and the original shall be forwarded to the Department of Human Resources.
- F. The Director of Human Resources may amend a performance evaluation if he/she ascertains that the rating was not determined in conformity with Human Resources procedures. Any such amendments shall be recorded on the employee's performance evaluation form and presented to the employee.
- G. If a substantial error is discovered in a performance evaluation for an employee, the Department of Human Resources will issue a replacement performance evaluation to be completed by the employee's supervisor. The erred evaluation will be removed from the employee file and be replaced with the new evaluation.

### **XIII. UNSKILLED LABOR SERVICE**

Applications will be accepted as the needs of the City may require. Qualified applicants may be invited to participate in physical ability testing to establish their ability to perform the essential functions of the laboring positions. Passing candidates will be placed on an eligible list for one year or until they are hired for a permanent position or removed for cause.

As positions become available, the hiring division will be contacted to determine the work experience, certifications and licenses needed for each vacancy. Applicants meeting the criteria as outlined by management will be certified in accordance with these procedures.

## XIV. LEAVES OF ABSENCE

**SECTION 1. PERSONAL LEAVES OF ABSENCE.** A personal leave of absence with or without pay may be granted to an employee for a period not to exceed one year. A request for vacation, paid leave, or reduced schedule of more than 30 (30) calendar days constitutes a leave of absence and must be approved by the Director of Human Resources. A request for leave shall be submitted in writing thirty (30) days prior to the effective via the method prescribed by the Director of Human Resources, signed by the employee, and approved by his department manager. Requests must establish reasonable justification for approval.

The decision of the Director of Human Resources is final. The thirty (30) day notice may be waived by the Director of Human Resources.

- A. Only permanent employees with at least five (5) years of consecutive service are eligible to request a personal leave of absence.
- B. Employees requesting leave are required to have a satisfactory performance evaluation average for the 12 months immediately preceding the request for leave.
- C. An employee on leave covered by this section must give the Director of Human Resources notice of intention to return to the former position at least thirty (30) days prior to the expiration of the leave. The Director of Human Resources shall thereupon reinstate the employee to a position in the employee's classification or a comparable position in the same pay range for which the employee is qualified.
- D. Employees must use all paid leave time prior to going to an unpaid leave status.

**SECTION 2. MEDICAL LEAVES OF ABSENCE.** Medical leave of absence may be granted to employees who are unable to perform their job duties due to injury or illness.

- A. Eligible employees are entitled to twelve (12) weeks of job-protected leave in accordance with the Family and Medical Leave Act (26 weeks for military care giver leave) in compliance with federal, state and local laws and City policy.
- B. Employees who are not eligible for FMLA leave or have exhausted the twelve (12) weeks of FMLA entitlement, may be granted a medical leave of absence upon submission of a written request for medical leave with sufficient medical certification documenting such need for leave. Medical leave will be approved in compliance with applicable federal, state and local laws and City policy.
- C. Permanent, full-time employees who are injured or incapacitated in the actual discharge of duty, and who, as a result thereof, are compelled to be absent from duty, may be eligible to receive full pay in compliance with City of Akron Ordinance 35.04 and City injury leave policy.
  - 1. Employees who are not eligible for injury leave may be eligible for compensation in accordance with the Ohio Bureau of Workers' Compensation (BWC) rules and regulations.



**SECTION 3. MILITARY LEAVE.** Employees shall be granted a leave of absence to serve in the Armed Forces of the United States of America or any branch thereof. An employee requesting military leave shall submit copies of the orders, a training schedule, or an affidavit as verification that military duty is required. Military leaves of absence shall be governed by City of Akron Ordinance 35.09, City policy, and the following principles:

- A. An employee returning from leave of absence from the Armed Forces shall be returned to the position or to a similar position of equal rank and grade (within the position) held immediately prior to enlistment, appointment or induction into the Armed Forces.
- B. For a period of up to five (5) cumulative years, no employee in the classified service shall lose rank, grade or seniority held at the time the employee began service in the uniformed service.
- C. An employee whose cumulative military leaves of absence and of all previous military absences from a position of employment with the City of Akron exceeds five (5) years is not entitled to reemployment rights and benefits.
- D. Where service in the Armed Forces results from voluntary enlistment or appointment, leave shall be granted in accordance with the provisions of the Uniformed Service Employment and Reemployment Act (USERRA).

**SECTION 4. LEAVE FOR EMPLOYMENT BY EMPLOYEE ORGANIZATION.** A leave of absence without pay may be granted to an employee who is elected or appointed to a full-time office in an employee organization which is recognized by the City as representing a segment of City employees. Leaves will be granted for a period of up to one year and are renewable each year.

**SECTION 5. COURT APPEARANCE.** Employees who are required to serve as jurors or subpoenaed as witnesses in any court shall be entitled to leave or absence from their duties to comply with City of Akron Code of Ordinance 35.10. Documentation of attendance may be required.

**SECTION 6. FUNERAL LEAVE.** Employees shall be entitled to leave in the event of the death of an immediate family member.

- A. Immediate family members are as follows:

Spouse	Domestic Partner	Son-in-Law	Legal Guardian
Sister	Child (Step Child)	Mother	Father
Mother-in-Law	Brother	Grandparent	Grandchild
Daughter-in-Law	Father-in-Law	Sister-in-Law	Brother-in-Law
Niece	Nephew		

- B. The employee shall be eligible for paid leave for up to three (3) days if the funeral is within a 120 mile radius, or four (4) days if the funeral is greater than a 120 mile radius from 166 S. High S. Akron, OH 44308. Additional time off may be granted by the employee's manager.

- C. Supporting documentation such as an obituary is required for absences due to funeral leave.

**SECTION 7. LEAVES OF ABSENCE GUIDELINES.** Unless otherwise specified, leaves of absence must follow the guidelines below:

- A. A leave of absence granted to an employee paid, unpaid, or any combination of the two, must not exceed a total of one year from the first day the leave commences.
- B. If necessary to the official business of the department, as determined by the Director of Human Resources, an employee on leave may be notified in writing to return to work prior to the expiration of the leave. If the appointing authority is unable to locate or contact the employee, the subsequent absence shall be deemed to be an absence without leave and the employee will be subject to the Attendance Control Policy.
- C. Employees returning from leaves of absence may be required to undergo a medical examination upon return from leave to determine their ability to perform the essential functions of the position.
- D. Failure to report to work on the scheduled return to work date or failure to communicate a reason for inability to return to work and instead remaining absent for five (5) consecutive days, will be considered absent without leave (AWOL) and treated as a voluntary resignation in bad standing.
- E. While an employee is on an approved leave of absence, the City will continue the employee's health benefits coverage during the leave period at the same level and under the same conditions as if the employee had continued to work, as long as the employee continues to make his/her portion of the health care premium and remains eligible for coverage.
  - 1. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium.
  - 2. While on unpaid leave, the employee must continue to pay his/her portion of the premium in person or by mail to the City of Akron. An employee's failure to make his/her contribution will result in the employee's health benefits coverage being cancelled.

**SECTION 8. EFFECTS OF LEAVES OF ABSENCE.** A leave of absence without pay for more than sixteen (16) consecutive calendar days:

- A. Advances the step increase date an equivalent number of days, and
- B. Reduces length of service by an equivalent number of days for vacation leave, sick leave, and longevity pay computation purposes.
- C. This provision does not apply to approved leaves taken under a furlough program.

## XV. POLICIES AND EXECUTIVE ORDERS

**SECTION 1. INTRODUCTION.** The following policies and executive orders are enforced by the Department of Human Resources in conjunction with the Labor Relations Division.

### **SECTION 2. POLICIES.** (LOCATED ON THE INTRANET)

- A. [Attendance Control Policy](#)
- B. [CDL Drug and Alcohol Clearinghouse Policy](#)
- C. [Cellular Telephone Equipment and Services Policy](#)
- D. [Confidentiality Policy](#)
- E. [Domestic Partner Leave Policy](#)
- F. [Drug and Alcohol Free Workplace Policy](#)
- G. [Fair Hiring Policy](#)
- H. [Family and Medical Leave Policy](#)
- I. [Information Regarding Fraud-Reporting Systems](#)
- J. [Identification Badge Policy](#)
- K. [Injury Leave Policy](#)
- L. [Lactation/Breastfeeding Policy](#)
- M. [Media Communication Policy](#)
- N. [Paid Leave Time Donation Policy](#)
- O. [Paid Parental Leave Policy](#)
- P. [Prohibiting Bullying for Youth-Serving City Services Policy](#)
- Q. [Public Records Policy](#)
- R. [Safe Workplace Policy](#)
- S. [Smoke-Free Workplace Policy](#)
- T. [Social Media Policy](#)  
[Social Media Policy Exhibit A](#)
- U. [Telework Policy](#)
- V. [Transitional Work Policy](#)
- W. [Use of City-Owned Property Policy](#)
- X. [Workforce Recruitment and Retention Policy](#)

### **SECTION 3. EXECUTIVE ORDERS.** (LOCATED ON THE INTRANET)

- A. [Anti-Harassment/Sexual Harassment Non-Discrimination Policy, Executive Order #4-2016](#)
- B. [Computer Usage Policy, Executive Order #2-2019](#)
- C. [Equal Employment Opportunity, Executive Order #3-2016](#)

**SECTION 4. Human Resources Commission Administrative Rules.** (LOCATED ON THE INTRANET)

- A. [November 2020](#)

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