

RULES OF THE
CIVIL SERVICE COMMISSION
WILLOUGHBY HILLS, OHIO

Adopted December 1, 1971
Amended and Revised December 31, 1991
Amended and Revised November 3, 1997
Amended and Revised February 2000
Amended and Revised February 2011
Amended and Revised November 2013
Amended and Revised November 2016
Amended and Revised January 2018
Amended and Revised March 2019
Amended and Revised June 2019
Amended and Revised April 2022
Amended and Revised August 2022

PREAMBLE

The following rules and regulations are adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Willoughby Hills, Ohio, under the authority of Article XV of the Constitution of the State of Ohio, Chapter 124 of the Ohio Revised Code (ORC), and Section 5.5 of the Charter of the City of Willoughby Hills, Ohio.

Inquiries regarding civil service matters or rules should be addressed to the Civil Service Commission, City of Willoughby Hills, Ohio.

Revised and Adopted: November 1, 2013

Willoughby Hills Civil Service Commission

Steven Nash, Chairman

David Liggett, Vice Chairman

Michael Tobin, Secretary

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SECTION 1

ORGANIZATION

SECTION 1 ORGANIZATION

1.1 Composition

The composition of the Municipal Civil Service Commission (Commission) and duties thereof shall be in accordance with Section 5.5 of the Charter of the City of Willoughby Hills. The Commission shall administer and enforce the rules and regulations herein prescribed relative to the Civil Service in the City of Willoughby Hills, Ohio.

1.2 Officers

The Commission members shall elect a Chairman, Vice-Chairman, and a Secretary from their membership.

Upon the appointment or re-appointment of a member to the Commission, the members shall hold a new election of officers.

1.2.1 Chairman

It shall be the duty of the Chairman:

- A. to call such meetings of the Commission as necessary;
- B. to preside at all meeting of the Commission;
- C. to sign the minutes of all action taken by the Commission;
- D. to ensure that the annual report, as required by ORC 124.40, is assembled and transmitted to the State Personnel Board of Review (SPBR) in a timely manner.

1.2.2 Secretary

- A. The Secretary shall be responsible for the proper handling of all records and files of the Commission, and shall conduct all official correspondence for the Commission.
- B. The Secretary shall approve payrolls based upon official rosters and service lists maintained by the Commission.

1.2.3 Vice-Chairman

The Vice-Chairman shall assume the duties of the Chairman when the Chairman is absent or otherwise unable to carry out his duties.

1.3 Professional And Clerical Assistance

The Commission shall be empowered to hire such professional or clerical assistance as needed, upon approval of Council.

1.4 Meetings Of The Commission

- A. All meetings of the Civil Service Commission shall be open to the public except as set forth in ORC 121.22 and this rule.
- B. General minutes shall be taken at all Civil Service Commission meetings. After approval by the Civil Service Commission at the next meeting, the General Minutes shall be posted on the Willoughby Hills City Hall Bulletin Board and submitted to the Clerk of Council for posting on the Willoughby Hills website.
- C. The Commission shall hold meetings as necessary to accomplish the Commission's work. Meetings shall take place at such times and places as may be designated by resolution or by motion of the Commission. Two (2) members of the Commission shall constitute a quorum at any meeting of the Commission, and it shall require the affirmative vote of at least two (2) members to adopt any motion or resolution.
- D. Normal business meetings will be scheduled with as much notice as possible, so that a public announcement can be provided. However, from time to time, Special Meetings or Emergency Meetings of the Commission are required to deal with exigent business. Notice of any meeting of the Civil Service Commission will be submitted to the Mayor's Office for posting on the Willoughby Hills City Hall Bulletin Board in advance of the meeting by the Commission.
- E. To avoid a potential Conflict of Interest by a Commission Member in the preparation of a Candidate List for an appointment to the Classified Service of Willoughby Hills, each member of the Civil Service Commission shall divulge any and all relationships with

each candidate on the preliminary list. Each member of the Commission will identify candidates for whom they believe they should recuse themselves from all subsequent procedures and discussions in the preparation of the Final List. As a final effort to avoid any Conflict of Interest, each Civil Service Commission Member shall vote on the eligibility of the other Commission Members to participate in any subsequent proceedings and discussions in the decision process. Any Commission Member receiving negative votes from both remaining Commission members, for a particular preliminary candidate, will be excused from any subsequent proceedings for said candidate.

- F. In the event of an emergency, the Chairman of the member(s) calling the meeting must immediately notify the Mayor's Office of the City of Willoughby Hills.
- G. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be convened for any purpose permitted by ORC 121.22 (G), including, among other things, to consider appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, unless such employee requests a public hearing. The motion to go into executive session shall state which of these reasons, or which other legally permissible reason(s), is the basis for the executive session, and need not include the name of the person(s) to be considered at the meeting.
- H. Designated work sessions by member(s) of the Commission are exempt from meeting posting procedures, media notices and are not open to the public.

1.5 Procedure For The Adoption, Amendment, Or Rescission Of Rules

- A. The Commission shall have the power to propose the adoption, amendment, or rescission of these rules, or any part thereof, by a majority vote.

- B. A copy of the full text of any proposed rule, or rule change, shall be submitted to the Mayor and published at least ten (10) days prior to the date set for consideration by the Commission.

- C. Any rule adoption, amendment, or rescission shall not be acted upon at the same meeting at which it was proposed. Final action, by majority vote, must occur at least seven (7) days after its proposal.

- D. Copies of the rules or rule changes, together with the minutes of the Civil Service Commission adopting the rules or rule changes, will be kept by the Secretary of the Commission/designee, and made available for review to any person upon request.

SECTION 2

DEFINITIONS AND EXPLANATIONS

SECTION 2 DEFINITIONS AND EXPLANATIONS

2.1 Appointing Authority

The Appointing Authority is defined as the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.

2.2 Available Vacancy

An “Available Vacancy” is defined as an existing funded position, not currently filled by an incumbent, which the appointing authority desires to fill. The existence of a vacant position on an appointing authority’s table of organization shall not automatically constitute an available vacancy.

2.3 City

This shall refer to the City of Willoughby Hills, Ohio, unless specified otherwise.

2.4 Civil Service

“Civil Service” includes all office and positions of trust or employment in the service of the City of Willoughby Hills.

2.5 Class or Classifications

“Class or Classifications” is defined as a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, a similar pay range assigned, and similar examinations conducted. A parenthetical subtitle is used in some instances to further define the class.

2.6 Commission

This shall refer to the Civil Service Commission of the City of Willoughby Hills, Ohio, unless specified otherwise.

2.7 Days

When a period of time is referred to as a specific number of days, there represent consecutive calendar days unless specified otherwise.

2.8 Eligible

“Eligible” is defined as an applicant for appointment or promotion to a classification who has passed an examination and met other requirements for the classification.

2.9 Eligible List

“Eligible List” is defined as a list of names and test scores of individuals who, through testing and meeting other qualifications of a position, have been found qualified for the position, and who have been afforded a specific competitive rank based upon total scores achieved.

2.10 Employee

“Employee” is defined as any person holding a position subject to an appointment, removal, promotion, or reduction by an appointing authority.

2.11 Exempt Appointment

“Exempt Appointment” is defined as an appointment to a position which is not subject to an examination or civil service tenure.

2.12 External Interim Employee

“External Interim Employee” is defined as a newly hired employee, appointed for an indefinite period of time and in the unclassified service, where such appointment is to cover the absence of an employee due to sickness, disability, or other approved leave of absence.

2.13 Full-Time Service

“Full time service” is defined as regularly scheduled to work forty (40) hours per work week for two thousand eighty (2080) annual hours, or in the case of the Department of Fire shift employees, regularly scheduled fifty-two (52) hours per week or two thousand seven hundred and four (2704) hours annually.

2.14 Felony

“Felony,” as used herein, means any of the following:

- A. An offense of violence as defined in Section 2901.01 of the Ohio Revised Code;
- B. A felony drug abuse offense as defined in Section 2925.01 of the Ohio Revised Code;
- C. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;

- D. A felony involving dishonesty, fraud, or theft;
- E. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the Ohio Revised Code.

2.15 Gender

The use of the masculine gender in many of these rules is grammatical and not intended to exclude the feminine unless it is specifically stated.

2.16 Original Appointment

“Original Appointment” is defined as appointment of an individual to a position within the classified service when the individual is not currently employed in another position within the City, excluding reinstatement to a similar or same position within one (1) year from separation.

2.17 Part-Time Service

“Part-time service” is defined as regularly scheduled to work less than forty (40) hours per week or less than two thousand eighty (2080) hours annually, or in the case of the Department of Fire shift employees, regularly scheduled less than fifty-two (52) hours per week or less than two thousand seven hundred and four (2704) hours annually.

2.18 Position

“Position” is defined as any specific employment or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities by an individual.

2.19 Promotion

“Promotion” is defined as the act of placing an employee in a position, the classification for which carries a higher salary range or wage rate than that of the position previously held by the employee.

2.20 Promotional Examination

“Promotional examination” is defined as an examination open only to persons already employed in the classified service, in specified classes or meeting specified qualifications.

2.21 Non-Discrimination Policy

It shall be the policy of this Commission not to discriminate against any applicant or employee because of race, color, sex, religion, national origin, age, or disability, except where a bona fide occupational qualification exists.

2.22 Status of Employment/Employment Status

“Status of Employment/Employment Status” is defined as a type of appointment such as provisional, certified, and unclassified, as well as full-time, part-time, or seasonal.

2.23 Temporary Employee (External)

“Temporary Employee (External)” is defined as an appointment in the unclassified service of a newly hired employee, for a limited period of time not to exceed one (1) year, made by the appointing authority and approved by the Civil Service Commission.

SECTION 3

CLASSIFICATIONS

SECTION 3 CLASSIFICATIONS

3.1 Division of Civil Service (Classified And Unclassified Service)

3.1.1 The Classified Service

- A. The classified service shall comprise all persons in the employ of the City of Willoughby Hills, Ohio, not specifically included in the unclassified service by city charter, ordinance, paragraph (A) or (C) of section 124.11 ORC, as applied to the Civil Service of the City of Willoughby Hills, Ohio, or these rules.
- B. As defined in Section 9.41 of the City Charter, the classified service shall include:
1. all full-time members of the police department, except for the Police Chief.
 2. all full-time members of the fire department, except for the Fire Chief;
 3. all positions which may, consistent with the provisions of this charter, be classified by ordinance of Council upon recommendation of the Civil Service Commission.
- C. The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the Civil Service

Commission. The Civil Service Commission shall require applicants for registration in the labor class to furnish such evidence or take such tests as the Civil Service Commission considers proper with respect to residence, physical capacity to perform the essential functions of the position applied for, with or without reasonable accommodations, honesty, industry, and experience in the work or employment for which he applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. If more than one (1) applicant receives the same rating, priority in time of applications shall determine the order in which names will be maintained on the eligible list and certified for appointment.

D A person convicted of a felony immediately forfeits any status as a classified employee on and after the date of conviction

3.1.2 The Unclassified Service

The unclassified service shall comprise the following positions which shall not be included in the classified service, and which shall be exempt from all written competitive examinations required under these rules:

1. All officers elected by popular vote, or persons appointed to fill vacancies in such offices;
2. The Clerk of Council;
3. The Administrative Assistant to the Mayor;

4. The Directors and Department Heads (including but not limited to Safety, Finance, Law and Service);
5. The Secretary to the Director or Department Heads;
6. The Assistants to the Directors or Department Heads;
7. The Chief of Police;
8. The Police Captain;
9. The Fire Chief;
10. Members of all boards and commissions appointed by the Mayor.
11. Temporary or part-time employees requiring qualifications of an expert; not on the Police or Fire Department.
12. Seasonal or part-time employees; not on the Police or Fire Department.
13. Temporary, intermittent, emergency or external interim employee;
14. Deputies and Assistants to elective or principal executive officers authorized to act for and in place of their principals or holding a fiduciary relation to their principals;
15. Full time Employees appointed administrative staff positions for which the appointing authority is given specific statutory authority to set compensation;
16. Bailiffs, Constables, Official Stenographers, and Commissioners of the Mayors Court of Willoughby Hills, Ohio, and Deputies of such court;
17. Part Time employees of the Police and Fire Departments (credentialing responsibilities were removed from Civil Service Commission with passage of 2020 Charter Amendment changes.

3.2 Classification

The classes of positions as named and described in specifications adopted by the Commission, and with such amendments as may be made thereto, shall constitute the "Classification Plan" for the classifications of positions in the municipal service of the City.

3.3 Commission Shall Classify

Under the "Classification Plan," every position in the service shall be allocated to its appropriate class. Such allocation shall be made by the Civil Service Commission.

3.4 New Classifications

Whenever a new position within the classified service is established, or the duties of a classified position are so changed that, in effect, the former position as described by the specifications of the class to which it was originally allocated no longer exists, but in its place there is created a different position, the appointing authority shall report such fact to the Commission together with a full statement of the circumstances and description of the duties. The Commission shall, after investigation of the actual or proposed duties, responsibilities, and qualification requirements, classify or re-classify the position by allocating it to its appropriate class in accordance with the classification plan in effect. The Commission shall, from time to time of its own motion, make investigation of all positions in the service and propose changes in classification whenever facts

are considered to warrant such action. Classification or re-classification, in all such cases, shall take effect immediately upon approval of the Commission.

3.5 Incumbents of Changed Classifications

Where a position has been re-classified as described in Section 3.4, the incumbent of the former position may be promoted, transferred, or reassigned to the new position without examination. If, after investigation by the Commission, the person for whom such promotion or transfer is requested has fully performed the additional duties and responsibilities of the new or changed position, no examination shall be required; otherwise, examination shall be required.

3.6 Amending Classification of Duties

The Commission may, whenever circumstances warrant, amend the specifications for any class and abolish, merge, or divide existing classes or create new classes under the classification plan, subject to the provisions of Sections 143.25 and 143.28 of the ORC.

3.7 Duties and Typical Tasks

A. The statement of duties and typical tasks of classifications are intended to be descriptive only and not restrictive. In determining a class, consideration will be given to the entrance requirements (necessary qualifications), responsibilities, general duties, and typical tasks of the position. In determining the class to which any position should be allocated, the specifications of each class shall have been considered as a whole. A position, once classified by the Commission, will remain so classified until such time as

the Commission, in accordance with these rules, re-classifies the position or creates a new position.

- B. A classification specification shall be prepared for each job classification setting forth a class title, salary range, typical duties and responsibilities, and the necessary qualifications, licenses, and attributes.

- C. Where particular licenses or attributes, such as insurability, are essential characteristics for a position, the classification specification will be prepared or amended to so reflect. Any such amendments may be requested by the appointing authority or may be made independently by the Commission, and will be reflected in the minutes of the Commission.

SECTION 4

COMPETITIVE AND NON-COMPETITIVE

CLASS APPLICATIONS.

CLASSIFIED AND UNCLASSIFIED

REQUIREMENTS.

PREAMBLE – The City Charter Rules were revised November 8, 2015, and read as follows:

SECTION 5.5 CIVIL SERVICE COMMISSION

5.52 Duties and Responsibilities. The Civil Service Commission shall make rules for the appointment, promotion, certification of names of applicants from eligibility lists for original appointment, and promotion, transfer, lay-off, reinstatement, suspension and removal of persons in the classified service and for appeals from the action of appointing authority. Before any such rules or amendments thereof shall become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission. Neither the general laws of the State of Ohio nor any other provision of this Charter shall impair or limit the authority conferred in this section.

In addition to the foregoing, the Commission shall, prior to an employment offer by the appointing authority, review and confirm all credentials stated in the application provided by the candidate for employment by the Municipality, including, without limitation: (i) reviewing and confirming that the employment and educational history of any candidate is correct as stated in such candidate's employment application, and (ii) that such candidate has obtained and is maintaining in full force any license, certification or other qualification required by the Municipality for employment by the Municipality in the position sought by such candidate.

The Commission shall report its proceedings to the Mayor or Council upon request and shall make a report to the Mayor at the beginning of each fiscal year. (Amended 11-8-88; 11-3-15)

In order to execute these responsibilities, the Willoughby Hills Civil Service Commission has established procedures for the hiring and confirmation of credentials of all prospective employees (See Appendices 1 and 2). Furthermore, the Willoughby Hills Civil Service Commission has developed application materials and procedural sign-off sheets to facilitate the execution of these responsibilities.

SECTION 4 COMPETITIVE AND NON-COMPETITIVE CLASS APPLICATIONS

4.1 Residence Requirements

- A. No person shall receive an appointment to any position in the classified service, safety forces, of the City of Willoughby Hills, Ohio, who is not a citizen of the United States. Members of the Safety Forces must permanently reside within twenty five (25) miles of the City limits; for emergency call back situations. Whenever the judgment of the Commission deems it to be necessary in the interest of public service, this rule as to residence may be waived by written permission of the Commission, on a case by case basis.

- B. Employees in the classified service who move outside the twenty five (25) mile limit will have their employment automatically terminated, unless a waiver has been granted in accordance with the provisions of Section 4.1 (A) herein.

4.2 Applicants Must File

- A Applications for City employment will be accepted only for those positions with announced vacancies. Every application for a position in the classified service/unclassified service and personally completed, signed by the applicant and notarized. All application forms must be completed in their entirety, and legibly printed (typed) in ink.

- B. Every application must be made in the form prescribed by the Commission and filed by the applicant during the time designated by the Commission. No applications shall be accepted after the date for filing has passed.

4.3 Letters of Character Reference

Every application for a position in the classified service and unclassified service must be accompanied by the letters of reference of not less than five (5) reputable citizens, preferably of Lake County, not holding any elected city, county, or state office, each certifying that he/she has been personally acquainted with the applicant for at least two (2) years last past, and believes the candidate to be of good moral character, of correct and orderly deportment, of temperate and industrious habits, and in all respects fit for the service he wishes to enter, and that such citizen is willing that his/her letter may be made public. Additional certificates may be required (review of at least thereby commission) in any case at the discretion of the Commission.

4.4 Age of Applicants

- A. Police Minimum Age for Appointment

Applicants for original appointment examination to the Police Department must have attained the age of twenty-one (21) years on or before the date of appointment

B. Fire Department Minimum Age or Appointment

Applicants for original appointment examinations in the Fire Department must have attained the age of eighteen (18) years on or before the date of the appointment.

C. General

Applications for original appointment examination to positions other than in police or fire must have attained the age of eighteen (18) years on or before the date of the written examination. Seasonal and Community Center unclassified positions are exempt.

D. Police Maximum Age for Appointment: Classified

By operation of ORC 124.1, no person shall be eligible to receive an original appointment after his or her thirty-fifth (35th) birthday. However, the commission may grant an age waiver for service that is transferable and the employee agrees to obtain the service credit to the Ohio Police and Fire Pension System (Lateral Transfer). Maximum age at the time of appointment shall not exceed age forty (40) even with lateral transfer. Full Time Police Officers must be able to obtain thirty years (30) in the Police and Fire Pension System and/or twenty five (25) years pension and five years of DROP (Deferred Retirement Option Plan).

Maximum age at time of Retirement for all classified police personnel is sixty-five (65) unless age sixty five has been obtained by January 1, 2013.

All Full-time Police Officers age sixty (60) and over will have to pass an annual medical screening (physical) and/or agility test (as established by Civil Service) to continue employment.

E. Fire Department Maximum Age For Appointment

By operation of ORC 124.42, no person shall be eligible to receive an original appointment on or after his or her thirty-first (31st) birthday. However, the Commission may grant an age waiver for service that is transferable and the employee agrees to obtain the service credit to the Ohio Police and Fire Pension System (Lateral Transfer). Maximum age at the time of appointment shall not exceed thirty five (35) even with lateral transfer.

Full-Time Firefighter/Paramedics must be able to obtain thirty (30) years in the Police and Fire Pension System and/or twenty five (25) years pension and five (5) years in DROP (Deferred Retirement Options Plan).

All Full-time Firefighter/Paramedics age 60 and over shall pass an annual medical screening (physical) and/or agility test (as established by Civil Service) to continue employment.

Maximum age for full-time classified Fire personnel is age sixty-five (65).

4.5 Non-Acceptance of Applications/Refusal to Certify
Removal from List

A. The Civil Service Commission or Commission Secretary shall be justified in refusing to permit the examination or certification of an applicant, or removing an individual from an eligible list, if satisfactory information is produced, either before or after an examination, demonstrating that an applicant:

1. has committed acts deemed detrimental to the successful performance of the employment sought;
2. has engaged in a pattern of poor work habits and performance with previous employers;
3. has been dismissed for just cause from any branch of public service;
4. has been dishonorably discharged from the Armed Services of the United States;
5. has been convicted of a felony;
6. habitually uses intoxicating liquors to excess;
7. currently uses illegal drugs;
8. has engaged in infamous or notoriously disgraceful conduct;
9. has made false statements of any material fact in relation to his application and/or examination, or has practiced or attempted to practice any deception or fraud in the application or examination process; or
10. in the case of applicants for positions of Patrol Officer or Rank Officer in the Police Department, has any unexpunged conviction of domestic violence or violence against a spouse.

B. Whenever the Commission or Commission Secretary determines it necessary to remove an applicant from an eligible list in accordance with the provisions above, the individual shall be notified as to the reason and shall be given an opportunity for review by the Commission consistent with Rule 9.8 herein, provided that the applicant requests such review within five (5) days of the date of notice of removal or disqualification. See section 4.11 for further information.

4.6 False Statements

Any false statement knowingly made by any applicant Classified or Unclassified in the application, or made at his request or with candidate knowledge in any certificate or letter of reference, which may accompany the application, or any other fraudulent conduct, shall be regarded as sufficient cause for excluding him from such examination or any future examination, or for removing his name from any register or eligible list or consideration of employment. Further action may include suspension, demotion, or termination of employment if now employed with the City of Willoughby Hills, in any capacity of employment.

All suspected false statements will be investigated by the Willoughby Hills Civil Service Commission, in cooperation with the Willoughby Hills Law Department, Willoughby Hills Police Department, and other employees or agencies as necessary. The Civil Service Commission will report the findings to the Appointing Authority, City, County, or State Prosecutors, or Willoughby Hills Council as necessary.

4.7 Licenses and Certificates

A. Every applicant shall have and shall be able to demonstrate that the candidate has secured and holds such licenses and certificates which are prerequisites and requirements of the position for which application has been made, and shall provide the Civil Service Commission or Human Resources staff with reasonable and adequate proof thereof.

B. Qualifications for Police Officer

An applicant for the position of Police Officer shall have a high school diploma or equivalency; the Ohio Peace Officer Training Council (OPOTC) Basic Training Certification prior to appointment; must possess a State of Ohio motor vehicle operator's license; and must be able to qualify for and remain insurable under the City's vehicle insurance policy.

C. Qualifications for Firefighter

An applicant for the position of Firefighter/Paramedic shall have a high school diploma or equivalency; the State of Ohio Paramedic Certification, and certification from the State of Ohio as a Full-Time Firefighter (NFPA Level II). Further, such applicant must possess a State of Ohio motor vehicle operator's license, plus must be able to qualify for and remain insurable under the City's vehicle insurance policy.

Other City Employees:

Certifications and Licenses as per job description and established practices of the Civil Service Commission.

4.7.1 Service Credit

Applicants for promotion to a position in the classified service who have attained at least a passing grade on the examination shall be entitled to service credit for the below listed items.

Points for part time service with the City of Willoughby Hills:

One-half (1/2) point for every six months completed. Maximum of six (6) points.

Educational and Military Service Points: additional points granted.

U.S. Military Service Credit of general or Good Conduct discharge, four (4) points.

Copy of Discharge shall be included with application or copy of current U.S. Military Identification Card.

Associate Degree in Fire Science or Paramedic, for Fire Dept. applicants, two (2) points.

A copy of Diploma included with application.

Associated Degree in Criminal Law or Law Enforcement, for Police Dept. applicants, two (2) points. Copy of Diploma included with application.

Baccalaureate Degree from an accredited university (any field), four (4) points.

Maximum number of educational points awarded will be four (4) points.

Maximum number of points awarded to any candidate for all granted points will be ten (10) points.

4.8 Fitness for Service

Every applicant appointed to or employed in the civil service shall be physically and psychologically able, with or without reasonable accommodation, to perform the essential functions of the position to which the candidate is appointed, or in which they are employed.

4.8.1 Medical, Psychological, Or Drug Testing

- A. Whenever physical, physical agility, or psychological qualifications are of especial importance, the applicant shall be required to pass a physical, physical agility, or psychological medical examination and be certified as qualified in such respect, whether before admission to an examination, or before being placed on the appropriate eligible list, or before certification for appointment, as a condition of employment age 60 and over (safety forces), as the Commission may deem advisable.

- B. Such examinations may include a screening for the use of controlled substances.

- C. Physical, psychological, or drug screening examinations, whenever required by the Commission, shall be made by a licensed or certified professional designated by the Commission, who shall furnish a certificate as to the applicant's fitness for duty. The professional fees for such examinations shall be paid by the City, as approved by the Commission.

- D. The results of physical, psychological, or drug screening examinations shall be used solely to determine an applicant's eligibility to take an examination or eligibility for appointment or continued employment, and shall not be disclosed, nor shall it become a part of the applicant's examination score. Records of such examinations shall be treated as confidential medical records to the extent allowed by law. All records of testing are the property of the Willoughby Hills Civil Service Commission and subject to terms and

conditions for use by all employees and commissions of the City of Willoughby Hills. No public discussion of any applicant or employee records are permitted (executive sessions exempt, but confidentiality must be maintained). All Federal, and State of Ohio, confidentiality regulations will be enforced. All requests for release of confidential information will be processed through the Civil Service Commission, with the verification by the Willoughby Hills Law Department.

4.9 EEO Applicant Information

The Civil Service Commission shall design and approve for use a form to be used in documenting EEO applicant flow statistics.

This EEO applicant information flow sheet shall be furnished to all applicants for employment or examination.

The completion of the EEO applicant flow information sheet by applicants for testing or employment shall be voluntary, and no applicant shall be adversely affected in any way for having refused to complete such form.

Once completed, EEO applicant flow information sheets shall be physically separated from the application.

4.10 Criminal Records Use in Public Employment Hiring Pursuant to Section 9.73 of the Ohio Revised Code (ORC)

Pursuant to Revised Code 9.73, the following criteria and/or provisions of state and/or federal law are detailed so as to notify any prospective candidate for employment with the City of Willoughby Hills of any disqualifying criminal history. This list does not preclude the City of Willoughby Hills from removing a candidate for employment consideration, or continued employment, for criminal history discovered during the background investigative process.

- A. Honesty/Falsification – candidates may be removed from the eligibility list or consideration of employment for any of the following reasons:
1. At any stage of the background investigation process, the candidate fails to disclose or acknowledge the use or purchase of any illegal drug(s), and at a subsequent stage in the process, the candidate admits to the use of an illegal drug, as an adult.
 2. At any stage of the background investigation process, the candidate provides substantially inconsistent responses regarding illegal drug(s) or alcohol used or purchased by the candidate, as an adult.
 3. At any stage of the background investigation process, the candidate fails to disclose or acknowledge any disqualifying behavior or activity on the part of the candidate, as an adult, relative to, and governed by, any of the Background Removal Standards.
 4. Failure or refusal to answer or respond to oral or written questions during any phase of the selection process.
 5. Failure to completely answer or respond to any questions contained in the Personal History Questionnaire.
 6. Any attempt to distort the psychological examination results.
 7. Use or attempted use of political influence to secure employment.
 8. Other related and/or similar occurrences, incidents, events, conduct, or behaviors that would be unacceptable or undesirable in the City of Willoughby Hills given the power and responsibilities incumbent to the position.

For purposes of this standard, and Background Removal Standard H., the “use” of drugs occurs when a candidate smokes, puffs, ingests, tastes, injects, inhales, or otherwise tries, any illegal drug, including but not limited to, marijuana, cocaine, anabolic steroids, or chemical inhalants.

B. Family History – Candidates may be removed from the eligibility list or consideration of employment for any of the following reasons:

1. A conviction of a misdemeanor crime of domestic violence involving use of force or threatened use of a deadly weapon is a permanent disqualifier under State and/or Federal laws.
2. Non-compliance with a court order or legal contract to provide child support, alimony or other financial responsibility as determined by the appropriate support enforcement bureau or a court of law within the preceding five (5) years.
3. Intentional violation of any protective or temporary restraining order as determined by a court of law within seven (7) years.
4. Verified or admitted sexual abuse as an adult of one’s spouse, ex-spouse, child, stepchild, and parent or other relative or person with whom one lived or has an intimate relationship.
5. Verified or admitted physical abuse as an adult within the last ten (10) years or sexual abuse of one’s spouse, ex-spouse, child, stepchild, parent or other relative or person with whom one lived or has an intimate relationship.

C. Employment – Candidates may be removed from eligibility list or consideration of employment for any of the following reasons:

1. Two (2) or more involuntary terminations and/or discharges from employment within the last five (5) years. This shall not include terminations resulting from a business ceasing operations, or resulting from being laid off from a position of employment.
2. Probationary and/or post-probationary termination from any occupation.

D. Military History – Candidates may be removed from the eligibility list or employment consideration for any of the following reasons:

1. Discharge from military service with any classification other than honorably discharged.
2. Conviction of any article of the Uniform Code of Military Justice that would be equivalent to a felony under the Ohio Revised Code (ORC).

E. Traffic – Candidates may be removed from the eligibility list or consideration of employment for any of the following reasons:

1. Any conviction of vehicular homicide shall permanently eliminate a candidate from consideration.
2. Driving under the influence of alcohol or drugs:
 - a) Conviction within the past five (5) years, or
 - b) More than one (1) OVI conviction as an adult; or
 - c) More than two (2) OVI convictions, if one of the convictions was as a juvenile.
3. Three (3) moving violations in the past three (3) years as an adult.
4. At the time of the interview or psychological examination, the candidate does not possess a valid driver's license and auto insurance as required by the residence state and if the candidate owns a car.

F. Gambling – The term “gambling offense” shall include any activity defined as gambling by a federal, state, local statute or ordinance in the jurisdiction where the activity occurred. Candidates may be removed from the eligibility list or employment consideration for any of the following reasons:

1. Conviction or a gambling offense, within the last five (5) years.
2. Admission to gambling that has resulted in an unstable financial or credit history within the last seven (7) years.

3. Conviction of or admission to engaging in the promotion of illegal gambling activity wherein the candidate gains a financial benefit.

G. Criminal Activity – Candidates may be removed from the eligibility list or consideration of employment for any of the following reasons:

1. Any pattern or theft offenses, within the last five (5) years, which cumulatively exceeds \$1,000.
2. Any theft offense within the last five (5) years, which singularly is equal to a felony.
 - a. This standard includes theft of cable TV service(s), if the theft occurred in the last two (2) years.
 - b. This also includes the illegal downloading of music and/or movies.
3. Any fraudulent insurance claims or fraudulent applications for welfare, worker compensation, unemployment compensation or other public assistance programs in excess of \$1,000.00.
4. Any admission or conviction of an offense, as an adult, defined as a felony by the federal, state or local law of the jurisdiction where the offense occurred. An admission of a felony offense would be disqualifying unless otherwise addressed by these standards.
5. Any admission or conviction of an offense, as a juvenile or one (1) violent felony as defined by the federal, state or local law of the jurisdiction where the offense occurred.
6. Any conviction of a M-1 or M-2 misdemeanor as defined by the federal, state or local law in the jurisdiction where the offense occurred, as an adult in the last five (5) years or more than one M-1 or M-2 conviction as an adult.
7. Any conviction of more than one (1) M-1 or M-2 misdemeanor as a juvenile, as defined by the federal, state or local law in the jurisdiction where the offense occurred. (Does not include traffic or minor misdemeanors.)
8. Any admission of an offense for carrying a concealed weapon within the last five (5) years if it is defined as a felony by the federal, state or local law where the offense occurred.

9. Any pattern of theft offenses from an employer or during the course of employment as an adult.

H. Illegal Substances – Candidates may be removed from the eligibility list or consideration of employment for any of the following reasons:

1. Any use or purchase of drugs of abuse (except marijuana) within three (3) years before application. Drugs of abuse include chemical agents/solvent-based substances and prescription drugs taken for reasons other than intended use, in more than one incident and without a prescription, especially Schedule I, II and III drugs.
2. Any use, purchase, or cultivation of marijuana within one (1) year before application or any time during the selection process.
3. Any illegal manufacture or sales of drugs of abuse, marijuana or prescriptive drugs. If the substance was sold without profit to the candidate, the amount sold was de minimus, and the sale (2) occurred when the candidate was a juvenile or more than five (5) years ago, then the above Rule shall be negated. For the purposes of this standard, the “Purchase” of marijuana or other illegal drugs include those purchases made by pooling of resources or money by the candidate and others for substances for their own use.

I. Candidate non-responsiveness – a candidate may be removed from the process for any of the following reasons:

1. Failure to appear for pre-interview/interview.
2. Failure to appear for psychological examination.
3. Failure to appear for medical/stress test.
4. Failure to return Personal History Questionnaire or Supplemental Questionnaire, or to respond to phone calls or correspondence from Background personnel.
5. Unable to locate at physical address/phone number/electronic mail address on file.
6. Candidate is no longer interested in employment with the City.
7. Failure to appear for oral board.

SECTION 5

ANNOUNCEMENTS

SECTION 5

ANNOUNCEMENTS

5.1 **Announcements**

- A. Whenever the Commission shall decide that the good of the service will be promoted thereby, it may hold an examination for any office or position in the classified service, insofar as determined to be practicable.

- B. Adequate public notice of the time and place of every examination shall be given, prior to the date thereof, on bulletin boards placed in a conspicuous place in the City Hall, Police Department, or Fire Department Respectively. Said notices shall also contain such other information relating to the scope and character of the examination and the qualifications of applicants, as the Commission shall deem proper.

- B. Printed public notice of each examination for original appointment in the classified service shall also be placed in a newspaper of general circulation within the City on one (1) occasion not more than sixty (60) nor less than thirty (30) days prior to the examination date for open examinations; in the case of a non-competitive (unassembled) examination, such notice shall occur at least ten (10) calendar days prior to the last date for the receipt of applications. Testing option, using testing of Part Time employees in their respective department shall be posted for at least ten (10) days before the application acceptance date. In order to secure the number of applicants desired, notices of examination may also be distributed to such persons or

organizations as may be interested in the positions to be filled, as deemed appropriate by the Commission.

- D. Testing of Part Time Police Officers and Part Time Firefighter Paramedics for Full Time positions in their respective departments. At the request of the Appointing Authority (Mayor/Safety Director), the Civil Service Commission may by normal testing procedures test the Part Time members of said department only. Notification to be done by written notice of examination, posted at City Hall, and Bulletin Board of said department. All procedures, written and oral testing procedures to be followed. Applicants shall be chosen on a 1 to 3 basis because of the limited testing parameters.

5.2 Conduct of Examinations

- A. All examinations shall be conducted under the direction of the Commission which may, from time to time, designate special examiners as required. Where a schedule of subjects and weights is not established by these rules, the Commission shall fix a schedule for any examination prior thereto, and the Secretary shall preserve a record thereof. Such schedule of subjects and weights shall be provided in writing to each applicant prior to the examination.
- B. All applicants, regardless of service, shall be subject to all limitations set forth in these rules as to residence, education, license, certification, habit, and moral character, and to

the requirement that each applicant be able, with or without reasonable accommodation, to perform the essential functions of the position for which the applicant has made application.

- C.
 - 1. An examination will be commenced by requiring each competitor to fill out and sign an identification and declaration sheet containing his examination number as shown on the official envelope furnished him and also his address, age, and such other information as the Commission may require, and seal the same in the official envelope. (Resolution 2022-009, adopted March 24, 2022)
 - 2. The Commission shall independently have the option to designate a Regionalized Testing or National Testing Network to administer the examinations set forth under these Rules. To fully provide for these designated options, the City shall enter into necessary agreements with the Regional Testing entity or the National Testing Network, and shall abide by the rules and regulations of test administration set forth under these agreements. (Resolution 2022-009, adopted March 24, 2022)
 - 3. The Commission shall retain and continue to have the option to use its in-house method of testing whereby the in-house examination and administration procedures shall continue to be followed. (Resolution 2022-009, adopted March 24, 2022)

- D. All envelopes shall be placed in a sealed package and deposited in a safe place, and the package shall be opened for the identification of papers only after marking has been completed on all papers.

- E. All papers submitted by competitors shall contain their numbers only, and any paper bearing the name of a competitor or any other identification mark shall be rejected, and specific announcement of this fact shall be made at the commencement of the examination.

- F. When an applicant in any examination is found to be using, without permission, any extraneous means of information such as memoranda, pamphlet or book of any kind to assist him in answering the questions, the person conducting the examination is authorized to take up the examination paper of the applicant when circumstances justify such action. The Commission shall, in all such instances, give the examination paper of the applicant a marking of zero and make notation on the paper explaining such marking and he shall be barred from taking any future examination.

5.3 Contents

- A. Examinations shall be of such a character and related to such matters as will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the position to which they seek appointment. Whenever it shall appear to the Commission to be for the best of interest of the service, applicants may be required to undergo a physical, physical agility, and mental examination at such time and place as the Commission shall designate to make such examination, and on the proper form as designated by the Commission.

- B. Examinations may consist of one (1) test, or of more than one (1) test in combination. Tests may be written, oral, assessment (demonstration of ability to perform essential functions), and/or an evaluation of training and experience. Where minimum or maximum requirements are established for any examination, such requirements shall be specified in the examination announcement. The Civil Service Commission shall establish the procedures for testing all classified service applicants.

5.4 Minimum Passing Grade

- A. The Civil Service Commission shall endeavor to ascertain the minimum passing grade, as determined by the compiler of any professionally prepared civil service test. When available in advance, this information will be included on all test notices.
- B. In the absence of a minimum passing grade determined by the professional testing service, the minimum passing score shall normally be seventy percent (70%) based upon a scale of one hundred (100).
- C. In the event that a sufficient number of applicants, as determined by the Commission, do not attain the minimum passing score determined by a professional testing service or the minimum score of seventy percent (70%), as applicable, the minimum passing score may be established to be one (1) standard deviation below the

mean score of all score may be established to be one (1) standard deviation below the mean score of all for the position, or the Commission may vote to retest.

- C. Whenever two (2) or more persons competing for the same position have like averages, their names shall be arranged on the eligible register in the order in which their applications were filed.

- D. The total percentage of standing of each applicant shall be ascertained in accordance with the table of weights for subject of examination fixed by the Commission prior to each examination.

5.5 Non-Competitive (Unassembled) Examinations

Non-competitive (unassembled) examinations shall be of such character as will determine whether or not the applicant possesses the requisite knowledge, ability, physical qualifications, and experience to enable him to perform the duties of the position. Applicants shall be required to attain a qualifying rating determined by the Commission in order to become eligible for placement on an eligible list, provisional appointment, or lateral transfer. Unassembled tests shall be used to establish a relative comparison and evaluation of education, experience, training, and other job-related criteria of applicants, based upon information provided by the application, other background information, and interviews as deemed appropriate. Whenever the Commission deems it advisable, competitive examinations may be ordered for any position previously filled by non- competitive examinations.

SECTION 6

ELIGIBLE LISTS

SECTION 6 ELIGIBLE LISTS

6.1 Eligible Lists

The Commission shall, as soon as practicable after every examination, prepare and keep open to public inspection, an eligible list of persons whose general average score in the examination is not less than the minimum passing score and who are otherwise eligible for appointment.

Eligible persons shall be ranked upon the eligible list as candidates in the order of their relative excellence as determined by their average examination scores, and their standing based upon time of filing, as applicable.

6.2 Duration of Eligible Lists

Eligible lists created by the Commission shall remain in force not longer than two (2) years. The Commission may, at any time, abolish any eligible list that has been in force more than one (1) year and hold a new examination whenever, in its judgment, the interest of the public service so requires. The Commission, via input of the appointing authority, may also make a determination that all via candidates have been exhausted and for the remainder of the first year of eligibility list may make a provisional appointment (departmental or lateral transfer). Grades and standings on the eligible lists established by the examinations held by the Commission shall remain the grades and standings for a period of two (2) years unless the list is abolished by the Commission as provided above.

6.3 Absence of Appropriate Lists

In the absence of an appropriate eligible list, any vacancy may be filled temporarily, without test for a period not to exceed one (1) year. Within the one (1) year period, the Commission shall hold the necessary tests for filling any such vacancy. Any provisional appointment or lateral transfer shall be tested to all the standards of the job description and procedures of the Civil Service Commission.

With the consent of the Commission, persons may be temporarily employed for transitory work without tests but no such employment shall continue for more than one (1) year.

6.4 Rearrangement of Lists

The Commission may, at any time, when in its judgment the interests of the public service so require, hold an examination for eligibles in any class or grade of the classified service. Two (2) or more eligible lists of the same kind may be consolidated by rearranging all the eligibles named therein according to their average examination scores and standing, as applicable. However, no eligible may remain on any list more than two (2) years from the date of entrance to the original eligible list.

6.5 Applicants Taking More Than One (1) Examination

When, for any reason, the Commission holds an examination in any particular class and there is an existing list of eligibles for such grade or class, any person on such existing list may elect to

take the new examination, recognizing that such person shall thereby be removed from such existing list and shall be bound by the results of the new examination for eligibles.

The names of any person taking more than one (1) examination for a position in the classified service may stand upon as many eligible lists as he shall qualify for under the rules of the Commission. Once such person has been appointed to any position in the classified service and has accepted such appointment, his name shall be removed from all eligible lists except those of a superior grade or class.

6.6 Removal from List

Names may be removed from an eligible list by the Civil Service Commission in accordance with these rules, for the following reasons:

1. the expiration or revocation of the list; by the Civil Service Commission.
2. failure of the person listed on the eligible list to fulfill all of the requirements and qualifications set out by or under these rules;
3. the refusal or neglect of the eligible, within four (4) days after notice of appointment, to accept such appointment, unless a waiver of such appointment is sought by the eligible and approved by the Civil Service Commission;
4. the failure of the appointing authority to select the eligible upon more than three (3) certifications;

5. attaining or surpassing the maximum age for original appointment (on date of certification of list) to positions within the Department of Police or Department of Fire as set forth in these rules;
6. the death of the eligible.

6.7 Disqualification from Eligible Lists

- A. The name of any person appearing on an eligible list who:
1. fails to report, or arrange to report, or arrange within a reasonable time for an interview with an appointing authority;
 2. fails to respond to a notice from the Civil Service Commission;
 3. Declines an appointment without reason satisfactory to the Civil Service Commission; or
 4. who cannot be located by the postal authorities shall not thereafter be certified to any appointing authority as eligible for appointment. The potentially disqualified person shall be notified concerning the application of this section unless his whereabouts are unknown. The disqualified candidate's name may again be certified from the eligible list only where a thoroughly satisfactory explanation of the circumstances is made to the Commission. In the event of the refusal of an appointment by an eligible candidate, the appointing authority shall so notify the Commission.

- B. If, at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list is disqualified from appointment because of false statements made on his application, inability to perform the job duties, lack of a necessary license, lack of insurability, or for other comparable reasons as set forth in Rule 4.5 herein, such person shall be notified and given an opportunity to be heard. If such person fails to appear for hearing, or upon being heard, fails to satisfy the Commission, his name shall be removed from such eligible list.

6.8 Change of Address

It shall be the duty of each person who is placed upon the eligible list to file with the Commission written notice of any change of address. Such notice shall state the name of the applicant, the eligible list on which his name appears, his new address and his last address as registered with the Commission.

SECTION 7

CERTIFICATIONS AND APPOINTMENTS

SECTION 7 CERTIFICATIONS AND APPOINTMENTS

7.1 Notice of Vacancy

When any position in the classified service is to be filled, the appointing authority shall notify the Commission of the fact immediately.

Notification of vacancies shall be made upon forms of requisition as prescribed by the Commission and completed by the appointing authority, and shall state the title, character, and duties of the position, whether the position is temporary, permanent, provisional, lateral transfer, and shall, if necessitated by a bona fide occupational qualification, special or new qualifications for the job description.

7.2 Certification of Eligibles

A. Upon the receipt of a notice of vacancy requisition, the Commission shall, except as otherwise provided for by these rules for provisional appointments, promotions, transfers, or reductions, certify to the appointing authority the names and addresses of the ten (10) candidates standing highest on the eligible list for the class or grade to which the position belongs; provided that the Commission may certify less than ten (10) names if ten (10) names are not available. When less than ten (10) names are certified to an appointing authority, appointment from that list shall not be mandatory, except as otherwise provided in Section 7.2.2 herein.

- B. The appointing authority, having notified the Commission of the position to be filled, and having received such list, may then appoint. Except as provided in 7.2.2, with respect to promotion within the Police and Fire Departments, the appointing authority shall fill such position by appointment of one (1) of the ten (10) persons certified to him. If more than one (1) position is to be filled, the Commission may certify a larger group of names from the eligible list, and the appointing authority shall appoint in the following manner: beginning at the top of the list, each time a selection is made, it must be from one (1) of the first ten (10) candidates on the list who is willing to accept consideration for the position. In an attempt to determine if eligibles on the list are still interested in being considered for appointment, The Commission may contact the eligibles by phone, email or mailing, to determine their interest in employment and upgrade the list accordingly. All communication documentation in these efforts shall be maintained by the Civil Service Commission. The Commission may keep track of eligibles that would constitute the top ten by e-mail, phone call, or mailing. If the test is being given to the part time members only of the Police or Fire Department respectively, then the ratio shall be one (1) of the top three (3). Upon such certification, the appointing authority shall appoint one (1) of the persons certified within fourteen (14) days of appointing authority request.
- C. If an eligible list becomes exhausted, and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists most appropriate for the group or class of job description or provisional appointment in which the position to be filled is classified.

- D. In the event there are no appointable candidates as determined by the Appointing Authority within the first calendar year of an eligibility list, the Appointing Authority may petition the Commission to make a Provisional Appointment or Lateral Transfer.

7.2.1 Promotional Restrictions

A.

1. No positions above the rank of Patrol Officer in the Department of Police, except the Police Chief, or regular Firefighter/Paramedic in the Department of Fire, except the Fire Chief shall be filled by original appointment. Vacancies in positions in the classified service above the rank of Patrol Officer or Firefighter/Paramedic shall be filled by a competitive examination for promotion from among persons holding a position in a lower rank than the position being filled. Promotion shall be filled by successive ranks so far as practicable.
2. No competitive examination shall be held unless there are at least two (2) persons eligible to compete. No person in the Police or Fire Department shall be promoted to a higher rank who has not served at least twelve (12) months in his present rank, except that this provision may be waived at the discretion of the Commission.
3. Promotions for Classified positions in non-safety force job descriptions shall be tested by procedures established by Willoughby Hills Civil Service Commission.

- B. 1. In the event of less than two (2) eligible applicants for a promotional

examination, the Commission may establish the period of service in the next lower grade and other reasonable requirements which shall be made of competitors in examinations for promotional appointment, and shall announce such requirements prior to scheduling such examinations.

2. If after exhausting all ranks two (2) eligible test takers cannot be located, then an open competitive test, provisional appointment or lateral transfer can be made by the Commission.

C. The Commission may require any applicant for promotion to furnish with his application the certificate of a competent medical examiner to be designated by the Commission that he is physically qualified to perform the essential functions of the position.

7.2.2 Promotional Appointments (Police and Fire)

In the case of a promotional appointment in the Department of Police or Department of Fire, with the exception of the Police Chief or Fire Chief, the Commission shall certify to the appointing authority the names and addresses of the ten (10) candidates standing highest on the list; provided that the Commission may certify less than ten (10) names if ten (10) names are not available. When less than two (2) names are certified, appointment from the list shall not be mandatory; and a provisional appointment may be made from qualified applicants within the department; where no qualified applicants within the department exist, a general competitive test

or lateral transfer appointment of a qualified external applicant may be made with procedures set forth by the Willoughby Hills Civil Service Commission.

7.3 Notice of Certification

The Willoughby Hills Civil Service Commission shall post the eligibility list in a conspicuous location in Willoughby Hills City Hall for public viewing. Upon receipt of a list of certified eligibles from the Commission, the appointing authority shall notify the eligibles on the list of their appointment (by e-mail, Phone, or mailing) and advise them of the necessity to acknowledge their appointment within four (4) days of their receipt of notice. If no response by phone or e-mail, a notice shall be sent by mail (certified) to the last address of such eligible as shown by the records of the Commission. Failure on the part of any eligible to communicate with the appointing authority within four (4) days of his receipt of notice of appointment will be considered a waiver of appointment, and the Commission, upon request of the appointing officer, will certify an additional name for each eligible failing to so communicate.

Eligibles who fail to respond to notice of appointment shall be dropped from the eligible list, and notice of such action shall be sent immediately. No person whose name has thus been stricken from the list shall be restored, except upon his written request giving satisfactory reasons for not responding to notice of appointment. If the reasons assigned are not approved by the Commission, the name of such person shall not be restored to the eligible list for which he was certified.

7.4 Regular Appointments

The appointing authority shall make immediate report to the Commission of all appointments.

The names of those certified and not appointed shall thereupon be restored to their proper positions upon the eligible list except as provided in Section 7.3 above. In the event that a person appointed shall decline the appointment or fail to accept same, or fail to respond to the notice to appear as provided in Section 7.3, the appointing authority shall make a new requisition upon the Commission, certifying thereon such fact. The Commission shall thereupon remove such name from the list and certify to such appointing authority the highest ten (10) candidates remaining on the proper eligible list, provided that the Commission may certify less than ten (10) names if ten (10) names are not available.

7.5 Temporary, Emergency, Provisional, or Lateral Transfer Appointments

Positions in the classified service may be filled without competition as follows:

- A. 1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may notify the Commission of a request for provisional appointment or a Lateral Transfer. The Provisional Appointment shall be made by application of part time members (with at least one year of service with the City of Willoughby Hills) of the respective department interested in a Provisional Appointment, by the appointing authority. Such provisional appointment shall continue in force only until the next regular

appointment can be made from a new eligible list prepared by the Commission. The provisional appointee, however, must pass the examination, and other testing for the position to which he was provisionally appointed prior to being provisionally appointed. Such provisional appointment shall have a probationary period of one year. Thereafter, the Provisional Appointee shall have the start date of their Provisional Appointment as their original appointment date upon completion of said probation. Any temporary employee who serves in a position for more than one (1) year in a vacant position during which no competitive or unassembled examination is given, may become a provisional appointment and must complete testing mandated by the Commission, with their original appointment date as the start of their temporary appointment date. The Lateral Transfer for Police and Fire Departments is permitted only after the eligibility list has been exhausted within the same calendar year as per written request by the Appointing Authority to the Commission. If the list is exhausted, and no part time provisional appointments are acceptable to the appointing Authority, and no testing provision is in process by the Commission, the Commission may allow for a lateral transfer to fill positions.

B. All candidates for Lateral Transfer must have the following:

1. Stated qualifications for the position.
2. At least three years of experience in like position as determined by the Commission.
3. Comply with all testing (written, agility, interview, polygraph, psychological, etc.), procedures, and background checks as established by the Commission.

4. Must comply with Civil Service Regulations including Section 4.
 5. Acceptable candidates may have transferable time from any public pension system or U.S Military time recognized by the Ohio Police and Fire Pension Fund, or be compliant with age restrictions or pension restrictions as stated in Section 4.
- C. Probationary period for Lateral Transfer is 18 months. At end of probation, start date will be used for original appointment date with Willoughby Hills.
- D. In case of an emergency, an appointment may be made without regard to these rules for a period not exceeding thirty (30) days, but in no case shall successive appointments be made. Such emergency appointment shall be construed as a temporary appointment and the employee shall serve at the pleasure of the appointing authority; with notification of Civil Service Commission. Emergency appointments shall not be counted toward provisional service.
- E. Persons who receive interim, temporary, or intermittent appointments shall be considered non-tenured classified or unclassified (by job description) employees, who serve at the pleasure of their appointing authority.
1. An "interim" appointment is an appointment to a position for an indefinite period of time made necessary by and fixed by the length of an approved leave of absence of another employee due to the sickness or disability of such employee. An interim

appointment shall not confer provisional status as the employee serves at the pleasure of the appointing authority.

2. A "temporary" appointment is an appointment to a position for one (1) specified period of time not to exceed twelve (12) months. A temporary appointment shall not confer provisional status as the employee serves at the pleasure of the appointing authority.

3. An "intermittent" appointment is an appointment to a position with an irregular schedule which is determined by the fluctuating demands of the work of the position and is generally not predictable. Such intermittent employee shall not work more than one thousand (1,000) hours in any twelve (12) month period. An intermittent appointment shall not confer provisional status as the employee serves at the pleasure of the appointing authority.

F. In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions requiring competitive testing in such case, but no such suspension shall be general in its application. All such cases of suspension shall be reported in the annual report of the Commission with the reasons for this suspension of the rules.

G. Where the services to be rendered by an appointee are for a temporary period, not to exceed twelve (12) months, and the need for such service is important and urgent, the appointing authority may select for such temporary service any person, including any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing on the register for permanent employment. The period of temporary service shall not be counted as a part of the probationary service in case of subsequent appointment to a permanent position, nor shall it be counted as provisional subsequent appointment to another permanent position, nor shall it be counted as provisional service, if less than one year. All such temporary appointments shall be promptly reported to the Civil Service Commission.

7.6 Removal from Eligible List

Candidates certified by the Commission in accordance with these rules and not appointed after having been certified three (3) times shall be dropped from the eligible list. Certification for a temporary appointment shall not be counted as one (1) of such certifications.

A person duly certified who shall decline appointment shall be removed from the eligible list as provided in Section 7.4. The refusal of an appointment to a position of a temporary nature shall not be cause for removal of a person so refusing from the eligible list.

SECTION 8

PROBATIONARY PERIODS

SECTION 8 PROBATIONARY PERIODS

8.1 Probationary Periods

- A. Except for original appointments to the Police Department as a Patrol Officer or the Department of Fire as a Firefighter/Paramedic, promotional appointments shall be for a probationary period of one hundred eighty (180) days. No appointment shall be final until the appointee has satisfactorily served the probationary period.

- B. The probationary period shall be one (1) year for all original appointments and Provisional Appointments to the Police Department as a Patrol Officer and to the Fire Department as a Firefighter/Paramedic. Provisional Appointments shall be one (1) year. Lateral Transfer shall be twelve (12) months.

- C. If the service of the probationary employee has been satisfactory, the Appointing Authority will confirm the appointment and report that fact to the Commission. Prior to the confirmation of appointment, and prior to completion of an employee's probationary period, the employee will be evaluated with respect to his job performance by his immediate supervisor, as well as the division and department directors. The probationary period of any employee may be extended by the Commission for good cause shown upon written request of the Appointing Authority and approval by the Commission.

- D. All non-safety forces Classified positions shall have a probationary period of one year.

8.2 Removal or Reduction During Probation

If the service of a probationary employee is unsatisfactory, the employee may be removed or returned to his prior position without right of appeal at any time during the probationary period.

When a probationary appointee is intended to be removed, the appointing authority shall do so prior to the individual's last ten (10) days of the probationary period and notify the Commission of the intended removal. Such notification shall be in writing and state the reasons therefore. In Classified positions, the individual has right of appeal to the Commission.

8.3 Provisional Service

Any employee in the Classified service of the City of Willoughby Hills, who is appointed provisionally or by Lateral Transfer to fill a vacancy, may be removed by the Appointing Authority, only after the Civil Service Commission has been notified in writing. The Provisional or Lateral Transfer Appointee may petition the Civil Service Commission for a hearing within ten (10) days.

Any Classified employee working as an interim, temporary, or emergency job classification with the City retains their Classified status, seniority, longevity, etc. upon their return to the previous position.

SECTION 9

**TENURE, REDUCTION, SUSPENSION, REMOVAL,
DEMOTION, AND HEARING PROCEDURE**

SECTION 9

TENURE, REDUCTION, SUSPENSION, REMOVAL, DEMOTION, AND HEARING PROCEDURE

9.1 Tenure In Office

- A. The tenure of every officer or employee in the classified service of the City of Willoughby Hills shall be during good behavior and efficient service. Except in case of layoff or abolishment or as otherwise provided by the Ohio Revised Code, or Charter of the City of Willoughby Hills, or ordinance, no such officer or employee shall be reduced in pay or position, suspended, or removed, except for incompetency, inefficiency, dishonesty, drunkenness, substance abuse, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of such sections of the Revised Code or the rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office, conviction of a felony, or any violation of the rules and regulations of the City of Willoughby Hills or its departments. In the case of a Patrol Officer or Rank Officer in the Police Department, a non-expunged conviction of domestic violence or violence against a spouse is cause for removal.
- B. An appointing authority may require an employee who is suspended to report to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours actually worked. Such worked suspension shall be recorded in the same manner as a

suspension without pay (unworked) and shall have the same effect as an unworked suspension for purposes of discipline.

- C. Any person convicted of a felony immediately forfeits any status as a classified employee on or after the date of conviction of a felony.

Conviction of a felony is a separate basis for reduction in pay or position, suspension, or removal even if the employee has already been reduced, suspended, or removed for the same conduct that is the basis for the felony conviction. Disciplinary action taken as the result of a felony conviction is not appealable to the Civil Service Commission.

Where an employee is reinstated as the result of an appeal and is convicted of a felony during the pendency of or following such appeal, such conviction is basis for further disciplinary action upon or following reinstatement. An employee convicted of a felony is barred from receiving any compensation after removal for such conviction notwithstanding any modification or disaffirmance of a removal unless the conviction for the felony is subsequently reversed or annulled.

- D. An appointing authority may place an employee on administrative leave with pay pending the pre-disciplinary process, where the health and safety of the employee or of any other person or property could be adversely affected as determined by the appointing authority.

9.2 Procedure In General

- A.** In any case of reduction in pay or position, suspension of more than three (3) working days (one twenty four hour shift for firefighters), fines in excess of three days' pay (one twenty four hour shift for firefighters), involuntary disability, or removal of a classified employee, the appointing authority shall furnish the affected employee with a copy of the order of reduction, suspension, or removal. Such order shall state the reason(s) therefore and shall be filed with the Commission.

- B.** Within five (5) days from notice of an appealable suspension, reduction, fine, Or involuntary disability separation, and ten (10) days from notice of removal, the classified employee may file a written request for hearing with the appointing authority. Notice of the decision shall be deemed to have occurred upon hand delivery or delivery by certified United States mail, whichever occurs first. In the event such a hearing is requested, the appointing authority shall hold a hearing within ten (10) days from the filing of the request. The appointing authority shall render a decision to affirm or modify the action within five (5) days of the hearing.

- C.** Within ten (10) days following notice of the decision of the appointing authority, the employee may file a written appeal with the Commission. In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from the filing of the appeal with the Commission. The Commission or trial

board may affirm, disaffirm, or modify the judgment of the appointing authority, except in cases of removals or reductions in the probationary period.

9.3 Disciplinary Suspension

An employee, may be suspended for a period not to exceed three (3) working days (one twenty four hour shift for firefighters) for disciplinary purposes without right of appeal to the Civil Service Commission. However, the appointing authority shall forward the statement of disciplinary action to the Civil Service Commission for purposes of notification.

9.4 Absence Without Leave

Absence from duty without leave for any period of time, or the failure to report for duty after leave has expired, shall be considered as “neglect of duty” and a cause for removal, or as a constructive resignation.

9.5 Procedure For Removal, Suspension, Or Reduction

The suspension, fine, removal, voluntary or involuntary disability separation, or demotion of an employee by an appointing authority for disciplinary reasons shall not become effective until such appointing authority has first:

- A. Held a pre-disciplinary meeting to advise the employee of the alleged transgressions and potential discipline, at which time the employee may respond to the allegations;

- B. Served such employee a written order of discipline which contains one (1) or more statutory reason(s) for the grounds for discipline with such specifications of facts as shall fairly allow the employee to defend; and

- C. A copy of such order is filed with the Commission within the time allowed, as per section 9.2.

9.6 Time of Hearing; Notifications

Upon receipt from an employee or officer in the classified service of the City of a timely appeal from an appealable order or removal, reduction in pay or position, voluntary or involuntary disability separation, or suspension for more than three (3) working days, or fines in excess of three days' pay, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee, of the time and place of the hearing. Such notice must be in writing and mailed to the last known post office address of each party.

9.7 Amendments To Orders

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

9.8 Hearing Procedure

Hearings before the Commission may be in executive session unless the employee requests a public hearing. In the hearing of such appeals, the order of the procedure shall be as follows:

1. The appointing authority taking action affecting the employee shall present his

- evidence in support of the charges and specifications. In the case of removal from an eligible list, the Commission Secretary shall present the reason(s) for such removal.
2. The employee affected shall then produce such evidence as he may wish to present to refute such charges.
 3. The appointing authority may offer evidence in rebuttal. The Commission may, in its discretion, hear final arguments.

9.9 Rules Of Evidence; Representation By Counsel

The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, applied by courts in civil cases. The appellee and appellant may be represented by counsel or other representative.

9.10 Burden Of Proof

The appointing authority shall prove, by a preponderance of the evidence, the factual allegations contained in the disciplinary order. Failure to prove each of the allegations contained in the order does not require disaffirmance or annulment of the appointing authority's order by the Commission.

9.11 Hearsay

The Commission may permit the introduction of evidence otherwise excludable as hearsay provided there is established some foundation as to its reliability and its necessity.

9.12 Discovery

The Commission may allow either party to conduct discovery upon notice to the Commission.

9.13 Subpoenas

Either party may request that a subpoena be issued by the Commission. Such requests shall be submitted no later than seventy-two (72) hours prior to the hearing and must be accompanied by a completed subpoena form. It is the responsibility of the requesting party to then serve the subpoena. The Commission may call witnesses other than those requested by the parties.

9.14 Witnesses

All witnesses must testify under oath or affirmation.

9.15 Motions

- A. All motions shall state, with particularity, both relief sought by the moving party and the basis for granting such relief.
 1. All motions, together with supporting documentations, if any, shall be served on the opposing party.
 2. Motions to dismiss an appeal shall be supported by affidavits, made on personal knowledge, setting forth facts as would be admissible in evidence. Affidavits shall show affirmatively that the affiant is competent to testify to the matter stated therein. Sworn or certified copies of all papers referred to in an affidavit shall be attached thereto. When a motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials. An adverse

party's response, by affidavit or otherwise, shall set forth specific facts showing there is a genuine issue in dispute.

- B. Procedure motion, not determinative of the final outcome of the appeal, may be acted upon any time after receipt by the Commission without awaiting a response from the opposing party. The party adversely affected by such action of the Commission may move for appropriate relief.

9.16 Record of Hearings

The Commission may record hearings either by the use of a stenographer, the use of magnetic tape, or the use of other recording technology.

9.17 Resignation Before Final Action

The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Commission, will be considered a withdrawal of the charges. Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

9.18 Trial Board/Hearing Officer

The Commission may appoint a trial board or hearing officer to hear an appeal as provided in Section 9.2. When the Commission exercises its discretion to do so, the following procedure

shall apply before the Commission takes final action on the appeal. “Hearing officer” shall have the same meaning as “trial board” for purposes of this section.

- A. The hearing officer shall submit a report to the Commission in each appeal considered by the hearing officer for the Commission.
- B. No objection may be made to any decision of a hearing officer prior to the submission of the hearing officer’s report and recommendation. Written objections to reports and recommendations shall be filed within ten (10) calendar days after receipt of the report and recommendation(s). Written replies to objections shall be filed within ten (10) days after the opposing party’s objection has been filed.
 - 1. If a report and recommendation is refused, unclaimed, or sent to the wrong address due to a party’s failure to notify the Commission of a change of address, it shall be deemed received by the party three (3) calendar days after such mailing. A certificate of mailing shall be considered sufficient proof of mailing.
 - 2. The Commission may extend the time to file objections or responses to the report and recommendation.
 - 3. Objections to reports and recommendations should include a brief statement of each statement of the case and a concise statement of each area of disagreement with supporting arguments and memoranda. All parties’ objections or responses must be limited to evidence presented at the hearing. Objections and responses to objections containing arguments based on evidence not already in the record may be stricken.
 - 4. No objection without a certificate of service may be considered by the

Commission.

C. The Commission may accept, reject or modify, in whole or in part, any report and recommendation of the hearing officer. The Commission may also receive additional evidence, hear arguments, or remand an appeal to a hearing officer for further consideration or hearing.

D. Final orders shall be signed by the president or other member of the Commission.

The original order shall be journalized and a copy of the order placed in the case file.

Agreement of not less than two (2) Commission members shall be required to reject or modify any report and recommendation of the hearing officer. If no such agreement is reached, the report and recommendation of the hearing officer shall be deemed affirmed as the final order of the commission, but shall not have any precedential value.

Copies of final orders of the Commission shall be sent by certified mail to the affected employee and by regular mail to the other parties and their representatives.

1. Copies of orders returned to the Commission or unclaimed or refused shall be reissued by regular United States mail.
2. Copies of final orders returned to the Commission as undeliverable shall be placed in the case file and the opposing party shall be notified.

SECTION 10

TRANSFERS, LAYOFFS, LEAVES OF ABSENCE, AND REINSTATEMENTS

SECTION 10
TRANSFERS, LAYOFFS, LEAVES OF ABSENCE,
AND REINSTATEMENTS

10.1 Permanent Transfer

Any person holding a position in the classified service may, upon written request of the appointing authority and approval of the Commission, be transferred from the position he holds to a like position in the same class in the same or another department.

10.2 Temporary Transfer

A temporary transfer, for more than thirty (30) days and not more than six (6) months, of an employee for duties other than those for which he was appointed, is not to be construed as a permanent transfer.

10.3 Appointing Authority/Commission Approval

No transfer shall be made from one (1) department to another unless the written consent of the appointing authority of each department be first filed with and approved by the Commission.

10.4 Layoffs

Whenever it becomes necessary through lack of work or funds or in the interest of the public service to reduce the working force in any department or division of the classified service,

the appointing authority may, upon giving written notice to the Commission, layoff some or all of the incumbents of the position in such classified service. The least senior employee in point of service (service with the department or division) in the affected classification and employment status, as determined by the appointing authority, shall be laid off first. The names of the persons so laid off shall be placed by the Commission upon a list in the order in which such layoffs took place.

10.5 Written Notice

No such layoffs shall become effective until written notice thereof shall be filed with the Commission by the appointing authority. All notices of layoffs, and all requisitions for appointment and reappointment, shall state the title of the position involved and the amount of salary attached thereto. All notices of layoffs shall further state the name of the person so laid off, the reasons for such layoff, and the effective date, and shall also be issued to the affected employee(s) at least fourteen (14) calendar days in advance of the date of layoff.

10.6 Layoff List

Where two (2) or more persons of the same class are laid off at the same time, the names of such persons shall be placed by the Commission upon a layoff list for reappointment first in the order of their tenure with the department, and if their department service is the same by their tenure in such job classification. A layoff list so established by the Commission takes precedence over any eligible list for the same classification. Layoff list is good for at least two (2) years.

10.7 Reappointment (Recall)

If the appointing officer shall determine to fill a position temporarily made vacant by layoff, the Commission shall certify to him, from the layoff list, the name of the last person on the list for the affected classification who remains qualified to perform the duties of the position. Layoff lists, for purposes of recall from such list, shall be maintained. The Commission shall certify names in order from the list of those qualified to perform the duties of the position; the qualified person last to be laid off to be the first reappointed, and so on, in order until the person first to be laid off is last reappointed and the list of the qualified persons is exhausted.

10.8 Leave of Absence Not to Exceed One (1) Year

- A. Leave of absence without pay may be granted by an appointing authority for a period not to exceed thirty (30) days without the consent of the Commission.

- B. With the consent of the Commission, the appointing authority may grant leave of absence to an employee in the classified service for a period not to exceed one (1) year, and upon the expiration of such leave of absence, the officer or employee shall be reinstated. However, if the officer/firefighter or employee is a provisional appointee, the leave of absence, if granted, is subject to the establishment of an eligible list and terminates automatically in case an eligible list for said position is established at any time during the period of leave of absence. Written notice of all such leaves of absence granted by the appointing authority, inclusive of the date of commencement and period of each, shall be referred to the Commission promptly for approval in order that the civil service data of such absences may be protected.

10.9 Medical Leave of Absence

A medical leave of absence, without pay, will be granted only on the affidavit of a competent medical examiner designated by the Commission stating that leave of absence is necessary due to illness, physical or mental disability of the employee, or a member of his immediate family, or any condition which might necessitate a change of climate. Such leave of absence shall not exceed one (1) year. Leave, if requested for any reason which is Family and Medical Leave Act (FMLA) qualified, may be approved by the Mayor or appropriate appointing authority for a period not to exceed twelve (12) weeks in a twelve (12) month period.

10.10 Return From Leave of Absence

An employee returning from a leave of absence shall be reinstated to his former rank.

10.11 Reinstatement

An employee in the classified service who has resigned in good standing may, within one (1) year of the effective date of such resignation, request in writing from the employee's appointing authority reinstatement to the position from which the employee resigned. Upon approval of the appointing authority, the employee's former division head, and the Commission, if a vacancy exists, the employee may be reinstated to the classification from which the employee resigned. If no vacancy exists, the name of the employee shall be placed at the top of the eligibility list for the classification from which the employee resigned. If no eligibility list exists, such persons named shall constitute an eligibility list. However, where

such eligibility list includes the names of the laid off employees, the laid off employees shall take priority over any employee who has requested reinstatement. In the uniformed ranks of the Police Division and Fire Division, reinstatement shall be to the position of Police Officer or Firefighter, respectively, regardless of the former position held, if the original position has already been filled.

Reinstatement in the Police Division or Fire Division shall be subject to passing a Fitness for Duty examination, disclosing whether such person is physically fit to perform the duties of Police Officer or Firefighter.

Any person reinstated pursuant to the authority of this section shall not receive credit for seniority earned prior to resignation and reinstatement.

10.12 Police and Fire Reinstatement Following Injury

Any sworn officer of the Police Division or Fire Division who is separated from duty by injury or physical disability incurred in the performance of duty shall be reinstated immediately upon successful Fitness for Duty medical examination.

In the case of injury or physical disability incurred other than in the performance of duty, the employee may be reinstated upon filing with the Mayor a written application for reinstatement to the position held. In this case, before reinstatement, the employee must pass a Fitness for Duty medical examination showing that the employee has recovered from the injury or other physical disability. Such medical examination shall be made by a physician

designated by the Commission within four (4) weeks after application for reinstatement has been made. The application for reinstatement shall be made within two (2) years from the date of injury leave from the division, providing that such application shall not be filed after the date of application for service or disability retirement. An employee reinstated pursuant to this section shall retain seniority.

10.13 Return From Military Service

Any employee who has been called upon or enlists for active service in the Armed Services of the United States or the National Guard shall be restored to their position in accordance with Ohio Revised Code 143.22 when they have been honorably discharged from such service.

SECTION 11

WAIVER AND AMENDMENTS OF RULES

SECTION 11

WAIVER AND AMENDMENTS OF RULES

11.1 Waiver

In specific cases where, in the judgment of the Commission, it is in the interest of the public service, any rule hereby adopted may be waived by a two-thirds (2/3) vote of the Commission. Such action, with the reasons therefore, shall be entered in the minutes of the meeting.

11.2 Amendments

An amendment to these rules shall not be adopted at the same meeting at which it was proposed, and no final action shall be taken on any amendment in less than seven (7) days after its proposal.

SECTION 12

CONFORMITY

WITH STATE STATUTES

SECTION 12

CONFORMITY WITH STATE STATUTES

12.1 Conflicts

The Rules of the Civil Service Commission of the City of Willoughby Hills, Ohio, are adopted in accordance with the authority conferred upon the Municipal Civil Service Commission under Article XV of the Constitution of the State of Ohio, under Chapter 124 of the Ohio Revised Code (ORC), and the Charter of the City of Willoughby Hills, Ohio.

In the event of conflicts between that provided under the Ohio Revised Code and that provided under the Rules of the Civil Service Commission of the City of Willoughby Hills, Ohio, the Rules shall govern pursuant to the exercise of the “home rule” provisions of the State of Ohio Constitution and the Charter of the City of Willoughby Hills.

SECTION 13

SEPARABILITY

SECTION 13
SEPARABILITY

13.1 Separability

Each rule of the Civil Service Commission of Willoughby Hills, and each section of each rule, is an independent rule. The holding of any rule or section to be voided, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.

CITY OF WILLOUGHBY HILLS

PRE-EMPLOYMENT INFORMATION FORM

Applicants are requested to complete this form which will be used for statistical purposes only. A decision to not provide the requested information will have no effect on an applicant's chances for employment with the City of Willoughby Hills. This information will be maintained separately from the application for employment. Please type or print your responses.

Date _____

Name (Last, First, Middle Initial) _____

Examination(s)/Position(s) Applied For _____

Sex Female _____ Male _____

Ethnic Category (Check One)

White (Not of Hispanic Origin) _____

Black (Not of Hispanic Origin) _____

Hispanic _____

Asian or Pacific Islander _____

American Indian or Alaskan Native _____

Examination (Classification) _____

Date of Exam _____

APPENDICES

APPENDIX I

RULES & PROCEDURES FOR CLASSIFIED POSITIONS

APPENDIX 1

PROCEDURES FOR HIRING CLASSIFIED PERSONNEL

Civil Service Commission Forms and Information Sheets for Hiring To and Promotion Within the Classified Positions of the City of Willoughby Hills, OH

The following forms are the current application materials for announcing, informing and collecting application information for preparing eligibility lists for Classified positions in Safety forces in the service to the residents of Willoughby Hills, Ohio. All items are subject to review and revision by the Civil Service Commission:

Police Officer – Entry Level

- Job Description – Police Officer
- Public Announcement – Police Officer
- Information for Open Competitive Application and Examination Process for Police Officer
- Application to Take Examination – Police Officer, Entry Level

Police Sergeant – Promotion

- Job Description (Need to develop)
- Internal memo to Eligible Police Officers
- Sergeant’s Examination – Sign-up Sheet

Firefighter/Paramedic – Entry Level

- Job Description – Firefighter/Paramedic (Need to develop)
- Internal Announcement to Part-time Firefighter/Paramedic
- Information for Competitive Application and Examination Process for Firefighter/Paramedic (Need to develop)
- Application to Take Examination - Firefighter/Paramedic

Civil Service Procedures for Preparing Eligibility Lists for Hiring to Classified Positions:

The following steps are the current practice for preparing eligibility lists for Classified positions in Safety forces in the service to the residents of Willoughby Hills, Ohio. All items are subject to review and revision by the Civil Service Commission:

- 1) Authorization by the Mayor/Safety Director to perform test and generate list
- 2) Verify the position title and job description
- 3) Formulate strategy:
 - a) Entry level appointments

- i) Develop list from eligible part-time members
 - ii) Open solicitation of candidates
- b) Promotions are from within
- 4) Establish a tentative time schedule
- 5) Announce the action to generate an eligibility list and the schedules for the exam; Post Public Notice for an open search for new appointments
- 6) Post all supplemental information
- 7) Collect applications and documentation (documentation collected for purposes of generating the eligibility list) from new hire candidates and a letter of intent from promotional candidates:
 - a) Notarized application
 - b) Copy of Birth Certificate
 - c) Copy of High School Diploma or Equivalent
 - d) Copy of valid Ohio Driver's License
 - e) Three letters of recommendation
 - f) All Certificates
 - i) Professional Certificate
 - a) Police Officer: Ohio Peace Officer Training Certificate (OPOTC)
 - b) Firefighter/Paramedic: Ohio Full-time Firefighter Certificate and Ohio Paramedic Certificate
 - ii) Physical Agility Test
 - a) Police Officer: Cuyahoga County College Police Officers Physical Agility Test
 - b) Firefighter/Paramedic: Firefighter Agility Testing or other comparable physical agility testing as determined by the Fire Chief or his designee. (amended August 31, 2022, per Civil Service Commission).
 - iii) Health Examination and Background Investigation – The following reports are routinely obtained for each candidate. However, the Civil Service Commission reserves the right to require additional documentation, if deemed necessary:
 - a) Medical Examination with Physician's Signature
 - b) Drug Screening Test
 - c) Psychological Assessment with Examiner's Signature
 - d) Truth Verification Exam
 - e) Background Check (State of Ohio BCI)
 - iv) Advanced Education and Specialized Training
 - a) Associate and/or Bachelor Degree Diploma
 - b) Specialized Training Certificate(s)

- v) Military Service Records
 - a) Current Military ID
 - b) Honorable Discharge (Form: DD-214)
- 8. Verify All Application Materials
 - a) Civil Service Commission Review for Conflict of Interest
- 9. Notify those candidates whose application is unacceptable
 - a) Identify any missing documentation and indicate deadline for submission
- 10. Administer Competitive Examination
 - a) Police Officer: I/O Solutions Test – Police Officer Selection
 - b) Firefighter/Paramedic: I/O Solutions Test – National Firefighter Selection
- 11. Assemble a Check List and Data Summary for Each Candidate
 - a) Tabulate the data list in Section 7 for each candidate
- 12. Determine the Preliminary List of Qualified Candidates
 - a) Must have completed application package
 - b) Must be professionally certified for service
 - c) Must have passed the agility test
 - d) Must satisfy all health, psychological, and other personal criteria
 - e) Must have passed the written examination
 - f) Evaluate and tabulate all supplemental qualifications
- 13. Inform applicants of test results (Pass/Fail)
- 14. Schedule interviews for qualified candidates
- 15. Identify Interview Panel members
- 16. Conduct Interviews
 - a) Civil Service Commission Conflict of Interest review of all interview panel members
- 17. Summarize performance interviews
- 18. Announce list of eligible candidates
 - a) Certify the list to Appointing Authority (Mayor/Safety Director)
 - b) Inform the appropriate Chief
 - c) Inform the candidates
- 19. Revise the list after hiring cycle is completed
- 20. Review list periodically and announce when list has expired

APPENDIX 2

PROCEDURE FOR REVIEW AND CONFIRMATION OF CREDENTIALS FOR EMPLOYMENT



City of Willoughby Hills
35405 Chardon Road
Willoughby Hills, OH 44094

APPLICATION FOR EMPLOYMENT

Property of the Willoughby Hills Civil Service Commission: Subject to terms and conditions.

The City of Willoughby Hills considers applicants for all positions without regard to race, color, religion, creed, sex, gender, national origin, age, ancestry, disability and/or handicap, marital or veteran status, sexual orientation or any other legally-protected status.

Applicants may request any necessary accommodations to enable them to participate in the application process.

PLEASE PRINT OR TYPE

PERSONAL INFORMATION:

Today's Date: _____

Name: _____
Last First Middle

Social Security Number: (Last 4 digits): _____

Current Address: _____

Daytime Phone Number: _____ Cell phone/Mobile: _____

Email Address: _____

If under the age of 18 a work permit (from your local school board) is required. Yes ___ No___

Have you ever previously filed an employment application with the City? ___Yes ___No

If yes, provide date(s) and position(s) applied for: _____

Have you ever previously been employed by the City? ___Yes ___No

If yes, provide dates of employment and position(s) held: _____

Do you have any relative(s) employed by the City? ___Yes ___No

If yes, list name(s), relationship(s), and position(s) within the City: _____

Are you currently employed? ___Yes ___No

Do you have a valid State of Ohio driver's license? ___Yes ___No

If yes, License Number _____

Class _____ Endorsements _____

PERSONAL INFORMATION (CONTINUED):

List all addresses which you have lived or resided for the last 10 years, including dates of residence:

Address	Dates of Residence
_____	_____
_____	_____
_____	_____
_____	_____

Are you lawfully entitled to work in the United States? _____ Yes _____ No
(The Immigration Reform and Control Act of 1986 requires that employers only hire individuals who are lawfully entitled to work in the United States by virtue of being a citizen or authorized alien.) Proof of citizenship or immigration status will be required upon employment.

WORK INFORMATION:

Position you are applying for: _____

Date you can start: _____

How did you learn about the position?

Availability (Circle all that apply) Full-Time Part-Time Shift Work Temporary
If part time, specify days and hours: _____
If temporary, specify length of employment desired: _____

List any other specific days and times when you are unavailable _____

Are you willing to work overtime as necessary? _____ Yes _____ No
If not, please list specific days and times when you are unavailable _____

Can you travel, if required by this job? _____ Yes _____ No

Are you currently on lay-off status and subject to recall? _____ Yes _____ No
If yes, please explain: _____

Can you physically perform the essential functions of the position for which you are applying, without the need of reasonable accommodations (A.D.A.) for the job description? ___ Yes ___ No

If no, please explain/list reasonable accommodations you are requiring:

EMPLOYMENT HISTORY AND U.S. MILITARY EMPLOYMENT:

Instructions: Beginning with your present or most recent employer, list all employers whom you have worked for during the past. Include any job-related military service assignments, copy of discharge or current copy of military ID card or military status. Please enter all information, even when submitting a resume. *Attach additional list if necessary.*

1) Name and Address of Employer	Supervisor's Name <u>And Title</u>	Employment <u>Dates</u> Month./Year	Pay <u>History</u> \$_____ per _____
---------------------------------	---------------------------------------	---	--

Telephone _____ Job Title _____

Description of Job Duties: _____

Reason for Leaving: _____

May we contact for a reference? ____ Yes ____ No

2) Name and Address of Employer	Supervisor's Name <u>And Title</u>	Employment <u>Dates</u> Month/Year	Pay <u>History</u> \$_____ per _____
---------------------------------	---------------------------------------	--	--

Telephone _____ Job Title _____

Description of Job Duties: _____

Reason for Leaving: _____

May we contact for a reference? ____ Yes ____ No

3) Name and Address of Employer	Supervisor's Name <u>And Title</u>	Employment <u>Dates</u> Month/Year	Pay <u>History</u> \$_____ per _____
---------------------------------	---------------------------------------	--	--

Telephone _____ Job Title _____

Description of Job Duties: _____

Reason for Leaving: _____

May we contact for a reference? ____ Yes ____ No

EMPLOYMENT HISTORY (CONTINUED):

Please answer the following questions for all current, past employers and U.S. military service.

Within the past years:

Have you ever been disciplined or discharged (or resigned in lieu of discharge) for poor job performance?

Yes No If yes, please explain: _____

Have you ever been disciplined or discharged (or resigned in lieu of discharge) for theft or a related offense?

Yes No If yes, please explain: _____

Have you ever been disciplined or discharged (or resigned in lieu of discharge) for fighting, assault or related behavior? Yes No If yes, please explain: _____

Have you ever been disciplined or discharged (or resigned in lieu of discharge) for insubordination? Yes

No If yes, please explain: _____

Have you ever been disciplined or discharged (or resigned in lieu of discharge) for violating safety rules?

Yes No If yes, please explain: _____

Have you ever been disciplined (or resigned in lieu of discharge) for being under the influence of alcohol or drugs, or for possession, sale, use or abuse of alcohol or drugs, or for violating your company's substance abuse policy? Yes No If yes, please explain: _____

EDUCATION:

High School Attended, GED or equivalent _____

Dates Attended _____ Diploma Received? Yes No

College Attended _____

Dates Attended _____ Degree Received _____

Course of Study _____

College Attended _____

Dates Attended _____ Degree Received _____

Course of Study _____

Trade School Attended _____

Dates Attended _____ Degree Received _____

Course of Study _____

Please list any scholastic honors, awards, subjects of special study, research, publications, and/or thesis:

ADDITIONAL SKILLS:

Personal Computer Skills:

Please list all software applications you are proficient in:

Indicate any foreign languages you can speak, read and/or write:

Please describe any specialized training, apprenticeships, and/or skills that you possess that you believe are relevant to the position you are applying for (attach additional sheet if necessary):

CERTIFICATIONS OR LICENSES:

Please list any certifications or State of Ohio licenses that you possess. **Please attach photo copies to this application at this time.** You will be required to provide original certificates and licenses for verification as part of the employment process.

PROFESSIONAL ASSOCIATIONS:

Please list any professional trade business or civic activities and offices held. You may exclude membership or activities which would reveal race, color, religion, creed, sex, gender, national origin, age, ancestry, disability and/or handicap, or any other legally protected status:

REFERENCES:

Please provide five references, to include both personal and business references (excluding relatives):

Name and Address	How they know you/ Relationship?
1. _____ _____	_____ Phone: _____
2. _____ _____	_____ Phone: _____
3. _____ _____	_____ Phone: _____
4. _____ _____	_____ Phone: _____
5. _____ _____	_____ Phone: _____

APPLICANT'S PRE-EMPLOYMENT STATEMENT, AUTHORIZATION, AND RELEASE

Please read the following statements carefully and sign below:

In consideration of the acceptance of my application for employment by the City of Willoughby Hills (hereinafter referred to as "City,"), I understand, agree, and/or certify to the following:

1. I certify that all information I have provided on this application is true, accurate, and complete to the best of my knowledge and belief. I understand that falsification, misrepresentation or omission of any information on my application (including any supplemental questionnaire), resume, or any other materials, or during any interviews, will be justification for withdrawing any offer of employment or, if employed, termination from employment, regardless when the falsification, misrepresentation or omission is discovered by the City.
2. Any offer of employment I may receive from the City is contingent upon satisfactory results from the City's total pre-employment screening process. These results may include, but not be limited to the following:
 - a. Receipt by the City of references that is considers satisfactory;
 - b. Satisfactory completion of a post-offer, pre-employment medical examination that is job related and consistent with business necessity;
 - c. Passing a screening for alcohol and/or drugs;
 - d. Satisfactory completion of any pre-employment psychological examination/screening that the City may require that is job related and consistent with business necessity;
 - e. Satisfactory completion of any physical/mental skills testing or evaluation that the City may require that is job related and consistent with business necessity; and
 - f. Satisfactory completion of criminal history and background investigations.
3. I authorize the City and its agents to conduct a criminal history investigation with any or all federal, state, and local jurisdictions. This investigation may seek information on any felony and misdemeanor convictions I may have and my driving record.
4. I understand and agree that applicants for positions in the Division of Police and Division of Fire, and at the City's discretion, applicants for any other position in the City, will be subject to a more extensive background investigation. This investigation may include, but not be limited to, information as to my moral character and habits, general reputation, personal characteristics, and mode of living. This investigation may be conducted by the City's Division of Police or other agents of the City and may include interviews with my friends, neighbors, and associates. I hereby release the City and its agents, including employees of the Division of Police, my friends, neighbors, and associates, and all other parties from any and all liability for damages arising from the conduct of this investigation, and the release of information as a result thereof.
5. I hereby grant the City and its agents, permission to contact all of my present and former employers, and those individuals I have provided as personal references (unless otherwise specified on this application). I authorize and request that such employers and references furnish information about my employment record, including a statement of the reason for the termination of my employment, work performance, abilities, and other qualities pertinent to my qualifications of reemployment. Further, I authorize the City and its agents to obtain transcripts from all educational institutions I have attended. I also grant the City and its agents, permission to conduct whatever investigation which may be needed to obtain or verify information regarding statements contained in my application, resume, any other materials, or any interviews, or concerning my qualifications for employment. I hereby release the City and its agents, my present and former employers, my personal references, and all other parties from any and all liability for damages arising from furnishing the requested information.

PRE-EMPLOYMENT STATEMENT, AUTHORIZATION, AND RELEASE (CONTINUED);

- 6. This application is subject to the Civil Service Rules of the City Charter, as applicable. **Job Classifications in the City do not necessarily reflect State of Ohio guidelines for classified service and may, by City Charter, be included as an unclassified position.**
- 7. This application shall be maintained on file for a period of at least one year.

Applicant's Notarized Signature

Date

State of Ohio
County of Lake

I hereby acknowledge and certify that _____ appeared before me, a Notary Public, on _____ in _____, Ohio.

Notary Public

Commission Expiration Date

Thank you for your interest in the City of Willoughby Hills

**WILLOUGHBY HILLS CIVIL SERVICE COMMISSION
JOB APPLICATION CHECKLIST**

Property of Willoughby Hills Civil Service Commission: Subject to terms and conditions.

APPLICANT'S NAME: _____

Certifier's Name/Date (CHECKED OR INDICATE "N/A" FOR "NOT APPLICABLE):

- _____ COMPLETION OF APPLICATION (CITY-WIDE)
- _____ CERTIFICATIONS/LICENSURES ARE ATTACHED (WEBSITE VERIFICATION)
- _____ ORIGINAL COPY VERIFICATION
- _____ EDUCATIONAL VERIFICATION (APPLICABLE ONLY TO POINT OF EMPLOYMENT)
- _____ EMPLOYMENT HISTORY VERIFICATION
- _____ DRIVER'S LICENSE ATTACHED & VERIFIED
- _____ REFERENCES CHECKED BY HUMAN RESOURCES OR WHPD (5 LISTED, MINIMUM OF 3 CHECKED)
- _____ COPY OF U.S. MILITARY DISCHARGE OR COPY OF U.S. MILITARY I.D. CARD

AFTER CONDITIONAL OFFER OF EMPLOYMENT IS MADE:

- _____ LETTER OF CONDITIONAL OFFER SENT TO APPLICANT
- _____ DRIVER'S HISTORY RECORD VERIFICATION BY OH BMV
- _____ BCI CHECK BY OUTSIDE VENDOR (I.E. BACKTRACK)
- _____ REVIEW OF APPLICANT'S BCI/PERSONAL INFORMATION (AS RELATED TO SOCIAL OR CRIMINAL BEHAVIOR)
- _____ TRUTH VERIFICATION TESTING BY WHPD* & REVIEWED
- _____ DRUG SCREENING PERFORMED
- _____ DRUG SCREENING RESULTS OBTAINED & REVIEWED
- _____ PERSONAL HISTORY QUESTIONNAIRE*
- _____ PSYCHOLOGICAL TEST, IF REQUIRED FOR POSITION*
- _____ REQUIRED PHYSICAL EXAMINATION FOR APPROPRIATE PENSION SYSTEM* (A PRE-EMPLOYMENT PHYSICAL EXAMINATION SHALL BE REQUIRED WHEN DEEMED NECESSARY BY APPROPRIATE PENSION SYSTEM, OR IF JOB REQUIREMENTS WARRANT IT).
- _____ OTHER: _____

*ONLY IF NECESSARY FOR POSITION OR JOB DESCRIPTION

_____ APPROVED: YES _____ NO _____
INTERVIEWER DATE

_____ APPROVED: YES _____ NO _____
INTERVIEWER DATE

_____ HEREBY CERTIFIES THAT THE CHECKLIST HAS BEEN REVIEWED FOR COMPLETENESS (INCLUDING THE NEXT PAGE OF COMMENTS) BY THIS MEMBER OF THE WILLOUGHBY HILLS CIVIL SERVICE COMMISSION.

THE NEXT PAGE IS PROVIDED FOR ANY ADDITIONAL STAFF COMMENTS.

Revised 03/27/17

APPENDIX 3 OHIO ETHICS

APPENDIX 3

OHIO ETHICS

Guidelines set forth by the Ohio Ethics Commission serve as a standard for the Willoughby Hills Civil Service Commission, this is referenced in Article IX of the City Charter of the City of Willoughby Hills.