

**RULES AND REGULATIONS OF THE**  
**MUNICIPAL CIVIL SERVICE COMMISSION**  
  
FOR THE  
  
**CITY OF MOUNT VERNON**  
  
**KNOX COUNTY, OHIO**

ADOPTED .....JULY 26, 1977  
AMENDED.....OCTOBER 31, 1995  
AMENDED..... MARCH 5, 1998  
AMENDED..... MAY 2, 2013  
AMENDED.....MAY 1.2014  
AMENDED..... MAY 8, 2015  
AMENDED.....OCTOBER 17, 2019  
AMENDED..... JANUARY 23, 2020  
AMENDED..... AUGUST 23, 2021

**The Constitution of the State of Ohio**  
**Article XV**

**Section 10 – Civil Service**

*Appointments and Promotions in the Civil Service of the State, the several Counties and Cities, shall be made according to the Merit and Fitness, to be ascertained, as far as practicable, by Competitive Examinations. Laws shall be passed providing for the Enforcement of this Provision.*

*(Adopted September 3, 1912)*

*Every effort has been made to ensure that no rule or regulation herein conflicts with the current bargaining union contract. In the event that there is doubt, the current union contract will prevail. Any such occurrence should be submitted, in writing, to the Safety Service Director/Civil Service Administrator.*

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(A) **ADMINISTRATION**

The Municipal Civil Service Commission of the City of Mount Vernon, Ohio, shall be composed of three (3) persons, who shall be appointed and serve in the manner provided for in Section 124.40 of the Revised Code.

- (1) It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.
- (2) The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, and the rules and regulations herein prescribed relative to the Civil Service in the City of Mount Vernon.
- (3) The Commission shall elect one of its members as Chairman and one as Co-Chairman, who shall serve until a new member is appointed and qualified, at which time successors as Chairman and Co-Chairman shall be elected. It shall be the duty of the chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission and to sign the minutes of all actions taken by the Commission.

The Chairman may, on his own initiative, or shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such a meeting. In the absence of the Chairman, the Co-Chairman shall act as Chairman. Two 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 members to adopt any motion or resolution.

- (4) The Commission shall adopt, amend and rescind rules not in conflict with Chapter 124 of the Ohio Revised Code when necessary.
- (5) The Commission shall employ a Merit System Administrator, who shall attend all the meetings of the Commission, keep the minutes thereof; shall keep in the form of minutes, a record of the official actions of the Commission; shall accurately and properly keep all records of the Commission; shall keep all files in proper order; shall prepare and deliver or cause to be delivered notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall certify payrolls; shall handle such correspondence as the Commission shall determine; shall sign all purchase orders for the payment of money on behalf of the Commission  
If a need arises, the Commission could employ a Secretary to assist the Merit System Administrator, as needed. The Secretary would be in the "Classified System".
- (6) The order of business for meetings of the Commission shall be:
  - (i) Roll Call
  - (ii) Approval of the Minutes
  - (iii) Disposition of unapproved minutes
  - (iv) Unfinished business—reports
  - (v) New Business
  - (vi) Adjournment

**(B) POWERS AND DUTIES OF THE COMMISSION**

In accordance with Section 124.40 of the Ohio Revised Code (ORC), the Commission shall exercise the powers and perform the duties conferred upon the Director of Administrative Services and the State Personnel Board of Review which include:

- (1) To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in pay, or position, job abolishments, lay-off, suspension, discharge, assignment or reassignment to a new or different position classification: the Commission may affirm, disaffirm or modify the decisions and its decision is final;
- (2) To hear appeals, as provided by law, of appointing authorities relative to the classification or reclassification of any position or positions in the classified service under the jurisdiction of such appointing authority; the board may disaffirm or modify the decisions and its decision is final.
- (3) To appoint a secretary and other such employees necessary in the exercise of the powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of such secretary and employees;
- (4) To maintain a journal which shall be open to public inspection, in which it shall keep a record of all of its proceedings and the vote of each of its members upon every action taken by it.
- (5) To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has authority or duty to administer and for the purpose of invoking the jurisdiction of the Commission in hearing appeals of appointing authorities and employees in matters set forth in divisions (1) and (2) of this section;
- (6) To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has the authority to investigate, inquire into or hear in the same manner and to the same extent as provided by division (D) of Section 124.09 of the ORC and all witness fees shall be paid in the manner set forth in said paragraph;
- (7) To prepare, conduct, and grade all competitive exams for positions in the classified service;
- (8) To prepare, conduct and grade all noncompetitive exams for positions in the classified service;
- (9) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service;
- (10) To prepare or amend specifications descriptive of duties, responsibilities, requirements and desirable qualifications of the various classifications of positions in the municipal service;

- (11) To allocate and reallocate upon its own motion or upon request of an appointing authority any position, office or employment in the municipal service to the appropriate classification on the basis of the duties, responsibilities, requirements and qualifications of such position, office or employment;
- (12) To develop and conduct personnel recruitment services for positions in the municipal service;
- (13) To conduct research on specifications, classifications and salaries of positions in the municipal service;
- (14) To appoint such examiners, inspectors, clerks and other assistants as are necessary in the exercise of the powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of all such employees;
- (15) To maintain a journal, which shall be open to public inspection, in which it shall keep a record of final decisions pertaining to the classification of positions in the classified service, assignment or reassignment of employees in the Classified service to specific position classifications;
- (16) To keep records of its procedures and records of all applications for examinations and all exams conducted by it. The records of the Civil Service Commission shall be made available for public inspection at all reasonable hours. All records shall be available except recommendations of former employers, records pertaining to physical or psychiatric exams, adoption, probation and parole proceedings, and such records as may be exempted by law. Information requested by telephone shall be limited to place of city employment, dates of city employment and job classification. Mail inquiries, accompanied by a stamped self-addressed envelope, shall be entitled to a copy of the requested records. A fee of 5 cents per page will be charged for each copy requested. (Please see the City of Mount Vernon CSC Records Policy—enacted August, 2012). The Mayor, or any person designated by the mayor, may, for the purpose of investigation, have free access to all such records whenever the mayor has reason to believe that section 124.01 to 124.64 of the ORC or the administrative rules of the Commission prescribed under such sections are being violated;
- (17) To prepare, continue, and keep in the office of the Commission, a complete roster of all persons in the classified service. This roster shall be open to public inspection at all reasonable hours. It shall show in reference to each of such persons, his name, address, the date of his appointment or employment in such service, his salary or compensation, the title of the place or office which he holds, the nature of his duties thereof, and, in case of his removal or resignation, the date of the termination of such service;
- (18) To make investigations concerning all matters touching the enforcement and effect of sections 124.01 to 124.64 of the ORC, and the administrative rules of the Commission prescribed under such sections. In the course of such investigations, the Commission or its designees may administer oaths and affirmations, and take testimony relative to any matter which the Commission has authority to investigate;

- (19) To make a report to the Mayor on or before the first day of January of each year, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of the purposes of sections 124.01 to 124.64 of the ORC. The Commission shall also furnish any special reports to the Mayor whenever the same are requested by him Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or commissioners;
- (20) To make the annual report and other reports as may be necessary to the State Personnel Board of Review, in accordance with Chapter 124.40 of the ORC.

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**(C) DEFINITION OF TERMS**

The several terms herein specified whenever used in the Rules and Regulations of the Mount Vernon Civil Service Commission or in the administration of the Civil Service Laws, shall be construed as follows:

- (1) "Commission" or CSC refers to the Municipal Civil Service Commission of the City of Mount Vernon, Ohio.
- (2) "Civil Service" refers to and includes all officers and positions of trust or employment in the service of the City of Mount Vernon, Ohio.
- (3) The "Unclassified Service" shall comprise those positions set forth in Paragraph (A) of Sec. 124.11 of the ORC as applied to the Civil Service of the City of Mount Vernon, Ohio.
  - (i) All elected officials, Auditor, City Council Members, Mayor, Municipal Judge, Solicitor and Treasurer.
  - (ii) Members of all Boards and Commissions: Civil Service Commission, Planning Commission, Recreation Board and Shade Tree Commission.
  - (iii) All heads of departments (not to be confused with the heads of divisions, such as the Chief of Police Division and the Chief of the Fire Division, who are in the classified service) Income Tax Administrator and Safety-Service Director.
  - (iv) Such other positions in the City as would be covered under Section 124.11(A) of the ORC.
  - (v) Positions in the unclassified service shall be exempt from all examinations required by sections 124.01 to 124.64 of the ORC.
- (4) The "Classified Service" shall comprise all persons in the employ of the City not specifically included in the unclassified service. The classified service shall be divided into the "Competitive Class" and the "Unskilled Labor Class" as provided for in paragraph (B) of Sect. 124.11 of the ORC. The following categories of the "Unskilled Labor Class" are exempted from the Civil Service Examination
  - (i) Temporary unskilled labor, working less than 90 days per year.
  - (ii) Seasonal unskilled labor, working no more than 110 work days per year in the 12 month period following the date of employment.

- (iii) Part-time unskilled labor, working less than twenty hours per week.
- (5) "Position Classification" shall include those positions in the classified service of the City of Mount Vernon.
- (6) "Municipal Service" shall include those positions in the classified service of the City of Mount Vernon.
- (7) "Position" when used by itself shall refer to any specific office, employment or job, calling for the performance of certain duties, either full or part-time, and for the exercise of certain responsibilities by one individual.
- (8) "Appointing authority" refers to the officer, Commission, Board or body having the power of appointment or removal from positions in the classified service and shall include the following: Auditor, Civil Service Commission, Income Tax Administrator, Mayor, Municipal Judge, Recreation Board, Safety-Service Director and Solicitor.
- (9) The term "Employee" shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.
- (10) The masculine pronoun "He" and its derivatives, whenever employed, includes the feminine pronoun and its derivatives.

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**(D) POSITION CLASSIFICATION, RECLASSIFICATION AND AUDITS**

- (1) Positions in the civil service of the city shall be classified in accordance with an established plan which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike to so warrant, shall be allocated to the same class with a title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the class on a like basis.
- (2) A Class Specification shall be prepared for each class, set forth the class title, typical duties and responsibilities, and necessary qualifications. It shall set forth the factors and conditions which are essential characteristics of the class and also factors and conditions which separate it from other classes.
- (3) **Position Audits and reassignments:** The Commission, having standardized all positions, shall make periodic audits of those positions to insure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classification of positions exist, the Commission may reallocate any position to the appropriate class as is necessary to provide an equitable, just and proper classification.



- (4) Any employee may request a review of the classification of his position for the purpose of determining whether the position is properly classified. The Commission shall give proper consideration to such a request.
- (5) **Notification of employees:** Whenever the classification title of a position is changed other than by promotion or demotion, the Commission shall notify in writing, any employee affected by the change, as well as the employee's appointing authority.
- (6) **Appeal of a Reclassification:** Any employee or appointing authority may appeal the reclassification of any position to the Commission within thirty (30) days after receipt of the notification of the reclassification.

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**(E) EXAMINATIONS**

**(1) Examination Locations**

Examinations (also referred to as "exams") may be held at such places as the Commission deems advisable and shall be administered under its direction.

**(2) Notice of Examination**

- (a) Entrance exam. Notice of competitive entrance exams shall be given through the local newspapers and by posting notices conspicuously on the City Hall bulletin boards and in the office of the Commission, and in other places as may be deemed advisable, not less than (2) two weeks prior to the last day on which the applications will be accepted for such exams.
- (b) Promotional exam. Notice of competitive promotional exams to be held shall be given by posting bulletins in conspicuous places in departments whose employees may be interested or may be by individual communications to the employees eligible for such a promotion.

**(3) Identity of examinees concealed**

- (a) The identity of all persons taking competitive, assembled exams shall be concealed by the use of an identification number which shall be used on all exam papers. This format will be used on all exams. This "ID number" shall be used from the beginning of the exam until the papers have all been rated. Any papers bearing the name of the applicant or any other identification mark may be rejected and the candidate so notified.

**(4) Subjects and Weights**

- (a) Exams shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which the appointment is sought. Where minimum and/or maximum requirements are established for any exam, they shall be specified in the examination announcement. The Commission shall prescribe the subjects of each exam and the relative weights to be attached thereto prior to the time of the exam.

Competitors, with the exception of those being evaluated by an "Assessment Center", must receive a minimum score of 70% on an exam in order to pass.

- (b) Entrance exams: Examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity and physical or psychological fitness. Exams shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experience.
- (c) Promotional exams: Promotional exams may be in writing or in combination with oral "assessment centers". However, weights of 40% for the written section and 60% for assessment section will be given to examinations where assessment centers are used-- if they are used in combination for promotion. (10/17/19) As of 1/23/20— Assessment Center exams will be included in ALL promotional examinations for **supervisors** at any level in the Police and Fire Departments—with the exception of Fire Lieutenants. Assessment Centers for this rank will only be offered when an actual Fire Lieutenant's position is open and available. Exams shall be given in accordance with Section 124.31 of the ORC.
- (d) Promotions to positions above the rank of Patrol Officer in the Police Department shall be in accordance with the provisions of Section 124.44 of the ORC (See current 124.44 Ohio Revised Code).
- (e) The notice of the holding of a promotional exam for a position or positions in a Fire Department shall, unless waived by all persons eligible to participate, be published not less than (30) thirty days prior to the exam and shall contain a description of the source material from which the exam questions are prepared. Such source material shall be readily accessible to the examinee. Failure to comply with this requirement shall make void the pursuant exam. This paragraph does not prohibit the use of questions based on experience in the fire service with the fire dept. in which the promotional exam is being given.

(5) **Special positions for Firefighters**

- (a) Within any rank, the municipal council may establish such special positions having special duties with preferential pay as the council deems necessary, but the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions.
- (b) No special position established by council within a rank in a Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

(6) **Special credits**

- (a) Credit for military service in entrance exams  
When proper proof of acceptable service in the armed forces of the U.S., as defined in section 124.23 of the ORC (See 124.23 Ohio Revised Code) is presented to the Commission and such ex-serviceman or woman being otherwise eligible has received a passing grade in any regular entrance exam, he or she shall be granted additional credit of twenty percent (20%) of such grade, thereby receiving a final grade of twenty per cent (20%) higher in view of the above mentioned service. (As of Sept 2012, a member in good standing of the reserve component of the armed forces of the US including

the Ohio National Guard shall receive fifteen (15%) of a person's total passing grade given in the examination.)

Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the exam. Credit for military service will not be given if the request for such credit is received by the Commission after an eligible list for any exam has been established.

Credit for service in the armed forces of the U. S. shall not be a part of, but shall be a credit to be added to the applicant's earned grade resulting from the competitive examination, provided the applicant receives a passing grade in the competitive exam. Any person taking a promotional exam must obtain a passing score before seniority credit is added.

(b) Seniority credit on Promotional examinations

Applicants taking promotional exams shall receive credit for seniority, which shall be determined as follows: one percent (.01) of the total grade attainable in such exams for each of the first four (4) years of service, and six tenths per cent (.006) of such total grade for each of the next ten (10) years of service. Any person taking a promotional exam must obtain a passing score before seniority credit is added.

(7) Physical examination

Whenever in the judgment of the Commission, physical qualifications are of special importance, the candidate shall be required to pass a physical exam, and be certified as qualified in such respect, either before admission to the exam, or being placed on an appropriate eligible list, or before certification for appointment, as the Commission may deem advisable.

Physical exams, whenever required by the Commission, shall be made by a licensed physician designated by the Commission, who shall furnish a certificate as to the applicant's physical condition.

The results of physical exams, including physicians' certificates, shall be used solely to determine an applicant's eligibility to take an exam, to be placed on an appropriate eligibility list, or to be certified for appointment and shall not become part of the applicant's grade.

(8) Admitting applicants to examination

No applicant shall be admitted to any assembled examination more than thirty (30) minutes after the advertised time for beginning such exam, or after any applicant competing in any such exam has completed his work and left the examination room, except by special permission of the person in charge, who, in his discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.

(9) Time length. No applicant in any exam shall be given a longer time on any subject than prescribed by the Commission when exam questions are approved.

(10) **Frauds examinations prohibited.**

No person shall:

- (a) Willfully or corruptly by himself, or in cooperation with one or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law or under any rules and regulations prescribed pursuant thereto; or
- (b) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing; or
- (c) Willfully or corruptly make any false representation concerning the results of such exams or concerning any person examined; or
- (d) Willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed promoted; or
- (e) Willfully impersonate any other person, or permit or aid in any manner, any other person to impersonate him/her, in connection with any exam, registration, appointment, application or request to be examined, registered or appointed; or
- (f) Furnish any false information about himself, or any other person, in connection with any exam, registration, appointment or application or request to be examined, registered or appointed; or
- (g) Make known or assist in making known to any applicant for examination, any question to be asked on such an exam; or
- (h) For any applicant taking an exam to assist any other applicant in any manner whatsoever; or
- (i) Personally solicit a favor from any member of the Commission, appointing officer, or have any person on his behalf solicit a favor.
- (j) Any applicant in any exam found to be using any means of information, other than that provided in the exam itself, such as memoranda, pamphlets or books of any kind, to assist him in answering the questions, shall have his exam papers taken up and filed with a zero (0) marking, when the circumstances justify such action.

(10) **Visitors at Examinations**

No visitors shall be admitted to the exam room during any exam except by special permission of the person in charge.

(11) **Inspection of Examination papers**

Any competitor shall have the right at any time within the period of ten (10) days after receiving his notice of examination grade to review his own papers and inform himself as to the markings given him on each subject in question and to submit in writing for the Municipal Civil Service Commission consideration, any objection or protest he may wish to make concerning the grades given him. No objection or protest concerning an exam, not submitted in writing, shall be considered unless it relates to the conduct of the examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an exam as would call for an investigation of the Examiner, and which would require that information submitted be given in confidence. An applicant who exercises the right to inspect his exam papers shall not be permitted to again take an exam for the same classification within a six month period following the inspection unless an alternate form of exam is given. Inspection shall not be permitted

of standardized tests/questions prepared by experts outside the state service, where such inspection would tend to reduce the validity of the test results.

- (a) **Fire promotional exams.**  
After a promotional exam has been held and prior to the grading of such exam papers, each participant in said promotional exam shall have a period of five (5) days (Saturdays, Sundays and holidays not included) to inspect his answer sheet, and to file any protests he may deem advisable. These protests shall be in writing and shall remain anonymous to the Commission. All protests with respect to rating keys or answers shall be determined by the Commission within a period of not more than five (5) days (Saturdays, Sundays and holidays not included) and its decision shall be final. If the Commission finds an error in the rating key or answer, it shall publish a revised rating key or answer made available to the participants for a period of five (5) days (Saturdays, Sundays and holidays not included) subsequent to such determination of error or errors. After the grading of such exam papers, any participant in the exam who deems his exam papers have been erroneously graded shall have the right to appeal to the Commission, and said appeal or appeals shall be heard by the Commission.

(12) **Postponement of Examination**

Exams, unless postponed, must be held on the dates fixed by the Commission. Exams may be postponed by order of the Commission, and such order shall designate the reason for the postponement

(13) **Questions regarding Religion, or politics,**

Religious, Political Opinion or Affiliation Questions Prohibited

No questions on any Examination shall relate to religious, political opinions or affiliations.

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(F) **ELIGIBILITY LISTS**

(1) **Posting of lists**

The Commission shall prepare and keep open to public inspection from the results of each exam, an eligible list of the persons who have passed the exam and are eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades.

(2) **Merging eligible lists**

Whenever it becomes necessary, while an eligible list exists, to hold a subsequent exam in order to obtain additional eligibles, the Commission may consolidate the existing list with the new list by rearranging the names of those eligible therein according to their grade. All persons whose names appear on the existing list shall have the opportunity to compete in the second exam. Any person on such existing list who takes the second exam shall be given the standing on the combined list to which the higher grade received on

either exam shall entitle him during the continuance of the first list, and thereafter he shall rank in accordance with the grade received in the subsequent exam.

(3) **Duration of lists**

The term of eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not less than one (1) nor more than two (2) years. Any list that has been in effect for more than one (1) year may, at the discretion of the Commission, be terminated any time in the public interest, except Fire Department and Police Department promotional list which shall be in effect for two (2) years.

(4) **Ranking on lists in case of ties**

In the event two or more applicants receive the same mark in open competitive examination, priority in the time of application with the Commission shall determine the order in which their names shall be placed on the eligible list, provided, that applicants eligible for veteran's preference under Sec. 124.23 of the ORC shall receive priority rank on the eligible list over non-veterans on the list with a rate equal to that of the veteran. Ties among veterans shall be decided by priority of filing application. In the event of two or more applicants receive the same mark on a promotional exam, seniority shall determine the order in which names shall be placed on the eligible list.

(5) **Transfer to a lower class**

At the discretion of the Commission, the name of any eligible candidate may, at any time, upon his written request, be transferred to the eligible list for a lower class in the same series requiring qualifications of the same general character. He shall be ranked thereon according to his original grade.

(6) **Names not to be certified for appointment**

The name of any person appearing on an eligible list who:

- (a) fails to report or with six (6) days from the date of postmark of his Certification Notice (Saturdays, Sundays and holidays not included) for an interview with an appointing authority or
- (b) fails to respond to a notice from the Civil Service Commission (CSC); or
- (c) declines an appointment without reasons satisfactory to the CSC; or
- (d) who cannot be located by the postal authorities,

shall not hereafter be certified to any appointing authority as eligible for appointment. His name may again be certified from the eligible list if a satisfactory explanation of the circumstances is made to the Commission. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

(7) **Disqualification of eligibles**

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 for appointment because of false statements made in his application, physical disability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person shall fail to appear from hearing, or upon being heard, fails to satisfy the Commission, his name shall be removed from such eligible list.

(8) **Change of address**

Each person on an eligible list shall file with the Commission written notice of any change of address and failure to do so may be considered sufficient reason for not certifying his name to appointing authorities for future appointments. The Commission shall make this requirement known to applicants.

(9) **Revoke of an Eligible List**

An eligible list may be revoked and another exam ordered only when in the judgment of the Commission such action is deemed advisable by reason of errors, fraud, or obviously inappropriate standards prescribed in connection with any exam. All competitors in the first exam shall be notified and shall be eligible to compete in the rescheduled exam without filing a separate application. No eligible list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon an entry in the minutes of the Commission of the reasons for such alteration or revocation.

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(G) **APPOINTMENTS**

Appointments to all positions to the classified service that are not filled by promotion, transfer or reduction, as provided by the Civil Service Laws and Rules of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Civil Service Laws and Rules of the Commission.

(1) **Number of names to be certified** (entry-level); appointment from other appropriate lists.

(a) The appointing authority of the dept. in which the position in the classified service is to be filled shall notify the Commission of the fact and the Commission shall, except as provided for in Sec. 124.30 and 124.32 of the ORC, certify to the appointing authority thereof, the names and addresses of the top 25% of those on the eligible list—that is the top 25% of those passing that exam for the class or grade to which said position is classified or no less than the top 10 (OAC 123:1-17-02 2021). In the event than an eligible list becomes exhausted, through inadvertence or otherwise; and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified.

(b) To expedite the process of certification, the Commission may, at its discretion, include additional names on a certification list if one or more of the persons named in the initial list declares himself unavailable or fails to reply to the notice of certification. For each person in the original certification who declares himself unavailable or fails to reply to the notice of certification, one name from the additional group may be considered for appointment.

(2) **Certification from Eligible Lists**

Certification from eligible lists will follow standards in OAC 123:1-15-01; OAC 123:1-17-01 & (OAC 123.1-17-02

(3) **Promotional, Police and Fire Department exams.**

The paragraphs (a) and (b) below concern promotional, Police and Fire Department exams.

- (a) Upon receipt from the Commission of a list of eligibles for a position, the appointing authority shall fill such a position by appointment of the person on the list having the highest rating (total grade) certified to him and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and other information as the Commission may require to keep its roster.
- (b) Once an individual has been promoted to a position his/her name is removed from the Active Civil Service Eligibility list. If the said individual leaves that position for any reason, for example: disciplinary demotion, resignation or voluntary demotion and wishes to be promoted again, that individual shall be required to take a new competitive examination and qualify for the new eligibility list.

(4) **Probationary period; probationary removal or reduction**

- (a) All original and promotional appointments (including provisional ones) shall be for a probationary period of not less than sixty (60) days nor more than one (1) year except original appointments to a Police Department as a Police Officer and original appointments to a Fire Department as a Firefighter which shall be for a probationary period of one (1) year and no appointment or probation is final until the appointee has satisfactorily served his probationary period. The probationary period of various classes of positions in the several services of the City of Mount Vernon is hereby fixed by the Commission under the provisions of Sec. 124.27 of the ORC as follows: One Hundred-Twenty (120) calendar days for all classes unless otherwise noted.
- (b) Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he may be removed or reduced at any time during his probationary period after completion of sixty (60) days or one half of his probationary period, whatever is greater. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at any time during the ten (10) day period before the end of the probationary period, shall inform the CSC, in writing, of his decision to remove such employee. The appointing authority's communication to the Commission (CSC) shall state the reason for such a decision. If the CSC is not notified in writing of the appointing authority's decision to remove a probationary appointee, that appointee shall then be considered a permanent employee.

(5) **Restriction as to age, physical or other requirement**

Any restriction for appointment from an eligible list as to age, physical or other requirements shall be made prior to and stated in the bulletin announcing the exam and no eligible list shall be restricted unless it had been announced in the examination.

(6) **Filling a vacancy for urgent reasons**

Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the CSC is unable to certify to the appointing authority, upon request from the latter, a list of persons eligible for appointment to such a position after a



competitive exam, the appointing authority may nominate a person to the Commission for non-competitive examination and if such nominee is certified by the Commission as qualified after such non-competitive exam, he may be appointed provisionally to fill such a vacancy until a selection and appointment can be made after competitive examination. Such a provisional appointment shall continue in force only until a regular appointment can be made from an eligible list prepared by the CSC and such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six-month period from the date of such provisional appointment. If the provisional appointee receives a passing score on the exam for that position, the appointing authority must hire that person, regardless of his/her rank on the test.

(7) **Temporary appointments.**

In case of an emergency, an appointment may be made without regard to the Civil Service Laws or Rules of the Commission, but in no case to continue longer than thirty (30) days and in no case shall successive temporary appointments be made; provided, however, that interim or temporary appointments made necessary by reason of sickness or disability of the regular employee shall continue only during such period of sickness or disability. Where the services to be rendered by an appointee are for a temporary period, not to exceed thirty (30) days, and the need of such services are important and urgent; the appointing authority may select for such temporary services 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 provision. The acceptance or refusal of a temporary appointment by an eligible shall not affect his standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

(8) **Temporary appointments and promotions**

An interim or temporary appointment or promotion to a higher position without examination made necessary by reason of sickness or disability of a regular employee may be authorized by the CSC, except in the police and fire divisions upon the written request of an appointing authority, who shall set forth full information with the request. All such temporary promotions shall continue only during such period of sickness or disability and shall be recorded in the minutes of the Commission. Such temporary promotions shall be made, insofar as practicable, from the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

(9) **Exceptional appointments**

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 impractical 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 of sections 124.01 to 124.64 of the ORC requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the minutes of the CSC and in the annual report with the reasons for the suspension.

(10) **Promotions**

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. Promotional appointments shall be made in accordance with the provisions of Sections 124.27 and 124.31 of the ORC with the exception of those of patrol officer in the police division and of firefighter in the fire division. Promotion of patrol officer shall be made in accordance with the provisions of section 124.44 of the ORC and promotion of firefighter shall be made in accordance with the provisions of Section 124.45 of the ORC. When promotion requires length of service in a lower classification, that length of service shall be measured from the date of promotion to the proposed test date (5/1/14)

(11) **Original appointments to the Police and Fire Divisions**

All original appointments to the police division or to the fire division shall be made in accordance with the requirements of the Ohio Revised Code and the Codified Ordinances\* of the City of Mount Vernon. (\*Age requirements changed—Lateral Transfer 9/27/21).

**LATERAL ENTRY POLICY (8/4/21)**

*The process of Lateral Entry is established as a method for hiring Police Patrol Officers and Firefighter/Paramedics who have been trained by other jurisdictions (or this jurisdiction)*

- a. *This form of initial appointment meets the criteria of a non-competitive selection process into the classified Civil Service for Police Patrol Officers, and Firefighter/Paramedics since it is recognized that trained Patrol Officers and trained Firefighter/Paramedics possess unique and exceptional qualifications and experience for which it is impracticable to ascertain the merit and fitness of applicants through competitive examinations. Qualifications which are impracticable to test for include, but are not limited to, past performance and behavior and demonstrated success as a Police Officer or Firefighter/Paramedic.*
- b. *The City of Mount Vernon Safety Service Director (SSD) (in consultation with the Civil Service Administrator and appropriate Police or Fire Chiefs) shall establish, at their discretion, the criteria required for a candidate to qualify for consideration and selection under a Lateral Entry process.*
- c. *Positions filled through these procedures are therefore exempt from competitive examination but shall complete the following requirements prior to selection:*
  - (1) *2 years full-time experience or equivalent service time as a part-time employee or the equivalent combination as determined by the SSD.*
  - (2) *Successful background investigation including but not limited to:*
    - (a) *Physical*
    - (b) *Psychological evaluation*
    - (c) *Drug Screen*
    - (d) *CVSA as required by agency*
  - (3) *Any other criteria established in “b” (above).*
- d. *New employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.*
- e. *This Rule shall not be interpreted as requiring the SSD to offer employment to any candidate, but grants the discretion to the SSD to select candidates the SSD*

determines in his discretion that have the necessary qualifications for the position.

- f. The SSD shall provide the Human Resources director and the Civil Service Commission notice of the SSD's decision to select a candidate through this process as well as a comprehensive description of the facts the SSD (and/or any of the group mentioned in "b" above) relied upon to select the candidate.
- g. This process is **not intended** to replace the competitive testing system and shall **only** be used in limited circumstances that best serve the City of Mount Vernon.

**(12) Training/Uniform Reimbursement**

Patrolmen and fireman who voluntarily leave employment with the City of Mount Vernon before three (3) service years shall reimburse the City of Mount Vernon for uniforms and for all training paid for by the city.

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**(H) TRANSFERS, LAYOFFS, REINSTATEMENTS AND LEAVES**

**NOTE:** For transfers, layoffs reinstatements and leaves, please refer to the current bargaining union contract. If no current contract exists, this section may be used instead. Current Contract will always prevail in the event of any dispute.

**(1) Transfers**

A person holding a position in the classified service may be transferred, with the consent of the Commission, to a similar position in another office, dept. or institution having the same pay and similar duties; but no transfer shall be made to a. position in another class nor to a position for which original entrance requires an exam involving essential tests or qualifications different from those required for original entrance to the position held by such person. No transfer shall be made to a position carrying a salary different or higher than that of the position from which the transfer is requested.

**(2) Layoff Procedure**

- (a) Whenever it becomes necessary in any office or dept. other than the police and the fire departments through lack of work or lack of funds to reduce the number of employees within a class, the procedure outlined in this section shall be followed. The appointing authority shall determine the job classes and the number of employees in each class to be laid off. Any layoff within a classification must proceed by laying off in the following order:
  - i. Employees serving provisionally who have not completed their probationary period after appointment
  - ii. Employees serving provisionally who have satisfactorily completed their probationary period after appointment
  - iii. Employees appointed by certification who have not completed their probationary period after appointment

- iv. Employees appointed by certification who have satisfactorily completed their probationary period after appointment who have the least number of retention points.

(Within each of the primary categories intermittent, then part-time, and then seasonal employees will be laid off before full-time permanent employees.)

- (b) Retention points to reflect systematic consideration of seniority and relative efficiency for all employees will be assigned by the Commission. Credit for relative efficiency shall not exceed ten (10) percent of total retention points. Retention points will be determined as follows:
  - i. Employees shall be assigned one (1) seniority point for each completed 520 hours (excluding overtime hours) of continuous service (13 full weeks of service for a full-time employee). These seniority points shall be added to a base factor of one-hundred (100) points, thus yielding total seniority points
  - ii. Using the chart (below), employees shall be assigned efficiency points by averaging the latest two annual performance evaluations; or using the latest performance evaluation, if less than two years of service; or using the latest probationary performance evaluation, if less than one year of service.
- (c) Employees who have not been currently evaluated shall be given the maximum number of efficiency points; but in no event shall a special performance evaluation be conducted for purposes of computing efficiency points.

<u>Total Score on Performance Evaluation</u>	<u>Efficiency Points</u>
20 and below .....	0
21-30 .....	2
31-45 .....	4
46-50 .....	6
61-80 .....	8
81 and above .....	10

Performance evaluations and hourly total information are the responsibility of the various departments. The CSC will formally request such information in writing in the event of a necessary layoff.

- (d) The total seniority points plus the total efficiency points equals the total retention points. In cases of identical retention point ratings, those employees having the least seniority in terms of actual date of hire will be laid off first.
- (e) A laid-off employee in the classified service has the right to displace the employee with the least retention points in a lower classification in the same classification series. A classification series is any group of classification titles that have the identical name, but different numerical designations, or identical titles except for designated classification of the same classification series if he has retention points. This procedure shall continue, if necessary until the employee with the least retention points in the classification of the classification series of the same appointing authority has been reached, and if necessary, laid off.

(f) Notification of Layoff, Displacement and Recall

Each employee to be laid off shall be given advance written notice of the layoff by the appointing authority. Such written notice shall be hand delivered to the employee at work or mailed certified mail to the last address on file with the appointing authority. If hand delivered, such notice shall be given 14 calendar days before layoff and the day of hand delivery shall be the first day of the fourteen (14) day period. If mailed, such notice shall be given 17 calendar days before layoff and the day of posting shall be the first day of the seventeen (17) day period.

Each notice of layoff or displacement shall contain the following information:

- (i) the reason for layoff or displacement
- (ii) the date layoff or displacement becomes effective
- (iii) the employee's retention points
- (iv) the right of such employee to appeal to the CSC and the time limit within to file an appeal.
- (v) a statement advising the employee of the right to displace another employee and the length of time within which the employee may displace (bump) another employee.
- (vi) a statement advising the employee of the right to reinstatement or reemployment
- (vii) a statement that, upon request by the employee, the appointing authority will make available a copy of the rules regarding layoffs.

Each employee recalled from layoff shall be notified of the offer of reinstatement or reemployment by certified letter. The notice of reemployment shall contain a statement that refusal of reemployment shall result in removal of such employee's name from the jurisdictional layoff list. Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the letter to return to work, and such time limit shall be explained to the employee in the notification of recall letter. In the event of extenuating circumstances (e.g. illness, injury, absence from city or state or other good cause as determined by the Commission) preventing the employee from returning within the above time limit, the employer shall grant a reasonable extension, not to exceed sixty (60) days. In the absence of extenuating circumstances, an employee not accepting or declining reinstatement or reemployment within ten (10) days shall be deemed to have declined reinstatement or reemployment for purposes of removal under these rules.

For purposes of recall, it shall be the employee's responsibility to have a current address on file with the appointing authority.

(g) Appeal of layoff or reduction

Any laid off or displaced employee may file a written appeal of the layoff or displacement with the State Personnel Board of Review. Such appeal must be filed no later than ten (10) days after the effective date of the layoff or displacement.

**(3) Establishment of Layoff Lists**

The names of persons holding permanent positions in the classified service which have been abolished or made unnecessary shall be placed by the Commission on an

appropriate layoff list in order of their retention points and for a period of not to exceed one (1) year shall be certified to all appointing authorities. Whenever discontinued positions are reestablished by an appointing authority and a request is made for certification of eligibles, former employees of the department in question who have been laid off and whose names appear on the layoff list shall be first to receive appointment.

(4) **Layoffs or reductions in the Police and Fire Departments**

Whenever it becomes necessary in the police and fire departments, through lack of work or funds, or for causes other than those outlined in Sec 124.34 of the ORC, to reduce the force in such department, such changes shall be made in accordance with the provisions of Sec. 124.37 of the ORC.

(5) **Reinstatements**

Any permanently appointed employee who has resigned without delinquency may be reinstated, without requisition upon the Civil Service Commission (CSC), by the appointing authority at any time within one (1) year from the date of such separation, provided there are no former employees of the department who have been laid off and whose names appear on the eligible list for the class. A notice of such reinstatement shall be sent to the CSC for its approval.

(6) **Leave of absence**

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 expiration of such leave of absence, such officer or employee shall be reinstated, provided, however, that if the officer or employee is a provisional appointee under Sec. 124.30 of the ORC, 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. All such leaves of absence granted by appointing authorities shall be referred to the Commission promptly for approval, in order that the civil service status of such absentees may be protected.

(7) **Absence without leave; reinstatement**

Absence from duty without leave for any time will be considered neglect of duty and good cause for dismissal. Absence from duty without leave for ten (10) consecutive days shall be deemed a resignation from the service by the absentee upon report of such absence by the appointing authority and the resignation shall be entered upon the records of the CSC; provided, however, that if at any time within thirty (30) days the person so absenting himself shall make satisfactory explanation to the Commission of the cause of the absence, he may be reinstated to his position. Failure to report after a leave has expired or has been disapproved or revoked and canceled by the Commission shall be considered neglect of duty and cause for discharge; provided, however, that if an officer or employee so discharged shall show to the satisfaction of the Civil Service Commission (CSC) that such failure to report was excusable, the CSC may then order his reinstatement

(I) **REDUCTIONS, SUSPENSIONS AND REMOVALS**

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

suspended or received except as provided in Sec. 124.32 and 124.34 of the ORC and for incompetence, inefficiency, dishonesty or drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of Sec. 124.01 to 124.64 of the ORC, or rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office.

In case of reduction, suspension for more than five (5) working days, or removal, the appointing authority shall furnish the employee with a copy of the order or reduction, suspension, or removal. The order shall state the reasons for the reduction, suspension or removal. Such order shall be filed with the CSC.

Within ten (10) days following the filing of such order, the employee may file an appeal, in writing, with the CSC. In the event such an appeal is filed, the CSC shall forthwith notify the appointing authority, and shall hear, or appoint a trial board to hear such appeal within thirty (30) days from and after its filing with the Commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the Civil Service Commission to the Court of Common Pleas in accordance with the procedure provided in Sec. 119.12 of the ORC.

In case of suspension for any period of time, or demotion or removal of a Chief of Police or a Chief of a Fire Department or any member of the Police or Fire Department, the appointing authority shall furnish the chief or member of the department with a copy of the order of suspension, demotion or removal which order shall state the reasons therefor. Such order shall be filed with the Commission. Within ten (10) days following the filing of such order, the chief or member of the department may file an appeal, in writing, with the CSC. 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 and after its filing with the CSC and it may affirm, disaffirm or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission (CSC).

The Mayor has the exclusive right to suspend the Chief of the Police Department or the Chief of the Fire Department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given to him by the proper authority, or for any other reasonable and just cause. If either the Chief of Police or Chief of the Fire Department is so suspended, the Mayor forthwith shall certify such fact, together with the cause of suspension, to the Commission, which within five (5) days from the date of receipt of the notice shall proceed to hear such charges and render judgment thereon, which judgment may affirm, disaffirm or modify the judgment of the appointing officer, and an appeal may be had from the decision of the CSC to the Court of Common Pleas as provided in Sec. 1224.34 of the ORC to determine the sufficiency of the cause of removal.

(1) **Disciplinary suspension**

An employee may be suspended for a period of not to exceed (3) working days for purposes of discipline without the right of appeal, except in the case of a Police Chief, Fire Chief, or a member of the Police or Fire Dept as described above. Provided, however, that successive suspensions shall not be allowed.

- (2) **Absence without leave**  
Absence from duty without leave for any time, or failure to report if leave has expired, shall be considered “neglect of duty” and cause for removal.
- (3) **Falsification in application**  
Falsification in any statement in an application for examination shall be considered "dishonesty" and sufficient cause for removal.
- (4) **Procedure to be followed for removals**  
The discharge of of an employee by an appointing authority shall not become effective until such appointing authority shall have first:
  - (a) Served such employee with a written order of removal, which shall contain one or more statutory reasons for grounds for discharge, together with such specifications of facts as shall place him fairly upon his defense;
  - (b) Filed with the Civil Service Commission (CSC) a copy of such order or removal.
- (5) **Appeal of Removal**  
Any such employee so removed may appeal from the order of such appointing authority to the Commission within ten (10) days after the effective date of such removal as set forth in the order of removal

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**(J) HEARING, PROCEDURE**

- (1) **Time of hearing notifications**  
Upon receipt from an employee or officer in the classified service of the City, a timely appeal from an order of removal, reduction in pay or position, or suspension, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee and his attorney, if known, thereof.
- (2) **Amendments to orders**  
Amendments to the orders of removal, reduction in pay or position or suspension for more than five (5) working days may be made to the appointing authority at any time provided the employee and his attorney, if any, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as therein provided.
- (3) **Hearing procedure**  
In the hearing of such appeals, the order of procedure shall be as follows:
  - (a) The appointing authority taking action affecting the employee shall adduce his evidence in support of the charges and specifications.
  - (b) The employee affected shall then produce such evidence as he may wish to present to refute such charges.



(c) The appointing authority may offer evidence in rebuttal. The Civil Service Commission (CSC) may, in its discretion hear arguments.

(4) **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, proof and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel. A complete transcript or other recording of the hearing shall be made.

(5) **Resignation before final action**

The acceptance by an appointed authority of the resignation of a person discharged, before the final action of 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 Civil Service Commission and the proceedings dismissed without judgment.

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(K) **SUNSHINE LAW**

(1) **Provision for public meetings**

All meetings of the Mount Vernon Civil Service Commission (CSC) shall be public meetings, except as provided in Sec. 121.22 (G) of the ORC.

(2) **Public Notice of Meetings**

(a) **Regular Meetings**

Notice shall be given of the time, place and date of all regular meetings of the Mount Vernon Civil Service Commission by publication of said notice in the Mount Vernon News on at least one (1) occasion on or before the 6th day of January of each and every year.

(b) **Special meetings**

All meetings of the Mount Vernon Civil Service Commission which are not regular meetings are hereby declared to be special meetings and notice shall be given as follows:

- i. News media—all news media or designated members thereof who file a written request with the Merit System Administrator on or before the 3rd day of January of each and every year, telephone notice shall be given by the Administrator pursuant to and in accordance with the written request filed by each such news media or designated alternate representative. Such telephone notice shall include but not be limited to, the time, place, date and purpose of said meeting and shall be given not less than twenty-four (24) hours prior to such meeting.
- ii. Notice shall be given to any member of the general public requesting notice of meetings where any specific type of business is to be discussed as hereinafter provided.

(c) **Emergency special meeting requiring immediate action**

The Member calling such a meeting shall notify all news media or designated members thereof who have filed a written request with the Clerk of Council on or before the 3rd day of January of each year. Such telephone notice shall be given by the Member calling such meeting pursuant to and in accordance with the written request filed by each such news media or designated representative thereof who have complied fully and completely with the provisions of #2(b) (1) hereof

(3) **Public Notice—Specific Type of Business**

(a) Any member of the general public may request notice of any meeting of the Mount Vernon Civil Service Commission at which any specific type of business is to be discussed. Provided, however, any and all such requests shall comply with the following:

- i. All requests shall be made in writing and on a form prescribed by the Solicitor of the City of Mount Vernon and obtained from the Merit System Administrator.
- ii. All requests shall be accompanied by a fee of \$12.00 and shall be accompanied by not less than twelve (12) stamped, self-addressed envelopes. It shall be the responsibility of each such person requesting notice to provide the CSC Administrator with the proper postage, and in the event of an increase in the postage rates, the person requesting notice shall be solely and completely responsible for providing the CSC Administrator with the additional postage. Provided, however, such fee shall entitle such person to notice for a period not to exceed twelve (12) months from the date of application.

(b) The Merit System Administrator shall immediately establish a written journal or other record which shall include, but shall not be limited to, the names, addresses, telephone numbers, areas of interest, and dates of application for each member of the general public requesting notice of all meetings at which a specific type of public business will be discussed.

(c) Regular meetings The CSC Merit Administrator shall give notice by ordinary U.S. Mail utilizing the stamped, self-addressed envelope provided by each member of the general public when the particular type of public business in question is to be discussed.

(4) **Minutes**

(a) The CSC Merit Administrator shall prepare and make available to the general public full and complete minutes of all meetings of the Mount Vernon Civil Service Commission except as provided in section Sec. 122.22 (C) of the ORC, not more than 5 business days after such meeting adjourns.

(b) Copies of the minutes shall not be made available to the general public or any member thereof unless and until said member of the general public shall have paid to the Clerk a fee of five (5) cents per page for each copy.

(c) Copies of the minutes shall, however, be made available to the designated news media representative having complied with Section 2 (b)(1) hereof at no cost and upon request for same from said news media representative. (Please see CSC "Public Records Policy" enacted Aug. 2012

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Mount Vernon Municipal Civil Service Commission  
Room 203, 40 Public Square  
Mount Vernon, Ohio 43050

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[cvlserv@mountvernonohio.org](mailto:cvlserv@mountvernonohio.org)

## **PUBLIC RECORDS POLICY**

(Adopted from Ohio Attorney General's sample-2012)

### **MISSION STATEMENT**

Openness leads to a better informed citizenry, which tends to lead to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Mount Vernon Municipal Civil Service Commission (hereafter referred to as the "CSC") to at all times comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### **DEFINING PUBLIC RECORDS**

All records kept by the CSC are public unless they are exempt from disclosure under Ohio law. All public records will be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format—paper, electronic (including, but not limited to business e-mail)--that is created, received by, or comes under the jurisdiction of the CSC that documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

### **RESPONSE TIMEFRAME**

Public records are to be available for inspection during the business hours of the part-time CSC office. (These are usually 8am-12 noon unless otherwise posted.) This also excludes published holidays when the office would be closed. Public records will be made available for inspection within a reasonable period—as promptly as possible. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and redaction of the records requested. It is the goal of the CSC that all requests for public records should be acknowledged in writing or, if possible, satisfied within 10 business days following the office's receipt of the request.

### **HANDLING REQUESTS**

No specific language is required to make a request for public records. However, the requester should identify the records requested *with sufficient clarity* to allow the CSC office to identify, retrieve, and review the records. If it is not clear what records are being sought, the CSC office will contact the requester for clarification, and will try to assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the public record. (Although, since the CSC holds many "sensitive items" of information in applications, test scores etc., *it is our intention* to let those whose public records are impacted by requests to know about their release.) Current law *does* permit this office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure

of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requestor may decline to reveal the requestor's identity or intended use. (\*\*Please note: Under current Ohio Law, "journalists" function under some modifications within this section. A journalist can receive select residential or familial information about a specific peace officer, parole officer, prosecuting attorney, etc., but the request must be made in writing and include the journalist's name and address of the journalist's employer. The request must also state that the disclosure of this information sought would be in the public interest.)

In processing the request, the CSC office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering or querying. Although not required by law, this office *may* accommodate the requestor by generating new records when it makes sense and/or is practical under the circumstances.

In processing a request for inspection of a public record, a CSC employee *must* accompany the requestor during the inspection to make certain original records are not taken or altered.

### **ELECTRONIC RECORDS**

Records in the form of business e-mails are to be treated in the same fashion as records in other formats such as paper and/or audio tape. (In the event that the CSC office issues and begins to use text messaging or other hand-held-type communication devices, perhaps in the future, these will also fall under "electronic records".) All e-mails *relating to CSC business* will be kept for a minimum of 3 years—or until they contain nothing of administrative value.

### **DENIAL OR REDACTION OF RECORDS**

If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requestor an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the office. Any denial of public records requested must include an explanation, including legal authority. (For example, we would redact *any* social security numbers from applications or addresses of currently employed police or firefighters under current Ohio law.) If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, the CSC office will indicate them plainly—if possible--and list the legal authority for that redaction.

### **COPYING AND MAILING COSTS**

Those seeking public records may be charged only the actual cost of making copies not the labor. The charge for paper copies is 5 cents per page. The charge for electronic files downloaded to a compact disc is \$5.00 per disc.

A requestor *may under CSC policy* be required to pay in advance for costs involved in providing copy. The requestor may choose whether to have the record duplicated on paper, upon the same medium in which the public record is kept, or upon any other medium on which the CSC office determines that record can reasonably be duplicated as an integral part of the CSC's normal operations. If a requestor asks that CSC documents be mailed, they will be charged for the actual postage and mailing supplies. There is no charge for e-mailing documents—when *that format is available*,

**MANAGING RECORDS**

The Mount Vernon Municipal Civil Service Commission's records are subject to records retention schedules. The office's current schedules are as follows:

<b><u>RECORDS TITLE/DESCRIPTION</u></b>	<b><u>RETENTION PERIOD</u></b>	<b><u>MEDIA TYPE</u></b>
CSC exam forms, non-commercial tests, score sheets, answer sheets, etc.	2 yrs after position eligibility list expires	paper/some digital scores
Classified Employees list	yearly	paper
Eligibility/Certification list	until list expires (1-2yr)	paper
Employment Applications	18 months	paper/ (some digital info.)
Hearing Case Files	10 years	paper/some audio if available
Job Descriptions	until superseded	paper/digital
Correspondence	24 months	paper/some digital
Electronic mail	no admin. value	digital

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