



# LEGISLATIVE COVER MEMO

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**Introduction:** September 19, 2022

**Agenda Item:** **RESOLUTION 2022-65**

AMENDING THE CITY OF FRANKLIN CIVIL SERVICE  
COMMISSION RULES AND REGULATIONS

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** City Staff has worked with Bricker & Eckler LLP to review and revise the Civil Service Rules. Highlights of the changes include:

- **Lateral Original Hiring Process:** Exempt lateral candidates having one year of full-time experience from written testing requirement and use resume/interview process as examination followed by usual psych/background/polygraph tests; separate lateral list
- **Job Posting:** Reduce 30 day job posting requirement, Posting on the City website and inside City offices only
- **Eligibility List:** Expand eligibility list lifespan to one year or until exhausted, Revise rules so that termination or resignation in lieu of termination from prior City employment disqualifies an individual from the eligibility list
- **Secretaries:** Add language to permit the assignment of secretaries to Department and Division heads
- **Civil Service Secretary:** Add language allowing the City's HR Specialist to serve as the Commission Secretary
- **Appeals:** Clarification of matters to be heard by the Commission and exclusion of eligibility list considerations
- **Ethics** Required recusal of member where their family member is before the Commission

The Civil Service Commission approved the changes at their August 22, 2022 meeting.

**Budget Impact:** None.

**Exhibits:** Exhibit A: Amended Civil Service Commission Rules & Regulations

**Recommendation:** Approval.

CITY OF FRANKLIN, OHIO  
RESOLUTION 2022-65

**AMENDING THE CITY OF FRANKLIN CIVIL SERVICE COMMISSION RULES AND REGULATIONS**

WHEREAS, Section 8.05 of the City of Franklin's Charter authorizes Council to provide general rules and regulations for the Civil Service Commission; and

WHEREAS, pursuant to the Section 8.08 of the City of Franklin Charter, said rules may be amended by this Council, after referral to the Civil Service Commission for its recommendation; and

WHEREAS, the Civil Service Commission, at its August 22, 2022, meeting voted unanimously to recommend to this Council that its Rules and Regulations be amended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, that:

Section 1. The Civil Service Commission Rules and Regulations, as set forth in the attached Exhibit A, are hereby adopted.

Section 2. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 3. This Resolution shall become effective immediately upon its passage.

ADOPTED: September 19, 2022

ATTEST: \_\_\_\_\_

Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_

Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on September 19, 2022.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

**CIVIL SERVICE COMMISSION**  
**OF**  
**CITY OF FRANKLIN, OHIO**  
RULES AND REGULATIONS

Adopted by Civil Service Commission: March 18, 2004

Adopted by City Council: April 5, 2004 - Resolution 2004-22

Amended: October 18, 2004 - Resolution 2004-85

Amended: February 2, 2009 - Resolution 2009-07

Amended: \_\_\_\_\_

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## PREAMBLE

### Preamble

The following rules and regulations are adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Franklin, Ohio, under the authority of Articles XV and XVIII and other provisions of the Constitution of the State of Ohio, the Charter of the City of Franklin, Ohio, and Chapter 124 and other provisions of the Ohio Revised Code (R.C.).

Inquiries regarding Civil Service matters or rules should be addressed to the Civil Service Commission, City of Franklin, 1 Benjamin Franklin Way, Franklin, Ohio 45005.

CIVIL SERVICE COMMISSION

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## **CHAPTER ONE**

### **APPLICABILITY OF RULES**

#### **1.01 Scope of the Rules**

A. These rules shall be applicable to all civil service matters, except to the extent that the same are superseded or preempted by the specific terms, provisions, and content of a collective bargaining agreement entered into by and between the City and a public employee collective bargaining representative, or the Franklin City School District and a collective bargaining representative, pursuant to Chapter 4117 of the Ohio Revised Code, to the extent that said preemption is permitted by law.

B. No person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted, or reduced as an officer or employee in the Civil Service of the City of Franklin, Ohio, or the Franklin City School District in any manner or by any means other than those prescribed in these rules.

#### **1.02 Construction**

These rules should be construed so as to carry out their purposes as determined from both the literal reading of the rules and their context. The rules should be construed and applied in a manner that is consistent with the laws of the State of Ohio, except to the extent that the letter or context of the City Charter or City ordinances indicate that the City intended to supersede, preempt, or otherwise override state law through a valid exercise of Home Rule. The rules should not be construed so as to limit the City's power to exercise Home Rule except to the extent that the City has limited itself in the City Charter. Nor should the rules be construed in a way that limits the Civil Service Commission's power to interpret and apply the rules within the scope of their lawful authority. Some of the rules contained herein reflect the City's election to supersede state law in order to maintain the operations and objectives of the Commission in serving the public.

The term "ordinance" in these rules is meant to include formal ordinances, resolutions, or any other actions of Council that are sufficient to carry out exercises of Home Rule or other powers of Council. References to "rules" and "regulations" are interchangeable, unless indicated otherwise.

#### **1.03 Adoption, Amendment, Rescission**

Unless otherwise indicated, these rules, and any amendment, revision, or rescission of the same shall be in full force and effect from and after their publication and adoption by the Civil Service Commission of the City of Franklin, Ohio; provided that any rules that supersede state law and

require a charter amendment or an action of City Council for their effect will take effect in accordance with the charter amendment or action of Council.

#### **1.04 Publication**

No action of the Commission adopting a rule or regulation, or amendment, revision, or rescission of the same shall be effective until City Council has adopted and notice of the same with summary of its content has been prominently displayed in the places of employment of the City of Franklin, Ohio, and the Franklin City School District, which are frequented on a regular basis by classified employees and officers of said entities in the discharge of their official duties, and the content of the same has been made available for public review.

#### **1.05 New Rules**

The present rules of the Civil Service Commission of the City of Franklin, Ohio, shall continue in full force and effect until the amendments set forth herein have been properly adopted. Upon the adoption of these amendments, the existing rules shall be rescinded, and these rules shall supersede and replace the same as the Rules and Regulations of the Civil Service Commission of the City of Franklin, Ohio.

#### **1.06 Saving Clause**

If any section or part of a section of these rules is held by a court of competent jurisdiction to be unconstitutional, or to be invalid for any other reason, said action shall not invalidate or impair the validity, force, or effect of any other section or part of a section of these rules, unless it clearly appears that such other section or part of a section of these rules is wholly or necessarily dependent for its operation under the section or part of a section which has been held invalid.

## CHAPTER TWO

### DEFINITIONS

The terms herein specified, and as used in the Rules and Regulations of the City of Franklin, Ohio Municipal Civil Service Commission, or in the Administration of the Civil Service Laws, shall be defined as follows:

A. **"Application"** means any form or group of forms issued or required by the Commission, that an individual seeking employment or promotion must satisfactorily complete in order to successfully complete the process of informing the Appointing Authority of his or her availability and desire to be considered for employment, promotion, or for any other purpose as determined by the Commission.

A. **"Appointing Authority"** means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, or board, or institution and shall include the following:

1. City Manager of the City of Franklin; and,
2. Board of Education of the Franklin City School District

B. **"Available Vacancy"** means an existing funded position, not currently filled by an incumbent that the appointing authority desires to fill. The existence of vacant positions on an appointing authority's table of organization or roster of positions shall not mean that a position is an available vacancy.

C. **"Certification"** means the process of providing to an appointing authority the names on an eligible list or layoff list.

D. **"Certified Eligible List"** means a list issued to an appointing authority of individuals available for employment from an eligible list, layoff list, or of provisionals who qualify for certified status.

E. **"City"** is the City of Franklin, Ohio.

F. **"Civil Service"** includes all offices and positions of trust or employment in the service of the City of Franklin, Ohio, and the Franklin ~~Ohio~~ City School District.

G. **"Classified Service"** means those persons in the employ of the City of Franklin, Ohio who are now in competitive civil service status due to their job positions pertinent to the local situation. All other employees and positions shall be "unclassified." Classified status may be determined as provided for in R.C. 124.11(A) or (C) or other Revised Code provisions, or by local ordinance. In any situation in which the status of an employee, as being either

classified or unclassified, is in issue, the burden shall be upon the appointing authority to establish such status by a preponderance of evidence.

- I. **"Commission"** means the Municipal Civil Service Commission of the City of Franklin, Ohio.
- J. **"Days"** means calendars days unless specified otherwise.
- K. **"Eligible"** means an applicant for appointment or promotion to a classification who has passed an examination and met other requirements for the classification, and who is willing to accept appointment.
- L. **"Eligible List"** means a list of names and test scores of individuals who, through testing and meeting the other qualifications of a position, have been found qualified for the same, and each of whom has been afforded a specific competitive rank in relation thereto by arrangement based on total scores achieved.
- M. **"Employee"** means any person holding a position under these Rules subject to appointment, removal, promotion, or reduction by an appointing authority.
- N. **"Examination" or "Exam" means an evaluation of one (1) or more applicants' suitability for employment in a particular position and/or classification in accordance with these Rules. An examination may consist of a written, oral, or performance exam, an evaluation of an applicant's training, competency, and experience, or an independent assessment center. The type of examination may depend on the position to be filled.**
- O. **"Exempt Appointment"** means an appointment to a position which is not subject to an examination or civil service tenure.
- ~~O. **"He" is a masculine pronoun which, whenever it or its derivatives are mentioned, shall include the feminine pronoun "she" and its derivatives.**~~
- P. **"Lateral Entry"** means a method for hiring Police and Fire Department employees who have already been trained and/or employed by other jurisdictions (or this jurisdiction), and have at least one-year of full-time experience in the classification for which they are applying or a similar classification.
- Q. **"Lateral Original Appointment"** means the appointment of any employee who is not already employed by the City of Franklin, Ohio having prior experience with another employer in the classification for which they are hired by the City of Franklin.
- R. **"Municipal Service"** shall include those positions in the Classified Service of the City of Franklin, Ohio.

- S. **"Original Appointment"** means any appointment of an individual who is not already a member of the applicable position in the Classified Service of the City of Franklin and who does not have prior experience with another employer in the classification for which they are hired by the City of Franklin.
- T. **"Position,"** when used by itself, shall refer to any specified office, employment, or job, calling for the performance of certain duties, either full time or part time, and for the exercise of certain responsibilities by one (1) individual.
- U. **"Position Classification"** refers to the arrangement of positions into classifications. Positions shall be classified in accordance with the duties and responsibilities of the position.
- V. **"Promotion"** means the act of placing an employee in a position, the classification for which carries a higher salary range or rate than that of the position previously held by the employee, if the employee is already employed by the City of Franklin.
- W. **"Rules"** means the Rules and Regulations of the Municipal Civil Service Commission of the City of Franklin, Ohio.
- X. **"School District"** means the Franklin City School District.
- Y. **"Secretary"** means the Secretary of the Civil Service Commission of the City of Franklin, Ohio.
- Z. **"Specification"** means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification; which may include a classification title and a number, a statement of job functions, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for the performance of each duty, and may include worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.
- AA. **"Unclassified Service"** means all offices and positions that are exempt from civil service examination and which provide no civil service tenure under the law. Unclassified status may be determined as provided for in R.C. 124.11(A) or (C) or other Revised Code provisions, or by local ordinance, or by charter provision, and the rights of the affected employee are determined accordingly.
- BB. **"Unsatisfactory Performance"** means the failure of an employee to complete one or more of his or her job duties:
- \_\_\_\_\_ 1. \_\_\_\_\_ in a way; or

2. to a standard; or

3. within a timeframe;

as adjudged in a manner that:

4. is not arbitrary or capricious;

and that:

5. the employee's supervisor or someone else in authority has communicated to the employee; or

6. any reasonable person in the employee's position should understand.

## CHAPTER THREE

### GENERAL PROVISIONS

#### 3.01 Appointments to the Commission

Per the City Charter adopted in 1984, the City Council executed the original appointment of five (5) persons, two (2) for a term of two (2) years, two (2) for a term of four (4) years, and one (1) for a term of six (6) years, who constituted the Civil Service Commission of the City of Franklin, Ohio, and the Franklin City School District. Each alternate year thereafter the City Council shall appoint a successor of any member whose term expires, to serve six (6) years. A vacancy shall be filled by the City Council for the unexpired term. ~~At the time of appointment, not more than three (3) members of the Civil Service Commission shall be adherents of the same political party.~~

#### 3.02 General Duties of the Commission

The Civil Service Commission shall:

- A. Prescribe, amend, and enforce rules not inconsistent with Chapter 124 of the Revised Code (except to the extent such code has been modified by the City Charter) for the classification of positions in the civil service of the City and the Franklin City School District; for examinations and registrations for and resignations from positions; for appointments, promotions, removals, transfers, layoffs, suspensions, reductions, and reinstatements to those positions; and for standardizing positions and maintaining efficiency;
- B. Classify positions in the service of the City of Franklin and the Franklin City School District;
- C. Prepare, conduct, and grade or assign a person to prepare, conduct, and grade all examinations for positions in the classified service;
- D. Prepare and maintain eligible lists containing the names, scores, and rankings of all persons qualified for positions in the classified service;
- E. Maintain a journal, which shall be open to the public for inspection, in which the Commission shall keep a record of its proceedings and of the vote of each of its members upon every action taken by it, along with a record of the Commission's final decisions pertaining to classification or reclassification of positions in classified service of the City and the Franklin City School District and the assignment or reassignment of employees to specific position classifications;
- F. Keep and maintain the following records:

1. A compilation and listing of all of the current and existing authorized positions within the Civil Service of the City and the Franklin City School District;
  2. A current description as to the duties and responsibilities of the same; and retain on file documents and records related to job and employment actions as to each such position;
  3. A record of all applications and all examinations conducted by the Commission;
  4. Service lists (rosters) of all persons in the civil service paid directly by warrant of the City or the Franklin City School District, containing the information specified in Section 3.07 below;
- G. Hear appeals provided for by law and as provided by these Rules and Regulations, including: appeals of the Appointing Authority from decisions of the Civil Service Commission relative to classification or reclassification of any position in the classified service under the jurisdiction of the appointing authority; appeals of employees in the classified service from final decisions of the employee's appointing authority relative to reduction in pay or position,<sup>1</sup> job abolishment, layoff, suspension, fine, or discharge, or final decisions of the appointing authority or the Civil Service Commission relative to assignment or reassignment to a new or different position classification or a refusal to reclassify the employee's position; however, adverse actions based on certain felony convictions may not be appealed, per R.C. 124.34 (A); furthermore a party may not file a second appeal from a decision of the Commission that results from an appeal – although, the Commission may allow motions for reconsideration;
- H. Subpoena to require the attendance and testimony of witnesses and/or the production of books, papers, records, and other documentary evidence pertinent to any matter which the Commission has the authority to investigate, into which it has the authority to inquire, or which it has the authority to hear;
- I. Furnish to the City Manager any special reports that the City Manager requests and prepare and submit to the City Manager an annual report showing the Commission's actions, rules, exceptions thereto in force, and any recommendations for the more effectual operation of the Commission; the Commission shall also make reports from time to time as the State Personnel Board of Review (SPBR) requests of the manner in which the law and the rules and regulations of the Commission have been and are being administered in the City and the Franklin City School District; the Commission shall file its rules and an annual report with the SPBR (the annual report may be the same as that submitted to the City Manager);

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<sup>1</sup> Prohibitions against reductions in pay or position do not apply to modifications or reductions in pay or work week authorized by ORC 124.393 or 124.394.

- J. Prepare and submit to the City Manager an annual budget and request for appropriations for the next fiscal year of the City, which the Commission deems appropriate and sufficient to defray the costs and expenses of its operations;
- K. Appoint such additional referees (including hearing officers), inspectors, examiners, clerks, assistants, and/or other employees as are necessary to assist and serve the Commission in its exercise of its duties, powers, functions, and responsibilities and/or contract for such services (e.g. consulting services to assist with classification of positions per R.C. 124.14, etc.), provided that City Council has properly approved and appropriated the funds for the expense associated with the foregoing; furthermore, the Commission may delegate any functions it performs as the City equivalent of the Ohio Director of Administrative Services to any other City administrative office, or make use of such personnel or services as the City shall provide to assist the Commission. The Commission's delegation of functions is subject to the Commission's final review and control, except that any trial board appointed by the Commission shall act entirely in the Commission's stead in hearing and deciding the matter for which it was appointed;
- L. Exercise all other powers and perform all other duties with respect to the civil service of the City and the Franklin City School District, as prescribed in Chapter 124 of the Revised Code and conferred upon the Director of Administrative Services and the State Personnel Board of Review of the State of Ohio with respect to the civil service of the State of Ohio, except any powers or duties proscribed or superseded by Home Rule.

### **3.03 Officers, Agents, Expenses, and Salaries of the Commission**

#### **A. Election and Duties of the Chair and Co-Chair**

The Civil Service Commission shall elect (bi-annually) one (1) of its members as Chair of the Commission, and one (1) as Co-Chair, who shall each serve until their successors are elected, which election shall occur when a new member is appointed and qualified.

The responsibilities and duties of the Chairperson shall include, but are not limited to:

1. ~~to~~ call such meetings of the Commission as are necessary to transact the business and affairs of the Commission;
2. ~~to~~ sign the minutes of all action taken by the Commission;
3. ~~to~~ preside at all meetings of the Commission;
4. ~~to~~ sign all warrants or orders for the payment of money from the accounts and funds of the Commission;

5. ~~to~~ ensure that the annual report to the State Personnel Board of Review required by R.C. 124.40 and the annual report to the City Manager are assembled and transmitted in a timely manner.

In the absence of the Chair, the Co-Chair shall act as Chair of the Commission.

B. Appointment and Duties of the Secretary

The Commission shall appoint and employ a suitable person to act as Secretary to the Commission, who shall also act as its Clerk. The Secretary may be an individual employed by the City in another capacity. In the absence of the Secretary, the Commission may appoint a member of the Commission or another person to act as the temporary Secretary of the Commission in the place of the Secretary. A Commission member who serves as Secretary shall not receive any additional compensation for said service. The Secretary shall perform the following duties:

1. attend all meetings of the Commission and keep the minutes thereof;
2. keep in the form of minutes a record of the official actions of the Commission;
3. be reasonably available in the municipal administration building during regular business hours for the purpose of receiving calls, accepting service of filings, and providing access to Commission records;
4. process all applications;
5. accurately and properly maintain all of the records of the Commission;
6. keep all files in proper order;
7. prepare and deliver, or cause to be delivered, notices, and other communications ordered by the Commission;
8. properly furnish appointing authorities with eligibility lists;
9. maintain an official roster and service lists;
10. handle such correspondence as the Commission shall determine, including the preparation of the budget and annual report;
11. on authorization from the Chair, sign all warrants or orders for the payment of money on behalf of the Commission;
12. make available to the public those documents deemed to be public records under the terms of R.C. 149.43;

13. perform other duties as assigned by the Commission.

C. Appointment of Special Hearing Officers, Examiners, Etc.

The Civil Service Commission may appoint hearing officers, special examiners, and additional clerks, assistants, and other employees, contract for services necessary to assist the Commission in carrying out its functions, or make use of services of the City, as provided in Section 3.02(K) above.

D. Expenses and Salaries of the Commission

The expenses and salaries, if any, of the Commission shall be determined by City Council.

### **3.04 Removal**

Upon the receipt of a report from the State Personnel Board Review, charging a member of the Civil Service Commission with violating or failing to perform the duties imposed by law, or willfully or through culpable negligence violating the law by failure to perform his or her duties as a member of said Commission, along with the evidence on which the report is based, the City Council shall forthwith remove the member. In all cases of removal, an appeal may be had to the Common Pleas Court of Warren County, Ohio, as provided by law. The City Council may at any time remove any member of the Civil Service Commission for inefficiency, neglect of duty, or malfeasance in office, having first given the member a copy of the charges against him or her, and an opportunity to be publicly heard in person or by counsel in his or her defense.

### **3.05 Meetings of the Commission**

- A. The first annual meeting of the Civil Service Commission shall be its organizational meeting. The Commission shall hold such other meetings as may be called by the Chair of the Commission, or by two (2) members thereof.
- B. All meetings of the Civil Service Commission are open to the public, except as set forth in R.C. 121.22 and this rule.
- C. General minutes shall be taken at all Civil Service Commission meetings and shall be open to public inspection.
- D. The Chair of the Commission may, on his or her own initiative, and shall, upon the request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of notice of such meeting. Three (3) members of the Commission shall constitute a quorum at any meeting of the Commission,

and it shall require the affirmative vote of at least three (3) members to adopt any motion or resolution.

- E. Twenty-four (24) hours advance notice of any meeting of the Civil Service Commission must be given to the local news media and to other media that have requested notification, except in the event of an emergency requiring immediate official action. Any other person, upon request and payment of one dollar (\$1.00) per meeting, may obtain reasonable advance notice of all meetings at which any specific type of public business will be discussed.
- F. In the event of an emergency, the Chair, the members calling the meeting, or a designee must immediately notify the local news media concerning the time, place, and purpose of the meeting.
- 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 to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, unless such employee requests a public hearing. The motion and vote to hold the executive session shall state which one (1) or more of these purposes are the purposes for which the executive session is being held, but need not name the person who is to be considered during the session. Executive session may also be held for other reasons enumerated in R.C. 121.22 and the other laws and regulations incorporated therein. Minutes of any executive session shall be appropriate to the nature of such executive session.
- H. The order of business for meetings of the Commission shall be:
  - 1. roll call;
  - 2. disposition of unapproved minutes;
  - 3. reports;
  - 4. unfinished business;
  - 5. new business;
  - 6. adjournment.

### **3.06 Procedure for the Adoption, Amendment, or Rescission of Rules**

- A. Public notice as to the adoption, amendment, or rescission of any rule of the Civil Service Commission must properly adopted pursuant to Section 8.08 of the City Charter, Chapter 113 of the City of Franklin Codified Ordinances and state law.

- B. The public notice must contain a statement of the Commission's intention to alter or adopt a rule, and a statement as to the subject matter of the rule to be affected. In addition, the notice must contain the date, time, and place set for the consideration of the rule change.
- C. A copy of the full text of any proposed rule, or rule change, shall be submitted to the City Manager and the Superintendent of the Franklin City School District at least ten (10) days prior to the date set for consideration. Revisions following the initial submission are not subject to the ten (10) day requirement, but substantial revisions should be submitted reasonably in advance of adoption.
- D. Sections A through C above do not apply to an emergency rule, amendment, or rescission or to any rule, amendment, or rescission required by state or federal law or regulation.
- E. Civil Service Commission rules shall be adopted by the Commission at an open meeting by a majority vote and entered into the minutes. Interested parties may provide input in writing preferably in advance, or offer written or oral input at the meeting(s) called to consider the rules or rule changes. After adoption by the Commission, such rules shall be submitted to City Council for formal adoption by such Council pursuant to §§ 8.04, 8.05, and 8.08 of the Charter of the City of Franklin. Copies of the rules or rule changes, together with the minutes of the Civil Service Commission adopting the change, will be kept by the designee of the Commission and made available to any person upon request. Due notice of the contents of such rules and of all changes shall be given to appointing authorities affected by such rules, and such rules shall also be printed for public distribution and/or be made available electronically.

### 3.07 Service Lists

Separate rosters, known as "service lists" of the City and the Franklin City School District ~~of the City of Franklin, Ohio,~~ shall contain the name of every person employed by the same; the date of his or her appointment; the title of his or her position; the date of termination of employment or separation therefrom, if any; the designation of said employee and the position in which he or she serves as being in the classified or the unclassified service of the City or the School District; and, in the case of an employee and/or position which is designated as being in the unclassified service, an indication of reason and justification for such designation for purposes of the lists shall be created and approved by the City Council and the Board of Education of the City of Franklin. In the case of rosters of classified positions, such rosters shall also show the dates of promotions, if any; the dates of suspension, if any; and in the case of termination of employment or separation therefrom, if any, the cause for same. Service lists shall be filed with the Civil Service Commission and kept by the Secretary, and the lists shall be updated and revised periodically by written notice from the respective appointing authorities.

## CHAPTER FOUR

### CLASSIFICATION

The Commission, pursuant to Rule 3.02 (K) above, has delegated all duties and responsibilities regarding Job Classification, Reclassification and Auditing of Job Classifications to the Appointing Authority and the Personnel Director as described herein.

#### 4.01 Job Classification Plan

- A. The Personnel Director shall establish and may modify or repeal, by rule, a job classification plan for all classified positions, officers, and employment situations in the employ of the City of Franklin and the Franklin ~~City~~ School District.
- B. Positions in the Civil Service of the City and the ~~City~~ School District shall be classified in accordance with the classification plan, which shall provide that any and all positions whose duties, responsibilities, authority and necessary qualifications are sufficiently similar, shall be allocated to the same class with a title which shall be descriptive of the duties performed, which will allow for the assignment of pay ranges with equity.
- C. The Personnel Director shall provide a class specification for each job classification setting forth a class title, salary range, typical duties and responsibilities, and the necessary qualifications, as specified in Rule 4.01(A). The Personnel Director shall also assign related classifications, which form a career progression, to a classification series. The Personnel Director shall assign each classification in the classification plan a five-digit number, the first four (4) digits of which shall denote the classification series to which the classification is assigned.
- D. Where particular licenses or attributes, such as insurability, are essential characteristics or functions of a position, the class series specification may be amended to so reflect. Such amendments may be requested by the appointing authority or may be made independently by the Personnel Director.

#### 4.02 Job Reclassification and Job Audits

When the Personnel Director proposes to reclassify any employee so that the employee is adversely affected, the Personnel Director shall give to the employee and to the appointing authority a written notice setting forth the proposed new classification, pay range, and salary, and the Personnel Director and the appointing authority shall issue the additional notices required in R.C. 124.14(D).

Upon the request of any classified employee who is not serving a probationary period, the Personnel Director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The Personnel Director shall give to the employee affected and to the appointing authority a written notice of the Personnel Director's determination whether or not to reclassify the position or to reassign the employee to another classification. The Personnel Director may also determine the most appropriate classification for a position on its own volition, or at the request of the appointing authority.

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## CHAPTER FIVE

### CLASSIFIED AND UNCLASSIFIED SERVICE

#### 5.01 Classified Service

The classified service includes the competitive classified civil service of the City, and of the School District ~~of the City of Franklin, Ohio~~. No person shall be admitted to the Classified Service, other than as a temporary employee, unless said person has fully and completely complied with all the requirements of these Rules, except as otherwise provided under the laws of the State of Ohio.

#### 5.02 Division of the Civil Service into Classified and Unclassified Service

The civil service of the City of Franklin, Ohio, and of the Franklin City School District shall be divided into the classified service and the unclassified service:

##### A. 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 examinations required under these rules:

1. Members of the Council;
2. The City Clerk, deputies, assistant City Clerks and other officers and employees of the Council;
3. The City Manager, Assistant City Managers, and assistants to the City Manager;
4. The Directors of departments;
5. Secretaries/assistants to the City Manager and Assistant City Manager and one secretary/assistant to each department and/or division head, to the Police Chief, and to the Fire Chief;
6. Members of boards and commissions appointed by the Council, and advisory committees appointed by the City Manager and the Council;
7. Temporary employees of exceptional, professional or scientific qualifications engaged as consultants;
8. Seasonal and part-time employees, and interns;
9. Professional engineers employed by the City;

10. Assistant Law Directors, the City Prosecutor and special legal counsel;
11. The secretary of each board or commission established by the City Charter or by ordinance or resolution, provided that if such secretary holds other employment with the City, which is not an exempted position, this section shall not exempt such person from the requirement of competitive examination to hold such other employment;
12. Personnel Director;
13. Division heads within the Departments of Service, Finance, and Safety, except Police Chief and Fire Chief;
14. Water and Sewer Operators;
15. Head of the Division of Building and Zoning within the Department of Safety;
16. Income Tax Administrator;
17. Clerk of Courts and Deputy Clerks of Court (and other Court personnel).

#### **B. Classified Service**

The classified service shall comprise all persons in the employ of the City of Franklin, Ohio, and the Franklin City School District not specifically included in the unclassified service. The classified service shall consist of two (2) classes, which shall be designated as the competitive class, and the unskilled labor class:

1. The competitive class shall include all positions and employments in the service of the City of Franklin, Ohio, and the Franklin City School District for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment may be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided by ordinance, law, and these rules, by appointment from those certified to the appointing officer in accordance with these rules;
2. 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 Commission shall require applicants for registration in the labor class to furnish such evidence or take such tests as the Commission considers proper with respect to the following: age; residence; physical and mental ability to perform the essential functions of the position applied for, with or without reasonable accommodations, honesty, capacity, industry, and experience in the work or employment for which application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of the

appointing officer, stating the kind of labor needed, the pay and probable length of employment and the number of the employed, the Commission shall certify from the highest on the list double the number to be employed; from this number the appointing officer shall appoint the number actually needed for the particular work. If more than one (1) applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

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## CHAPTER SIX

### APPLICATIONS

#### 6.01 Generally

All applications, whether for employment or for examination, must be submitted upon forms acceptable to the Civil Service Commission and developed by the Personnel Director and shall require the applicant to personally certify the truth and accuracy of the information contained in the application. All application forms must be completed in their entirety and legibly printed in ink or type written and submitted to the Civil Service Commission in a timely manner. The Commission will provide a reasonable accommodation, if necessary, to assist an applicant in completing the form.

No applications shall be accepted after the date and time for filing has passed.

#### 6.02 Forms

Application forms shall be provided by the Civil Service Commission and shall be available in the office of the Personnel Director, ~~or~~ at other locations, or electronically, as announced by the Civil Service Commission, without charge.

To the extent that the same are reasonably necessary in the application process, the Civil Service Commission may require of applicants such references as to the character of the applicant provided by persons having knowledge of the same as the Commission may require.

The original applications for appointees shall be given to the Personnel Director to be filed in the employee's permanent file. Copies of the application forms of individuals who successfully complete applications and are placed on eligible lists shall be retained by the Civil Service Commission during the effective period of the eligible list. Copies of the application forms of individuals who are appointed to or employed in any classified civil service position shall be retained by the Civil Service Commission during the tenure of said employee.

#### 6.03 Method of Filing

Fully completed applications containing or accompanied by all of the information and accompanied by all of the documentation solicited by the application or the job notice, and executed by the applicant or his or her properly authorized agent, shall be filed with the Secretary of the Civil Service Commission or with such other employee or agent of the appointing authority as is indicated in the job notice. The date of the receipt of each application shall be noted on the same. The Secretary of the Civil Service Commission shall maintain registers which contain the

name of each applicant, the date of the receipt of the application thereof, and the documents which accompany the same.

#### **6.04 Residency Requirements**

Every applicant for a position in the classified service must be a citizen of the United States, possess a valid permanent resident card, or must legally declare and signify in writing his or her intention to become, upon appointment, a citizen of the United States. ~~Furthermore, every such applicant must be a resident of the state of Ohio or signify in writing his or her intention to become and remain, upon appointment, a resident of Ohio within six (6) months, unless such requirements are specifically waived by charter, ordinance, statute or applicable collective bargaining agreement; except that no residency requirements apply to temporary or exceptional appointments (see Chapter 10 for a description of such appointments).~~

#### **6.05 Age Restrictions: Police and Fire**

##### **A. Police Minimum Age for Application and Appointment**

Applicants for entry level Original Appointment examination to the position of Police Officer within the Division of Police must have attained the age of twenty-one (21) years on or before the date of the written examination; furthermore, no person may apply for or receive an Original Appointment as a police officer if that person has attained an age prohibited by City ordinance, if applicable, and no person can be declared disqualified as over age prior to that time.

However, this section does not prevent the City from establishing a police cadet program or employing persons as police cadets at age eighteen (18) for the purposes of training them to become police officers.

##### **B. Division of Fire and EMS Minimum Age for Application and Appointment**

Applicants for entry level Original Appointment examinations to the position of Firefighter within the Fire Department must have attained the age of eighteen (18) years on or before the date of the written examination; furthermore, no person may apply for or receive an Original Appointment as a fire fighter if that person has attained an age prohibited by City ordinance, if applicable, and no person can be declared disqualified as over age prior to that time.

#### **6.06 Licenses, Certifications, Education and Training**

Every applicant shall have, and shall be able to demonstrate that he or she possesses, the required licenses and certifications, and the educational, training, or equivalent qualifications required of the position for which application is made. A candidate shall provide the Civil Service Commission with reasonable and adequate proof thereof when the Commission requests such information from all candidates for a position, or when the Commission has sufficient reason to believe that the applicant may not possess such qualifications. In particular, the Commission shall not establish any educational requirements as a prerequisite for examination that are not necessary to the performance of the position to be filled.

### **6.07 Character and Fitness**

Satisfactory information produced at any time to the Civil Service Commission, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to the successful performance of the employment sought; or of his or her pattern of poor work habits and performance with previous employers, including the City; or of his or her dismissal for good cause, including delinquency or misconduct, from any branch of public service; or for his or her conviction of a felony; or of his or her current illegal use of drugs; or of his or her infamous or notoriously disgraceful conduct; or that he or she, in relation to the application process, has made false statements of any material fact; or that, in relation to his or her application or examination, in establishing his or her eligibility, and/or in securing his or her appointment, the applicant has practiced, or attempted to practice any deception or fraud shall justify the Civil Service Commission, before an examination, in refusing to permit the examination of an applicant, or, after testing, in refusing to certify the applicant as eligible for employment or appointment. In relation to such inquiries the Civil Service Commission may require such certificate of persons having knowledge of the applicant as the good of the civil service may require.

The refusal to permit the examination of an applicant or to certify an applicant as eligible is not subject to hearing or appeal under these Rules and Regulations.

### **6.08 Acceptance or Rejection of Application and Notice to Applicants**

The completed application and requested documentation, information, and material requested therewith and secured in relation thereto shall be the sole criteria in determining an applicant's eligibility for an examination. Information showing that an applicant meets all of the minimum qualifications as stated in an examination announcement must appear on the application itself. No additional information will be accepted after the application filing deadline.

Applicants shall be given written notice of the date, time, and place of examination. Such notices shall be given at a reasonable time before the examination date, and shall apprise applicants that

reasonable accommodations are available to disabled persons to afford them access to the examination process.

Failure of an applicant to indicate on his or her application the qualifications as to education, certification, licensing, or any other requirement shall be sufficient cause to exclude an applicant from examination. Whenever an application shows that an applicant is not qualified under these rules for consideration for a position for which he or she has made application, or that the application is not in reasonable and substantial compliance with the same, the Secretary of the Civil Service Commission or the Commission shall reject the application, and the Secretary, forthwith thereafter, shall notify the applicant in writing of that action and of the reason for the same. A defective or incomplete application may be corrected by the applicant, and resubmitted by the filing deadline.

Certification of an individual to an eligible list who has not met all of the requirements of these rules shall not be considered a waiver of any requirements of the same, and shall not bar removal of the applicant from an eligible list by the Civil Service Commission as a result of said failure.

The Commission shall make reasonable accommodations available to otherwise qualified disabled persons to afford them access to the examination process.

#### **6.09 False Statements**

Fraudulent conduct or false statements by the applicant, or by others with his or her connivance, in any application or examination shall be deemed cause for exclusion of an applicant from any examination, or for removal of his or her name from an eligible list, or for discharge from service after appointment or employment, provided that the name of no person shall be removed from an eligible list, and no person shall be dismissed from service under this provision without an opportunity to be heard by the Civil Service Commission. Where an applicant is excluded from an examination, he or she shall be heard by the Secretary of the Civil Service Commission.

#### **~~6.10 EEO Applicant Flow Information~~**

~~The Personnel Director 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 wholly 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 and separately filed as a confidential EEO compliance record with the City. Such records may be used for City mandated affirmative action reports.~~

#### **~~6.11 Application for Examination~~**

~~All applicants for positions in the classified service shall be subject to examination.~~

~~Examinations shall be open and competitive and shall be comprised of two (2) types:~~

~~A. Original appointment examinations~~

~~B. Promotional examinations~~

#### **~~6.12 Police and Fire Separate~~**

~~Separate examinations shall be given for positions in the Police Department and Fire Department, and separate rules may apply with respect to each.~~

~~In both the Police Department and the Fire Department, different tests will be given for original and promotional appointments.~~

#### **6.13 Fitness for Service**

A. 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 he or she is appointed, or in which he or she is employed.

B. Applicants to whom conditional offers of employment in positions within the Division of Police and the Division of Fire and EMS of the City of Franklin shall be required to undergo psychological evaluations, medical examinations and drug testing administered by appropriate, licensed or certified medical professionals selected and designated by the Commission, and to provide information as to their physical and psychological health which is relevant to their ability to perform the essential functions of the position in relation to which a conditional offer of employment has been tendered, with or without reasonable accommodation. The Civil Service Commission may order physical agility tests where applicable.

C. The Commission may require that applicants to whom conditional offers of employment in positions within other divisions or departments have been tendered, undergo such medical examination or testing, or provide such information, on the condition that such requirements are uniform as to all positions within an employment classification.

## CHAPTER SEVEN

### EXAMINATIONS

#### 7.01 General

A. All applicants for positions in the classified civil service shall be subject to an examination process. ~~except for applicants for positions in professional or certified service, and as 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 he or she has made application.~~

B. Examinations may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. The examinations may consist of one (1) test, or of more than one (1) test in combination, or other evidence of competency. Examinations may be conducted by an independent assessment center. Tests may be written, oral, demonstration of ability to perform essential functions, or an evaluation of training, knowledge, and experience, and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the person for which appointment is sought. Where minimum or maximum requirements are established for any examination, the same shall be specified in the examination announcement.

The Commission shall prescribe the subjects of each examination and the relative weights to be assigned to each process. Such relative weight shall be made known to the applicant prior to the date of the examination.

Educational requirements for examination shall only apply to positions for which educational requirements are expressly imposed by the Ohio Revised Code or federal requirements or to positions for which the Commission determines that the educational requirements are job-related.

#### 7.02 Types of Examinations

There shall be two (2) types of examinations administered by the Civil Service Commission in accordance with these rules, to wit: examinations for Original Appointments, and examinations for promotion. Examinations for Original Appointments shall be open to all individuals who otherwise qualify for appointment to or employment in a position under these rules. Examination

for promotion shall be limited to members of the classified civil service who meet the requirements for promotion to a position under these Rules and Regulations.

### 7.03 Separate Examinations

Separate examinations shall be given and separate eligible lists shall be maintained by the Civil Service Commission as to the appointing authority within the jurisdiction of the Civil Service Commission, and as to separate positions and classifications within the service of the same. Separate examinations shall be given for positions in the Division of Police and Division of Fire and EMS, and separate rules may apply with respect to each. No person may be transferred from one list to the other, but a single test or combination of tests may be utilized to examine and evaluate applicants for similar positions or classifications. Appointments and promotions shall be effected only from the separate eligible lists which are applicable.

### 7.04 Examinations: ~~Provisional Appointments~~ Appointment without Competitive Exam

A. No competitive examination will be administered unless there are at least two (2) applicants. ~~In the event that only one (1) person applies for an original appointment examination, a provisional appointment may be made, provided that the appointee otherwise meets the minimum qualifications, unless the Civil Service Commission determines that it will retest for the position at issue.~~ If fewer than a sufficient number of candidates apply or are eligible to compete in a competitive examination, the Appointing Authority may request approval of an appointment without competitive examination. In this case, "fewer than a sufficient number" means that not enough qualified applicants apply or are eligible to compete to allow the Commission to certify the number of names to the Appointing Authority for a normal discretionary selection (e.g. 10 candidates for an Original Appointment, or 3 candidates for a promotion). The Commission may elect to conduct a competitive-type examination nonetheless to test the capacity and capability of the applicants.

Whenever there are urgent reasons as determined by the Commission that an Appointing Authority must fill a vacancy, and the Commission cannot certify a sufficient list of eligibles, the Appointing Authority may submit the nominee's name and qualifications, along with any required supporting documentation, to the Commission. The Commission may conduct an examination, if so desired, and determine whether to certify the nominee as qualified. If the Commission certifies the person as qualified, the Appointing Authority may then appoint that person, who shall be designated as "appointed without competitive examination."

Any employee in the classified service of the City who is appointed to a position under ORC Section 124.30 and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in such position for a period of six (6) months of continuous service, whichever is longer, shall become a permanent appointee in the

classified service at the conclusion of that period. This provision shall not apply to temporary appointments above the rank of regular fire fighter or police officer, or to promotional positions in the Division of Police or Division of Fire and EMS.

~~In order to implement a provisional appointment, the appointing authority (or designated requesting official) must nominate a person to the Civil Service Commission for noncompetitive examination, and if such nominee is certified by the Civil Service Commission as qualified after such noncompetitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and appointment can be made after a competitive examination.~~

~~B. A person serving as a provisional employee who passes an examination for the position which he or she holds shall be appointed as a permanent certified employee prior to the preparation of an eligible list by the Civil Service Commission. Further, any employee appointed provisionally who remains in provisional status in the same classification or series for a period of two (2) years of continuous service, during which period no competitive examination is held, becomes a permanent appointee at the conclusion of such two (2) year period.~~

#### **7.05 Examination Notices and Sites**

A. Examinations for original or promotional appointments shall be held at such times and in such places, including assessment centers, as the Civil Service Commission deems appropriate, and shall be administered in accordance with the applicable sections of R.C. Chapter 124 and these regulations.

B. On one (1) occasion not more than sixty (60) nor less than fourteen (14) days prior to the examination date, printed public notice of each examination for Original Appointment in the classified service shall be posted by the Secretary of the Civil Service Commission. All notices shall include the time, place, and general scope of the examination, and must be posted electronically by the Secretary of the Civil Service Commission on the City website and in the City's offices where public notices are ordinarily posted.

C. Notice of promotional examinations shall be posted by the Secretary of the Civil Service Commission in conspicuous places in each department in which employees would be eligible to compete for such promotion and also on the City website and in the City's offices where public notices are ordinarily posted. Such notices shall be posted not more than sixty (60) nor less than ~~30~~ fourteen (14) days prior to the examination date, and shall include the time, place, and general scope of the ~~competitive~~ examination.

D. Notices of all examinations for ~~Original~~ Appointments in the classified service may also be distributed to such persons or organizations as may be interested in the positions to be filled.

E. The Commission may take such additional steps as it deems appropriate and advisable to effect notice of an examination, and to secure qualified applicants from the same.

## **7.06 Scope of Examination: Subjects/Study Materials**

Examinations for Original Appointment may include written, oral or physical testing and may include demonstration of skill, and/or evaluation of training, competency, and experience. Written tests may be prepared, conducted and graded by disinterested persons retained by the Civil Service Commission. In lieu of a written test, other evidence of an applicant's competence may be utilized to demonstrate their merit and fitness for the position.

Examinations shall be practical in character and shall relate directly to those matters which will fairly assess the relative capability of the person being examined to discharge the particular duties of the position for which appointment is sought.

The Commission shall prescribe the subjects of each examination and the relative weights to be assigned thereto; provided that any such determination must have been made prior to the date of such examination.

## **7.07 Original Appointment Exams: Police and Fire**

A. In relation to examinations for positions within the Division of Police and the Division of Fire and EMS of the City, examinations for Original Appointments may include written testing, oral testing, a physical exam, a psychological exam, and/or an independent assessment center. Examinations for entry-level positions or any promotional positions are not required to be written so long as they include a rating examination of evidence showing each applicant's experience, training, knowledge, and competency for the position.

B. For Lateral Original Appointments to the Division of Police and the Division of Fire and EMS of the City, examinations need not be written so long as they include a rating examination of evidence showing each applicant's experience, training, knowledge and competency for the position. All examinations for a Lateral Original Appointment must include an interview process.

C. Should an examination include a written component, no applicant shall be tested orally or participate in the assessment center unless he or she has completed the applicable written test, and, without consideration of any credits provided for by these rules, achieved the minimum passing score which has been predetermined by the Commission.

D. If oral examinations and experience, training, and competency rating examinations of qualified applicants are performed, they shall be prepared, conducted and graded by an

Interviewing Board designated by the Civil Service Commission. The weighting of the oral portion of the examination as compared to that of the applicant's training, and competency rating examination shall be set forth on the examination posting, without consideration of any credits provided for by these rules. A minimum passing grade shall be required as a prerequisite for further consideration for employment or appointment, and for certification to an eligible list.

## **7.08 Medical, Physical, Psychological, or Drug Testing**

### **A. General**

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

Medical examinations, other than drug tests, will only be conducted after a prospective appointee has received a conditional offer of employment. However, the Commission may require that an applicant be medically examined prior to any test (e.g., a physical agility test, etc.) to determine the applicant's ability to participate safely in the test. When asking for such a medical opinion, the Commission will describe the agility or fitness test, and ask "Can this person safely perform this test?"

Examinations must be job-related and based upon a classification related necessity.

### **B. Controlled Substances**

Such examinations shall include a screening for the use of controlled substances and will be conducted with in accordance with any applicable state or federal laws and regulations regarding the same, including the Department of Transportation Rules and regulations for Commercial Driver License holders.

### **C. By Whom Conducted**

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, with or without reasonable accommodation.

#### **D. Results Confidential**

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 after an examination, and shall not 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.

#### **E. Reasonable Accommodation**

Any applicant or candidate who feels that he or she has been adversely affected by the physical element may request that a "reasonable accommodation" be investigated by the appointing authority.

Requests for such accommodation must be filed as soon as reasonably possible, must be in writing, and must outline the accommodation requested.

Such requests must be filed with the Commission and with the Appointing Authority.

The Commission will then schedule an informal fact-finding meeting to discuss the issue of accommodation and will release its finding within five (5) working days of the conclusion of the informal fact-finding. Such meetings will be held in executive session.

### **7.09 Admission of Applicants to Written Examination**

A. No applicant shall be admitted to any assembled written examination after instructions for the test have been given, nor after any applicant competing in any such examination has completed his or her work and left the examination room, whichever shall occur earlier, except by special permission of the person in charge, who, in his or her discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.

B. Any applicant admitted to an assembled examination after its advertised time of beginning must complete the examination at the advertised ending time, and shall receive no extension of time, except as set forth in 7.11, infra.

### **7.10 Identity of Entrance Examiners Concealed**

The identity of all persons taking competitive entry level assembled examinations shall be concealed by the use of an identification number which shall be used on all examination papers. Each applicant who is admitted to the examination shall be assigned a number by which that

applicant shall be known during the examination and consideration process. Any examination bearing the name of the applicant or any other identification mark shall be rejected and the candidate so notified.

#### **7.11 Extension of Time In Examination**

No applicant shall be given a longer time on any subject than has been prescribed by the Commission for the completion of an examination.

Separate time limits may be established as a reasonable accommodation to a handicapped or disabled applicant.

Requests for additional time, or accommodation, must be submitted with supporting documentation at the time of filing application for the examination.

#### **7.12 Visitors At Examinations**

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

#### **7.13 Postponement or Cancellation of Examination**

A scheduled examination may be canceled or postponed by order of the Civil Service Commission, for any adequate reason. Reasonable efforts shall be made to notify each qualified applicant of the cancellation or postponement and will include written notice to the applicants last known post office address, except under circumstances which make written notice not practicable.

#### **7.14 Waiver**

In the event an individual who has not met the requirements of these rules is permitted to take an examination, the same shall not be deemed to be a waiver of any requirements established by these rules.

#### **7.15 Promotional Examinations**

A. Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. All examinations shall be competitive and may include written tests, oral tests,

assessment centers, and experience, training, knowledge and education rating examinations, and shall relate to those matters which assess the ability of the person being examined to discharge the particular duties of the position sought, including their merit, efficiency, character, conduct, and seniority. The Appointing Authority may also take into consideration documents that reflect conduct and capacity in office, including, but not limited to, performance evaluations and active disciplinary record of the persons being examined, including Unsatisfactory Performance.

Promotional examinations shall be restricted to present employees having a minimum of three years' experience as a member of a police or fire service, as appropriate, unless by an ordinance or resolution adopted by an affirmative vote of Council, such examinations are opened to qualified candidates from outside the City's service having such experience. Examinations for the Police Chief and the Fire Chief shall be open to qualified candidates from outside the City's service each time.

B. The identity of all examination applicants shall be concealed by the use of an identification number which shall be used on all examination papers. This identification number shall be used from the beginning of the examination until all the examination papers have been rated. Any papers bearing the name of the applicant, or any other identification mark, shall be rejected and the applicant so notified.

C. Promotional procedures may be modified by individual labor agreements.

#### **7.16 Limitation on Original Appointments (Promotions): Police and Fire**

Positions above the rank of police officer in the Division of Police or regular firefighter in the Division of Fire and EMS may be filled by Lateral Original Appointment, as allowed by Charter Section 8.06 and specified in Civil Service Rule 7.15 (e.g., Police Chief and Fire Chief may be filled by Original Appointment each time).

#### **7.17 Promotional Examinations: Fire and Police**

A. Promotional examinations for positions within the Division of Fire and EMS and Police shall relate to those matters which test the ability of the person examined to discharge the particular duties of the position sought and may be in writing or other forms, provided, however, that in examinations for positions requiring the operation of machines, or equipment, practical demonstration tests of the operation of such machines or equipment may be part of the examination, so long as said demonstrations and tests afford

consideration of reasonable accommodations which may be necessary for disabled persons to permit them to perform the essential functions of the position to which appointment is sought.

B. The public notice of a holding of a promotional examination for a position or positions in the Division of Fire and EMS and Police shall, unless waived by all persons eligible to participate, be posted in the respective department and on the City's website and in the City's offices where notices to the public are ordinarily posted not less than fourteen (14) days prior to the examination, and shall contain a description of the source of the material from which any written examination questions are prepared. Such source material shall be readily accessible to the examinees. Failure to comply with this requirement shall render void the pursuant examination. This paragraph shall not prohibit the use of questions having answers based upon experience in the fire or police service within the Division of Fire and EMS or Police service within the Department of Safety of the City of Franklin, Ohio.

## CHAPTER EIGHT

### GRADING, ADDITIONAL CREDIT, AND INSPECTION

#### 8.01 Minimum Passing Score

A. The Commission shall establish the minimum passing score of any professionally prepared civil service examination. When available in advance, this information will be included on all job advertisements and exam notices. Applicants must achieve the minimum passing score, excluding any additional credits provided by these rules, as a prerequisite for further consideration for employment or appointment, and for certification to an eligible list.

B. Method of Rating Examinations: Each part of the examination for any class where a minimum qualifying performance is a prerequisite, shall be separately rated and the proficiency of each competitor in each part rated on a scale of one hundred (100) for the maximum possible rating (excluding veteran's credit) and with seventy (70) as a required minimum score. The method of obtaining the average percentage of an examination shall be as follows:

Multiply the rating obtained in each part by the relative weight of that part; add the products and divide the sum of the products by the sum of the relative weights; the quotient thus obtained will be the average grade for that examination. If two (2) or more candidates receive the same final grade, a candidate with veteran's preference will be ranked above a non-veteran. Ties among veterans and non-veterans will be broken by priority of filing date on application as indicated by a time stamp. The names of the applicants receiving an average of seventy (70) or more shall be posted in the City's offices and entered on the appropriate eligible list. The grade of any applicant failing to qualify shall not be made public.

#### 8.02 Original Appointment Veteran's Credit

All applicants for Original Appointment who are veterans of the United States military service, and a resident of Ohio, as described in R.C. 124.23, may file with the Commission a certificate of United States military service (DD-214, DD-256, and/or NGB-22) with the designation of honorable discharge whereupon he or she shall receive additional credit of five (5) points to be added to his or her total grade given in the regular examination, provided that he or she has received a passing grade. ~~(R-04-85, 10-18-04)~~

An applicant who receives an additional credit under the immediately preceding paragraph shall not receive additional credit under this paragraph. A member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, who successfully completes the member's initial entry-level

training shall receive a credit of fifteen per cent (15%) of the person's total grade given in the examination, if that grade was a passing grade.

Such requests for veteran's credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of United States military service as described above. Veteran's credit requested after the final date for test application will not be honored.

Applicants eligible for veterans credit on original examination shall receive a priority in ranking over non-veterans who obtain an identical grade.

### **8.03 Original Appointment – Addition of Extra Credit**

A. At the discretion of the Commission, extra credit for any Original Appointment may be added to the score of any candidate who achieves the required minimum passing score(s).

B. The reasons for extra credit may include, but are not limited to: licenses, certifications, educational degrees, skill levels, non-probationary status with the City, or other job related criteria. The criteria for the addition of extra credit for each classification must be pre-approved by a majority vote of the Commission and must be included in all job advertisements and exam notices.

C. Once the Commission has approved extra credit for a specific classification the same extra credit criteria must be used for ensuing examination procedures for the same classification unless specifically modified by the Commission.

D. Extra credit as provided for in this Section shall not exceed twenty percent (20%) of the passing score. The provisions of this Section are not intended to replace or increase the twenty percent (20%) uniformed service credit provided in applicable ORC provisions.

### **8.04 Promotional Seniority Credit**

A. In promotional examinations, additional credit for uninterrupted seniority within the department shall be added to the examination grade. No credit for seniority shall be added to an examination grade unless the applicant achieves at least the minimum passing score on the examination, absent any extra credit. For purposes of this section, departmental service interrupted by either military duty or job related injury shall not constitute a break in seniority. An approved leave of absence is not a separation of service; therefore, seniority service credit for purposes of promotion will continue to accrue during such leave.

Notwithstanding the previous paragraph, no person who has resigned a classified position in the Division of Police or Division of Fire and EMS, will receive seniority credit for service prior to such resignation.

Furthermore, any person who has either been convicted of a felony within the meaning of R.C. 124.34 or removed from his or her position in connection with such a conviction or the underlying facts, is barred from receiving seniority credit, to the extent the Commission may disallow credit under that section. This paragraph is not meant to imply any other limitations on the Commission's authority regarding such person.

B. Credit for seniority shall equal, for the first four (4) years of service, one percent (1%) of the total grade attainable in the promotion examination; and, for each of the fifth (5th) through fourteenth (14th) years of service, six-tenths (.6) of one percent (1%) of the total grade attainable, unless superseded by an applicable labor agreement.

C. In computing the credit for seniority in the Division of Fire ~~and EMS~~, one-half (½) of the credit set out in sub-section B above shall be given for one-half (½) year of service. Credit for service shall be based only on service with the same appointing authority.

D. An approved leave of absence is not a separation of service, therefore, seniority service credit for purposes of promotion will continue to accrue during such leave.

#### **8.04 Training Credit**

~~A. A candidate for appointment to the Division of Police shall receive a credit of three (3) points on an entry level examination, provided the candidate has received a passing grade in the examination and has been awarded a certificate by the executive director of the Ohio Peace Officer Training Council, attesting to his satisfactory completion of an approved peace officer basic training program.~~

~~A candidate for appointment to the Division of Police shall receive a credit of five (5) points on an entry level examination, provided the candidate has received a passing grade in the examination and has been a member of the Franklin Police Reserves for a period of at least six (6) months prior to the examination date.~~

~~B. An entry level applicant to the Division of Fire shall receive training credit points upon completion of the following courses: 1.5 points for the EMT Basic course; 2.1875 points for the Paramedic course; 3 points for the 240 Firefighter course; 1.5 points for the Level I Firefighter course; and 0.01 points (with 5 points as the maximum credit) for each hour of instruction for any National Fire Academy or Ohio Fire Academy training course which offers a certificate of completion or licensure, or any other private/public school/college or technical specialty course recognized and approved by the Civil Service Commission. Five~~

~~(5) points will also be awarded to those applicants who have been a member of the City of Franklin Division of Fire and EMS for at least twelve (12) months, and 5 points will be awarded to those applicants with prior U.S. military service.~~

~~No points will be awarded for in-service training (CEUs), and the Civil Service Commission has the final determination in any training credit disputes.~~

## 8.05 Inspection and Grading of Examination Papers

A. After any written competitive examination has been held, and prior to the grading of such examination papers, any participant in an examination for a position shall have a period of fifteen (15) business days, exclusive of Saturdays, Sundays, and holidays, in which to inspect the questions, the scoring keys or answers to the examination, and to file any protest he or she may deem advisable. Such protests must be in writing, contain the authority relied upon, 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) business days following the date on which the final protest is received, exclusive of Saturdays, Sundays, and holidays; and the Commission's decision shall be final. If the Commission finds an error in the scoring key or answers, it shall publish a revised scoring key within five (5) business days of the date of its determination of such error or errors. The revised scoring key or answer shall then be available to participants for a period of five (5) business days, exclusive of Saturdays, Sundays, and holidays, subsequent to the publication of the revised scoring key.

B. A written report of the grades of all applicants shall be submitted by the testing entity to the Civil Service Commission, and the results posted at the office of the Personnel Director and the Civil Service Commission.

C. **After notice of a score has been received**, each participant shall have the right to inspect his or her own examination papers together with the rating key. Inspection must occur within fifteen (15) days after receiving notice of the examination grade. The Commission shall consider all protests, make changes as warranted, and then establish the eligible list. No grades shall be changed after the posting of any eligible list. Inspection shall not be permitted of standardized tests prepared by assessment centers or experts outside of the City's service.

D. All papers, except actual examinations to be given, medical records, EEO information, or recommendations of former employers submitted by participants in any examination, shall be open to public inspection during office hours upon application to the Commission, provided such application is made during the period in which persons whose names appear on the eligible list resulting from such examination are eligible for appointment.

E. Any person who inspects the questions, scoring keys, or answers during the periods set forth in Paragraphs (A) or (C), or pursuant to Paragraph (D) of this section, shall be thereafter prohibited from taking the same examination for such a position in the classified service; provided, however, that the Commission may waive this prohibition if it finds that the examination and scoring key or answers are not similar to those of the examination that had been examined. Inspection shall not be permitted on standardized tests prepared by assessment centers or experts outside the City service, where such inspection would tend to reduce the validity of test results.

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## CHAPTER NINE

### ELIGIBLE LISTS

#### 9.01 Preparation of Eligible Lists

The Commission shall prepare and keep open to public inspection, from the results of each examination, an eligible list of those persons whose general average score in the examination is not less than the minimum passing grade, and who are otherwise eligible for appointment. Such persons shall be ranked upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligible candidates, the Commission may consolidate existing lists for the same class by rearranging the names of those eligible therein according to their score. All those persons whose names appear on an existing list, which is to be merged with a new list, shall have an opportunity to compete in the second examination, with the understanding that his or her score on the second examination shall be the score used in preparing the new eligibility list.

#### 9.02 Term of Eligible List

The term of eligibility of each list will be fixed by the Commission for one (1) year, with a right to extend for one (1) additional year, or until the list is exhausted. When an eligible list is reduced to ten (10) names or less (two or less for promotional appointments), a new list may be prepared. Any list that has been in effect for more than one (1) year by extension may, at the discretion of the Commission, be terminated at any time in the public interest. The Commission shall determine whether circumstances exist hereunder to terminate a list or declare it exhausted, in service of the public interest.

#### 9.03 Ties--Original Appointment Eligible Lists

In the event that two (2) or more applicants receive the same score in an Original Appointment examination, priority in the time of filing the application with the Commission shall determine the order in which their names shall be placed on the eligible list; provided that applicants eligible for veterans preference under Section 124.23 of the Revised Code shall receive priority in rank on the eligible list over non-veterans on the list with a rating equal to that of the veterans. Ties among veterans shall be decided by priority of the filing of the application.

#### 9.04 Ties--Promotional Eligible Lists

In the event that two (2) or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which names shall be placed on the eligible list.

### **9.05 Military Service – Effect on Eligibility List**

Any person on an eligibility list who fails to report to the Appointing Authority when so notified to do so or is unable to accept an appointment when offered by reason of being in uniformed service, shall not by reason of such failure be removed from the eligibility list. If and to the extent the employee is entitled to be certified under USERRA or a comparable Ohio law, he or she will be so certified.

### **9.06 Disqualification from Eligible List**

- 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; or,
  2. fails to respond to a notice from the Civil Service Commission or designated City employee; or,
  3. provides incorrect or incomplete information to the Civil Service Commission; or,
  4. fails to respond to request for information during background checks; or,
  5. declines an appointment without reason satisfactory to the Civil Service Commission; or,
  6. cannot be located by the postal authorities; or
  7. whose circumstances provide any reason set forth in Civil Service Rule 6.07;

shall not thereafter be certified to the appointing authority as eligible for appointment. The potentially disqualified person shall be notified concerning the application of this section unless his or her 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. In case an eligible person's name appears on more than one (1) list, appointment to a position in one (1) class shall be considered a waiver for appointment from eligible lists for classes in which the salary is equal or lower.

C. 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 or her application, inability to perform the job duties, lack of a necessary license, lack of insurability, or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person shall fail to appear for hearing, or upon being heard, fail to satisfy the Commission, his or her name shall be removed from such eligible list. This opportunity to be heard is not pursuant to the process contained in Chapter 12 of these Rules and Regulations but shall provide the eligible an opportunity to meet with a representative of the Commission.

### **9.07 Removal from an Eligible 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 written request of the eligible;
2. The expiration or revocation of the list;
3. Failure of the person listed on the eligible list to fulfill all of the requirements and qualifications set out by or under these rules (e.g., polygraph, physical agility test, etc.);
4. The refusal or neglect of the eligible within three (3) days after notice of appointment to accept appointment upon certification, unless a waiver of such appointment is sought by the eligible and approved by the Civil Service Commission;
5. The failure of the appointing authority to select the eligible upon more than three (3) certifications; and
6. The death of the eligible;
7. as provided in Civil Rule 9.06.

### **9.08 Duty of Eligibles**

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 or her name to the appointing authority for future appointment.

### **9.09 Revocation of Eligible List**

An eligible list may be revoked and another examination 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 examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application or payment of an additional fee. 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.

### **9.10 Separate Lists for Police and Fire**

Notwithstanding 9.01, separate eligible lists shall be maintained for original and promotional appointments in Division of Police and Division of Fire and EMS. No person may be transferred from one list to the other, and appointments and promotions shall be made only from the eligible lists maintained by each department.

The Appointing Authority may, when in its judgment the interests of the public service so require, create two eligibility lists for a single classification within the Division of Police or the Division of Fire and EMS, one for Original Appointment and the other for Lateral Original Appointment, which may be considered separately or which may be consolidated as determined by the appointing in the best interests of public service. Where the lists are consolidated, all the eligible candidates named therein shall be ranked according to their average examination scores and standing and appointment shall be made from that consolidated list. Where the lists are not consolidated, the Appointing Authority shall select and appoint eligible candidates from both lists alternately, beginning with the list that the Appointing Authority determines best serves the interests of the public service.

## CHAPTER TEN

### APPOINTMENTS AND PROMOTION

#### 10.01 Appointments in General

Appointments to all positions in the classified service, other than those that are filled by exempt promotion, transfer, or reduction, as provided in Sections 124.01 to 124.64 of the Revised Code, and the Rules and Regulations of the Commission prescribed under such sections, shall be made only from those persons whose names are certified to the appointing authority.

#### 10.02 Appointment Procedure/Number of Names Certified

A. The appointing authority of a department in which a position in the classified service is to be filled shall notify the Commission of the classification title and the number of positions to be filled. Upon the receipt of this, the Commission shall, except as otherwise provided in R.C. 124.27, 124.30 (relating to provisional appointments); and 124.31 (relating to promotions) of the Revised Code and these rules, 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 the appointing authority, appointment from that list shall not be mandatory.

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 10.08 with respect to promotion within the Division of Police and/or Division of Fire and EMS below the rank of Chief, the appointing authority shall fill such position by appointment of one (1) of the ten (10) persons certified to him or her. If more than one (1) position is to be filled, the Commission may certify a group of names from the eligible lists, and the appointing authority shall appoint in the following manner: Beginning at the top of the applicable list best serving the public interest as determined by the appointing authority, 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.

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 in which the position to be filled is classified.

#### ~~10.03 Removal from Eligible List~~

~~A person certified from an eligible list more than three (3) times to the same appointing authority for the same or similar positions may be omitted from future certification to such appointing authority, provided that certification for a temporary appointment shall not be counted as one (1) of such certifications.~~

#### **10.04 Veterans Preference on Original Appointments**

A veteran of the United States military service, who has been honorably discharged or separated under honorable conditions therefrom, and who is a resident of Ohio, and whose name is on the eligible list for a position, shall be entitled to preference in an Original Appointment to such competitive position over any other person eligible for such appointment and standing on the list thereof with a rating equal to that of each such person.

#### **10.05 Probationary Periods**

A. All Original Appointments, including ~~provisional~~ appointments made pursuant to 124.30 of the Revised Code, shall be for a probationary period of at least one (1) year. All promotional appointments shall be probationary for a period of at least one (1) year also. (Those employees covered by collective bargaining agreements shall serve probationary periods set out in their individual contracts.) The probationary period for certified employees in the Division of Police or Division of Fire and EMS does not begin until the employee has obtained all certifications required by the classification.

B. No promotion shall be final until the appointee has satisfactorily served his or her probationary period. The probationary period shall only include active service and shall not accrue during periods of extended leave of more than three (3) days, including medical leave.

C. Service as a provisional employee in the same or similar class shall be included in the probationary period.

D. At the end of the probationary period, the appointing authority shall transmit to the Civil Service Commission, or the Secretary of the Civil Service Commission, indication of the appointee's successful completion of the probationary period.

#### **10.06 Removal or Reduction During Probation**

If the service of a probationary employee is unsatisfactory, he or she may be removed or returned to his or her prior position without right of appeal at any time during the probationary period. In the case of the removal of a probationary appointee, the appointing authority shall immediately notify the Commission when the appointment is to be terminated. Such notification shall be in

writing and state the reasons therefore. A failure to notify the Commission or state the reasons for the decision shall not confer any tenure rights on the employee.

### **10.07 Provisional Service**

Any employee in the classified service of the City of Franklin, or the City of Franklin City School District, who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification series for a period of two (2) years of continuous service, during which period no competitive examination is held, shall become a permanent appointee in the classified service at the conclusion of such two (2) year period.

### **10.08 Promotional Appointments**

~~With the exception of the Police Chief, and the Fire Chief,~~ In the case of a promotional appointment to be made in the Division of Police or Division of Fire and EMS below the rank of Chief, the Commission shall certify to the appointing authority, within fourteen (14) days of the written request of the appointing authority, the names of the persons standing one through three on the list. The appointing authority may appoint one of the persons certified within thirty (30) days of receipt of such certification from the Commission. If there is no current eligibility list for the vacant position, the Commission, within sixty (60) days of receiving the written request of the appointing authority, shall schedule a competitive promotional examination. Upon completion of the final test of the examination, the Commission shall, within thirty (30) days of the completion of the final test on the examination, establish an eligibility list and certify to the appointing authority the names of the persons standing one through three on the list. Upon such certification, the appointing authority may appoint one of those persons certified within thirty (30) days of certification. ~~(amended R-09-07, 2-2-09)~~ Certified lists and promotional appointments from the certified lists to Police Chief or Fire Chief shall be made in accordance of Section 10.02.

### **10.09 Promotional Restrictions: Police and Fire (except for Police Chief and Fire Chief)**

A. ~~With the exception of Chief of the Division of Police and Chief in the Division of Fire,~~ Vacancies above the rank of regular firefighter in the Division of Fire and EMS, and above the rank of patrol officer in the Division of Police, shall be filled by ~~a competitive examination for promotion from among persons holding the next immediate lower rank~~. No such position shall be filled by Original Appointment or Lateral Original Appointment unless allowed by Section 8.06 of the Franklin City Charter and Civil Service Rules 7.15 and 7.16.

B. No individual shall be eligible for promotion within the Division of Police or Division of Fire and EMS, unless such individual has a minimum of three (3) years experience as a member of a police or fire service, as appropriate.

## 10.10 Temporary or Exceptional Appointments

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

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 nominate a person to the Commission for non-competitive examination. If such nominee is certified by the Commission as qualified after such non-competitive examination, that person may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination. Such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the Commission. Such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six (6) month period from the date of such provisional appointment.
2. In case of an emergency, an appointment may be made without regard to these rules for a period not exceeding ~~30~~ three hundred sixty-five (365) days, but in no case shall successive appointments be made.
3. 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 of Section 124.01 to 124.06 of the Revised Code and these rules requiring competition 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.
4. Where the services to be rendered by an appointee are for a temporary period, not to exceed ~~six~~ 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; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position (Section 124.27, 124.27.1, 124.30 of the Revised Code). All such temporary appointments shall be promptly reported to the Civil Service Commission.
5. Interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall continue only during such period

of sickness, disability, or other approved leave of absence, subject to rules to be provided for by the Civil Service Commission.

Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.

6. Students of the Franklin City School District and other school districts may be appointed by the Appointing Authority as student employees without regard to these rules. The appointing authority in the City service proper may arrange with recognized colleges or universities in Ohio for the appointment of regular full-time students to City positions without regard to the examination process, where such employment is in furtherance of their educational training.

## CHAPTER ELEVEN

### TENURE, REDUCTION, SUSPENSION, REMOVAL, AND DEMOTION

#### 11.01 Tenure of Office

A. The tenure of every officer or employee in the classified service of the City of Franklin and the Franklin City School District, holding a position under Chapter 124 of the Revised Code, shall be during good behavior and efficient service. Except in case of layoff or abolishment or as otherwise provided by the Ohio Revised Code, no such officer or employee shall be reduced in pay or position, suspended, fined in excess of five (5) days' pay, or removed, except as provided in Section 124.32 of the Revised Code for incompetency, inefficiency, dishonesty, drunkenness, 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, or any violation of the rules and regulations of the Franklin Division of Police or Division of Fire and EMS. The appointing authority may require an employee who is suspended to report to work with pay to serve the suspension.

B. A finding of the Ohio Ethics Commission, based upon a preponderance of the evidence that the facts alleged in a complaint under Section 102.06 of the Revised Code constitute a violation of Chapter 102, Section 2921.42 or Section 2921.43 of the Revised Code may constitute grounds for dismissal.

C. Failure to file a statement or falsely filing a statement required by Section 102.02 of the Revised Code may also constitute grounds for dismissal.

D. Conviction of a felony while employed in civil service is a separate basis for reducing in pay or position, suspending, or removing an employee even where the employee has been disciplined for the underlying conduct. A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony.

#### 11.02 Procedure in General

A. In any case of reduction, suspension of more than three (3) working days, fines in excess of three (3) days' pay, or removal (including a removal under 10.06), the appointing authority shall furnish the affected employee with a copy of the order of reduction, suspension, fine or removal. Such order shall state the reason(s) therefore and shall be filed

with the Commission. The procedures set forth in Chapter 12 shall apply unless the employee's position is covered by a collective bargaining agreement containing a grievance and arbitration process.

B. Within ten (10) days following the date the employee is served with the order, the employee may file a written appeal with the Commission, unless the employee was removed or reduced during the probationary period. (However, disciplinary action based upon conviction of a "felony" within the meaning of R.C. 124.34 may not be appealed to the Civil Service Commission.) In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from the filing of the appeal with the Commission. The Commission or trial board may affirm, disaffirm, or modify the judgment of the appointing authority.

C. In cases of removal, or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal the decision of the Commission to the Court of Common Pleas of the County in which the employee resides in accordance with the procedure provided by Section 119.12 of the Revised Code. Such appeal shall be taken within fifteen (15) days after the mailing of the notice of the finding of the Commission.

### **11.03 Procedure: Police and Fire**

A. In the case of suspension for any period of time, or fine, demotion, or removal of the Chief of the Division of Police or Chief of the Division of Fire and EMS, or any other member of the Division of Police or Division of Fire and EMS who is not an employee whose position is covered by a collective bargaining agreement, the appointing authority shall furnish such Chief or member of the department with a copy of the order of suspension, demotion, or removal. Such order shall state the reason(s) therefore and shall be filed with the Commission. The procedures set forth in Chapter 12 shall apply.

B. Within ten (10) days following the filing of such order, such Chief or member of the department position is not covered by a collective bargaining agreement containing a grievance and arbitration process may file a written appeal with the Commission under Rule 12.01, except for employees removed or reduced during the probationary period. 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. An appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas of Warren County, Ohio. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

#### **11.04 Disciplinary Suspension**

An employee may be suspended for a period not to exceed three (3) working days for disciplinary purposes without a right of appeal to the Civil Service Commission.

#### **11.05 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 "neglect of duty" and a cause for removal.

#### **11.06 Procedure for Removal, Fine, Suspension, or Reduction**

A suspension, removal, fine, or demotion pursuant to R.C. 124.34 of an employee by an appointing authority shall not become effective until such appointing authority has first:

- A. Held a pre-disciplinary meeting at which the employee is apprised of the alleged transgressions and of the proposed disciplinary action.
- 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. Filed a copy of such order of removal with the Commission within the time allowed.

#### **~~11.07 Administrative Leave with Pay~~**

~~An appointing authority may, in its discretion, place an employee on administrative leave with pay. Such leave is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. Compensation for administrative leave shall be equal to the employee's base rate of pay. The length of such leave is solely at the discretion of the appointing authority, except that the length of the leave shall not exceed the length of the situation for which the leave was granted. An appointing authority may also grant administrative leave of two (2) days or less for employees who are moved in accordance with sections 13.04 and 13.05 of these rules.~~

## CHAPTER TWELVE

### HEARING PROCEDURE

#### 12.01 Time of Hearing; Notifications

Upon receipt from an eligible employee or officer in the classified service of the City or the ~~City~~ School District of a timely appeal from an order of removal, reduction in pay or position, suspension for more than three (3) working days, or fine in excess of three (3) days' pay, the Commission shall set a time and place to hear such appeal, and only such appeal, and shall notify the appointing authority, as well as the employee and his or her attorney, if known, 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 no less than ten (10) calendar days prior to the hearing date; however, this time limit may be waived by the Commission at the employee's request.

#### 12.02 Amendments to Orders

Amendments to the orders of removal, reduction in pay or position, suspension for more than three (3) working days, or fine in excess of three (3) days' pay may be made by the appointing authority at any time, provided the employee and his or her attorney, if any, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as provided herein provided.

#### 12.03 Hearing Procedure

Hearings before the Commission may be public except when the nature of the charge may be offensive to public morality and decency. In such cases, the Commission may order the hearings closed to the general public. In the hearing of such appeals under Rule 12.01, the order of procedure shall be as follows:

1. The appointing authority taking action affecting the employee shall present his or her evidence in support of the charges and specifications.
2. The employee affected shall then produce such evidence as he or she 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.
4. Either party may call the other, or agents, officers or employees of the same as a cross examination.

5. In a case where the Appointing Authority contests that it took the appealable action alleged by the employee, the employee must first present evidence that the action occurred and is the proper subject of a Rule 12.01 appeal. The Appointing Authority may refute the evidence presented, and the employee may then offer rebuttal.

6. In non-disciplinary cases, the Commission may, in its discretion, determine the order of presentation of evidence.

7. In any type of case, the Commission may, in its discretion, issue prehearing orders, request a party to answer written questions to assist the Commission in determining its jurisdiction and the nature of the appeal, hear arguments, and request submission of briefs, memoranda, or other written materials.

#### **12.04 Rules of Evidence; Representation by Counsel**

The Rules of Evidence prevailing in civil actions in the Ohio courts of general jurisdiction are to be used as evidentiary guidelines in hearings before the Civil Service Commission. The Commission may permit the introduction of evidence otherwise excludable under such rules where a foundation, establishing the reliability and credibility of the evidence, its relevance and materiality, and its necessity, has been established. The appellee and appellant may be represented by counsel or other representative. The Civil Service Commission may be represented by independent legal counsel and the cost of such representation will be paid by the City.

#### **12.05 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.

#### **12.06 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.

#### **12.07 Discovery**

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

## 12.08 Subpoenas

Either party may request that a subpoena be issued by the Commission. Such requests shall be submitted no later than seven (7) days prior to the hearing. Such request must be accompanied by a completed subpoena form. It is the responsibility of the requesting party to serve the subpoena. The Commission may call witnesses other than those requested by the parties.

## 12.09 Witnesses

All witnesses must testify under oath or affirmation. Should a witness refuse to answer a question ruled proper at a hearing, or disobey a subpoena, the Commission may institute contempt proceedings. Employees of an Appointing Authority who are called as witnesses may be subject to appropriate disciplinary action for failing or refusing to timely and truthfully answer any question. The Commission may call witnesses other than those requested by the parties.

## 12.10 Motions

1. All motions shall state, with particularity, both relief sought by the moving party and the basis for granting such relief.
  - a. All motions, together with supporting documentation, if any, shall be served on the opposing party.
  - b. Motions to dismiss a Rule 12.01 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.
2. Procedural motions, not determinative of the final outcome of the Rule 12.01 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.

## 12.11 Record of Hearings

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

### **12.12 Resignation Before Final Action**

The acceptance by the 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.

### **12.13 Trial Board/Hearing Officer**

The Commission may appoint a trial board or hearing officer to hear an appeal as provided in Rule 11.02. 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 a Rule 12.01 appeal to a hearing officer for further consideration or hearing.

D. Final orders shall be signed by the Chair 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 three (3) 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.

#### 12.14 Last Chance Agreements

In an appeal of a removal order based upon a violation of a last chance agreement, the Commission may only determine if the employee violated the last chance agreement and thus affirm or disaffirm the judgment of the Appointing Authority. Any Hearing Officer assigned by the Commission shall conduct the hearing and make his or her report accordingly.

## CHAPTER THIRTEEN

### LAYOFFS AND TRANSFERS

#### 13.01 Layoffs or Reductions in General

When any permanent office or position in the classified service, except in the Division of Police and Division of Fire and EMS, is abolished or made unnecessary, or the person holding such office or position is laid off, the procedure outlined in Sections 124.321 through 124.328 of the Revised Code shall be followed. Where procedures are contained in a collective bargaining agreement that conflict with these statutory provisions, the contract provisions shall apply.

#### 13.02 Retention Points

- A. An employee's total retention points shall be the sum of the base points plus the retention points assigned for continuous service.
- B. The appointing authority shall compute the total retention points for each employee in the classifications affected by a layoff or position abolishment, including the classifications in which displacement may occur.
- C. The appointing authority shall submit the required information to the Civil Service Commission for verification. Notification by the appointing authority to affected employees shall not occur prior to the Commission's verification of retention points.
- D. Employees shall be assigned a base of one hundred (100) retention points. Computation of retention points for continuous full-time service shall be made by crediting each employee with one (1) retention point for each bi-weekly pay period of continuous service. Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (.50) point for each bi-weekly pay period of continuous service unless altered by contract.

#### 13.03 Layoffs or Reductions: Police and Fire

Layoffs or reductions in the Division of Police or Division of Fire and EMS for causes other than those outlined in Section 124.34 of the Revised Code shall be made in accordance with the provisions of Section 124.37 of the Revised Code, unless altered by contract.

#### 13.04 Temporary Transfers

A. An employee holding a position in the classified civil service may be temporarily transferred from his or her original position to a similar position, for a period not to exceed thirty (30) days, or for a longer period not to exceed ninety (90) days if agreed to by the employer and the employee.

B. No employee shall be temporarily transferred more than once during any six (6) month period without the approval of the Civil Service Commission.

C. If the Civil Service Commission approves a second temporary transfer within any six (6) month period, and the employee objects to the transfer because the temporary transfer is not necessary for the efficient operation of the office, the employee may appeal the temporary transfer to the Civil Service Commission. If the Civil Service Commission finds that the appeal of the employee is well taken, the Commission shall not approve the temporary transfer. If the Civil Service Commission finds that the appeal is not well taken, the Commission shall approve the temporary transfer.

### **13.05 Permanent Transfers**

A. Subject to the other provisions of these rules, the appointing authority may, with the approval of the Civil Service Commission, permanently transfer an employee in the classified service from his or her position to a similar position in another office, department, or division of the same appointing authority.

B. For the purposes of this Rule, a "permanent transfer" is any transfer in excess of thirty (30) days unless the employee and the employer have agreed to a temporary transfer of a longer period, not to exceed ninety (90) days.

C. The appointing authority requesting the permanent transfer shall notify the employee and the Civil Service Commission in writing of the request to transfer.

D. If the Civil Service Commission determines that the transfer is not necessary for the efficient operation of the office, department, or division, the Commission shall not approve the transfer and shall notify the appointing authority and the employee in writing that the transfer is not approved. If the Civil Service Commission determines that the transfer is necessary for the efficient operation of the office, department, or division, the Civil Service Commission shall notify the appointing authority and the employee involved in writing that the transfer is approved.

## CHAPTER FOURTEEN

### REINSTATEMENTS AND LEAVES OF ABSENCE

#### 14.01 Leaves of Absence

The appointing authority may grant a leave of absence to an employee in the classified service for a period of one (1) year which may be extended by the appointing authority. Upon the expiration of such leave of absence, such officer or employee shall be reinstated. However, if the officer or employee is a provisional appointee under Section 124.30 of the Revised Code, the leave of absence 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 the appointing authority shall be copied to the Commission promptly for their records, in order that the Civil Service data of such absentees may be protected.

Seniority credit shall accumulate only if the leave of absence is related to law enforcement education or service.

Notwithstanding the other provisions of this Chapter, if an employee meets the requirements for preserving or accumulating seniority or other rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA), or a comparable Ohio statute, the Commission will honor the requirements of USERRA or the Ohio statute when applying these Rules. Where a collective bargaining agreement addresses these rights, the provisions of that agreement shall supersede these rules.

#### 14.02 Reinstatements in General

Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on his or her part, and other than for disability, may, upon recommendation of the appointing authority and with the consent of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar office or position in the same department within thirty (30) days after making written application for reinstatement. Such reinstatement may be predicated upon the person passing a physical examination made by a licensed physician and showing the person can perform the essential functions of the job. Any person reinstated pursuant to the authority of this paragraph shall not receive credit for seniority earned prior to a resignation or reinstatement. Police and firefighters who resign shall not be entitled to reinstatement to a position above the rank of police officer or fire fighter, regardless of the position/rank the person may have held at the time of resignation.

#### **14.03 Reinstatement/Disability Retirement: Police and Fire**

A. Any person holding an office or position under the classified service who is separated therefrom due to injury or physical disability and has been on an approved disability retirement under the Public Employee Retirement System (PERS) or the Police and Fireman Disability Pension Fund (PFDPF), and such retirement board certifies to the employer that the employee is physically and mentally capable of performing the duties of the same or similar position from which the employee was separated, the employee shall be restored to the same or similar position and salary as was held by the employee at the time of separation.

1. One who was separated due to injury or physical disability incurred in the performance of duty may be reinstated immediately;

2. One who was separated due to injury or physical disability incurred other than in the performance of duty may be reinstated upon:

- a. Filing a written application with the Chief of the Division for reinstatement to the office or position held at the time of separation; and

- b. Passing a physical examination conducted by a licensed physician designated by the Police and Firemen's Disability and Pension Fund which certifies the person is able to perform the essential functions of the office or position within two (2) weeks after making application for reinstatement;

- c. Such application for reinstatement must be filed within three (3) years from the date of separation and the applicant shall not have attained service eligibility retirement.

B. Any person who holds an office or position under the classified service in the Division of Police or Division of Fire and EMS, who resigns therefrom, may be reinstated to the rank of policeman or fireman upon filing a written application for reinstatement with the Commission within one (1) year from the date of resignation. A copy of the application shall be filed with the Chief of such department and the person shall pass a physical examination, conducted by a licensed physician that certifies the person is physically fit to perform the essential functions of the office of fire fighter or police officer (whichever is applicable). Any person reinstated pursuant to the authority of this Paragraph (B) shall not receive credit for seniority earned prior to resignation and reinstatement and shall not be entitled to reinstatement to a position above the rank of fire fighter or police officer, regardless of the position the person may have held at the time of the resignation.

## **CHAPTER FIFTEEN**

### **PROHIBITIONS**

#### **15.01 Political Activity Prohibited**

A. No officer or employee in the classified service of the City of Franklin, Ohio, or of the Franklin City School District shall engage in partisan political activity and shall not to that extent:

1. directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution to any political party or for any candidate for public office;
2. nor shall any such person solicit, directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in such classified service;
3. nor shall any such officer or employee be an officer in a political organization or take part in politics other than to vote as he or she pleases, and to express freely his or her political opinions.

B. This provision shall not prohibit officers or employees of the City of Franklin, Ohio, or of the Franklin City School District from making personal political contributions or from serving as a precinct election official.

#### **15.02 Fraud in Examinations Prohibited**

Fraud in examinations are prohibited. In accordance with Section 124.58 of the Revised Code, no person or officer shall:

- A. Willfully or corruptly by himself/herself or in cooperation with one (1) or more persons defeat, deceive, or obstruct any person in respect to their right of examination, appointment, or employment arising under the Civil Service laws or 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 representations concerning the results of such examinations 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, or promoted; or

E. Willfully personate any person or permit or aid in any manner any other person to personate him or her in connection with any examination, registration, or appointment or application or request to be examined, registered, or appointed; or

F. Furnish any false information about himself/herself or any other person, in connection with any examination, registration, or 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 questions to be asked on such examination; or

H. For any applicant taking an examination to assist any other applicant in any manner whatsoever; or

I. Personally solicit a favor from any member of the Commission, appointing officer, or any person in his or her behalf solicit a favor; or

J. Any applicant in any examination found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him or her in answering the questions, shall have his or her examination papers taken up and filed with a "0" marking, when the circumstances justify such action.

### **15.03 Payment for Appointment or Promotion Prohibited**

No applicant for appointment or promotion in the classified civil service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he or she ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his or her appointment or promotion, or proposed appointment or promotion.

### **15.04 Abuse of Official Power for Political Reasons Prohibited**

No officer or employee of the City of Franklin, Ohio, or of the Franklin City School District shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, or discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

### **15.05 Abuse of Political Influence**

No person who holds any public office or City appointment, or who has been nominated for, or who seeks nomination or appointment to any public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or to aid any person in securing for himself/herself, or for another any office or employment in the classified service of the City of Franklin, Ohio, or of the Franklin City School District, or any promotion or increase in salary therein, as a reward for political influence or service. No person, by means of threats or coercion, shall induce or seek to induce anyone in the said classified service to resign his or her position, or to waive his or her right to certification, appointment or promotion.

### **15.06 False Statements**

Fraudulent conduct or false statements by an applicant or by others with his or her connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of his or her name from an eligible list, or for discharge from the service after appointment from certification.

### **15.07 Violations**

After a Rule hereunder has been established and published by the Civil Service Commission, no person shall make an appointment to office or select a person for employment contrary to such Rule, or willfully refuse or neglect to comply with or to conform to the sections of these rules, and, to the extent that the same are applicable, Chapter 124 of the Ohio Revised Code, or willfully violate any section of the same. If any person who is convicted of a violation described herein holds any public office or place of public employment, such position shall be rendered vacant by reason of said conviction.

### **15.08 Prosecutions**

Prosecutions for violations under these rules and/or Chapter 124 of the Ohio Revised Code in relation to the civil service of the City of Franklin, Ohio, and the Franklin City School District, or by any officer or employee of the same, shall be instituted by the Civil Service Commission of the City of Franklin, Ohio, through the legal department of the City of Franklin, Ohio, or by such Civil Service Commission through special counsel.

### **15.09 Unlawful Interest in a Public Contract**

Pursuant to Ohio Revised Code Section 2921.42, no person who holds any public office or City appointment, or who has been nominated for, or who seeks nomination or appointment to any public office, including the Commission, shall authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest. This includes public contracts for employment of any kind, including for the City of Franklin, Ohio. Accordingly, each Commission member shall abstain from any Commission action when any of that member's family members or business associates has an interest.

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