

**RULES OF  
THE CIVIL SERVICE COMMISSION**



**CITY OF  
CLEVELAND**

**FRANK G. JACKSON, MAYOR**

**AN EQUAL OPPORTUNITY EMPLOYER**

**RULES OF  
THE CIVIL SERVICE COMMISSION  
CITY OF CLEVELAND**

PURSUANT TO THE POWER AND AUTHORITY GRANTED BY  
SECTION 127 OF THE CHARTER OF THE CITY OF CLEVELAND,  
THE CIVIL SERVICE COMMISSION HEREBY ADOPTS THE  
FOLLOWING RULES GOVERNING THE CLASSIFIED SERVICE OF  
THE CITY OF CLEVELAND.

REVISED AND UPDATED THROUGH  
JANUARY, 2017

## **RULE 1.00: ORGANIZATION AND STAFF**

### ***1.10 Officers***

Upon the appointment of a new member the Commission shall designate one of its members as President and one of its members Vice-President. One of the members shall be designated by the Mayor to serve as Secretary of the Commission. The Secretary of the Commission shall be its chief administrative officer.

### ***1.20 Official Signatures***

The Secretary of the Commission is hereby authorized to sign all papers, vouchers, payroll, and other documents for and on behalf of the Commission except such as are by law specifically required to be signed by the President.

### ***1.30 Official Minutes***

The Secretary shall keep in the form of minutes, a record of the official actions of the Commission with regard to:

1. All appointments to positions in the classified service and the titles thereof.
2. Transfers, suspensions, removals, and reinstatements to eligible lists.
3. Lists of all examinations with their dates.
4. Results of all requests for re-grading.
5. Decision on appeals of suspension, demotions or dismissals and the reason brief for each.
6. Classifications of positions and changes in classifications.
7. Appointments of special examiners.
8. Refusals to certify names on the payrolls and the reasons therefore.
9. Decisions in all hearings.
10. Non-competitive tests and the reasons therefore.
11. Other official business transacted by the Commission.

### ***1.40 Reports Regarding Changes***

In order that the Commission may keep proper records of changes in the service of each appointing officer, board, bureau, or commission shall report to the Commission:

1. Appointments whether temporary, legal or regular, or exempt.
2. Refusal or neglect on the part of a person, duly certified, to accept an appointment.
3. Changes in the rank and compensation of any officer or employee.

4. Transfer, layoff, leave of absence, resignation, suspension, reduction, or removal of any employee and the cause for each.
5. Creation or abolition of any office or position in the department.
6. Probationary reports established by the Commission.

### ***1.50 Records***

There shall be maintained in the office of the Commission the following records:

1. **Original Entrance** A cumulative record for each person making application for entrance to a competitive or non-competitive examination. Among other things this record shall contain the applicant's name, address, birthdate, title of examinations applied for, and the results of each examination.
2. **Applications** All applications of those persons passing an examination shall be kept on file during the life of the eligible list. The most recent application of those currently employed is to be kept on file.
3. **Labor Class Registration** Forms used by applicants in registering for positions in the labor class. Among other things, this form shall contain the registrant's name, date of birth, and place of birth, address, registration number, and titles of all positions for which registration was accepted.
4. **Registration Books** a continuous record of all labor class registration numbers issued. Among other things, this record shall show the name of all registrants together with the titles of position for which registration was accepted.
5. **Eligible List Books Competitive Class** an alphabetical listing of all eligible lists established by the Commission. Among other things, this record shall show the name, rank and grade of applicants who obtain passing grades in competitive or non-competitive examinations and the disposition of all eligible certified for appointment.
6. **Eligible List Books Labor Class** A continuous record of all registrants notified to report for examination for positions in the labor class. Among other things, this record shall show the registration number, name, address, and disposition of each registrant for a position in the labor class.
7. **On-Roster/Off-Roster** A record for each employee holding a regular appointment in the classified service. Among other things, this record shall show the name and address of the employee holding a regular appointment title of position held, date of appointment and all subsequent personnel transactions and/or type of termination of employment.
8. **On-Payroll/ Off-Payroll** A record of each employee in the service regardless of type of appointment held. Among other things, this record shall show the employee's name, address, title of position, type of

appointment and all subsequent personnel transaction and/or type of termination of employment.

9. **Letter File** A record of all official correspondence relative to currently employed individuals.

## ***1.60 Preservation of Records***

Records shall be preserved in accordance with the provisions of Rules 1.61 through 1.70, inclusive.

### **1.61 Removal upon Death**

Upon the death of an employee, said employee's letter file shall be compared with other Civil Service records of that employee. After determination of the completeness of all entries on the payroll and roster records, such letter file shall remain in the inactive files for a period of two (2) years, after which it shall be destroyed. If requested by a legally appointed representative of the estate of said deceased employee within this period, a copy of said letter shall be furnished to said representative.

### **1.62 Removal upon Resignation and/or Retirement**

Upon the resignation and/or retirement of an employee, the letter file and application applicable thereto shall be destroyed upon the expiration of the reinstatement rights of such employee and after determination of the completeness of all entries on the payroll and roster cards. This file shall remain in the inactive file for a period of two (2) years, after which it shall be destroyed.

### **1.63 Removal upon Dismissal**

Upon the dismissal of an employee, the letter file and application applicable thereto shall be preserved for five (5) years and then destroyed after determination of the completeness of all entries on the payroll and roster records.

### **1.64 Removal for Disability Retirement**

Upon the disability retirement of an employee, the letter file shall be preserved for five (5) years and then destroyed, after determination of the completeness of all entries on the payroll and roster records.

### **1.65 Eligible Lists (Competitive and Non-Competitive Classes)**

All eligible that have not been certified or appointed during the life of the eligible list shall be destroyed upon expiration of the eligible list.

### **1.66 Eligible List (Labor Class)**

All eligible that have not been certified or appointed shall be destroyed upon expiration of the eligible eligibility for appointment.

### **1.67 Registration List**

All labor class registration lists shall be destroyed upon expiration of the registrant's eligibility to be called for examination.

### **1.68 Applications**

Upon the expiration of an eligible list the application of all applicants who failed to appear for the examination, who failed to obtain a passing grade in the examination and who failed to receive an appointment pursuant to Certification from the eligible list shall be destroyed.

### **1.69 Payrolls**

Copies of all payrolls checked by the Commission shall be preserved for at least two (2) years after which such copies shall be destroyed.

### **1.70 Notice of Personnel Transactions**

Notice of emergency appointments and temporary appointments for limited periods shall be destroyed after proper entry has been made on payroll cards and the appointment has been acted upon by the Commission.

## **RULE 2.00: CLASSIFICATIONS**

### ***2.10 Definition of Classification***

One or more positions so similar with respect to duties, responsibilities and qualifications that the same descriptive title may be used to designate each of them and each may be equitably compensated within the same salary scale.

-or-

Shall mean a position or group of positions, having similar duties and responsibilities and qualifications which can be properly designated by one indicative of the nature of the work and which carry the same salary scale.

### ***2.20 New Classifications***

Whenever a new position is established or the duties of a position are so changed that the statement of duties and typical tasks of the classification to which it was originally allocated no longer apply, the appointing authority shall report such fact to the Commission and transmit a full statement of the circumstances and description of the duties. The Commission shall thereupon after investigation, determine the proper classification of such position. When necessary, the Commission shall direct that job analyses be performed for positions in the service. The classification or reclassification in all such cases shall take effect immediately upon approval by the Commission unless the effective date is otherwise specified by the Commission.

### ***2.30 Duties and Typical Tasks***

The statement of duties and typical tasks of classifications are hereby declared to have the following force and effect:

1. They are descriptive only and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classifications as determined by their duties, responsibilities, and qualification requirements. The use of a particular expression or illustration as to duties, qualification requirements or other attributes shall not be held to exclude others not mentioned.
2. The duties statement shall be construed as a general description of the kind of work involved in all positions that properly fall within a classification and not in any sense as prescribing what the duties of a position shall be, or as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any

position; provided, however, where a substantial change of duties is made except for a temporary period or by the addition of duties that are incidental to the main employment, such change shall be reported to the Commission.

3. Typical tasks shall be construed as examples only illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive, and the fact that all the actual tasks performed in a position do not appear therein shall not be taken to mean that the position is not necessarily excluded from the classification; provided, that the tasks constituting the main work or employment are duly covered by the general statement of duties. On the other hand, any one example of a typical task taken without relation to the general statement of duties shall not be construed as determining whether a position shall be included within a classification.

#### ***2.40 Amending Classification or Duties***

The Commission reserves the right to amend the statement of duties and typical tasks for any classification and to abolish, merge or divide existing classifications.

#### ***2.50 Incumbents of Changed Classifications***

Wherever a position has been allocated to a new classification by virtue of merger, abolition, or division of classification, or the creation of new classifications, the incumbent of such position, if a legal appointee, shall without examination receive the title of a new classification.



## **RULE 3.00: COMPETITIVE AND NON-COMPETITIVE CLASS APPLICATIONS**

### ***3.10 Applicants Must File***

No person shall be permitted to enter an examination for a position in the competitive or non-competitive classes unless he/she shall have (1) filed written application on the forms prescribed by the Commission, (2) qualified in accordance with the minimum entrance qualifications for the examination, and (3) had his/her application approved in accordance with the rules of the Commission.

### ***3.20 Filing of Applications***

Applications shall be filed electronically, or at the office of the Commission during regular office hours or at such other place or places designated by the Commission, and within the time limit fixed by the official notice of the examination.

### ***3.30 Processing of Applications***

Prior to the administration date of each examination the examining staff shall review all applications filed for entrance thereto. Wherever the examining staff finds that an applicant lacks any of the established minimum entrance qualifications pertaining to age, education, experience, license, citizenship, or residence such applicant shall be notified by the examining staff that his/her application has been rejected and the reason or reasons therefore. The Commission may give the examining staff the right to refuse applications which do not meet the minimum qualifications. Such rejection shall be final except that the applicant may appeal within five (5) working days after the mailing date of the notice of the decision of the examining staff. Wherever the examining staff finds that an applicant lacks any of the established physical requirements, has been convicted of a felony or an act involving moral turpitude, has been dismissed from employment for delinquency or misconduct, has resigned from employment while disciplinary charges were pending, has made false statement in his/her application, such applicant shall be referred to the Commission and the applicant shall be notified of the time when the Commission will review his/her application. Upon review, the Commission shall approve or reject the application and the applicant shall be notified of the Commission's decision. The names of all applicants whose applications are reviewed by the Commission, together with the decision of the Commission in each instance, as well as the names of all applicants whose applications were rejected by the examining staff together with the reason or reasons for such rejections, shall be entered in the minutes of the Commission.

### ***3.40 Minimum Qualifications***

Prior to the announcement of each competitive or non-competitive examination, the Commission shall determine the minimum qualifications to be established for entrance to

such examination. The minimum entrance qualifications shall be made part of the examination announcement and published as required in these rules. Following the publication of an examination announcement, no deviation from or modification in the minimum entrance qualifications shall be permitted for individual applicants except by action of the Commission whereupon a new publication of the examination announcement shall be made as herein before provided. The minimum entrance qualifications shall include, where appropriate, the requirements set forth in Rules 3.41 through 3.45 inclusive.

### **3.41 Minimum Age of Applicants**

The Commission shall establish minimum age requirements for entrance to open competitive examinations and labor class registrations.

### **3.42 Experience and Education**

Whenever, in the judgment of the Commission, requirements as to experience or education or both are factors in determining the merit and fitness of applicants, the Commission shall prescribe minimum experience or educational requirements or both for entrance to examinations. Provided however that no person shall be permitted to take an examination who is unable to produce a certificate attesting to his or her having graduated from a standard four-year high school, except that applicants achieving a certification of satisfactory completion of the General Education Development Test (GED) may be permitted to take an examination without regard to the certificate of graduation from a standard four-year high school.

### **3.43 License**

Wherever a license is required by law to perform the duties of a classification the applicant shall present such license or a certified copy thereof at the time of filing the application for entrance to an examination for such classification.

### **3.44 Citizenship**

No applicant shall be admitted to an examination who is not a citizen of the United States or who has not presented a declaration of intent to become citizen at the time of filing his/her application.

### **3.45 Qualifications for Promotional Examinations**

Participation in promotional examinations shall be limited to applicants holding regular appointments in lower classifications as determined by the Commission.

## **RULE 4.00: COMPETITIVE AND NON-COMPETITIVE EXAMINATIONS**

### **4.10 Examination Announcements**

The announcement of each competitive and non-competitive examination shall contain the minimum entrance qualifications, a statement of duties of the classification, the type of examination that will be administered, and a statement regarding the administration of the examination relative to date, time, and place. The examination announcement shall be posted in its entirety in the Office of the Civil Service Commission and sent to City Departments, Divisions and other recruitment sources as may be directed by the Commission. Further, in addition to such posting, the title of each examination scheduled for administration and the last date on which applications will be accepted by the Commission shall be published in at least one issue of the City Record. Whenever additional publicity is believed by the Commission to be in the best interest of the service said examination announcement may be advertised in periodicals and daily newspapers. Copies of examination announcements may be furnished to high schools, colleges, universities and other interested organizations upon written request.

### **4.20 Contents of Examinations**

Assembled-upon competitive and promotional examinations shall consist of one or more of the types set forth in Rules 4.20-A through 4.20-F as deemed proper by the Commission for the evaluation of the fitness of applicants for appointment.

#### **4.20-A Written Examinations (traditional pencil-paper)**

A written examination may be either computerized or traditional pencil-paper and may include all or part of the following: An objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected of applicants for the position; standard intelligence tests; standard aptitude tests; and an essay on one or more subjects dealing with problems encountered within the classification.

#### **4.20-B Performance Examination**

A performance examination may include such test of performance as will determine the ability and manual skill of applicants to perform the work involved within the classification.

#### **4.20-C Physical Examination**

A physical examination may consist of tests of muscular strength, agility, endurance, and coordination of applicant. This type of examination may be given a weight in an examination or may be used in excluding from further examination applicants who do not meet the minimum required standards.

#### 4.20-D Medical Examination

A medical examination shall consist of an examination administered by a licensed physician designated by the Commission to determine the physical condition of the applicant.

#### 4.20-E Experience Evaluation

An experience evaluation shall consist of a quantitative evaluation of an applicant's academic training and experience which is pertinent to the classification for which an examination is taken. The evaluation shall be based wholly on the statement of experience as recorded on the candidate's application form and on academic training based on required credentials, subject to verification by the Commission.

#### 4.20-F Oral Examination

An oral examination shall consist of an evaluation by subject matter expert(s) who shall determine applicant's merit and fitness for employment in the classification. This type of examination may be used in either open competitive or promotional examinations.

### **4.30 *Conducting of Examinations***

All examinations shall be conducted under the direction of the Commission which may designate special examiners as required. All applicants shall be required to submit proof of identity by signature or other means as determined by the Commission prior to being admitted to any examination.

Where the means of identification requires the production of any document, notice of that requirement shall be given in the examination announcement and posted at the place(s) where applications for that examination are received. Refusal to submit the required proof of identity shall be cause for exclusion from the examination. Whenever definite time limits have been set for the completion of an examination or parts thereof announcements of the prescribed time limits shall be made at the beginning of the examination or parts thereof.

No applicant shall be admitted to a written examination after the announced commencement of the examination. Applicants who are scheduled to take a performance examination or an oral examination must be present at the appointed time in order to participate in the examination.

Any applicant who during an examination attempts to aid himself/ herself or another applicant in answering questions by conference with other applicants or by reference to notes or other material not approved for use by all applicants shall be dismissed from such examination and shall receive no grade. Any applicant failing to appear for any part of an examination shall be excluded from further consideration in the establishment of the eligible list. The individual types of examinations shall be conducted in accordance with the provisions of Rules 4.30-A through 4.30-F inclusive.

#### 4.30-A Written Examination

Written examinations must be administered to all applicants on the date advertised and shall be commenced by requiring each applicant to fill out and sign an identification sheet containing his/her examination number as shown on the examination form and answer sheets and such other information as the Commission may require. This identity of the person taking the test shall be concealed from the examiners by the use of the identification number on his/her examination form and answer sheet. Each paper submitted by the applicant shall bear the same identification number from the beginning of the examination until the papers have been graded. The blank envelopes of the examinees containing the identification numbers shall remain unopened until all of the examination papers have been graded. The Commission may require for any examination a thumb print and/or signature on either or both the examination form and the answer sheet; such thumb print and/or signature shall be the same thumb print and/or signature as may be required and contained on the application form.

#### 4.301-A Written Examination (computerized)

Computerized examinations may be available to applicants on one or more dates and times within the testing period which shall be stated in the testing announcement. Tests may be conducted and managed by consultants or special examiners designated by the Commission and subject to any requirements by the Commission including, but not limited to, requirements relating to verification of the identity of applicants and tests security.

#### 4.30-B Performance Examination

Performance examinations shall be administered to applicants at the times and places designated by the Commission. Similar tasks shall be assigned to all applicants competing in the same examination. The test shall be conducted by a member of the examining staff, who, when necessary may be assisted by special examiners designated by the Commission.

#### 4.30-C Physical Examination

Physical examinations shall be administered to applicants at the times and places designated by the Commission. Similar tasks shall be assigned to all applicants competing in the same examination. The test shall be conducted by a member of the examining staff, who, when necessary may be assisted by special examiners designated by the Commission.

#### 4.30-D Medical Examination

Where included, medical examinations shall be administered by medical examiners designated by the Commission. Only those applicants receiving passing grades on the composite of the other parts of their examinations shall have a medical examination. Applicants rejected by the medical examiner due to the failure to qualify on one or more of the medical standards may, within ten (10) working days following the placement of notification of rejection in the United States Mail, request a hearing before the Commission. Only those applicants who meet the prescribed standards in the medical examination shall be considered in the establishment of the eligible list.

#### 4.30-E Oral Examination

Oral examinations shall be administered by a board of examiners composed of persons selected by the Commission because of their familiarity with the requirements for success in the classification under examination. The examination shall be conducted at a time and place designated by the Commission.

#### 4.30-F Psychological and/or Psychiatric Examination

Where included, psychological and/or psychiatric examinations shall be administered by the psychologist and/or psychiatrist examiner designated by the Commission. Only those applicants receiving passing grades on the composite of the other required parts of the examination. Applicants rejected by the psychologist or psychiatrist examiner may, within ten (10) working days following the placement of notification of rejection in the United States Mail, request a hearing before the Commission. Failure to pass this examination shall disqualify the applicant for inclusion on the eligible list.

### **4.40 Rating Examinations**

Examinations shall be rated in accordance with the provisions of Rules 4.40-A, through 4.40-E.

#### 4.40-A Weights

The weights of the various parts of each examination shall be determined by the Commission in accordance with these rules and shall be applied uniformly in determining each applicant's final grade.

#### 4.40-B Passing Grade

Examinations shall be rated on a scale of 100% for possible maximum attainment with 70%, or other score as determined by the Commission, as the required passing grade.

#### 4.40-C Seniority Credit

If applicable, applicants obtaining passing grades in promotional examinations shall have added to their passing grades credit for seniority. Such credit shall be for all service rendered pursuant to regular appointment in all classifications which are lower in rank and which are considered in the direct line of promotion. The amount of such credit shall be obtained by allowing an amount for each month of an applicant's prior regular service in accordance with the following schedule; (1%) one percent of the total grade obtainable for each of the first (4) four years of prior service and six-tenths percent of such total grade for each year of the next (10) ten years of prior service. When such prior service has been interrupted by service in the Armed Forces of the United States, seniority credit shall be granted for the time so served. No additional credit for military service shall be allowed in promotional examinations; time lost for leaves of absence, other than military, time lost as a result of disciplinary action; any other time during which an employee is off the city payroll, i.e., AWOL, layoff, shall not be credited toward seniority.

#### 4.40-D Training and Experience

An applicant's academic training and/or practical experience which qualifies him/her for entrance to an examination shall be equal to seventy (70%) percent, or other score as determined by the Commission, of the total weight assigned to this part of the examination. When evaluating an applicant's training and/or practical experience which is above the minimum required for entrance to an examination each year of such training and/or experience shall be so valued that the maximum number of years to be credited in a particular examination will equal the remaining portion of the total weight assigned to this part of the examination. Credit shall be awarded for training and experience gained within or outside of the governmental service. The credit awarded for training and/or experience must be supported by statements recorded in candidate's application form recorded thereon either when originally filed in the office of the Commission or supplemented at a later date with the approval of the Commission.

#### 4.40-E Veteran's Preference Credit

An applicant in an open competitive examination, who has served on active duty in the Armed Forces of the United States for 180 consecutive days or more, may file with the Commission a Proof of Active Service Form DD 214. Form DD 214 shall include the length of such service and the type of discharge from such service. If the applicant has received an honorable discharge or separation or a general discharge under honorable conditions, that applicant shall receive an additional five (5) points provided, however, that an applicant taking the examination while in the Armed Forces shall receive the same amount of credit as a veteran who has been separated or discharged honorably from the service provided further, that the applicant taking the examination while still in the Armed Forces be required to submit written proof of his/her active service status from his/her commanding officer. Should it later develop that the same examinee

received a dishonorable discharge or separation from the Armed Forces the Commission shall withdraw his/her veterans' preference points and may, pursuant to Civil Service Rule 5.30-7, remove his/her name from the eligible list. An honorably separated veteran who served on active duty in the Armed Forces of the United States for any length of time, and who is receiving more than fifteen percent (15%) service connected disability is entitled to ten (10) credit points. Veterans' Preference Points shall be added to the raw score of those persons who have established Veterans' Preference (Amended Minutes 1-3-83). The Proof of Active Service Form DD 214 must be filed with the Commission at the time of filing for the examination in which credit is sought, in order to qualify for the additional credit.

#### 4.40-F Veterans' Preference Credit Limitations

Veterans' preference credit as specified in Rule 4.40E shall apply to any open competitive examination.

#### 4.40-G Residency Credit

A person who is a bona fide resident of the City of Cleveland, and who desires to take an entrance level Civil Service examination, as determined by the Civil Service Commission, at the time of filing his or her application for examination, shall, if a passing grade of seventy (70%) is attained as determined by the Civil Service bulletin for such examination, have added to his or her score ten (10) points.

### **4.50 *Establishing Answer Key and Review of Examination Papers***

Commencing with the day following the administration of the written part of the examination, the questions and answers thereto which the Commission proposes to use in grading the examination shall be available to applicants in such examinations in the office of the Commission for a period of five (5) working days. During this five (5) day period any competitor who desires to challenge any answer contained in the tentative answer key shall submit such challenge in writing together with authoritative proof of his/her claim. All such written challenges shall be considered by the Commission provided, however, that the identity of the applicants submitting the challenge shall not be known to the Commission. If the Commission is satisfied as to the validity of such proposed changes and/or amendments they shall be made part of the examination answer key. The original examination answer key together with any changes and/or amendments thereto shall constitute the final examination answer key. No further requests for changes and/or amendments to the examination answer key shall be entertained by the Commission. Only the final examination answer key shall be used in scoring all examination papers. Any applicant shall have the right to review his/her own graded examination papers and to submit written requests for correction of clerical errors in their grading during five (5) working days following the applicant's notification by mail of his/her grade. The five (5) day period shall be considered to begin on the day following the day on which such



notices are placed in the United States Mail by the Commission. Thereafter, no applicant may be permitted to examine his/her graded examination papers or to submit a request for change in the grading thereof except with unanimous approval of the Commission. Examination papers are not subject to inspection by the public except upon unanimous vote of the Commission. The Civil Service Commission reserves the right to allow the review of examinations and/or answer sheets as stated in the examination announcement.

#### **4.60      *Non-Competitive Examinations***

Non-competitive examinations shall be regarded as exceptional and may be held only for positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character. Non-competitive examinations shall be of such character as will determine whether or not the applicant possesses the requisite knowledge, ability, and physical qualifications to enable him/her to perform the duties of the position; and he/she shall be required to attain a qualifying rating, to be fixed by the Commission, in order to become eligible for the position for which he/she is taking a non-competitive examination. Whenever the Commission deems it advisable, non-competitive examinations may be ordered for any position previously filled by competitive tests.

#### **4.70      *Promotional Examinations***

Examinations for promotion shall be of the same character, conducted in the same manner and the examination papers shall be scored in accordance with the same standards as are prescribed for assembled open competitive examinations.

#### **4.80      *Postponements and Cancellations***

The Civil Service Commission may postpone or cancel any examination because of an inadequate number of applicants, or for other sufficient cause. All such postponements or cancellations with the reason therefore shall be recorded in the Commission's office.

#### **4.90      *Preservation of Papers***

All examination answer sheets shall be preserved in the Office of the Commission for at least the life of the eligible list.

## **RULE 5.00 ELIGIBLE LISTS**

### **5.10 Establishment of Eligible List**

From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection, an eligible list of the persons whose grades in the examination are not less than 70.00% and who are otherwise eligible. Such persons shall be notified and take rank upon the eligible list or lists in the order of their relative grades. The grade of any applicant failing to qualify shall not be made public.

### **5.11 Breaking of Examination Tie Scores**

In an open competitive examination, should two (2) or more applicants receive the same grade, the order in which their names shall be placed on the eligible list shall be determined by random selection. The method of such random selection shall be determined by the Civil Service Commission.

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

- A. If the applicants are still tied after the aforementioned seniority has been considered, then the grades received by the applicants in the examination from which appointments to the grade or rank from which promotion is sought shall be used to determine the order of placement on the eligible list.
- B. If the applicants are still tied after all lower ranks have been considered, then rank will be determined by random selection.

### **5.20 Duration of Eligible Lists**

Eligible lists created by the Commission shall remain in force not longer than two (2) years, provided, however, that the Commission may abolish any other than promotional lists by holding a new examination whenever in its judgment the interest of the public service makes such course desirable.

The Commission may abolish any eligible list created by a promotional examination which has been in force for one (1) year or more.

### **5.30 Cause for Removal**

The Commission may at any time remove the name of an eligible from any eligible list for any one (1) or more of the following causes:

1. Failure to respond to notice of certification within the time limited in such notice.
2. Declination of appointment.

3. Failure to withdrawal waiver of certification within the time limited in these rules.
4. Failure to notify the Commission of changes in address.
5. For attempted deception or fraud in connection with any application or test.
6. For willfully or corruptly making any false statement, certification, mark, grading or report in regard to any test or appointment held or made under the Civil Service provisions of the Charter.
7. In any case where the Commission has reason to believe that an eligible is or has in any manner become disqualified for the position for which he/she is listed.

#### **5.40 Reinstatement to Eligible List Following Removal For Cause**

Whenever any person is removed from an eligible list for any one or more of the causes set forth in Rule 5.30 he/she shall be notified thereof immediately and may, if the removal was for one or more of the causes numbered "1" through "4" in Rule 5.30, within thirty (30) calendar days thereafter present to the Commission a written request for reinstatement to the eligible list. Upon approval by the Commission, the name of such eligible shall be restored to the eligible list in a position to be determined by the grade obtained on his/her examination. Where it can be shown that the eligible, at the time of removal from the eligible list, was serving in the Armed Forces of the United States, he/she will be reinstated to the eligible list on which his/her name appeared if requested within ninety (90) calendar days of being honorably discharged.

## **RULE 6.00: CERTIFICATIONS AND APPOINTMENTS (COMPETITIVE CLASS)**

### **6.10 Notice of Vacancy**

Before any position in the classified service shall be filled, the appointing authority shall make a written request of the Commission for the certification of the names of eligibles for such position and shall state whether the employment is to be permanent or temporary, and if temporary, the duration and conditions of employment. Upon receipt of such request, the Commission shall certify to the appointing authority the names and addresses of the ten (10) persons standing highest on the eligible list.

This section does not supersede any collective bargaining agreements.

If there is more than one position to be filled, the number of names to be certified shall be determined by taking the next higher multiple of four above the number of vacancies, dividing it by two and adding the quotient to the number of vacancies except where the number of vacancies is itself a multiple of four (4) in which case the number of vacancies is divided by two (2) and the quotient added to the number of vacancies.

Nothing herein contained shall be so construed to prevent the Commission from certifying a larger number of eligibles if, in the opinion of the Commission, such action would be in the best interest of the service. However, when there is no eligible list for the exact position to be filled the Commission may certify eligibles from the eligible list most nearly appropriate to the position to be filled.

### **6.20 Certification of Eligibles**

No person shall be certified from an eligible list more than four (4) times to the same appointing authority for a classification, except at the request of the appointing authority provided, however, that no such person shall be certified when to do so operates to prejudice the rights of other eligibles ranking higher on the eligible list.

Whenever one or more eligibles that have been certified waive certification or fail to respond to notice of certification, the certification on which their names appear shall be supplemented by an equal number of additional names. No request for certification of eligibles or additional names to supplement existing certifications shall be honored by the Commission after the expiration of such eligible list.

### **6.30 Notice of Certification**

Each eligible, whose name is included in a certification of eligibles, shall be notified in writing by the Commission to report "to the appointing authority or his/her designated officer" within five (5) working days for interview. Such notice shall be sent by mail to the last address of the eligible as shown by the records of the Commission. Any eligible may waive certification either before being certified, or within five (5) working days after being certified, except that an eligible may not waive certification more than two (2) times, and the reason for such waiver of certification must be approved by the Commission. A waiver of certification shall remain in effect until withdrawn, but no

waiver shall be permitted for a period longer than six (6) calendar months, after which time, if the waiver is not withdrawn, the name of such person shall be removed from the eligible list. An eligible shall not be entitled to certification while his/her waiver of certification is in effect.

The appointing officer shall make immediate report to the Commission whether each of the persons certified appeared for an interview and whether any of them declined or waived appointment. Proof of identify may be required by the appointing officer prior to appointment. Refusal to provide required proof of identity shall constitute declination of appointment.

#### **6.40 Request Signed by Appointing Officer**

No request for certification of eligibles and no notice of appointment shall be recognized by the Commission unless made by and over the signature of the lawful appointing authority.

#### **6.50 Character of Appointments**

In accordance with Sections 128, 131, 131-1 and 133 of the Charter, all appointments to positions in the classified service of the City of Cleveland shall be deemed to be either regular or temporary in character. Regular appointments shall be any appointment made from an eligible list created as a result of an open competitive or non-competitive test or as a result of examination for labor class position. An appointment shall be deemed to be a promotional when made from any promotional eligible list and involving advancement in rank or an increase in salary, or both.

Temporary appointments shall include appointments occasioned by emergencies and limited to thirty (30) calendar days and appointments for transitory work not exceeding ninety (90) calendar days and not renewable. Temporary appointments shall include appointments made without test, in the absence of an eligible list, appointments occasioned by emergencies and limited to thirty (30) calendar days and appointments for transitory work not exceeding ninety (90) calendar days and not renewable.

#### **6.60 Regular Appointments**

Regular appointments shall be made in the manner provided in Sections 131 and 133 of the Charter, however, an appointment made as a result of certification from a list designated by the Commission as the more nearly appropriate list shall be deemed to be a regular appointment to the position for which such certification is made. All regular appointments shall be accomplished within thirty (30) calendar days following the date on which certification is executed by the Commission; such period may be extended by the Commission for good cause shown. However, when it is necessary to supplement a certification by adding names, to place eligibles who have failed to respond to notice of certification, who have waived certification, or have declined appointment, another ten (10) working day period may be granted to the appointing authority to have under consideration the required number of eligibles interested in securing appointment as provided in Sections 131 and 133 of the Charter. Failure to make appointments as provided herein shall be sufficient cause for disapproving the names of any temporary

appointees employed in the classification and in the division for which such certification was made.

## **6.70 Temporary Appointments**

In all temporary appointments and notices to the Commission thereof, such appointing authority shall carefully designate which of the three following classes of temporary appointments is being made and the nature of the work to be performed thereunder:

### **A. Pending Establishment of Eligible List:**

In the absence of an appropriate eligible list, any place in the classified service may be filled temporarily, without test, but no such temporary appointment shall continue after the establishment of a suitable eligible list, provided, however that the Commission reserves the right to review the qualifications of any such temporary appointee if he/she is found lacking in qualifications.

### **B. Transitory:**

With the consent of the Commission, persons may be temporarily employed for transitory work whenever an appointing authority requires temporary assistance, because of a special project or temporary increase in the work load, due to seasonal requirements or otherwise. In making such transitory appointments, the appointing authority shall first employ persons, in the appropriate classification based on seniority, who are then on layoff in that classification, or if no layoff list exists, then from an appropriate existing eligible list for such classification, before employing a person not on layoff or an existing eligible list, but no such employment shall continue for more than ninety (90) calendar days or be renewed.

### **C. Emergency:**

When an emergency arises, such that in order to prevent the loss of public property, serious inconvenience to the public, or damaging delay to the public service, and one or more persons must be employed without the delay incident to regular certification and appointment, an appointing authority may, without consulting the Commission, appoint a qualified person or persons during the period of emergency but in no case for a period exceeding thirty (30) calendar days. Emergency appointments with the reasons therefore, shall be immediately reported to the Commission which reserves the right to inquire into the nature of the emergency and to reject such appointments if it is found not to be an emergency and in no case shall successive appointments follow directly upon one another without the express approval of the Commission.

## **6.75 Temporary Appointee**

The temporary appointee has those rights and privileges of a regular appointee which are in conformity with the provisions of the City Charter and the Rules of the Civil Service Commission subject to the exceptions listed below.

1. Must have the previously established minimum qualifications required for the specific classification.
2. Receives no seniority credit which only commences from the effective date of regular appointment.
3. Is not eligible to transfer to another position.
4. Is not eligible to take promotional examinations.
5. Has no restorative rights to an eligible list should he/she resign.
6. Is not placed on an eligible list during layoff.

The temporary employee is subject to the same disciplinary action as the regular appointee.

## **6.80 Probationary Period**

The probationary period provided by Section 131 of the Charter of the City of Cleveland is hereby fixed at one hundred and twenty (120) calendar days from the effective date of regular appointment, provided:

- A. That the Commission may, where the good of the service requires, fix the duration of the probationary period for individual classifications at six (6) calendar months, but such action must be taken at the time the examination for such classification is announced.
- B. That where there is a variance between the effective date of regular appointment and subsequent "On Payroll Date" notice, the later date will prevail and take precedence over the former, the necessary calendar days of probation shall begin from the "On Payroll Date" notice.
- C. Employees will be continuously evaluated and subject to probationary termination at any time if their performance does not merit continued employment.
- D. If retained after the one hundred and twenty (120) day probationary period, all employees, including both regular and temporary, shall be discharged only for cause, or subject to layoff in accordance with Civil Service Rules. Only one probationary period shall be served for an employee's current classification unless the employee is transferred or appointed to another division or governmental unit.

- E. Notwithstanding the provisions of Rule 6.80-D the Commission may, for good cause shown, extend an employee's initial one hundred and twenty (120) calendar day probationary period for an additional period not to exceed sixty (60) calendar days where such extension is necessary for adequate evaluation of that employee's performance

### **6.81 Probationary Service Reports**

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to his/her position, and for rejecting any employee whose performance does not meet the required work standard. No appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his/her probationary period.

At the end of the probationary period, the appointing authority shall transmit to the Commission within five (5) working days thereafter, on a form prescribed by the Commission, a prepared statement of the appointee's service record. When such record is un satisfactory, the Commission may remove the name of the employee from the roster, provided, however, that when the appointee received his/her appointment as a result of a promotional examination within the division and/or department such appointee shall be restored to service in the classification in which he/she held a regular appointment immediately prior to his/her probationary period, without prejudice to his/her status therein.

Any appointee may be discharged or reduced in rank during his/her probationary period, pursuant to the reasons enumerated in Rule 9.10 of the Rules of the Civil Service Commission, and in accordance with Section 121 of the of the Charter.

### **6.82 Leave of Absence During Probationary Period**

Whenever an employee is granted a leave of absence during his/her probationary period, the time between the effective date of leave of absence and his/her return to duty shall not be considered to be part of the probationary period. Upon return to duty, following such leave of absence, such employee shall be required to complete the unexpired portion of his/her probationary period.

### **6.83 Layoff During Probationary Period**

Whenever an employee is laid off due to lack of work or funds during his/her probationary period, the time between the effective date of layoff and the employee's subsequent re-employment in the same division of the service shall not be considered to be part of the probationary period. Upon return to the City following such layoff such employee shall only be required to complete the unexpired portion of his/her probationary period.

### **6.84 Suspension During Probationary Period**

Whenever any officer or employee is suspended by the Appointing Authority for purposes of discipline during his/her probationary period, the time between the effective date of suspension and his/her return to duty shall not be considered to be part of the probationary



period. Upon return to duty following such suspension, such employee shall be required to serve the unexpired portion of his/her probationary period.

## **RULE 7.00      PROMOTIONS**

### **7.10 Determined by Commission**

Vacancies above the lowest grade in the classified service shall be filled as far as practicable by the promotion of classified employees. The Commission shall in each case determine whether or not it is practicable to fill a position by promotion and from what classification such promotions shall be made.

### **7.20 Temporary Promotions**

In the event a vacancy occurs in a higher position and in the absence of an eligible list therefore, a temporary promotion may be made from among the employees in the next lower classification upon the request by the appointing authority and approval by the Commission, provided, however no such temporary promotion shall continue beyond the establishment of such eligible list.

## **RULE 8.00      TRANSFERS, LAYOFFS, LEAVES OF ABSENCE, RESIGNATIONS**

### **8.10 Transfers**

Any employee who has been regularly appointed to a position in the classified service may, upon the written request of the appointing authority of the Division to which he/she wishes to be transferred with the written consent of the employee and with the approval of the Commission, be transferred from the position he/she holds to a like position in the same class within the same division or another division. The seniority of a transferred employee shall be effective as of the date of original regular appointment in the classification within which he/she is transferred.

### **8.20 Layoffs**

Whenever it becomes necessary to reduce the working force in a classification in any Division of the City service, the appointing authority may lay off any appointee in such classification; provided, however, that where two (2) or more persons are employed in a classification, they shall be laid off in the inverse order of their appointment in such classification, unless otherwise first approved by the Commission for good cause shown, and provided further that no layoffs shall be affected or influenced by politics, religion, gender, or race, and provided further that no layoff shall be used as a substitute for disciplinary action. In every case of layoff, the appointing authority is hereby required to notify the Commission, and the employee being laid off, immediately in writing, and to state therein the reasons for such layoff. The procedure for accomplishing layoff and subsequent eligibility for re-employment shall be as set forth in Rule 8.21 through 8.26 inclusive.

### **8.21 Placement on Eligible List**

When any regular appointee is laid off for lack of work or lack of funds, the name of such person shall be placed at the head of the eligible list for the classification from which he/she is laid off: if there is no existing eligible list at the time, the name of such person shall constitute one. When two (2) or more persons have been laid off whether at the same time or not, their names shall be placed at the head of such eligible list in the order of their appointment in the classification held by them when laid off. Such persons shall be eligible for certification and reappointment for a period of two (2) years thereafter. If an eligible list is regularly established by testing prior to the expiration of the period of eligibility herein fixed for laid off employees, the names of such employees shall be carried forward at the head of such new list for such length of time as equals the unexpired portion of their eligibility as herein fixed.

### **8.22 Termination of Temporary Appointment**

The existence of an eligible list of three (3) or more names for an open competitive classification shall terminate temporary appointments in that classification in inverse order of appointment. The number of temporary appointments terminated by the existence of an eligible list for that non-promotional classification shall be two (2) fewer than the number of names on that eligible list; however, when an eligible list contains fewer than three (3)

names, an appointing authority may request that the Commission certify those names to the appointing authority, and any regular appointment made pursuant to that certification shall terminate the appointment of the least senior temporary appointee in that classification in that Division.

The existence of an eligible list of any number of names for a promotional classification shall terminate temporary appointments in that classification in inverse order of appointment. When an eligible list exists for a classification in which temporary appointees are employed, the Commission shall notify the appointing authorities of the Divisions in which such temporary appointees are employed. The Commission shall also notify appointing authorities of the Division with the least senior temporary appointees in the classification as to which particular temporary appointments are ended pursuant to this Rule. Said temporary appointments shall end no more than fourteen (14) calendar days from the date of said notification by the Commission.

### **8.23 Divisional Layoff Lists**

When any regular appointee in the classified service is laid off his/her name shall be placed on a divisional layoff list, in addition to the Civil Service eligible list or the City-wide layoff list in order of seniority in that classification. A regular appointee who is laid off under these rules shall be entitled to a position in the classification from which he/she is laid off for a period of two (2) years from the date of such layoff. When an appointing authority shall determine to fill a position in any classification, he/she shall re-employ therein, from the divisional lay off list, the person who is first on such lay off list for that classification.

### **8.24 Re-employment of Regular Laid Off Personnel**

- A. A regular appointee laid off and placed by the Commission upon the eligible list and divisional layoff list, as provided by this rule, may during such layoff, accept certification and appointment to the same classification with another Division, and thereupon the name of such employee shall be removed from the eligible list.
- B. A laid off regular appointee, who is appointed to a Division other than the Division from which he/she was laid off, shall retain his/her right to re-employment for a period of two (2) years in the Division from which he/she was originally laid off.
- C. If a regular appointee declined appointment in a Division other than that from which he/she was laid off, his/her name shall be stricken from the eligible list and accordingly such employee shall be entitled only to recall rights within the Division from which he/she was laid off during the period of two (2) years from such layoff, provided, however, that within thirty (30) calendar days after removal from the list, the employee may request reinstatement to the eligible list from which his/her name was removed by appealing to the Commission pursuant to Civil Service Rule 5.40.

- D. Where a laid off regular appointee fails to accept reappointment to the Division from which he/she was laid off, his/her recall rights pursuant to Rule 8.21 shall be terminated and such action shall be deemed to constitute a resignation from employment with the City of Cleveland.
- E. A laid off regular employee who is placed on an eligible list pursuant to Rule 8.21, and who subsequently accepts appointment from that list in a Division other than the Division from which he/she was laid off, shall begin serving a new one hundred and twenty (120) calendar day probationary period upon beginning work in the new Division. The probationary period must be satisfactorily completed to ensure continued employment. Should such employee's probationary period prove unsatisfactory, the employee's name shall be returned to the eligible list for the remainder of the two (2) year period from his/her original layoff, provided, however, that no employee will be so reinstated to the eligible list if that employee, since original layoff, has failed to complete satisfactorily his/her probationary period in two (2) different divisions.

### **8.25 Layoff of Temporary Appointees**

The names of temporary appointees, excluding:

- A. Emergency, thirty (30) day employees
- B. Transitory, ninety (90) day employees
- C. Part-time
- D. Seasonal employees

when laid off, will be placed on a Divisional layoff list of temporary appointees.

### **8.26 Layoff Due to Temporary appointment**

When the name of a regular employee is placed on the layoff list for the purpose of giving such employee a temporary appointment, pending examination in another classification, such employee shall be eligible for re-employment in the classification in the Division from which he/she was laid off, but only until such time as an eligible list is established for the classification in which he/she holds a temporary appointment, or until separation from the service by resignation or dismissal. Upon establishment of such eligible list, such employee's right to re-employment shall be determined in accordance with the provisions of Rule 8.21.

### **8.27 Determination of Seniority in Classification**

In determining employees' order of appointment for the purpose of layoff or termination of temporary appointments upon establishment of an eligible list, interruption of an employee's service in a classification for the following reasons shall not be counted in determining the employee's comparative length of service in the classification: suspension; leave of absence; layoff; unexcused absence within the past two years; change of classification; resignation; termination.

### **8.30 Leave of Absence**

With the consent of the Commission, an appointing officer may grant a leave of absence for a definite period not to exceed six (6) months, provided, however, that the Commission may approve the written request of an appointing officer to extend a leave of absence beyond the six (6) month period where it can be shown that such extension would be in the best interest of the service. Leaves of absence may be granted for personal reasons, physical disability, or study or training of value in connection with the public service. If the appointing authority should find it necessary to fill a position, vacant by reason of an employee being on leave of absence, the appointing authority may, with the approval of the Commission, notify the absent employee that the leave has been curtailed and order the employee to return to duty. If such employee refuses to return, the employee shall be regarded as being absent without leave.

### **8.31 Return From Leave of Absence**

An employee returning after a leave of absence shall be reinstated to his/her former position. Any employee who has been called upon or enlists for active service in the military or naval forces of the United States or the State of Ohio shall be restored to his/her position in accordance with the provisions of Section 124.29 of the Ohio Revised Code.

### **8.40 Resignations**

Any employee in the classified service who desires to leave the service in good standing shall file with the appointing officer a written resignation giving at least two weeks' notice of his/her intentions to leave the service, unless the appointing officer consents to his/her leaving sooner. Such request when approved by the appointing officer shall be forwarded immediately to the Commission. Any officer or employee in the classified service who has resigned in good standing from said office or position may request in writing the withdrawal of such resignation and may with the approval of the Commission, be restored to the current eligible list; provided, such request be made within one year after said resignation shall have become effective.

### **8.41 Placement on Eligible List Following Withdrawal of Resignation**

If at the time of such withdrawal of resignation there is an existing eligible list, such person's name shall be placed on it in accordance with the grade received by him or her on the examination from which he/she was appointed. If no eligible list is in existence at the time of withdrawal of resignation, such person's name shall constitute an eligible list; provided, however, that if an eligible list is created during such person's period of eligibility, his/her name shall be placed on the new eligible list as herein before provided. Further, such person's eligibility for certification shall be limited to one year following the date of approval of such withdrawal of resignation.

### **8.42 Reinstatement of Members of the Uniformed Police and Fire Service**

Members of the uniformed ranks of the fire and police departments who have resigned in good standing from their offices or positions, may request in writing the withdrawal of

such resignation and may, with the approval of the Commission, the Director of Public Safety and the Chief of the department concerned, be reinstated to the position of firefighter or patrol officer respectively in the department from which such officer resigned. Said request for reinstatement must be made within one year from the date of resignation and reinstatement shall not be to a grade or rank above that of a firefighter or patrol officer. An officer or member so reinstated shall not be entitled to seniority credit for service prior to resignation nor shall such service be considered in determining the eligibility of such reinstated member to enter promotional examinations.

#### **8.43 Bar to Reinstatement Following Resignation**

Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.

#### **8.44 Reinstatement of Members of a Retirement System Following Separation Caused by Disability**

The reinstatement of members of the uniformed ranks of the police and fire departments, who have been separated from the service due to injury or disability, shall be accomplished as provided in Section 124.50 of the Ohio Revised Code. The reinstatement of members of the Public Employment Retirement System, who have been separated from the service due to injury or disability, shall be accomplished as provided in Section 145.39 of the Ohio Revised Code.

#### **8.45 When an Absence Without Leave is Construed as a Resignation**

Absence from duty without leave for three (3) or more consecutive scheduled work days shall be deemed a resignation from the service of the City by the absent employee, however,

##### **A. Notice of Employee to Explain Absence**

Prior to deeming an employee resigned for an absence of three(3) or more consecutive scheduled work days, the appointing authority shall notify the employee personally, in writing or by U.S. mail directed to the employee's last known address, that his/her unexcused failure to appear for duty as scheduled will be construed as a resignation, unless the employee advises the appointing authority within seven (7) days of the date of transmittal of the notice of a satisfactory explanation for his/her absence. Failure to provide such an explanation shall be deemed a resignation by the employee, effective the working day following the third consecutive work day on which the employee is absent without leave. The resignation shall be entered upon the records of the Commission upon receipt from the appointing authority of documentation of the unexcused absence of three (3) or more scheduled work days, and of transmittal of the above notice to the employee. The appointing authority shall not transmit notice of the employee's resignation to the Commission prior to the end of the seven (7) day period provided for the employee's explanation.

##### **B. Appeal to the Commission**

Notice that the Commission has been notified of the employee's resignation shall be sent by the appointing authority by U.S. mail to the last known address of the person who has been

deemed resigned pursuant to this Rule. The notice shall also advise such person that he/she may contest the entry of his/her resignation by notifying the Commission of his/her desire for a hearing, and that the request for a hearing must be received by the Commission within ten (10) working days of the date of the above notice by the appointing authority to the employee. Such hearing shall consist of a review of whether the appointing authority has complied with the requirements of this Rule. The Commission may determine, upon good cause shown, that additional evidence is required. If the Commission so determines, then such hearing shall follow the procedures set out in Rule 9.60, to the extent that those procedures are not inconsistent with the provisions of this Rule 8.45. As a result of such a hearing, the Commission may affirm or disaffirm the entry of resignation.

### **C. Disciplinary Rules Unaffected**

Nothing in this Rule shall be construed to preclude the discipline of any absent employee through discharge, suspension, or demotion, in accordance with the provisions of Rule 9.00.

### **8.50 Violations of Layoff Rules**

Whenever any employee is laid off in violation of Rule 8.00, he/she may file with the Commission within ten (10) calendar days of receiving notice of layoff, a request for a hearing. Such notice must state with specificity which rules regarding layoff have been violated.

Within fourteen (14) calendar days of receipt of the request of an employee, the Commission shall hold a hearing or refer the matter to a Civil Service Referee on the alleged violation of the layoff rules. If referred to a Referee, the Referee shall report his/her findings and conclusions on the alleged violation to the Commission within fourteen (14) calendar days of the hearing, and shall simultaneously notify all parties to the hearing.

The findings and conclusions of the Referee shall become final, ten (10) working days after they have been reported to the Commission and parties, unless a party files a notice of appeal to the Commission within that time.

If such an appeal is filed, it shall be heard by the Commission on the record made before the Referee. The Commission may take additional evidence. The factual findings of the Referee may be disturbed on appeal only if not supported by substantial evidence on the record, taken as a whole. The legal conclusions of the Referee shall not be binding upon the Commission.

## **RULE 9.00: DISCHARGES, SUSPENSIONS AND DEMOTIONS**

### **9.10 Tenure**

The tenure of every officer or employee in the classified service shall be during good behavior and efficient service.

No such officer or employee shall be discharged, suspended, or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended, or reduced in rank for any one or more of the following causes:

1. Neglect of duty.
2. Absence from duty without leave.
3. Incompetence or inefficiency in performance of duties.
4. Fraudulent conduct or false statements in any application or examination for a position in the Civil Service of the City.
5. Conduct unbecoming an employee in the public service.
6.
  - A. Intoxication in the course of his/her employment.
  - B. Misuse or abuse of drugs or narcotics in the course of his/her employment.
7. Disorderly, immoral, or unethical conduct while on duty.
8. Insubordination.
9. Offensive conduct or language toward fellow employees, superiors or the public in the course of his/her employment.
10. Willful violation of any of the provisions of law governing the Civil Service of the City or of the rules or regulations of the Commission.
11. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
12. Negligent or willful damage to public property.
13. Wasteful or unauthorized use of City vehicles, equipment, materials or property.



14. Incapacity or inability to perform the duties of the officer employee's classification due to mental or physical condition. As a condition precedent to filing this charge, the appointing authority shall request the Civil Service Commission to order a mental or physical examination of any officer or employee for the purpose of determining the mental or physical condition of the officer or employee wherever a reasonable question is raised as to the physical or mental ability of an officer or employee to perform the duties required within his/her classification. The appointing authority shall then determine, based on the duties of the officer or employee's classification and the report of the officer or employee's condition, the capacity or ability of the officer or employee to continue or resume employment.
15. Negligent, improper or inefficient handling or accounting for public funds or accounts, or violation of any departmental rule or regulation respecting the handling or accounting for public funds or accounts.
16. The use or attempted use of political influence or authority upon any person in the Civil Service or engaging in any political activity prohibited by Civil Service laws or by the rules of the Civil Service Commission.
17. Excessive absenteeism or excessive tardiness.
18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance, or nonfeasance in office.

## **9.20 Pre-Disciplinary Conference**

- A. When any disciplinary action is contemplated as to an officer or employee in the classified service, the appointing authority or the secretary of a board or commission in the City service, shall give such officer or employee oral or written notice of the action contemplated and an opportunity to respond.

The appointing authority shall notify the Civil Service Commission of any pre-disciplinary conference which results in disciplinary charges being brought against an officer or employee pursuant to Rule 9.21 or 9.22.

- B. When in the opinion of a superior, the conduct of the officer or employee is such as to require that he/she be relieved to duty immediately, such officer or employee may be relieved from duty by oral order, provided that such officer or employee be notified of the reason(s) for the superior's actions as soon as possible and promptly afforded an opportunity to respond to the charge(s) against him/her. In all such instances, such opportunity shall be provided the officer or employee within three (3) working days after being relieved from duty.

### **9.21 Notice of Suspension for Three (3) Scheduled Work Days or Less**

When, after following the procedures set forth in Rule 9.20 an appointing authority decides to suspend the officer or employee for purposes of discipline for a period of three (3) scheduled work days or less at any one time, the appointing authority shall promptly notify the officer or employee in writing of the suspension. Said notice shall include the reason(s) for the suspension and the duration hereof. At the same time such written notice is delivered to the suspended officer or employee by the appointing authority, a duplicate copy thereof shall be sent to the Civil Service Commission. The Commission will entertain no appeal from a suspension of three (3) work days or less. Successive suspensions are not permitted.

### **9.22 Notice of Suspension for More Than Three (3) Scheduled Work Days, Discharge, or Reduction in Rank**

When, after following the procedures set forth in Rule 9.20, an appointing authority decides that the officer or employee is to be discharged, suspended pending discharge, suspended for more than three (3) scheduled work days, or reduced in rank or compensation, the appointing authority shall promptly notify said officer or employee in writing of such decision, setting forth the charges and the specifications therefore. The charging letter shall further inform the officer or employee that he/she must advise the Civil Service Commission if he/she desires to have a disciplinary hearing before a referee to be selected by the Commission, and that the Commission must receive such request for a hearing in writing within ten (10) working days of the date of the charging letter. At the same time such written notice is delivered to the officer or employee, a duplicate copy thereof shall be sent to the Civil Service Commission. Failure to request a hearing within the required ten (10) working days will cause such charges to stand uncontested, and in such cases the Commission shall submit the uncontested charging letter to the Director of the employee's department for review.

### **9.23 Preferring of All Charges Against Officer or Employee**

When the appointing authority or secretary of a board or commission prefers charges against an employee, pursuant to Rule 9.10, he/she shall, at the time, set forth all charges that can or may be preferred against such officer or employee, up to the time of charging, or such appointing authority or secretary of a board or commission shall thereafter be barred from preferring charges which arose prior to the notice to such officer or employee, except those charges which cannot with reasonable diligence be discovered or known.

### **9.30 Service of Notice**

Any notice to an officer or employee provided for in Rules 9.20, 9.21 or 9.22, shall be served upon such officer or employee personally or by certified mail, return receipt requested, in the United States Mail, at the last known address of the officer or employee. The last known address shall be that address most recently supplied by the officer or employee to his/her appointing authority. The Commission shall receive notice from the appointing authority of the method and date of service of such notices including, where available, a copy of the certified mail return receipt. The date of service shall be

considered the date of personal service or three (3) calendar days from the date of transmittal of the notice by certified mail to the last known address of the employee.

The method and date of service shall be documented by one of the following:

1. For personal service: (a) dated signature of the employee indicating that he/she received the notice, or (b ) a dated statement signed by the individual who personally served the employee indicating that he/she delivered the notice to the employee.
2. For service by certified mail: (a) a dated receipt for certified mail issued by the United States Post Office indicating receipt of certified mail for delivery to the employee at his/her last known address; or (b) a dated statement signed by the individual who deposited the notice in the U.S. Mail, certified mail return receipt card affixed thereto, indicating the date that the notice was mailed to the employee's last known address.

#### **9.40 Hearing Before the Referee**

At the hearing before the Referee, the officer or employee sought to be discharged, suspended, or reduced in rank, shall be heard in person, may be represented by counsel in his/her defense, and may support the same by testimony of witnesses. At the conclusion of such hearing or within fourteen (14) calendar days thereafter, the Referee shall submit findings of fact, conclusions of law, and recommendations to the Director in the City service. Upon review of the recording including, where applicable, the facts, conclusions of law, and recommendations of the Referee, the Director may sustain, modify, or overrule the action of the appointing authority in the City service in discharging, suspending, or reducing the officer or employee concerned.

Within seven (7) calendar days from the date he/she receives the facts, conclusions and recommendations from the Referee, the Director shall forward his/her written decision to the Commission and to the officer or employee and to the employee's legal counsel, if counsel has appeared for the employee. In the event that the discharged, suspended or reduced officer or employee was at the time of separation from service, charged with or under indictment for a felony or charged with a misdemeanor involving moral turpitude, either the appointing authority or the said officer or employee shall be granted a postponement of the hearing required by these rules, until after aforementioned alleged violation of law has been adjudicated, by filing a timely request with the Referee.

#### **9.41 Postponement or Continuance of Hearing**

The Referee may postpone or continue any hearing provided for in Rule 9.40 upon the request of any party or upon the Referee's own motion, for good cause shown, but no postponement or continuance shall be granted for a period longer than ten (10) working days. Further continuance shall not be granted unless either party makes such request, in writing, to the Referee at least three (3) working days prior to the scheduled hearing date, setting forth the reasons therefore. The Referee shall have sole discretion whether to grant or refuse such request and shall notify the parties accordingly. No continuance shall be granted for a period longer than ten (10) working days. The granting of a continuance to

either party, as herein provided, shall not operate in any manner to prejudice the rights of either party to the proceedings.

#### **9.42 Acting Referee**

In the event the regular Civil Service Commission is incapacitated, unavailable, or needs assistance to perform its duties under 9.20 et. seq., the Civil Service Commission may designate and appoint a person of its choice, who has been admitted to the practice of law in the State of Ohio, to act as, or to assist the Referee in the performance of his/her duties, and to have all of the powers, duties and obligations of the regular Referee, for such times and at such a rate of compensation as the Commission shall determine.

#### **9.50 Effective Date of Disciplinary Action**

A discharge, suspension or reduction in rank shall be effective from and after the decision of the Director sustaining the same. Any time intervening between the date when the officer or employee was separated from the service and the date when the Director sustains the charges shall be construed to be a suspension pending discharge. Where the Director overrules the charges, the officer or employee concerned shall be restored immediately to his/her position, as of the date such officer or employee is first relieved of duty.

#### **9.60 Appeal to the Commission**

Appeal to the Commission from the decision of the Director in all cases provided for by the Charter, shall be deemed perfected when the officer or employee concerned files notice thereof in writing with the Commission within ten (10) working days from the date of the letter of such decision; however, the Commission will not hear or determine any appeals relating to matters that were the subject of a final and binding union grievance procedure. The Commission shall be notified of such notices of appeal in the routine matters of the agenda. Within seven (7) working days before the scheduled appeal hearing, any party wishing to introduce additional evidence shall so notify the Commission in writing, including a list of witnesses and exhibits and an indication of the approximate length of time the presentation of such evidence will take. Such notice shall also be served upon opposing counsel or upon the other parties if they have no counsel.

Such new evidence shall not be a repeat of evidence already contained in the record rd. The Commission may refer the taking of such additional evidence to a Referee. Within fourteen (14) calendar days of the submission of such additional evidence to the Referee, the Referee shall submit a summary of the additional evidence to the Commission including, where applicable, findings of fact based on such additional evidence.

The Commission may convene a first meeting of counsel to discuss the procedural aspects of the full Commission hearing.

Failure to advise the Commission within seven (7) working days before the scheduled appeal hearing of an intention to present such additional evidence shall preclude that party from offering any evidence, except for rebuttal evidence, to additional evidence presented by any other party. No later than the Tuesday immediately preceding the scheduled date of

hearing before the Commission, each party shall file a brief with the Commission setting forth each party's arguments and indicating the parts of the record supporting each party's position. Such briefs shall also be served upon counsel for the opposing party prior to the appeal hearing. Any party who desires a copy of the transcript of any hearing may purchase said copy from the court reporting firm present at the hearing.

#### **9.70 Rules of Procedure for Appeal Hearings Before the Commission**

The Commission shall notify each party of the time of hearing. After all evidence has been taken and the time limit for submitting briefs has expired, the Commission shall allow each party fifteen (15) minutes for oral argument.

Though the appeal is brought on behalf of an employee, the appointing authority has the burden of proof. Therefore, the appointing authority shall begin the argument and, after the argument of the appellant, may reserve a portion of its time for rebuttal. During the argument, any member of the Commission, after recognition by the President, may ask questions of any party or their counsel.

The Commission shall announce its decision after reviewing all of the testimony, exhibits, briefs and arguments of counsel. The decision of the Commission shall be final upon its enactment of written Findings of Fact and Conclusions of Law, which shall be voted upon and enacted by the majority of the Commission that had voted to sustain the prevailing party's position. Prior to approval of any proposed Findings of Fact and Conclusions of Law, such majority may make any changes thereto which it deems appropriate. The decisions of the Commission are final upon adoption of its minutes by the Commission.

## **RULE 10.00 THE GENERAL LABOR CLASS**

### **10.10 Registration Announcement**

The Commission shall, by an official bulletin published in the City Record and posted on the bulletin board in the office of the Commission, announce that registration for classifications in the labor class will be accepted. The official announcement shall contain, among other things, the minimum qualifications for entrance to the examination, the dates when and the place where registration will be accepted, the method of random selection, and the duties and typical tasks of the classification. After such announcements, applicants shall register on forms prescribed by the Commission and shall receive a registration number in accordance with the order of registration.

### **10.20 Placement on Registration List**

Each registrant shall be assigned a registration number based on a random selection procedure. Such random selection procedure will be determined by the Civil Service Commission, and made a part of the examination announcement. Each applicant shall then be placed on the registration list in accordance with his/her randomly selected registration number. Notice to appear for further processing, including a physical examination, shall be sent to registrants in the order of their rank on the registration list.

Eligibility of a registrant to be called for examination shall expire one (1) year following the date of his/her registration. The names of all registrants not called within one (1) year following the dates of their registration shall be removed from the registration lists.

### **10.30 Notice to Report to the Civil Service Commission**

Notice to appear for further processing, including a physical examination, shall be sent to registrants in the order of their rank on the registration list.

### **10.40 Waiver of Labor Registration**

Registrants, who by reason of illness or absence from the City are unable to report to the Civil Service Commission for processing at the time designated in the notice, may with the approval of the Commission waive appearance until a later date. Such waiver must be requested within ten (10) working days from the date on which the notice to appear was sent by the Commission. Persons filing a waiver shall not be called for further processing as long as the waiver remains on file and not withdrawn. No waiver shall be permitted for a period longer than six months, after which time if the waiver is not withdrawn, the registrant shall be removed from the registration list. Not more than one waiver of appearance shall be permitted. Further, when a waiver of appearance is withdrawn, the registrant's name shall be placed on the current registration list in accordance with the registrant's original registration number.

### **10.50 Failure to Report for Processing**

The names of registrants who fail to respond to a notice to appear for processing shall be removed from the registration list for the position for which they were notified to appear.

A registrant's name which has been removed from a registration list for failure to respond to notice of processing may, with the approval of the Civil Service Commission, be reinstated to the registration list from which the registrant's name was removed upon presentation to the Commission of a satisfactory explanation of the failure to appear. Such explanation must be presented within thirty (30) calendar days from the date of such removal by the Commission; provided, however, that where the name of a registrant has been removed from a registration list because of failure to respond to notice to appear and it can be shown that at the time of such removal the registrant was serving as a member of the Armed Forces, such registrant may make a request for reinstatement within thirty (30) calendar days following honorable discharge from the Armed Forces and upon presentation of proof of such honorable discharge shall be reinstated to the registration list.

#### **10.60 Reinstatement to Registration List**

Upon reinstatement to a registration list the registrant shall be placed at the head of the list of registrants who have not yet been called for processing on the list from which his/her name was removed in accordance with his/her original registration number. If following reinstatement to a registration list, a registrant shall again fail to respond to notice for processing, said registrant shall be finally removed from the registration list.

#### **10.70 Labor Class Examinations**

Registrants called for examination shall be required, with the aid of an examiner, to make formal application for the classification for which he/she is to be examined. The examiner, at the time of such interview, shall have the power to reject an applicant if the applicant lacks any of the published minimum entrance qualifications for the classification for which the registrant is making application.

#### **10.80 Minimum Qualifications**

The ability to comprehend and perform the duties related to job performance shall be regarded as minimum entrance qualifications for all classifications in the general labor class. Citizenship per Rule 3.44 shall be maintained for all classifications in the general labor class.

#### **10.90 Assignment for Medical Examination**

After interview, the registrant shall be assigned a time for medical examination.

#### **10.91 Medical Examination for Labor Class**

Registrants shall be examined by medical examiners designated by the Civil Service Commission. The medical examiner shall certify the results of such medical examination to the Commission together with recommendation that the registrant be approved or rejected. Further, if registrant is rejected, the medical examiner shall certify the reason or reasons for such rejection. If, in the opinion of the medical examiner, the registrant should be rejected, said registrant may submit a medical report from his/her doctor to the Commission contesting his/her rejection within ten (10) working days from the date of the

rejection letter. The Commission shall forward this information to the Commission's medical examiner who will present a report and recommendation to the Commission for its approval or rejection.

### **10.92 Reports of Labor Class Examination to the Commission**

The results of each examination for positions in the labor class shall be reported to the Commission as soon as practicable. The examination report shall contain, among other things, the following:

1. The names of registrants who failed to respond to notice for processing or who waived examination.
2. The names of registrants declared to be ineligible by staff examiners because of failure to meet one or more of the established minimum qualifications.
3. The names of registrants rejected by the medical examiners and the reasons therefore.
4. The names of registrants whose records show them to have been dismissed for cause from a position in the classified service or whose application for reinstatement following resignation has been disapproved by the Commission because of adverse service records.

### **10.93 Labor Class Eligible List**

Evaluation by the Commission of the records of the registrants named in the examination report shall be considered to be one of the practical tests in Section 126 of the Charter of the City of Cleveland. The Commission may reject or approve such registrants in accordance with the best interest of the service. Upon approval by the Commission the names of successful registrants shall be added to the appropriate eligible lists in accordance with his /her original registration number. Registrants so added to eligible lists shall be eligible for certification therefrom for not more than two years from the date of placement thereon.

### **10.94 Certification and Appointment**

Certification of eligibles and appointment from such certification shall be accomplished in accordance with the provisions of Section 131 of the Charter of the City of Cleveland applicable to the labor class of the classified service.

### **10.95 Reinstatement of Labor Class Eligible Following Removal**

Any eligible whose name has been removed from an eligible list or a position in the labor class because of failure to respond to notice of certification or declination of appointment may, with the approval of the Commission, be reinstated to such eligible list. Request for reinstatement, together with satisfactory explanation of the failure to respond to notice of certification or declination of appointment, must be made within thirty (30)



calendar days following removal from the eligible list. Upon approval by the Commission, the eligible name shall be restored to the eligible list in the same relative position occupied before removal. Eligibility for certification, following reinstatement, shall not extend beyond the eligible original period of eligibility for certification.

#### **10.96 Reinstatement to the Labor Class Eligible List Following Resignation**

Any employee who held regular appointment in a labor class position and resigned there from without fault may, with the approval of the Commission, be reinstated to the eligible list for the position in which regular appointment was held. Request for reinstatement must be made within one (1) year following the date of resignation. Upon approval by the Commission, the eligible's name shall be placed at the head of the existing eligible list provided that where there is more than one such reinstatement the names shall be arranged in the order of their dates of original regular appointments. A resignation accepted while disciplinary charges were pending shall be a bar to the approval of request for reinstatement.

## **RULE 11.00 PAYROLL PROCEDURE**

### **11.10 Payrolls**

The original and a copy of all payrolls of every department, division, bureau or commission, containing the names of every officer or employee in such department, division, bureau or commission shall be sent to the Commission for checking the civil service status of the employee. Each name on such payroll which is in violation of the Charter of the City of Cleveland and the Civil Service Rules shall be underlined in red and marked: "disapproved by Civil Service Commission" and a memorandum of the same shall be sent to the department, division, bureau, or commission which submitted the payroll. The appropriate officer charged with paying the salaries and wages of persons on the payroll shall be immediately notified that such names are illegally on the payroll and that the payment of the items should be withheld until approved by the Commission at its next meeting.

## **RULE 12.00 INVESTIGATIONS**

### **12.10 Authorized**

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

## **RULE 13.00 MEETINGS AND OFFICE HOURS**

### **13.10 Meetings**

The regular meetings of the Commission shall be held on the second and fourth Friday of the month at 8:30 a.m. in an assigned room in City Hall unless changed by order of the Commission. Special meetings may be called at the discretion of the President of the Commission at a time and place designated by him/her.

### **13.20 Office Hours**

The regular hours during which the office of the Commission shall be open for the transaction of business shall be from 8:00 a.m. to 5:00 p.m. daily except Saturdays, Sundays and legal holidays.

## **RULE 14.00 WAIVER OF RULES**

### **14.10 Vote Required**

In specific cases, where in the judgment of the Commission it is in the interest of the public service, any rule hereby adopted may be waived by a majority vote of the Commission. Such action and the reasons therefore shall be entered in the minutes of the meeting.

## **RULE 15.00 AMENDMENTS**

### **15.10 Authorized**

The Commission shall have power to change, amend, revoke or modify these rules, or any rule herein or any part thereof, by a majority vote of the Commission provided one week of notice of such proposed change, together with the text of the proposal shall be given by publication in the City Record and by posting on the bulletin board in the office of the Commission.

### **15.20 Published in City Record**

The foregoing rules and all amendments thereto shall be published in the City Record.

### **15.30 Present Rules**

All present rules and regulations shall continue in force pending final approval and adoption of the foregoing proposed rules and regulations. Upon their adoption all present existing rules and regulations shall be therewith repealed.

## **RULE 16.00 SAVING CLAUSE**

### **16.10 Invalid or Unconstitutional Rule**

If any section or part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and 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 is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

## **RULE 17.00      TERMINATION OF NON-RESIDENTS**

### **17.10 Residency Requirement**

Every temporary or regular officer or employee in the classified service appointed after November 29, 1982, shall, at the time of appointment or within six (6) months thereafter, be or become a bona fide resident of the City of Cleveland, and shall remain as such during his/her tenure with the City, as required by Section 74 (a) of the Charter of the City of Cleveland.

Any officer or employee in the classified service shall be terminated, following the procedures set forth in this rule, for either of the following:

1. Failure to become a resident within six (6) months of the employee's appointment.
2. Establishing a residence outside of the City during the employee's tenure.

### **17.20 Notice of Investigation**

Upon the initiation of an investigation by the Civil Service Commission, the appointing authority shall notify the officer or employee in writing within seven (7) working days, that his/her compliance with the residency requirement is in question. The notice shall be given either by personal service or by depositing such notice, certified mail return receipt requested, in the United States mail addressed to the officer or employee's address. The officer or employee shall have seven (7) working days to prove Cleveland residency according to Civil Service guidelines.

### **17.30 Hearing Before the Referee**

In the event a hearing is scheduled, the Commission shall notify the employee in writing, either personally or by certified mail, of a hearing date to be scheduled in a timely manner. A referee shall be deemed to have acquired jurisdiction by evidence of personal service or a United States postal receipt for certified mail.

At the hearing before the Referee, the officer or employee shall have the opportunity to be heard in person, and may be represented by counsel in his/her own defense, and shall have the opportunity to call and cross-examine witnesses. The officer or employee shall have the burden of proof of establishing, by a preponderance of the evidence, such officer's or employee's status as a bona fide resident of the City of Cleveland pursuant to the requirements of Charter Section 74 and Section 17.10 of these rules.

The Referee shall make a record of the entire proceedings using a court reporter. Within fifteen (15) working days of the conclusion of such hearing, the Referee shall prepare Findings of Fact and Conclusions of Law ("Referee's Report") and deliver them to the officers or employee's Appointing Authority and Director. The Referee may request an extension from the Civil Service Commission. The granting of such requests is within the sole discretion of the Commission. The

Referee shall forward a copy of the Findings of Fact and Conclusions of Law to the officer or employee, to his/her attorney, if any, and to the Commission.

#### **17.40 Postponement or Continuance of Hearing**

The Referee may postpone or continue any hearing provided for in Rule 17.30 for a maximum of ten (10) working days, for good cause shown. Further continuances by the same party must be requested in writing and shall only be granted by the Commission prior to the scheduled hearing date, for good cause shown. The Commission shall have sole discretion in determining whether to grant or refuse such request and shall notify the parties accordingly. Only one such further continuance shall be allowed each party. The granting of a continuance to either party, as herein provided, shall not operate, in any manner, to prejudice the rights of either party to the proceedings.

#### **17.50 Decisions by Appointing Authority and Director**

Upon review of the Referee's Report, the appointing authority may sustain or overrule the recommendation of the Referee concerning the residency of the officer or employee; in any event, within ten (10) working days from the date he/she receives the Referee's Report, the appointing authority shall forward his/her written decision to the Commission and to the officer or employee incorporating, if appropriate, the Referee's Report. Said written decision shall detail the basis for the appointing authority's determination.

If the appointing authority decides that the officer or employee has failed to sustain his/her burden of establishing bona fide Cleveland residency, in addition to the appointing authority's written decision, he/she shall prepare a notice of termination, signed and approved by the Director, which shall be hand-delivered or mailed to the officer or employee, with a copy forwarded to the Commission. Termination shall be effective in a timely manner.

#### **17.60 Appeals to the Commission**

The affected officer or employee may appeal to the Commission the decision of the appointing authority by filing written notice of appeal with the Commission within ten (10) working days of the date of termination notice. If either party wishes to introduce additional evidence before the Commission, it shall notify the Commission in writing within seven (7) working days before the scheduled appeal hearing and shall include a list of witnesses and exhibits and an indication of the approximate length of time the presentation of such evidence will take. (Such new evidence shall not be a repeat of evidence already in the record). Such notice shall also be served upon opposing counsel or upon the other party if he/she has no counsel. The Commission may refer the taking of such additional evidence to the Referee. Failure to advise the Commission within seven (7) working days before the scheduled appeal hearing of an intention to present such additional evidence shall preclude that party from offering any evidence, except for rebuttal evidence if the other party presents additional evidence. Within ten (10) working days after all the evidence is taken, or if no additional evidence is offered, within seventeen (17) working days after the notice of appeal is filed with the

Commission, each party shall file a brief with the Commission setting forth each party's arguments and indicating the parts of the record supporting each party's position.

The Commission may convene a pre-hearing meeting of counsel to discuss the procedural aspects of the full Commission hearing.

#### **17.70 Rules of Procedure for Appeal Hearing**

After all evidence has been taken and the time limit for submitting briefs has expired, the Commission shall promptly schedule the matter for a hearing and allow each party time for oral argument.

During the hearing, any member of the Commission, after recognition by the President, may ask questions of any party or their counsel. Any party who desires a copy of the transcript, if any, of any hearing may purchase said copy from the court reporting firm present at the hearing.

The Commission shall announce its decision after reviewing all of the testimony, exhibits, briefs, and arguments of counsel. The decision of the Commission shall be final upon its enactment of a written Finding of Fact and Conclusions of Law, which shall be voted upon and enacted by the majority of the Commission that had voted to sustain the prevailing party's position. The decisions of the Commission are final upon approval of its minutes by the Commission.

#### **17.80 Rules Not Exclusive**

Nothing contained in these rules shall be construed to preclude or limit the Commission in its exercise of those powers granted in Section 135 and 137 of the City of Cleveland Charter.

#### **17.90 Employees Exempted**

The provisions of Rule 17 shall not apply to an officer or employee on the payroll of the City of Cleveland on November 29, 1982.

## **RULE 18.00 POLITICAL ACTIVITY OF CITY EMPLOYEES**

The following Rules shall govern the political activity of employees in the classified service of the City of Cleveland with the respect to elections for public offices, and political parties and organization.

### **18.10 Definitions**

- A. **Employee** means an individual who occupies a position in the classified service of the City of Cleveland.
- B. **Election** means a primary, special, or general election in which members of the electorate vote for candidates, unless the use of the word clearly indicates another meaning.
- C. **Nonpartisan election** means an election in which none of the candidates is to be nominated or elected as representing a political party.
- D. **Partisan election** means an election in which the ballot may, under applicable election laws, designate the political party or political organization to which a candidate belongs or which the candidate is representing in the election, regardless of whether the ballot for the election makes such designation with respect to any or every candidate.
- E. **Candidate** means any qualified person certified in accordance with applicable election laws for placement on the official ballot of an election for public office, or any person who represents himself/herself to be a write-in candidate, or who knowingly assents to such representation by another, at any election for public office, unless the use of the word clearly indicates another meaning.
- F. **Political party** means a national political party, a state political party, or an affiliated organization.
- G. **Political organization** means an organization whose primary purpose is to influence voters to vote for or against a particular candidate for elective public office.

### **18.20 Permissible Activities**

- A. All employees are freed to engage in political activity relating to elections to the widest extent consistent with the restriction imposed by the Charter of the City of Cleveland and these Rules. Except as otherwise prohibited by these Rules, each employee retains the right to:
  - 1. Register and vote in any election.
  - 2. Express opinions as an individual privately and publicly regarding candidates.
  - 3. Display a political picture, sticker, badge, or button.

4. Be a member of a political party or political organization and participate in its activities to the extent consistent with these Rules.
  5. Attend a political convention, rally, fund-raising function, or other political gathering.
  6. Sign a political petition as an individual.
  7. Make a financial contribution to a political party or organization.
  8. Take an active part, as a candidate or in support of a candidate, in a nonpartisan election, except as prohibited in Rule 18.30.
  9. Otherwise participate fully in public affairs in a manner which does not materially compromise his/her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his/her position as an employee.
- B. Paragraph (A) of this section does not authorize an employee to engage in political activity in violation of law, or while on duty, or while in a uniform that identifies him/her as an employee of the City of Cleveland, or through the use of City equipment or property which is not available for the use of the general public.

### **18.30 Prohibited Activities**

A. Use of Official Authority: Prohibition

An employee may not use his/her official authority or influence as a City of Cleveland employee for the purpose of interfering with or affecting the result of an election.

B. Political management and political campaigning: prohibitions.

1. An employee may not take an active part in political management or in a political campaign by engaging in any of the activities listed below in paragraph (2) hereof. Where this list refers to a “restricted election” that term shall include:
  - a. Any election which is a partisan election: and
  - b. Any election for any public office with authority over any territory within the corporate limits of the City of Cleveland, including but not limited to elections for mayor of the City of Cleveland, member of Council of the City of Cleveland, Clerk of the Cleveland Municipal Court, judge of the Cleveland Municipal Court, member of the Cleveland Board of Education, and any Ohio state-wide or Cuyahoga County-wide judicial office.

The term “restricted election” shall not include any nonpartisan elections except as set forth in subdivision (b) above.



2. Activities prohibited by paragraph (1) of this section include but are not limited to the following:
  - A. Becoming a candidate for an elective public office in a restricted election.
  - B. Taking an active part in managing the political campaign of a candidate for political party or political organization office.
  - C. Soliciting votes in support of or in opposition to a candidate for public office in a restricted election or a candidate for political party or political organization office.
  - D. Endorsing or opposing a candidate for public office in a restricted election or a candidate for political party or political organization office in a political advertisement, campaign literature, or similar material.
  - E. Initialing or circulating a declaration of candidacy or petition for placement of a person's name on the ballot of an election other than a nonpartisan election.
  - F. Organizing or reorganizing a political party or political organization.
  - G. Organizing, selling tickets to, promoting, or actively participating in fund-raising activity of a candidate in a restricted election, or of a political party or political organization.
  - H. Serving as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a political organization, or being a candidate for any of these positions.
  - I. Serving as a delegate, alternate, or proxy to a political party convention.
  - J. Acting as judge, clerk, watcher, challenger, or similar officer at the polls on behalf of a candidate in a restricted election, or a political party or a political organization.
  - K. Driving voters to the polls on behalf of a candidate in a restricted election, or a political party or a political organization.

## GLOSSARY

**APPLICATION:** A written form signed by the applicant, pursuant to the Rules of the Civil Service Commission, signifying his/her intention of taking an examination for a position in the Classified Civil Service.

**APPOINTING AUTHORITY:** The officer, board, commission, division or departmental head empowered by laws or by lawfully delegated authority to make appointments to and removals from positions, of all officers and employees in a division, and to have supervision and control of its affairs.

**CERTIFICATION:** Process that the Civil Service Commission sends to the appointing authority a list of eligibles in the class and grade to which he/she wishes to fill either new or vacant positions, or to replace temporary appointees who are occupying positions in the same class and grade within the division.

**CHARTER:** Shall mean the Charter of the City of Cleveland, adopted on July 1, 1913, with any amendments thereto which may hereafter become effective.

**CIVIL SERVICE:** Pertains to all officers and positions within the Civil Service; these are divided into the Classified and the Unclassified Service.

**CIVIL SERVICE COMMISSION:** Shall mean the Civil Service Commission of Cleveland that body composed of five members appointed by the Mayor for terms of six years each.

**CLASSIFICATION:** One or more positions so similar with respect to duties, responsibilities and qualifications that the same descriptive title may be used to designate each of them and each may be equitably compensated within the same salary scale;

or

Shall mean a position or group of positions, having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary scale.

**CLASSIFIED SERVICE:** Comprises all position in the Civil Service, not specifically included by Charter provision in the Unclassified Service. The Classified Service is divided in to three classes: the Competitive Class, the Non-Competitive Class, and the General Labor Class.

**COMPETITIVE (OPEN) EXAMINATION:** An examination open to anyone who can comply with the minimum entrance requirements for admission thereto, irrespective of whether that person is employed by the City or not.

**DAY:** (A) A calendar day.  
(B) A working day.

**DELEGATION OF AUTHORITY:** Lawful transfer of duties from officers and employees, expressly designated under the Charter and/or the Rules of the Civil Service Commission to officers and employees not designated under the Charter and/or rules of the Civil Service Commission

**DIRECTOR:** Department head, who has supervision and control of all officers and employees within the separate divisions comprising his/her department.

**ELIGIBLE:** Any person whose name is on the Eligible List.

**ELIGIBLE LIST:** A list of names of persons found qualified by appropriate tests and ranked according to their scores;

and/or

A list of names compiled in order of registration of general laborers;

and/or

A list of those persons who have Civil Service status through layoff, reinstatement, reclassification of positions, or consolidation or abolishment of a class of positions.

**EMERGENCY APPOINTMENT:** A temporary appointment made in order to meet an emergency situation, but not to exceed thirty days duration.

**EMPLOYEE:** Includes all officers and employees in the Civil Service. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**EXAMINATIONS:** All the tests given that are together used to determine whether an applicant is qualified for the position for which the examinations were given.

**EXEMPT:** Those positions which by City Charter are not within the Classified Civil Service and thereby are not governed by the provisions of the Charter relative to the Classified Civil Service, nor by the Rules and Regulations of the Civil Service Commission; exempt positions are within the Unclassified Civil Service and are either elected (by the people) or appointed (by the Mayor or his/her duly designated representative), (see Section 126 of the City Charter).

**FEES:** There is up to a \$25.00 filing fee and a \$2.00 notarization fee charged for application to an entrance examination. There is no filing fee for a promotional examination in the Civil Service of the City of Cleveland.

**HEARING:** Evidentiary procedures before the appropriate hearing officer (attorney) when an employee or officer has been suspended pending discharge, or suspended for more than three (3) scheduled work days, or reduced in rank or compensation by the Appointing Authority or by one lawfully designated to act in the absence of the authorized officers.

**LAYOFF:** Removal of any employee from his/her position due to lack of work, lack of funds, or to changes in departmental organization abolishing one or more positions

**LAYOFF LIST:** A list of employees of Regular (Legal) Civil Service status who are not working due to layoff. Layoff lists shall be kept as to classification, grade and seniority within each division.

and/or

A list of those Civil Service employees with Temporary Appointee status, who due to lack of funds have been laid off from their positions within their respective division on the basis of longevity on the job, in their classification and grade within the division.

**NOTICE:** Whenever any notice is required to be given or issued by the Commission under these Rules, such notice may be given by placing it in the US Mail or by sending it electronically by email, in either case in a manner consistent with the normal practices of the Commission. Notices will be sent to applicants based upon the most recent contact information provided by the applicant, and shall be deemed valid even if returned as undeliverable. Any reference to time periods following the issuance or mailing of a notice shall refer to the day on which any such notice was mailed or sent regardless of the method of notice utilized. Nothing in this definition shall modify any provision of the Rules which specifically require that notices are to be sent by U.S. Mail or personally served

**PART-TIME EMPLOYEE:** An employee who is hired to work on a schedule of fewer weekly hours than the normal hourly work week of the unit to which he/she is assigned.

**PERSONAL LEAVE OF ABSENCE:** Time off from work granted an employee by his/her appointing officer for reasons of a personal nature.

**POSITION:** Any specific employment or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities by an individual.

or

A group of duties and responsibilities assigned or delegated by competent authority, requiring the full or part time employment of one person.

**PROBATIONARY EMPLOYEE:** An employee who is serving his/her probationary period.

**PROBATIONARY PERIOD:** That period of time, not to exceed six months, which is an ongoing and integral part of the examination process, during which the employee demonstrates his/her ability to actually perform the duties of his/her position on the job. All employees certified from competitive, non-competitive, promotional, or general labor eligible lists must serve a probationary period. No appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his/her probationary period.

**PROMOTION:** Advancement of an employee in rank or salary, beyond the limit fixed for the grade and which involves increased responsibilities, change in classification title and/or a higher salary scale.

**PROMOTIONAL EXAMINATION:** Competitive examination restricted to those Civil Service employees who have Regular status in another classification of the Classified Civil Service of the City of Cleveland.

**PROMOTIONAL LIST:** The list of those employees who passed a promotional examination for a particular class of positions, and whose names are ranked on this list pursuant to the Rules of the Civil Service Commission.

**REGISTRANT:** An applicant for the examination for the general labor classifications which are Custodial Worker, Garageman, Hostler, Municipal Service Laborer, Waste Collector, Watchman, and other classifications as may be added by a majority vote of the Commission.

**REGULAR (OR LEGAL) APPOINTMENT:** Shall be either Original or Promotional.

**A. Original Appointment:** Any appointment made from an eligible list, created as a result of either a competitive or non-competitive entrance examination, or by the registration of the general labor class.

**B. Promotional Appointment:** Any appointment shall be deemed to be promotional when made from any promotional eligible list and which involves either advancement in rank and/or increase in salary beyond the fixed grade limit for a classification or both.

**RESIGNATION:** That voluntary act of the employee, wherein the employee states in writing to the Appointing Authority his/her intent of completely terminating his/her employment with the City Civil Service, on a specific date;

and/or

That voluntary act wherein a temporary appointee, not qualified to transfer under the Charter and the rules of the Civil Service Commission, severs his/her employment from his/her position in one division to take a position in another division of the City Civil Service. Temporary Appointees do not acquire seniority credit until they have been appointed to a classification from an eligible list.

**SEASONAL EMPLOYEE:** An employee whose length of employment is predicated on seasonal work requirements.

**SUSPENSION:** The temporary and involuntary separation of an employee from his/her City employment, for disciplinary purposes.

**SUSPENSION PENDING DISCHARGE:** The involuntary separation of an employee in the Classified Civil Service, from his/her City employment pending a discharge hearing before the appropriate officer, upon charges preferred by the appropriate Appointing Authority.

**TEMPORARY APPOINTMENT:** Any appointment made in the absence of an eligible list to a position in the Classified Service of the City pending an examination.

**TEMPORARY APPOINTEE:** An employee holding an employment position within the Classified Service of the City, pending an examination.

**WAIVER:**

A. In Certification:

That voluntary act of an eligible, wherein the eligible asks, in writing to the Civil Service Commission, to be bypassed for the indicated time period, for the position to which the eligible was certified. (See Rule No. 6.30)

B. In Examination:

A Registrant (one who has registered for an examination in the General Labor Class) within the defined period as set forth in the Rules of the Civil Service Commission, may, in writing state his/her inability to report for the examination on the specific date, due to illness or absence from the city. (See Rule No. 10.40)

**SENIORITY  
CHART**

**SECTION  
143.16  
OF**

**THE GENERAL CODE OF  
OHIO**

**MONTHS**

	0	1	2	3	4	5	6	7	8	9	10	11
<b>YEARS</b>												
<b>0</b>		0.0833	0.1666	0.2499	0.3332	0.4165	0.4998	0.5831	0.6664	0.7497	0.833	0.9163
<b>1</b>	1.0000	1.0833	1.1666	1.2499	1.3332	1.4165	1.4998	1.5831	1.6664	1.7497	1.8330	1.9163
<b>2</b>	2.0000	2.0833	2.1666	2.2499	2.3332	2.4165	2.4998	2.5831	2.6664	2.7497	2.8330	2.9163
<b>3</b>	3.0000	3.0833	3.1666	3.2499	3.3332	3.4165	3.4998	3.5831	3.6664	3.7497	3.8330	3.9163
<b>4</b>	4.0000	4.05	4.1000	4.15	4.2000	4.25	4.33000	4.3500	4.4000	4.45	4.5000	4.55
<b>5</b>	4.60	4.65	4.70	4.75	4.80	4.85	4.90	4.95	5.00	5.05	5.10	5.15
<b>6</b>	5.20	5.25	5.30	5.35	5.40	5.45	5.50	5.55	5.60	5.65	5.70	5.75
<b>7</b>	5.80	5.85	5.90	5.95	6.00	6.05	6.10	6.15	6.20	6.25	6.30	6.35
<b>8</b>	6.40	6.45	6.50	6.55	6.60	6.65	6.70	6.75	6.80	6.85	6.90	6.95
<b>9</b>	7.00	7.05	7.10	7.15	7.20	7.25	7.30	7.35	7.40	7.45	7.50	7.55
<b>10</b>	7.60	7.65	7.70	7.75	7.80	7.85	7.90	7.95	8.00	8.05	8.10	8.15
<b>11</b>	8.20	8.25	8.30	8.35	8.40	8.45	8.50	8.55	8.60	8.65	8.70	8.75
<b>12</b>	8.80	8.85	8.90	8.95	9.00	9.05	9.10	9.15	9.20	9.25	9.30	9.35
<b>13</b>	9.40	9.45	9.50	9.55	9.60	9.65	9.70	9.75	9.80	9.85	9.90	9.95
<b>14</b>	10.00											