

BEACHWOOD CITY COUNCIL MINUTES OF THE SAFETY AND PUBLIC HEALTH COMMITTEE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM A AND THE CITY OF BEACHWOOD POLICE DEPARTMENT, 25325 FAIRMOUNT BOULEVARD, ON THURSDAY, MARCH 15, 2018 AT 8:00 A.M.

The meeting was called to order at 8:07 a.m. by Chairman Justin Berns.

ROLL CALL:	Present	J. Berns, E. Synenberg
	Absent:	B. Linick
	Also Present:	Mayor M. S. Horwitz, H. L. Jones, P. Kearns, G. Haba, N. E. Naso, T. Turick, Brian Burke, Robert Cohen

1. Mayor's Reports

None.

2. Discussion regarding the review and amendment of the City of Beachwood, Ohio Civil Service Rules.

Mr. Berns opened the meeting and turned the discussion over to Ms. Jones.

Ms. Jones outlined the proposed changes. Those changes included several additions and deletions and the implementation of a Lateral Transfer program. A copy of the proposed changes is attached hereto for the official record.

Ms. Jones stated that the proposed changes were requested by Police Chief Gary Haba, Fire Chief Patrick Kearns, and the Civil Service Commission.

Ms. Jones then turned the discussion over to Police Chief Gary Haba.

Chief Haba indicated that he would like to implement a Lateral Transfer program to the City of Beachwood, Ohio Civil Service Process.

Chief Haba then described the Later Transfer Process and spoke about the advantages of such a program.

Those advantages include condensing the testing process and recruiting trained officers and firefighters.

After discussing the advantages of the Lateral Transfer Program, Ms. Jones continued to review the proposed changes.

After the discussion, Mr. Berns thanked the Civil Service Commission for all of their work on updating these rules. Mayor Horwitz also thanked the Civil Service Commission and the Law Department for the work done on suggesting changes.

3. Any other matters coming before the Safety and Public Health Committee.

None.

ADJOURNMENT

Moved by J. Berns, seconded by E. Synenberg at 8:56 A.M. to adjourn the Safety and Public Health Meeting.

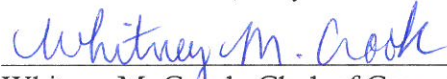
ROLL CALL:	Yes:	J. Berns, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

Approved:

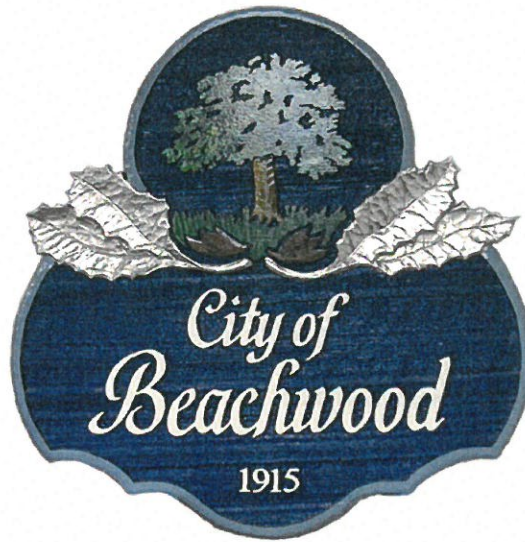


Martin S. Horwitz, Mayor



Whitney M. Crook, Clerk of Council

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.



Rules of the Civil Service Commission
City of Beachwood
Cuyahoga County, Ohio

Adopted by Ordinance No. 18-

RULES OF THE CIVIL SERVICE COMMISSION
OF THE
CITY OF BEACHWOOD, OHIO

PREAMBLE

Pursuant to the power and authority granted by the Charter of the City of Beachwood, the Civil Service Commission hereby adopts the following amended rules governing the Civil Service Commission of the City of Beachwood effective ~~January 19, 2017~~ **(insert approval date)**.

A. ORGANIZATION AND STAFF

Section 1. Establishment of Commission

A Civil Service Commission is established by the Charter. A member of any commission or board established by the Charter or by the Council conformable to Article VI, Section 1 therein shall be deemed an officer of this City within the meaning of the Charter. The Civil Service Commission members are therefore deemed officers of this City. (Beachwood Charter - Article VI, Section 1)

Section 2. Civil Service Commission; Composition, Vacancy and Removal

In accordance with the Charter, the Civil Service Commission shall consist of three residents of the City not holding any other City office to be appointed by the Mayor to serve staggered terms of six (6) years, with one member's term expiring every two (2) years on January 1, following a regular Municipal election. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. Removal of a member of the Civil Service Commission is governed by Article VI, Section 4 of the Charter. (Beachwood Charter - Article VI, Section 3, 1. and Section 4).

Section 3. Civil Service Divisions; Unclassified and Classified Service

The Civil Service of the City is divided into the unclassified and classified service.

- (A) The unclassified service shall include all elected, appointed and employed persons of the City except those included in the classified service.
- (B) The classified service shall consist of all Police Officers and Fire Fighters who are appointed and \or promoted by competitive civil service examination, excluding the Chief and any Deputy Chief of the Police Department and the Chief and any ~~Deputy~~ **Assistant** Chief of the Fire Department, to be known as the safety forces. Council, by ordinance, shall create each rank in the safety forces and the number of persons to serve in each rank. Such ordinance shall be known as the table of organization. (Beachwood Charter - Article VI, Section 3, **1(B)2.**)

Section 4. Responsibilities of Commission; Rules

The Civil Service Commission shall make all necessary rules for its procedure, the appointment and promotion of persons in the classified service, independent of the general law of the State of Ohio where permitted to do so, and such other rules as the Commission determines to be necessary. Before any such rules or amendments thereof shall become effective, they shall be **approved by City Council and** published in writing and publicly posted on the bulletin board in City Hall and shall become effective thirty (30) days after **approval adoption by City Council** ~~the Commission~~, unless some later date is specified therein.

The Commission shall provide rules for the procedure of the Commission; for standardization and classification of positions; for competitive examinations for qualifications in meeting reasonable and lawful requirements as to age, physical condition and moral character; and for such investigations and rules as may be necessary and proper for the implementation of the Civil Service system for employment, appointment and promotion within the City.

The Commission may amend these Rules or adopt new Rules by a majority vote of the Commission members at any of its meetings, **subject only to the approval of City Council**. A copy of all proposed amendments to these rules shall be sent to the Chief of each affected department for recommendations prior to passage. A copy of these Rules

and a copy of all subsequent Rules or Amendments shall be sent as soon as practicable after adoption to each affected department of the City, and a copy shall be maintained in the office of the Commission for public inspection.

The Commission shall report its proceedings to the Mayor or Council upon request. (~~Beachwood Charter—Article VI, Section 3, 3.~~)

Section 5. Officers; Chairperson

At its first meeting in each calendar year, the Commission shall designate one of its members as chairperson. In case of vacancy before the expiration of the term for which such chairperson is designated, the office shall be filled in a like manner.

The Chairperson shall preside at all meetings of the Commission and shall act as spokesperson for the Commission. The Chairperson shall designate one of the Commissioners to act as Chairperson Pro Tempore during the absence of the Chairperson. If no such designation has been made, the two Commissioners present shall agree who shall act as Chairperson Pro Tempore.

Section 6. Secretary

In accordance with Article III, Section 4 of the Charter, Council shall appoint a Clerk who shall be the Clerk of Council and Secretary of the Planning Commission, Civil Service Commission and of all boards and commissions established by Council. The Clerk shall keep the records of Council and of the boards and commissions of which the Clerk is secretary. The Clerk shall authenticate all records, documents and instruments of the City required by law and perform other duties required by Council. Council may also appoint Assistant Clerks of Council to assist the Clerk and to act in the Clerk's absence. (Beachwood Charter - Article III, Section 4)

In addition to acting as Secretary of the Commission, the Clerk shall perform all other functions necessary for the proper implementation of these Rules and the City Charter and ordinances relating to Civil Service and the provisions of the State law not in conflict therewith and such additional duties as may be assigned from time to time by the Commission.

Section 7. Quorum

Two members of the Commission shall constitute a quorum for the transaction of business, and the concurrence of two members shall be required for any action.

Section 8. Official Signatures

The Chairperson of the Commission, or his or her designee, is authorized to sign all papers and other documents for and on behalf of the Commission. In the absence of the Chairperson, the remaining two members of the Commission shall have such power.

Section 9. Official Records

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

- (a) All appointments and promotions,
- (b) Lists of all examinations administered with their dates,
- (c) Results of all requests for re-gradings,
- (d) Classifications of positions and changes in classifications,
- (e) Appointments of special examiners,
- (f) Decisions in all hearings,
- (g) Other official business transacted by the Commission.

Copies of eligibility lists, applications, and correspondence shall also be kept by the Secretary and retained in accordance with municipal record retention requirements.

Section 10. Official Roster

A file, to be known as the "Official Roster" shall be kept by the City. This file shall contain the name of every person in the classified service. This file shall show the following with respect to each employee:

- (a) Name of the employee,
- (b) Address of the employee,
- (c) Title of the office or employment,
- (d) Date and character of each appointment and each subsequent change in status, and
- (e) Date of examination and listing, grade received and rank of the eligible list.

Section 11. Meetings; Rules of Order; Communications

Meetings of the Commission shall be subject to call of the chairperson or any two

members of the Commission. Meetings shall be held in the City Hall as often as may be necessary for the prompt transaction of all business.

All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as otherwise provided herein.

The Commission may hold executive sessions to consider the employment of an employee or to hear complaints, unless such officer or employee requests a public hearing. The Commission also may, at its discretion, exclude witnesses and others.

Except as otherwise provided herein, Robert's Rules of Order - Newly Revised, shall guide the Commission in its proceedings.

Communications and requests to the Commission, insofar as practicable, shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

B. CLASSIFICATION

Section 1. Classification; Investigation; Changes

The Civil Service Commission may from time to time, upon its own motion, make investigation of all positions in the service and propose changes in classification whenever the facts are considered to warrant such action, subject to the requirements of the City's collective bargaining agreements, and the provisions of the City's ordinances governing employment.

C. APPLICATIONS AND APPLICANTS

Section 1. General Requirements; Residency and Citizenship

To the extent permitted by law, the Commission may determine and state in the announcement of each examination whether applicants shall be restricted to residents of the City of Beachwood or other City, County, State, or the United States. The overall policy governing the decision in each case shall be that of securing an adequate number of well qualified applicants.

Unless otherwise limited by law, every applicant for admission to examination for a position in the classified service in the City of Beachwood must be a citizen of the United States, or have legally declared his or her intention of becoming a citizen of the United States and be authorized to work in the United States. **Upon filing an**

application, Applicants must present to the City ~~at the time the applicant is hired~~ proof of citizenship or proof that the applicant has legally declared his or her intention of becoming a citizen of the United States and authorization to work in the United States.

Section 2. Filing of Applications; Fee; Attachments

Applicants must fill out, and sign the blank form of application furnished by the Commission. The applicant must file a completed application form giving fully, truthfully, and accurately all information required. An applicant's notarized signature certifying as to the truth and completeness of the information contained in the application shall be required on each application. The Secretary may refuse to accept any incomplete application that is not fully completed or that does not contain all required information or attachments as set forth in the examination notice. All applications, when completed and filed, become the property of the Commission and thereafter may not be returned to the applicant. The Commission may impose a reasonable fee for the processing of applications and may provide for waiving such fee based on evidence of inability to pay as determined by the Commission.

Applications must be received at the office of the Commission not later than 4:00 p.m. on the last day for filing as posted on the official bulletin board of the Commission. Applications will be subject to amendment not later than 4:00 p.m. of the last day for filing. Burden of proof of meeting application and filing requirements shall lie with the applicant. In case of any dispute as to the time of filing, the Secretary's official time recorded on the application shall be conclusive.

The time for filing applications may be extended or reopened by the Commission and as the needs of the service require, provided notice is immediately posted on the bulletin board in City Hall and by such other manner provided at D. Section 3 herein for examination notices as is designated by the Commission.

All applicants for original **entry level** appointment as a firefighter\paramedic or police officer must attach a copy of his\her valid state drivers' license and a copy of his\her high school diploma or G.E.D. certificate to the application at the time of filing. All applicants for original **entry level** appointment as a firefighter\paramedic must also attach a copy of his\her valid state Paramedic certification card to the application at the time of filing.

Section 3. Initial Application Requirements; Moral Character Certificates; EMT-Paramedic Certification; Ohio Driver's License

Applicants for original **entry level** appointments must furnish satisfactory proof of being a person of good moral character, of correct and orderly deportment, and of temperate and industrious habits by certificates of not less than four reputable citizens of their state of residence, not holding any public office or position in any political party organization, each certifying that he or she has been personally acquainted with the applicant for at least two years and believes the applicant to be of good moral character, of temperate and industrious habits and in all respects qualified for the contemplated service, and that each such citizen is willing that such certificate shall be made public. Additional certificates of character may be required in any case at the discretion of the Commission. All statements submitted by an applicant as to his\her character and fitness shall be attached to the application at the time of filing and may be subject to investigation by the Commission.

In order to be eligible to apply for entry level testing to become a Beachwood firefighter\paramedic, the applicant must provide proof that he\she holds a current EMT-Paramedic certification issued by any state. Any applicant without such certification shall not be permitted to apply for the position.

Any non-resident holding a current EMT-Paramedic certification from another state may be permitted to present a current EMT-Paramedic certification from the State of Ohio within three months of eligibility.

If an applicant is offered employment with the City and is a non-resident holding a valid out of state driver's license the applicant will be permitted to present a current driver's license from the State of Ohio within sixty days of appointment.

Section 4. Physical and Mental Requirements; Age

To be eligible for **open competitive** appointment as a police officer or firefighter\paramedic, the applicant shall be physically and mentally capable of performing the duties of the position. **Upon the determination of the Commission, a A physical agility test must be passed either 1) prior to sitting for the open competitive examination or 2) prior to the time that an applicant's name appears on an eligibility list, at which time the applicant shall have the opportunity to demonstrate his or her capability. ~~All applicants receiving at least a minimum passing score on the written entry level examination shall be required to take and pass a physical agility test.~~ A psychological interview, ~~and~~ testing and/or evaluation may be required prior to the interview with the Civil Service Commission. An applicant must pass a physical examination after a conditional entry-level employment offer is made.**

To the extent permitted by law and reasonably related to the requirements of the

position, the job description for any particular position may include further requirements regarding physical and mental condition.

To file an application, an applicant for an **open competitive original** appointment as a firefighter\paramedic must have attained his\her eighteenth birthday and shall not have obtained his\her thirty-first birthday and an applicant for an **open competitive original** appointment as a police officer must have attained his\her twenty-first birthday and shall not have obtained his\her thirty-fifth birthday. On the date of **an open completeive** appointment, an applicant for the position of firefighter\paramedic to be eligible shall not have attained his\her thirty-first birthday and an applicant for the position of police officer to be eligible shall not have attained his\her thirty-fifth birthday. Such age requirements shall be governed by the general law of the State of Ohio.

On the date of a lateral appointment, the applicant for the positions of firefighter/paramedic and police officer shall not have attained his/her forty-first birthday.

~~(Beachwood Charter, Article VI, Section 3, 3. (A)(3))~~

Section 5. Physical and Medical Examinations

Physical and medical examinations by a physician designated by the City shall be required after a conditional employment offer is made to an applicant **for original entry level appointment. If a candidate for a lateral transfer has completed employment examinations within one (1) year of the City's conditional offer, the Commission may accept the examinations in lieu of requiring new examinations.** Such physical examination requirements shall be governed by the general law of the State of Ohio. ~~(Beachwood Charter, Article VI, Section 3, 3. (A)(3))~~

Section 6. Non-Acceptance\Rejection of Applicants; Withholding or Removal of Names from Eligibility List

The Commission, subject to the right of any person aggrieved to appeal as indicated at F. Section 4. herein, may refuse to accept an application or to examine an applicant or may withhold or remove the name of any person from the eligibility list who:

- a. lacks any of the minimum qualifications set forth in the examination notice;
- b. does not meet the medical or physical requirements of the position for which appointment is sought;

- c. has made false statement(s) in his\her application with regard to any material fact or has practiced or attempted to practice any deception or fraud in his/her application or examination, in securing his\her eligibility, or appointment or promotion;
- d. was previously in the Classified City Service in the same or any other type of employment and was removed for cause or did not resign in good standing;
- e. has used or attempted to use any political pressure to further his\her eligibility for appointment or promotion;
- f. is addicted to the use of intoxicating liquor or narcotics or habit forming drugs or gambling;
- g. had been convicted of a felony or misdemeanor within the last seven years, or admitted to criminal activity determined to have a direct relationship to the position for which application is made, except that conviction of a felony shall automatically disqualify an applicant for any law enforcement officer position. Such rejection shall take into consideration the seriousness of the offense, the age of the offense, and the age of the applicant at the time of its occurrence;
- h. has been dismissed from previous employment for delinquency or misconduct;
- i. refuses to furnish all information required to complete the application;
- j. is knowingly a member of any ~~organization which is included in the official list of~~ subversive organizations, or who is knowingly a member of any organization which to his\her knowledge, now advocates the overthrow of the government of the United States or of this State by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities;
- k. refuses to execute any oath, as prescribed by law;
- l. fails to be present for fingerprinting;

- m. has assisted in preparing, conducting or scoring any examination for which the candidate applies or who has in any other manner secured confidential information concerning such examination which might give him\her an unfair advantage over other applicants on the examination;
- n. fails to be present for or fails to pass the physical and\or medical examination;
- o. a written request from the applicant that his\her name be removed from the eligibility list;
- p. failure to appear for a scheduled interview or to schedule an interview or other required appointment within the time period stated in the notice to do so, unless said applicant is on the promotional list and shall have specifically waived his\her right to a promotional appointment;
- q. in any case where the Commission finds that an applicant is or has in any manner become disqualified for the position for which he\she is listed, in accordance with these Rules;
- r. failure to notify the Secretary of changes in address;
- s. appointment to a permanent position through certification from an eligible list for an equivalent or higher rank;
- t. in the case of promotional lists, upon separation, other than layoff from City service;
- u. ~~if not appointed after certification three times to the same or different appointing authorities;~~ [re-alphabetize remaining]
- v. failure to pass the polygraph examination or voice stress truth verification test for positions in the Department;
- w. failure to pass a pre-employment interview or background investigation, the purpose of which is to determine if the applicant had the background and ability to function as an effective police officer or firefighter-paramedic.
- x. failure to notify the Commission of receiving other employment or no longer being interested in seeking employment with the City for any other

reason.

D. EXAMINATIONS

Section 1. Types of Examination

Examinations shall be of ~~two~~ **three** kinds:

- (a) Open competitive (entrance) examination
- (b) Lateral Examination**
- ~~(b)~~ (c) Promotional examination.

Both the Open Competitive and Lateral Examinations may be collectively referred to herein as "original entry level appointment." Examinations shall be oral and/or written and of such a character and relate to such matters as will in the opinion of the Commission fairly test the relative fitness of the persons examined to discharge the duties of the positions to which they seek appointment.

All applicants for **open competitive** appointment receiving at least a minimum passing score on the written examination, as determined by the Commission, must pass a physical agility test **if passing such test was not required prior to application.** Based upon the ranking of scores on the written **or other initial** portion of the examination, sufficient applicants in the opinion of the Commission to meet anticipated requirements of the Mayor shall then be required to continue with the remaining portions of the examination process, including the oral interview, prior to being ranked on the final eligibility list. Such applicants may be required to complete psychological testing and evaluation. The Commission may establish a rule to permit the addition of departmental points to be awarded by the Chief of the department to be added to the final examination grade for those applicants who have received a passing score on the written examination and are among those chosen to continue with the remaining portions of the examination process. ~~(Beachwood Charter Article VI, Section 3, 3(A)(2))~~

Promotional applicants receiving at least a minimum passing score on the written examination may be required to complete psychological testing and evaluation. ~~(Beachwood Charter Article VI, Section 3, 3(B)(4))~~

Section 2. Separate Examinations and Eligibility List for Police and Firefighter\Paramedics

Separate examinations shall be given and separate eligibility lists maintained by

the Civil Service Commission for original **entry level** appointments to and promotions in the Fire and Police Departments. No person may be transferred from one list to the other. **Original entry level** appointments and promotions in said departments shall be only from the separate eligibility lists maintained for each of said departments. Transfers of personnel from one department to the other are hereby prohibited.

Section 3. Examinations; Public Notice

Whenever the Mayor requests that the Commission certify names from an eligibility list for a vacant position for an entry-level position in the safety forces or for a position in the safety forces above the lowest grade, the Commission shall conduct an examination to create an eligibility list, if no such list exists for such position. **For entry level examination, an eligibility list will be valid for one (1) year and no more than (2) years unless the Commission determines that the list is no longer valid after less than one (1) year due to lack of adequate, well qualified applicants. For positions above the lowest grade, aA list shall be valid for not less than one (1) nor more than two (2) years. At any time after the first year but before the end of the second year, the Commission may determine that the list is no longer valid. All examinations will be conducted within sixty (60) days of the Mayor's request for certification of names from an eligibility list when one is required, or as soon thereafter as is practical. The Commission may conduct an open competitive examination, a lateral examination, or both. Each type of examination will have its own separate and independent eligibility list.** ~~(Beachwood Charter, Article VI, Section 3, 3.(A)(1), (B)(1), (E)(1)(2))~~

Examinations shall be held under the direction of the Commission at such places as the Commission deems advisable. Public notice of the time and place of every examination shall be given at least 30 days prior to the date thereof on the bulletin board in City Hall. In addition, copies of said notices shall also be posted in the department for which the test is to be given.

Notice of all open competitive examinations shall be published in one or more newspapers of general circulation in the area from which applicants will be permitted to apply, as indicated by the Commission in its announcement. Examination notices may also be given in other written, printed or electronic form as designated by the Commission. Such notices shall also contain any other information relating to the scope of the examination, the weights to be attached to the respective subjects, the qualifications of the applicants, and such other information as the Commission may deem proper.

Section 4. Development of Examination

Examinations shall be of such character and relate to such matters as will fairly test the relative fitness of the persons examined to discharge the duties of the positions to which they seek appointment. All examinations shall be based on objective and approved examination methods. Examination shall be conducted under the supervision of the Commission, and when necessary and advisable, Special Examiners may be designated by the Commission to assist in the conduct of the same.

Section 5. Safeguarding of Examinations; Candidate Identification Number

At the time of filing his/her application, each candidate shall be assigned an identification number by the Secretary of the Commission. All examination papers submitted by applicants shall contain their number only, and any paper bearing the name of an applicant or other identification mark shall be rejected and the applicant shall be notified of disqualification.

Section 6. Marking or Score; College Credit; Interviews; Ranking on Eligibility List

Prior to the administration of an examination the Commission shall determine (i) the overall passing score; (ii) what percentage of the passing score shall be determined by ~~the written part and what percentage shall be determined by the oral interview part of the examination;~~ **each element of the examination;** and (iii) any minimum passing score for each section of the examination. No credit shall be given for ~~military service or~~ residency. However, the Commission may provide that **not more than one percent (1%) of the final score be added to the final grade of any person who holds a valid, current certification as a peace officer through the Ohio Peace Officer Training Commission in the State of Ohio (original open competitive police officer examination only),** not more than one percent (1%) of the final score be added to the final grade of any person with a two (2) year college degree from an accredited college or university or not more than two percent (2%) of the final score be added to the final grade of any person with a four (4) year college degree from an accredited college or university, provided that the applicant has obtained at least the minimum passing grade on the written **or other initial** examination and further provided that copies of the applicants' college transcripts showing the degree are attached to the application at the time of filing the same. **No applicant shall receive more than two percent (2%) total added to their scores for college degrees.**

The Commission may also provide that no more than three percent (3%) be added to the scores of applicants who have completed at least one hundred and eighty (180) days of active duty U.S. military service, have received an honorable discharge, and have obtained at least the minimum passing score on the written or

other initial examination, and further that the applicant has provided discharge documents or other proof of honorable U.S. military service.

No applicant can receive more than six percent (6%) total added to their scores for College/Military/Certification credit. No college or military credit will be added for lateral examinations. The Commission may contract with others to assist in the examination or evaluation of applicants. ~~(Beachwood Charter, Article VI, Section 3, 3(E)(3))~~

All marking shall be in accordance with the weights for the respective subjects established by the Commission and any outside Examiner. Each portion of the examination process must be passed or completed prior to proceeding to the next portion.

The Commission shall have the absolute discretion to limit the number of interviews of applicants, based upon their ranking scores, depending upon the number of open positions to be filled. Therefore interviews may be conducted when and if they are deemed required by the Commission. Upon completion of any additional interviews, the Commission will incorporate scores for Interviews, Departmental Evaluations and College/Military/Certification, as otherwise provided in these Rules, and place said applicants on the eligibility list in their order of ranking based upon the final scores.

Section 7. Inspection of Papers; Applicant's Right to Object

Any applicant for an examination who objects to the examination shall file a written notice of objection with the Secretary of the Commission as soon as reasonably possible, but not later than ten (10) days prior to the examination. Any applicant who objects to the conduct of the written **or any other** portion of the examination shall file a written objection or protest with the Secretary of the Commission as soon as reasonably possible after the written **or other initial** examination, but not later than five (5) days after the administration of the written **or other initial** portion of the examination. Any applicant for an examination who objects to a question or the scoring on the written **or other initial** portion of the examination shall file written a objection or protest within five (5) days after the results of the written **or other initial** examination are posted. Any applicant for an examination who objects to or the final ranking after the examination process is completed shall file an objection with the Secretary of the Commission as soon as reasonably possible, but not later than five (5) days after the final ranking is posted. ~~(Beachwood Charter, Article VI, Section 3(E)(4)).~~

Any applicant shall have the right, at any time within the period of five days after the results of the written **or other initial** examination are posted, to review his\her own answer sheets and inform himself\herself as to the markings given him\her on each subject or question and to submit in writing for the Commission's consideration, any objections or protest the applicant may wish to make concerning a question or the scores given the applicant. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an examination as would call for an investigation on the part of the Commission, and which would require that the information submitted be given in confidence.

An applicant who exercises the right to inspect the examination papers shall not be permitted to take an examination again for the same classification within a six month period following the inspection, unless an alternate form of examination is given. Inspection of standardized tests prepared by experts outside the City shall not be permitted, where such inspection would tend to reduce the validity of test results.

The Commission will consider the objections and take such action as the circumstances warrant, and its findings shall be final.

Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment from a certification made prior to the correction.

E. CORRESPONDENCE

Section 1: Notification of Grade and Placement on Eligibility List

All applicants shall be notified in writing by the Secretary of the Commission at the last address as shown by the records of the Commission of his\her grade on the written **or other initial** examination, and again when a candidate is to be placed on the eligibility list.

Section 2: Notification of Certification to Mayor from Eligibility List

Each eligible candidate shall be notified in writing by the Secretary of the Commission when certified for appointment. Such notice shall include that a background check may be performed and that he or she may be required to appear for an interview with the appointing authority. Such notice shall be sent by regular mail to the last address of the eligible candidate as shown by the records of the Commission.

Section 3: Reports from Appointing Authority

The Mayor shall make a written report to the Commission indicating whether any of the persons certified in the pool failed to appear for a scheduled interview, whether a candidate was or candidates were selected for appointment from the pool and given a conditional job offer pending the results of the required physical examination, ~~when any candidate for original appointment has been passed over three times and should be removed from the eligibility list for future appointments,~~ and whether any of the candidates declined or waived appointment.

Section 4: Notification of Pass Over and Removal from List After Three Considerations and Results of Physical Examination upon Conditional Job Offer

The Secretary of the Commission shall notify in writing any candidate not chosen for appointment. This notification shall be done upon verification from the Police Chief or the Fire Chief that another candidate has verbally accepted appointment.

~~The Secretary of the Commission shall notify in writing any candidate for original appointment who has been passed over for appointment three times that his\her name shall be removed from the eligibility list for future appointments by regular mail at the last address as shown by the records of the Commission.~~

The Secretary of the Commission shall notify the Mayor in writing upon receipt of notification of the results of the physical examination of a candidate who has been given a conditional job offer.

Section 5: Notification of Address Change

Every applicant and each person whose name appears on an eligibility list, shall file with the Commission a written notice of any change in his\her address. Such notice shall state his\her name, the eligibility list on which his\her name appears, his\her new address, and his\her last address as registered with the Commission. Failure to do so may result in such candidate's name being removed from the list.

Section 6: Canvass of Eligibility Lists

Whenever he or she believes the needs of the service require, the Secretary of the

Commission shall ascertain through written correspondence or telephone authorization the availability for employment of persons whose names appear on an eligibility list.

F. ELIGIBILITY LIST

Section 1. Development of List

Sufficient names in the opinion of the Commission to meet the anticipated requirements of the Mayor shall be required to pass the psychological tests, if administered, and proceed with the interview process. Duly qualified applicants shall be placed on the eligibility list and ranked in the order of final score after proportionate scores on the written **or other initial** examination, interview with the Civil Service Commission and Departmental Evaluations are totaled and points are added for college/**military/certifications** or seniority (if applicable), as otherwise provided in these Rules.

Whenever the Mayor determines to fill a vacancy for a position in the safety forces, he shall request that the Commission certify names from the appropriate eligibility list.

(Beachwood Charter, Article VI, Section 3, 3(E)(1)).

Section 2. Priority

When two or more eligible applicants have received the same score, the person first-filing an application, or, if the examination be for promotion, the person with the longest seniority in the department, shall have priority.

Section 3. Duration

The date of certification shall be clearly shown on all eligibility lists. All eligibility lists **for positions above the lowest grade** shall be valid for not less than one (1) nor more than two (2) years. At any time after the first year, but before the end of the second year, the Commission may declare that the list is no longer valid. **For entry-level positions, an eligibility list will be valid for one (1) year and no more than two (2) years unless the Commission determines that the list is no longer valid after less than one (1) year due to the lack of adequate, well-qualified applicants.** (~~Beachwood Charter, Article VI, section 3, 3(A)(1))~~)

Section 4. Disqualification

If, at any time, the Commission has reason to believe that any person, upon the eligibility list, has in any manner become disqualified for the position sought as

indicated at C. Section 6. herein, a notice to such person and an opportunity to be heard, in the person's own behalf, shall be given. Upon failure to satisfy the Commission that the person is duly qualified, said name shall be removed from such eligibility list. If a person upon any list has reached the maximum age limit specified for the position for which the person is eligible at the time of certification, such name shall be removed from the list and the person shall be notified of such action and such name shall not be certified to the Mayor for appointment.

G. CERTIFICATION AND APPOINTMENT

Section 1. Certification and Examination Criteria

(a) Examinations of applicants for the eligibility list for ~~initial~~ **open competitive** appointment shall be based upon the following factors:

50% WRITTEN EXAMINATION
420% ORAL INTERVIEW WITH CIVIL SERVICE COMMISSION
130% DEPARTMENTAL (ASSIGNED BY CHIEF OF THE DEPARTMENT)

(b) **Examinations of applicants for the eligibility list for lateral appointments shall be based on the following factors:**

60% WRITTEN OR OTHER EXAMINATION
10% ORAL INTERVIEW WITH CIVIL SERVICE COMMISSION
30% DEPARTMENTAL (CHIEF'S POINTS)

(c) Examinations of applicants for the eligibility list for promotion shall be based upon the following factors:

540% WRITTEN EXAMINATION
30% ASSESSMENT CENTER
10% ORAL INTERVIEW WITH CIVIL SERVICE COMMISSION
120% DEPARTMENTAL (CHIEF'S POINTS)

The departmental consideration of eligibility for promotion may be based upon past job performance, attendance records, leadership qualities, and quality of work.

Section 2. Certification and Selection by Mayor; Probationary Period

Upon receipt of notice from the Mayor that a vacancy exists for an original **entry**

level appointment, the Commission shall certify to such appointing authority the names of the ~~three-ten~~ **(10)** persons ranked highest on the eligibility list for that position. The Mayor shall appoint one (1) of the ~~three ten~~ **(103)** to fill the office. (~~Beachwood Charter, Article IV, Section 3, 3(A)(4))~~)

If there is more than one (1) vacancy to be filled for an original **entry level** appointment, the number of names to be certified shall be determined in the following manner:

(a) ~~For one (1) to four (4) vacancies, the Commission shall add two (2) names to the number of vacancies.~~

(b) ~~For five (5) or more vacancies, the Commission shall add three (3) names to the number of vacancies. (Beachwood Charter, Article VI, Section 3, 3(A)(5)(a) and (b))~~

The Commission shall certify ten (10) names from the eligibility list for one (1) position to be filled plus two (2) names for each additional position to be filled. (i.e. 2 positions open - certify 12 names, 3 positions open – certify 14 names)

The Mayor shall consider each person so certified for an original **entry level** appointment. **When there are both an open competitive eligibility list and a lateral eligibility list valid at the same time, the Mayor may select potential hires from only one eligibility list at a time. In no circumstance shall candidates from multiple lists be considered simultaneously. in the order of ranking, in groups of three (3).** ~~Every person shall be considered three (3) times to fill a vacancy. If any person is not appointed after being considered three (3) times, such person shall be removed from the eligibility list. Consideration for temporary appointment shall not be counted as one of the certifications. (Beachwood Charter, Article VI, Section 3, 3(A)(6))~~

If an eligibility list contains less than ~~ten three~~ **(310)** names, the Mayor may accept the lesser number and appoint from such list, or may require a new list of ~~ten three~~ **(103)** names for each position to be filled. (~~Beachwood Charter, Article VI, Section 3, 3(A)(7))~~)

The person selected for appointment shall be duly notified by the Mayor, and if the person so selected shall fail to respond within four days to notice of appointment sent by registered or certified mail to his\her post office address as registered with the

Commission, said person shall be stricken from the eligibility list. If, however, it shall be made to appear to the satisfaction of the Commission within thirty days after giving such notice that the person was unavoidably and without fault prevented from accepting said appointment, the name may be restored to its proper position on the eligibility list.

Certification for promotional appointments shall be governed by Article K herein.

All **original entry level**~~initial~~ and promotional appointments in the classified Civil Service shall be for a probationary period of one (1) year, and the person so appointed is subject to removal from such position by the Mayor during such year without appeal to the Civil Service Commission. No appointment shall be deemed final until the appointee has satisfactorily served the probationary period. ~~(Beachwood Charter, Article VI, Section 3, 3(A)(8), (D))~~

H. POLITICAL ACTIVITY

Persons holding positions in the classified service shall not be discriminated against in any way because of their political opinions or political affiliations, or because of the exercise of their right to vote as they please and to express their opinions on political subjects. However, they shall take no active part in political management or political campaigns; and they may not act as officers of election nor be officers in any political organization.

Nothing in this section prohibits an officer or employee from serving as a precinct election official under section 3501.22 of the Revised Code, but an officer or employee who serves as a precinct election official must use vacation leave to so serve.

I. PAPERS: PROPERTY OF THE COMMISSION

All original papers, applications, examination papers, answer sheets, questions, certificates, etc., are the property of the Commission and must be filed in the office of the Commission and kept for not less than three years, except the examination papers of those failing to pass, which may be destroyed after ninety days.

J. TEMPORARY AND EMERGENCY APPOINTMENTS

Section 1. Temporary Appointments

Upon receipt of request for certification for a position for which no appropriate

eligibility list is available, the Commission shall notify the Mayor that nomination for temporary appointment may be made to fill such position until an eligibility list can be created, or for a period not to exceed ninety days.

Section 2. Emergency Appointments

Emergency appointments may be made by the Mayor when, in the judgment of the Mayor, the good of the service, the health, safety or welfare of the public, and/or the necessities of the City's operation make it necessary to do so. Written notice, however, must be given forthwith to the Commission, together with the reasons for making such emergency appointments, and such reasons must be sufficient and satisfactory to the Commission. The emergency appointment shall not be effective for a period longer than ninety days.

K. PROMOTIONS

Section 1. Examination for Promotions

Whenever the Mayor requests that the Commission certify names from an eligibility list for a vacant position in the safety forces above the lowest grade, the Commission shall, if no list exists, conduct an examination consistent with Section D of these Rules, to create an eligibility list, which shall be valid for not less than one (1) nor more than two (2) years. At any time after the first year, but before the end of the second year, the Commission may determine that the list is no longer valid.
~~(Beachwood Charter, Article VI, Section 3, 3.(B)(1))~~

Applicants for promotion shall be examined on such practical and theoretical questions as in the judgment of the Commission pertain to the office or rank to which promotion is sought, upon the State Laws, the City Ordinances, Rules and Regulations pertaining to the duties of said office or rank, and upon such other subjects or tests which the Commission may prescribe.

Section 2. Eligibility List for Promotions

Before conducting an examination for a promotional position, the Commission shall ascertain whether there are at least two (2) persons who are eligible and willing to take a competitive examination to fill such vacancy.

- (a) If at least two (2) such persons take and pass the examination for a promotional position, the Mayor shall appoint one (1) of the persons from such list.

- (b) If only one (1) person passes the examination for a promotional position and\or the Mayor objects to one (1) name on the eligibility list, or if no person passes the examination, the Commission shall conduct another examination permitting all persons in the next lower rank below the rank to be filled and eligible persons in the second next lower rank below the rank to be filled, to compete.
~~(Beachwood Charter, Article VI, Section 3, 3.(B)(2)(a) and (b))~~
- (c) To be eligible for a promotional examination for the rank next above Patrol Officer in the Police Department or next above the rank of Fire Fighter in the Fire Department, a person must have served at least thirty-six (36) months continuously in the lower rank, including probationary time. To be eligible for a promotional examination for other higher ranks, a person must have continuously served at least one (1) year in the next lower rank. In the event of circumstances not covered by these Rules, the Commission shall determine the required eligibility which shall require not less than one (1) year of continuous service in a lower rank.
~~(Beachwood Charter, Article VI, Section 3, 3(B)(3))~~
- (d) Promotional applicants may be required to complete psychological testing and evaluation.
~~(Beachwood Charter, Article VI, Section 3, 3(B)(4))~~

Section 3. Additional Credit for Promotional Examinations

(1) Seniority in the same department shall be added to the examination grade, in accordance with the provisions of the general law of the State of Ohio, but no additional credit for seniority or any other reason shall be added to an examination grade unless the applicant achieves at least a minimum passing score on the written part of the examination.

(2) Credit for Seniority shall be determined as of the date of the written examination.

(3) The Commission shall establish a rule for the addition of "chief's points," permitting the Chiefs of the Departments of Police and Fire to add performance and efficiency points as the Commission shall permit to the final grade of a person in such Chief's Department.

~~(Beachwood Charter, Article VI, Section 3, 3(C) (1) and (2))~~

Section 4: Certification for Appointment for Promotions

After the promotional examination has been graded, and subject to Section 2 (b) above or upon the Mayor's request if an eligibility list exists, the Commission shall certify to the Mayor the names and grades of the three (3) persons ranking highest or such lesser number as appears on the eligibility list. The Mayor shall promote one (1) of such persons within thirty (30) days after certification, provided at least two (2) persons remain on the eligibility list. The Mayor may appoint the remaining person if only one (1) name remains on the list, or may request that the Commission conduct another examination subject to Section 2 (b) above. The Mayor shall consider each person so certified in the order of ranking. Every person shall be considered three times to fill a vacancy. If any person is not appointed after being considered three (3) times, such person shall be removed from the eligibility list. The first year of such promotion shall be probationary, as provided above. It is the intention of the Civil Service Commission to evaluate applicants on the basis of their ability to perform the duties required for the rank applied for. ~~(Beachwood Charter, Article VI, Section 3, 3(D)(A)(8))~~

Section 5. Notice of Examination

Notice of all promotional examinations shall be posted by the Secretary in a conspicuous place in the City Hall not less than thirty days before the date fixed for the examination. Such notice shall give the date and the character of the examination, and shall indicate the grade or rank of persons eligible to compete. Applicants for promotion shall file their applications as the Commission has prescribed in its notice.

L. WAIVER OF RULES

Section 1. Waiver of Rules

In specific cases where, in the sole discretion of the Commission, it is in the interest of the public service, any of the rules hereby adopted may be waived by the unanimous vote of all three members of the Commission; provided, however, that such waiver shall not be inconsistent with the provisions of the Charter of the City of Beachwood or where applicable, the laws of the State of Ohio. Such action, together with the reasons therefor, shall be entered in the minutes of the Commission. In the interest of justice to all concerned and to promote the welfare of the Civil Service in the City of Beachwood, Ohio a wide degree of liberality of construction and interpretation of these Rules and Regulations in any and all circumstances and situations shall be the policy to be adopted and followed by the Commission in its administration of the Civil Service system.

I, WHITNEY M CROOK, Clerk of Council & Secretary to the Civil Service Commission, do hereby certify that the foregoing is a true and correct copy of the Rules of the Civil Service Commission of the City of Beachwood, Ohio (as revised January 19, 2017).

Date _____

WHITNEY M. CROOK
Clerk of Council \ Civil Service Commission
Secretary
City of Beachwood, Ohio