CITY OF KENT

CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

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RULE 1 – ADMINISTRATION

1.01 The Municipal Civil Service Commission of the City of Kent shall be composed of three persons who shall be appointed and serve in the manner provided in Section 124.40 of the Revised Code.

It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as necessary to the management of the business affairs of the Commission.

1.02 The Commission shall administer and enforce the rules and regulations herein prescribed and to the Civil Service Laws of the State of Ohio relative to civil service in the City of Kent and the Kent City School District.

1.03 The Commission shall elect one of its members as Chairperson and one as Co-Chairperson who shall serve until a new member is appointed and qualified at which time successors as Chairperson and Co-Chairperson shall be elected. It shall be the duty of the Chairperson to call such meetings of the Commission as are necessary to transact the business of the Commission, to sign the minutes of all actions taken by the Commission, and to sign all warrants or orders for the payment of money from the accounts and funds of the Commission.

The Chairperson may on his/her own initiative, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held no later than ten days from the date of the notice of such meeting. In the absence of the Chairperson, the Co-Chairperson shall act as a Chairperson. Two members of the Commission shall constitute a quorum at any meeting of the Commission; and it shall require the affirmative vote of at least two members to adopt any motion or resolution.

1.04 The Commission shall adopt, amend, and rescind rules not in conflict with Chapter 124 of the Ohio Revised Code as necessary.

1.05 The Commission may employ a suitable person as Civil Service Coordinator. The Civil Service Coordinator shall be in the classified service and shall be chosen according to merit and fitness to perform the required tasks.

The Civil Service Coordinator shall attend all the meetings of the Commission and keep the minutes thereof; shall keep, in the form of minutes, a record of the official actions of the Commission; shall accurately and properly keep all the records of the Commission; shall keep all files in proper order; shall prepare and deliver or cause to be delivered notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall review payrolls for certification; shall handle such correspondence as

the Commission shall determine; shall, in conjunction with the Chairperson, sign all warrants or orders for the payment of money on behalf of the Commission; and shall perform such other duties as may be required by the Commission. In the absence of the Civil Service Coordinator, the Co-Chairperson shall act as the Civil Service Coordinator.

1.06 The order of business for meetings of the Commission shall be:

a. Roll Call
b. Disposition of Unapproved Minutes
c. Approval of Minutes
d. Unfinished Business
e. New Business
f. Adjournment
g. Executive Session

RULE 2 – POWER AND DUTIES OF THE COMMISSION

In accordance with Section 124.04 of the Ohio Revised Code, the Commission shall exercise the powers and perform the duties conferred upon the Director of Administrative Services and the State Personnel Board of Review which include:

2.01 To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in position, job abolishment, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or a disability separation; the Commission may affirm, disaffirm, or modify the decisions of the appointing authorities as the case may be, and its decision is final;

2.02 To hear appeals, as provided by law, of appointing authorities relative to the classification or reclassification of any person or persons in the classified service under the jurisdiction of such appointing authority; the Commission may affirm, disaffirm, or modify the decisions and its decision is final;

2.03 To maintain a journal which shall be open to public inspection, in which it shall keep a record of all its proceedings and the vote of each of its members upon every action taken by it;

2.04 To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has the authority or duty to administer and for the purpose of invoking the jurisdiction of the Commission in hearing appeals of appointing authorities and employees in matters set forth in division 2.01 and 2.02 of this section;

2.05 To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent of any matter which it has authority to investigate; to inquire into or hear in the same manner and the same extent as provided by division (G) of Section 124.09 of the Ohio Revised Code;

2.06 To prepare, conduct, and grade all competitive examinations for positions in the classified service;

2.07 To prepare, conduct, and grade all noncompetitive examinations for positions in the classified service;

2.08 To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified service;

2.09 To prepare or amend specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the municipal service;

2.10 To appoint such designees, examiners, inspectors, clerks, and other assistants as are necessary in the exercise of the powers and performance of the duties and functions of which the Commission is, by law, authorized and required to exercise and perform and to prescribe the duties of all such employees;

2.11 To keep records of its proceedings and records of all applications for examinations and all examinations conducted by it. The records of the Civil Service Commission shall be available for public inspection at all reasonable hours. All records shall be available except examinations, performance evaluations, and recommendations of former employers and other records exempted by The Ohio Public Records Act. Information required by telephone shall be limited to place of city employment, dates of city employment, and job classification. Mail inquiries, accompanied by a stamped self-addressed envelope, shall be entitled to a copy for the requested records. A fee will be charged for each copy requested by the public-at-large and such fee shall be consistent with the policy as established by the City of Kent;

2.12 To prepare, continue, and keep in the office of the Commission, a complete roster of all persons in the classified service. This roster shall be open to public inspection at all reasonable hours. It shall show in reference to each of such persons, his/her name, address, the date of his appointment to or employment in such service, his salary or compensation, the title of the place or office which he/she holds, the nature of the duties thereof, and, in case of removal or resignation, the date of termination of such service;

2.13 To make investigations concerning all matters touching the enforcement and effect of sections 124.01 to 124.64 of the Ohio Revised Code, and the administrative rules of the Commission prescribed under such section. In the course of such investigations, the Commission or its designee may administer oaths and affirmations, and take testimony relative to any matter which the Commission has authority to investigate;

2.14 To make a report to the City Manager on or before the first day of January of each year, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of purposes of Sections 124.01 to 124.64 of the Ohio Revised Code. The Commission shall also furnish any special reports to the City Manager whenever the same are requested by him or her. Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or Commissions;

2.15 To make reports as may be necessary to the State Personnel Board of Review in accordance with Chapter 124.4.

RULE 3 – DEFINITION OF TERMS

The terms herein specified wherever used in the Rules and Regulations of the City of Kent Municipal Civil Service Commission of the administration of the Civil Service Laws shall have the meaning indicated below:

3.01 'Commission' refers to the Municipal Civil Service Commission of the City of Kent.

3.02 'Civil Service' refers to and includes all officers and positions of trust or employment in the service of the City of Kent.

3.03 'Days', unless otherwise stated, shall mean calendar days.

3.04 'Position Classification' shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.

3.05 The 'Unclassified Service' shall comprise all those positions set forth in Paragraph (A) of Section 124.11 of the Ohio Revised Code as applied to the Civil Service of the City of Kent and the Kent City School District. Positions in the unclassified service shall be exempt from all examinations required by Section 124.01 to 124.64 of the Ohio Revised Code.

3.06 The 'Classified Service' shall comprise all persons in the employ of the City and the Kent City School District not specifically included in the unclassified service. The classified service shall be divided into 'Competitive Class' and the 'Unskilled Labor Class' as provided for in Paragraph (B) of Section 124.11 of the Ohio Revised Code.

3.07 'Municipal Service' shall include those positions in the classified service of the City of Kent.

3.08 'Health Service' shall include those positions in the classified service of the City of Kent.

3.09 'School Service' shall include those positions in the classified service of the City of Kent.

3.10 'Position', when used by itself, shall refer to any specific office, employment, or job calling for the performance of certain duties, either full-time or part-time, and for the exercise of certain responsibilities by one individual.

3.11 'Appointing Authority' refers to the officer, Commission, board, or body having the power of appointment or removal from positions in the classified service as established under the terms of the Kent City Charter.

3.12 The term 'Employee' shall signify any person holding a position subject to appointment, removal, promotion, or reduction by an appointing authority.

3.13 The masculine pronoun ‘he’ and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

RULE 4 – POSITION CLASSIFICATION, RECLASSIFICATION, AND AUDITS

4.01 Classification - Positions in the Civil Service of the City and the Kent City School District shall be classified in accordance with an established plan which shall provide that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike to so warrant shall be allocated to the same class with a title which shall be descriptive of the duties performed and with a salary range which will compensate each employee assigned to the class on a like basis.

4.02 Class Specification - A Class Specification shall be prepared for each class setting forth the class title, essential functions of work, requirements of work, and the necessary qualifications. It shall set forth the factors and conditions which are essential characteristics of the class and also factors and conditions which separate it from other classes.

4.03 Position Audits and Reassignments – The Commission, having standardized all positions, shall make periodic audits of those positions to insure that they continue to be properly classified. Any employee or his authorized representative or any appointing authority desiring to submit facts for consideration of the Commission shall be afforded reasonable opportunity to do so. When the Commission finds improper classification of positions exist, the Commission may reallocate any position to the appropriate class as is necessary to provide an equitable, just, and proper classification.

Any employee may request a review of the classification of his position for the purpose of determining whether the position is properly classified. The Commission shall give proper consideration to such request.

4.04 Notification of Employees – Whenever the classification title of a position is changed, other than by promotion or demotion, the Commission shall notify, in writing, any employee affected by the change as well as the employee's appointing authority.

4.05 Appeal of Reclassification – Any employee or appointing authority may appeal the reclassification of any position to the Commission within thirty (30) days after receipt of the notification of reclassification.

RULE 5 – EXAMINATIONS

Rules establishing educational requirements as a condition of taking a civil service examination shall only be adopted with respect to positions for which educational requirements are expressly imposed by a section of the Ohio Revised Code, or federal requirements, or for which the Commission determines that the educational requirements are job related. An applicant for a civil service examination must be a United States Citizen or have a valid permanent resident card.

5.01 Notice of Examination

a. Entrance Examination - Notice of competitive entrance examinations shall be given by posting notices on the city's website, on the City's bulletin boards, and in such places as may be deemed advisable, not less that two (2) weeks prior to the last day on which applications shall be accepted for the examination. Examinations shall be held at such places as the Commission deems advisable and shall be administered under its direction.

b. Lateral Examination- Notice of lateral entrance examinations shall be given through a newspaper or local circulation and by posting notices conspicuously on the City Hall bulletin boards, in the Human Resources Office, the city's website, and in such places as may be deemed advisable, not less than two (2) weeks prior to the last day on which applications shall be accepted for the examination. Examinations shall be held at such places as the Commission deems advisable and shall be administered under its direction.

c. Promotional Examination (when applicable) – Notice of competitive promotional examinations to be held shall be given by posting bulletins in conspicuous places in the departments whose employees may be interested or by individual communication to the employees eligible for such promotion. Such notice shall be given not less than two (2) weeks prior to the last day on which applications will be accepted for the examination except for in the fire department and the police department (see Rule 5.06 and 5.07)

The commission may conduct an entrance examination, a lateral examination, or both. Each type of examination will have its own separate and independent eligibility list.

Both entrance and lateral examinations may be collectively referred to herein as "original entry level appointment." Examinations shall be oral and/or written and such in 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.

5.02 Identity of the Examinees Concealed – The identity of all persons taking competitive assembled examinations shall be concealed by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have been rated. Any papers bearing the name of the applicant or any other identification mark may be rejected and the candidate so notified.

5.03 Subjects and Weights

a. An examination may include any evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

b. Promotional Examinations may be used and shall be conducted in the same manner as examinations described in 5.04-a.

5.04 Special Credits

No credit for seniority, efficiency, or any other reason shall be added to an applicant's grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.

a. Military Service Credit –Entrance Examinations

Any person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services, or has transferred to the reserve with evidence of satisfactory service, and who is a resident of this state, and any member of a reserve component of the armed forces of the United States, including the Ohio National Guard, who has completed more than one hundred eighty days (180) of active service pursuant to an executive order of the President of the United States or an act of the Congress of the United States who can produce the necessary documentation (e.g., orders, separation certification, DD214), is eligible for military credit. Requests for this additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the examination. Credit for military service will not be given if the request,

including appropriate documentation for such credit, is received by the Commission after the advertised deadline for applications.

Credit for Military Service shall result in the person receiving an additional credit of twenty (20) percent of the person's total grade given in the examination in which the person receives a passing grade.

Credit for Reserve Component Status - Entrance Examinations
A member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, who successfully completes the member's initial entry-level training shall receive a credit of fifteen (15) percent of the person's total grade given in the examination in which the person receives a passing grade. The applicant must submit proof that the applicant successfully completed entry-level training.

c. Seniority Credit – Promotional Examinations
Applicants taking promotional examinations shall receive credit for seniority, which shall be determined as follows: One (1) percent of the total grade attainable in such examinations for each of the first four (4) years of service, and six-tenths (6/10) percent of such total grade for each of the next ten (10) years of service. Seniority points shall be added to the written test score provided the applicant receives a passing grade and shall form a part of the final grade.

d. Credit for Efficiency – Promotional Examinations
Credit for efficiency may be given as an added credit and shall be based upon one (1) or more years of service, to be determined, and ten (10) percent of the applicant's efficiency rating (defined in section 8.03, b.) for the last year. The Commission may also determine that two (2) years of efficiency ratings be used in which case the average of the last two (2) annual evaluations will be used to determine the credit for efficiency.

5.05 Promotion of Fire Fighters
Vacancies in the positions above the rank of regular fire fighter in the Fire Department shall be filled by competitive promotional examinations, and promotions shall be by successive ranks as provided in section 124.45, 124.46, 124.48, and 124.49 of the Ohio Revised Code. Positions in which those vacancies occur shall be called promoted ranks.

When a vacancy occurs in the promoted rank immediately above the rank of regular fire fighter, no person shall be eligible to take the examination unless the person has served forty eight (48) months, not including the person's probationary period, in the rank of regular fire fighter, provided that, in those cases when there are less than two (2) persons in the rank of regular fire fighter who have served forty eight

(48) months, not including the person's probationary period in that rank, and who are willing to take the examination, this service requirement does not apply.

When a vacancy occurs in a promoted rank, other than the promoted rank immediately above the rank of regular firefighter, no person shall be eligible to take the examination unless the person has served twelve (12) months in the rank from which the promotion is to be made, provided that, in those cases when there are less than two (2) persons in the next lower rank who have served twelve (12) months in that rank and who are willing to take the examination, the twelve (12) month service requirement shall not apply. If the non-application of the twelve (12) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. If this process of searching successively lower ranks reaches the rank of regular fire fighter, the forty-eight (48) month service requirement applies, provided that, in those cases when the application still fails to produce two (2) persons who are eligible and willing to compete, the forty eight (48) month service requirement does not apply. If two (2) persons are unwilling to compete for the examination, the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

Those persons who compete in a promotional examination in accordance with the rules of the Civil Service Commission shall have added to their grade credit for seniority. Credit for seniority shall be given as follows: one (1) point shall be added for each of the first four (4) years of service, and six-tenths (6/10) of a point shall be added for each year for the next ten (10) years of service. In computing a credit for seniority, half of credit specified in this paragraph shall be given for half year of service.

Credit for efficiency may be given as an added credit and shall be ten (10) percent of the member's efficiency rating for the last year. (see section 8.03, d.)

The names of the examinees who have passed the examination shall be placed on the eligible list in accordance with their grades. The examinee receiving the highest grade shall be placed first on the list. The person having the highest position on the list shall be appointed in the case of a vacancy. Eligible lists shall continue for two (2) years, unless otherwise specified by the Kent Civil Service Commission.

The public notice of a holding of a promotional examination for a position or positions in the Fire Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. The source material should be readily accessible to the examinee.

Examinees have the right to review their own answer sheets, inform themselves as to the markings given on each subject, 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 review must be requested in writing to the Civil Service Coordinator no later than five (5) days after the administration of the written portion of the examination. Note-taking in regard to the exam content shall not be permitted. 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 alternative form of examination is given.

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. 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 Coordinator 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. (August 26, 2019)

5.06 Promotion to Fire Chief

In the event of a vacancy in the position of the Fire Chief, the Civil Service Commission shall prepare the promotional examination as listed above in Section 5.05, above except that the City Manager will be given the opportunity to interview the candidates for Fire Chief and the interview will count as ten percent (10%) of the total examination score.

5.07 Special Positions for Fire Fighters

Within any rank, the City Council may establish such special positions having special duties with preferential pay as the Council deems necessary, but the holding of any such special positions shall not establish eligibility to the next higher rank to the exclusion of other persons in the same rank who do not hold such special positions.

No special position established by City Council within a rank in the Fire Department shall be filled without promotional examination in the same manner as promotions from rank to rank.

5.08 Promotion of Police Officers

No positions above the rank of Police Officer in the Kent Police Department shall be filled by original appointment. Vacancies in positions above the rank of Police Officer in the Police Department shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled. No position above the rank of Police Officer in the Police Department shall be filled by any person unless the person has first passed a competitive promotional examination. Promotion shall be by successive ranks insofar as practicable, and no person in the Police Department shall be promoted to a position in a higher rank who has not served at least twelve (12) months in the next lower rank.

No competitive promotional examination shall be held unless there are at least two (2) persons eligible to compete. Whenever the Civil Service Commission determines that there are less than two (2) persons holding positions in the rank lower than the position to be filled, who are eligible and willing to compete, the Commission shall allow the persons holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank lower than the position to be filled.

If a vacancy occurs in a position above the rank of Police Officer and there is no eligible list for such rank, the Civil Service Commission shall, within sixty (60) days of that vacancy, hold a competitive promotional examination. After the examination has been held, an eligible list shall be established, and the Commission shall certify to the appointing authority the name of the person on the list receiving the highest rating. Upon the certification, the appointing authority shall appoint the person so certified within thirty (30) days from the date of the certification.

Those persons who compete in a promotional examination in accordance with the rules of the Civil Service Commission shall have added to their grade credit for seniority. Credit for seniority shall be given as follows: one (1) point shall be added for each of the first four (4) years of service, and six-tenths (6/10) of a point shall be added for each year for the next ten (10) years of service. In computing a credit for seniority, half of credit specified in this paragraph shall be given for half year of service.

Credit for efficiency may be given as an added credit and shall be ten (10) percent of the member's efficiency rating (see section 8.03, d.) for the last year.

The public notice of a holding of a promotional examination for a position or positions in the Police Department shall, unless waived by all persons eligible to participate, be published not less than thirty (30) days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. The source material should be readily accessible to the examinee.

Examinees have the right to review their own answer sheets, inform themselves as to the markings given on each subject, 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 review must be requested in writing to the Civil Service Coordinator no later than five (5) days after the administration of the written portion of the examination. Note-taking in regard to the exam content shall not be permitted. 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 alternative form of examination is given.

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. 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 Coordinator 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. (August 26, 2019)

5.08.1 Promotion to Police Chief

In the event of a vacancy in the position of the Police Chief, the Civil Service Commission shall prepare the promotional examination. In addition to the examination, the City Manager will be given the opportunity to interview the candidates for Police Chief, and the interview will count as ten percent (10%) of the total examination score. The Commission shall determine the type of test that will be given. No credit will be given for seniority or efficiency.

In addition, for the Police Chief position only, candidates from outside the department shall be permitted to apply for the position. (January 21, 2026)

5.09 Medical and Psychological Examination

All medical and psychological examinations shall be completed in accordance with the Americans with Disabilities Act and the Ohio Revised Code. All such examinations shall be post offer. Any individual who fails to meet the physical or psychological requirements of the position for which they have tested and are not able to perform the essential functions of said position with or without reasonable accommodation shall have their name removed from the appropriate eligible list. Examinations shall be conducted by licensed medical doctors.

5.10 Admitting Applicants to Examination

No applicant shall be admitted to any assembled examination more than fifteen (15) minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his work and left the examination room, except by the special permission of the person in charge, who, in his discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.

5.11 Extension of Time in Examinations - No applicant in any examination shall be given a longer time on any subject than prescribed by the Commission when examination questions are approved, unless a reasonable accommodation is granted at least 72 hours in advance to an applicant with a disability.

5.12 Frauds in Examinations Prohibited

No person or officer shall:

a. willfully or corruptly, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct an person in respect to his or her right of examination, appointment, or employment arising under the Civil Service laws or under any rules and regulations prescribed pursuant thereto;
b. willfully or corruptly, falsely mark, grade, estimate, or report upon examination or proper standing on any person examined, registered, or certified pursuant to the provisions of the Civil Service law, or aid in so doing;
c. willfully or corruptly make an false representations concerning the results of such examinations or concerning any person examined;
d. willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be appointed, employed, or promoted;
e. willfully impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination, registration, appointment, application or request to be examined, registered, or appointed;
f. furnish any false information about himself, or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed;
g. make known or assist in making known to any applicant for examination, any question to be asked on such examination;
h. for any applicant taking an examination to assist any other applicant in any matter whatsoever;
i. personally solicit a favor from any member of the Commission, appointing authority, or have an person on his behalf solicit a favor;
j. any applicant in any examination found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him in answering the questions shall have his examination papers taken up and filed with a zero.

5.13 Visitors at Examinations

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

5.14 Postponement of Examination

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

5.15 Dangerous Ordnances at Examinations

Firearms, deadly weapons, and dangerous ordnances are not permitted at the testing site (July 16, 2018)

RULE 6 – ELIGIBLE LIST

6.01 Creation and Posting of Eligible Lists – The Commission shall prepare and keep open for public inspection the results of each examination and eligible list of the persons whose final score in the examination is not less than the minimum fixed by the Rules of the Commission and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative scores as adjusted by special credits.

6.02 Duration of Eligible Lists – A certified eligible list will expire 12 months from the date of record. Fire Fighter lists are valid for a period of two (2) years, per Ohio Revised Code 126.46. However, the Civil Service designee may use an expired certified list to fill a position of the same classification within the same appointing authority for which the list was created. The Civil Service Commission may grant a one (1) year extension for any eligible list that has not expired. No eligible list will be granted more than one (1) extension.

6.03 Merger of Lists – The Commission may consolidate two or more eligible lists of the same classification by rearranging eligibles therein according to their grade.

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

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

6.06 Certification of Eligible List – Upon completion of a civil service examination, the Civil Service Commission shall certify the top ten (10) names or the top twenty-five (25) percent of the eligible list, whichever is greater, to the appointing authority or designee. In the event that ten (10) or fewer names are on the eligible list, the appointing authority or designee may select any of the listed candidates.

6.07 Names Not Eligible for Appointment – The name of any person appearing on a certified eligible list who:

a. fails to report or arrange within ten (10) calendar days from the time when written or verbal notice is transmitted (in the form of a phone call, email, or U.S. Post) for an interview with an appointing authority;
b. fails to respond to a notice from the Civil Service Commission;
c. declines an appointment without reasons satisfactory to the Civil Service Commission; or
d. who cannot be located by the postal authorities.

shall not, thereafter, be eligible for appointment by any appointing authority. The person shall be notified to this effect unless his whereabouts are unknown. He again may be eligible for appointment by an appointing authority if a satisfactory explanation of the circumstances is made to the Commission. In case an eligible person's name appears on more than one certified eligible list, appointment to a position in one class shall be considered a waiver for appointment from other certified eligible list for classes the salary of which is equal or lower.

6.08 Disqualification of Eligible Candidates – The Commission may, after an examination, refuse to certify an applicant as eligible, or order the removal of any person from a certified eligible list who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination in establishing eligibility, or securing an appointment. The Commission shall notify the applicant or person previously certified of any action the Commission proposes to take against such person pursuant to this regulation. Said notice shall include the order the Commission intends to issue, the reason for the intended order, and a hearing date to give such person an opportunity to be heard. If such person fails to appear for the hearing, or upon being heard, fails to satisfy the Commission, that person's name shall be removed from or excluded from the certified eligible list.

6.09 Changes in Application on File – Each person on an eligible list shall file with the Commission written notice of any change in the status of his Civil Service Application on file. Changes in address, name, telephone number(s), and any other change must be reported immediately. Failure to do so may be considered sufficient reason for not certifying his name to appointing authorities.

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

RULE 7 – APPOINTMENTS

Appointments to all positions in the classified service, which are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Ohio Revised Code and the rules of the director prescribed under those sections, shall be made only from those persons whose names take rank order on an eligible list, except as provided in those sections, shall be otherwise given in the classified civil service. The appointing authority shall appoint in the following manner: each time a selection is made, it shall be from one of the names that ranks in the top ten (10) names on the eligible list or the top twenty five (25) percent of the eligible list, whichever is greater. In the event that ten (10) or fewer names are on the eligible list, the appointing authority may select any of the listed candidates. Each person who qualifies for the Veteran's preference under section 124.23 of the Ohio Revised Code, who is a resident of this state, and whose name is on the eligible list for a position, is entitled to preference in original appointment to any such competitive position in the classified civil service of the state over all other persons who are eligible for those appointments and who are standing on the relevant eligible list with a rating equal to that of the person qualifying for the Veteran's preference.

7.01 Number of names to be Considered; Appointment from Appropriate Lists-

The appointing authority of the department in which the position in the classified service is to be filled, shall notify the Commission of the fact, and the Commission

shall, except as provided for in Section 124.30 and 124.32 of the Revised Code, provide to the appointing authority thereof the names and addresses of the top twenty five (25) percent or the top ten (10) applicants, whichever is greater, on the certified eligible list willing to accept consideration for the class or grade to which said position is classified. The Commission may provide less than ten (10) names if ten (10) names are not available.

In the event that a certified list becomes exhausted through inadvertence or otherwise, and until a new list can be created, or when no certified eligible list for such position exists, names may be provided from certified eligible lists which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified.

For each person in the original top twenty five (25) percent or top ten (10), whichever is appropriate, of names provided to the appointing authority that are unavailable, disqualified, decline appointment, or fail to reply to a request for an interview, one additional name from the eligible list may be added to the list certified to the appointing authority.

Upon receipt from the Commission of persons certified as eligible for appointment, the appointing authority shall fill such position by appointment of persons certified to it and shall, forthwith, report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

7.02 Permanent Appointment – Employment of a person in a position regularly established without limitation as to the length of service and subject to probationary period shall be considered a permanent appointment.

All original and promotional appointments, including appointments made pursuant to Section 124.34 of the Ohio Revised Code, shall be for a probationary period not less than sixty (60) days or more than one (1) year, to be fixed by the Commission or as fixed by the City's various negotiated collective bargaining agreements.

Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he may be removed or reduced at any time during his probationary period after completion of sixty (60) days or one half (½) of his probationary period, whichever is greater. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at any time during the ten (10) day period before the end of the probationary period, shall inform the Commission, in writing, of his decision either to make the appointment of the probationary appointee final

or to remove the appointee. His communication to the Commission shall state the reason for such decision.

7.03 Provisional Appointment – Whenever there are urgent reasons for filling a vacancy in any position in the classified service, and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may fill the position, after notice to the Commission, by non-competitive examination.

7.04 Temporary and Exceptional Appointments – temporary positions in the civil service may be filled without competition as follows:

a. A temporary appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code. Except as otherwise provided in this division, the temporary appointment may not continue longer than one hundred twenty (120) days, and in no case shall successive temporary appointments be made. A temporary appointment longer than one hundred twenty (120) days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the rules of the Commission.

b. In the case of a vacancy in a position in the classified civil service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impractical and that the position can best be filled by a selection of some designated person of high and recognized attainments in those qualities, the Commission may suspend the provisions of Section 124.01 to 124.64 of the Revised Code that require competition in such case, but no suspension shall be general in its application. All such cases of suspension shall be reported in the minutes of the Commission and in the annual report with the reasons for the suspension.

7.05 Promotions – Vacancies in positions in the classified civil service shall be filled insofar as practicable by promotions. Promotional appointments shall be made in accordance with the provisions of Section 124.31 of the Revised Code with the exception of those of police officers in the police department and firefighters in the fire department.

7.06 Appointments to the Police and Fire Departments – All appointments to the police department or the fire department shall be made in accordance with the following sections of the Revised Code:

124.41 – Age and physical examination requirements for police officers; municipal and civil service township police cadet programs,

124.42 – Age and physical examination requirements for fire fighters; municipal fire cadet programs,

124.44 – Promotion of patrol officers,

124.45 – Promotion of fire fighters,

124.46 – Eligible lists for fire fighters,

124.47 -- Special positions for fire fighters,

124.49 -- Probationary period; appointment

RULE 8 – TRANSFERS, REINSTATEMENTS, LAYOFFS, DISPLACEMENTS, AND LEAVES

8.01 – Transfers – A person holding an office or position in the classified service may be transferred to a similar position in another office, department, or institution having the same pay and similar duties, but no transfer shall be made as follows:

a. from an office or position in one class to an office or position in another class;
b. to an office or position for original entrance to which there is required by sections 124.01 to 124.64 of the Revised Code, or the rules adopted pursuant to those sections, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.

No person in the classified civil service may be transferred without the consent of the Civil Service Commission.

8.02 - Reinstatements – Any person holding an office or position in the classified service who has been separated from the service without delinquency or

misconduct on the person's part may be reinstated within one (1) year from the date of that separation to a vacancy in the same office or in a similar position in the same department, except that a person in the classified service may only be reinstated with the consent of the Civil Service Commission. Exceptions include Ohio Revised Code:

124.32, B. - Separation due to injury or physical or psychiatric disability,

124.50 - Reinstatement of fireman or policeman after injury or resignation provided there are no former employees of the department who have been laid off and whose names appear on the eligibility list for the class. A notice of such reinstatement shall be sent to the Commission for its approval.

8.03 - Layoffs

a. Procedure – Whenever it becomes necessary for an office or department to reduce its workforce, other than the police and fire departments, the appointing authority shall lay off employees or abolish their positions in accordance with Sections 124.321 and 124.327 of the Ohio Revised Code and the rules of the Civil Service Commission.

b. Progression of Layoffs – Layoffs shall be based upon retention point order (see section 8.03, d.) beginning with the employee having the fewest retention points. Retention point lists shall be compiled in descending retention point order. In cases where employees have identical retention points, the tie shall be broken in accordance with rule 123:1-41-09 of the Ohio Administrative Code.

c. Order of Layoff – The appointing authority shall determine the job class and the number of employees in each class to be laid off. Any layoff within a classification must proceed by laying off in the following order:

1. Part-time probationary employees in the same classification who have not completed their probationary period of six (6) months of continuous service in the position, whichever is longer.
2. Part-time permanent employees in the same classification who have completed their probationary period of six (6) months of continuous service in the position, whichever is longer.
3. Full-time probationary employees in the same classification who have not completed their probationary period or six (6) months of continuous service in the position, whichever is longer.

4. Full-time permanent employees in the same classification who have completed their probationary period or six (6) months of continuous service in the position, whichever is longer.

d. Retention Points

Retention points shall be determined as follows:

1. Employees shall be assigned one (1) seniority point for each completed 520 hours of continuous service (excluding overtime hours). This is equivalent to 13 full weeks of service for a full-time employee. These seniority points shall be added to a base factor of one hundred (100) points thus yielding total seniority points.

2. Using the chart below, employees shall be assigned efficiency points by averaging the latest two annual performance evaluations; or using the latest performance evaluation if less than two (2) years of service are available; or using the latest probationary performance evaluation if less than one (1) year of service is available.

Conversion of Performance Score to Efficiency Points	
Total Score on Performance Evaluation	Evaluation Efficiency Points
20 and below	0
21 – 30	2
31 – 45	4
46 – 60	6
61 – 80	8
81 and above	10

3. In no event shall a special performance evaluation be conducted for purposes of computing efficiency points.

4. The total seniority points plus the total efficiency points equals the total retention points. In cases of identical retention point ratings, those employees having the least seniority in terms of actual date of hire will be laid off first.

8.04 Layoffs or Reductions in the Police and Fire Departments –
Whenever it becomes necessary in the Police and the Fire Department through lack of work or funds, or for causes other those outlined in Section 124.34 of the Ohio Revised Code, to reduce the force in such departments, such changes shall be made in accordance with the provisions of Section 124.37 of the Ohio Revised Code.

8.05 Displacements - A laid-off employee in the classified service has the right to displace the employee with the least retention points in a lower classification in the same classification series. A classification series is any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision. Any employee displaced by an employee shall have the right to displace another employee in another classification of the same classification series if he has more retention points. This procedure shall continue, if necessary, until the employee with the least retention points in the lowest classification series of the same appointing authority has been reached, and , if necessary, laid off.

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

(1) the reason for layoff or displacement;
(2) the date of layoff or displacement becomes effective;
(3) the employee's retention points;
(4) the right of such employee to appeal to the Civil Service Commission and the time within which to file an appeal;
(5) a statement advising the employee of the right to displace another employee and the length of time within which the employee may displace (bump) another employee;
(6) a statement advising the employee of the right to reinstatement or re-employment;
(7) a statement that, upon request by the employee, the appointing authority will make available a copy of rules regarding layoffs.

Each employee recalled from layoff shall be notified of the offer of reinstatement or re-employment by certified letter. The notice shall contain a statement that refusal of re-employment shall result in removal of such employee's name from the

jurisdictional layoff list. Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the letter to return to work, and such time limit shall be explained to the employee in the notification of the recall letter. In the event of extenuating circumstances (such as illness, injury, absence from the City or the State, or for other good cause as determined by the Commission) preventing the employee from returning within the above time limit, the employer shall grant a reasonable extension, not to exceed sixty (60) days. In the absence of extenuating circumstances, an employee not accepting or declining reinstatement or re-employment within ten (10) days shall be deemed to have declined reinstatement or re-employment for purposes of removal under these rules.

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

8.07 Leave of Absence- With the consent of the Commission, the appointing authority may grant a leave of absence to an employee in the classified service for a period not to exceed one (1) year, and upon the expiration of such leave of absence such officer or employee shall be reinstated provided, however, that if the officer or employee is a provisional appointee under Section 124.30 of the Ohio Revised Code, the leave of absence, if granted, is subject to the establishment of an eligible list and terminates automatically in case an eligible list for said position is established at any time during the period of leave of absence. All such leaves of absence granted by appointing authorities shall be referred to the Commission promptly for approval in order that the civil service status of such absentees may be protected.

8.08 Absence Without Leave; Reinstatement

a. Any employee in the classified service who is absent from duty habitually or for three (3) or more successive duty days, without leave and without approval by the employee's appointing authority for such absence, may be subject to removal for neglect of duty under provisions of section 124.34 of the Ohio Revised Code.
b. This rule does not require an appointing authority to initiate removal action if it is determined to be unwarranted nor does it preclude removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the appointing authority.

RULE 9 - REDUCTIONS, SUSPENSIONS, AND REMOVALS

9.01 Behavior -The tenure of every officer or employee in the classified service of the City and the Kent City School District shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, suspended, or removed except as provided in Section 124.32 of the Ohio Revised Code and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of Section 124.01 to 124.64 of the Revised Code, or the rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office.

In any case of reduction, suspension for more than three (3) working days, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension, or removal, which order shall state the reasons therefor. Such order shall be filed with the Commission.

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

9.02 Disciplinary Reasons - In cases of removal or reduction in pay for disciplinary reasons, the appointing authority or the officer or the employee may appeal from the decision of the Commission to the Court of Common Pleas in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code.

9.03 Police and Fire Departments

a. In the case of the suspension for any period of time or demotion or removal of a Chief of Police or a Chief of the Fire Department or of any civil service member of the police or fire department who is covered in the City of Kent's General Compensation Plan, the appointing authority shall furnish the chief or member of the department with a copy of the order of suspension, demotion, or removal, which order shall state the reasons therefor. Such order shall be filed with the Commission. Within ten (10) days following the filing of such order, the chief or member of a department may file an appeal, in writing, with the Commission. In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty (30) days from and after its filing with the Commission, and it may affirm, dis-affirm, or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) days from the finding of the Commission.

b. The appointing authority has the exclusive right to suspend the Chief of the Police Department or the Chief of the Fire Department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause. If either the Chief of Police or the Chief of the Fire Department is also suspended, the appointing authority forthwith shall certify such fact, together with the cause of suspension, to the Commission.

9.04 Disciplinary Suspension - An employee may be suspended for a period not to exceed three (3) working days for purposes of discipline without the right of appeal, except in the case of a Police Chief, a Fire Chief, or a member of the police or fire departments as described above. Successive suspensions shall not be allowed.

9.05 Absence Without Leave - Absence from duty without leave for any time or failure to report for duty if leave has expired shall be considered "neglect of duty" and sufficient cause for removal.

9.06 Falsification of Application - Falsification of any statement in an application for examination shall be considered "dishonesty" and sufficient cause for removal.

9.07 Removal Procedure- The discharge of an employee by an appointing authority shall not become effective until such appointing authority shall have first:

(a) Served each employee with a written order of removal which order shall contain one or more statutory reasons for grounds for discharge, together with such specifications of facts as shall place him fairly upon his defense; and

(b) Filed with the Commission a copy of such order of removal.

9.08 Appeal of Removal - Any such employee so removed may appeal from the order of such appointing authority to the Commission within ten (10) days after the date of such removal as set forth in the order of removal.

RULE 10 - HEARINGS

10.01 Time of Hearing; Notifications - Upon receipt from an employee or officer in the classified service of the City, the City Health District, or the City School District of a timely appeal from an order of removal, reduction in pay or position, or suspension, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, the employee, and, if known, the employee's attorney thereof.

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

10.03 Hearing Procedures - In the hearing of such appeals, the order of procedure shall be as follows:

(a) The appointing authority taking action affecting the employee shall adduce his evidence in support of the charges and specifications.

(b) The employee affected shall then produce such evidence as he may wish to present to refute such charges.

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

10.04 Rules of Evidence, Representation by Counsel – The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof, and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel. A complete transcript or other recording of the hearing shall be made.

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

RULE 11 - IMPLEMENTATION AND SEPARABILITY

11.01 Implementation - The Commission may issue memoranda to implement the provisions of these rules and to establish the necessary forms or procedures which carry out Chapter 124 of the Ohio Revised Code and the rules adopted thereunder. Any such memorandum shall be distributed to all departments, boards, and commissions that may be affected by the content of the memorandum.

11.02 Separability - Each rule of the Commission and each section of each rule is an independent rule. The holding of any rule or section to be void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.

The Rules and Regulations of the Kent City Civil Service Commission, as set forth in the preceding pages, are hereby approved and adopted by the members of the Kent Civil

Service Commission. Said Rules and Regulations shall be effective ten (10) days following the date of signing by members of the Commission.

Marilyn Sessions, Chairperson

Christine Klein, Member

Vacant

PASSED: June 26, , 2023