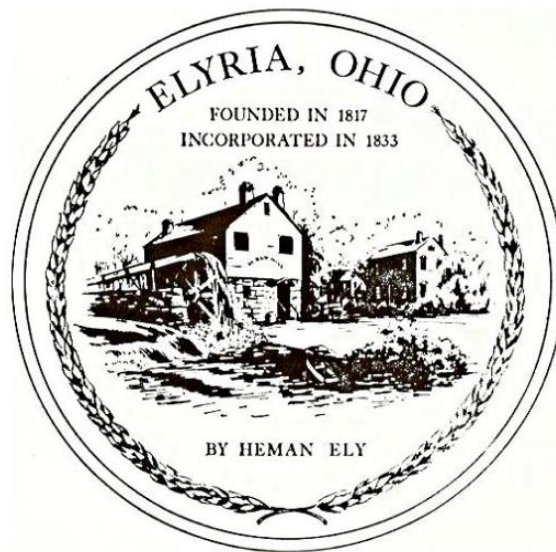


City of Elyria Civil Service Commission

Rules and Regulations Manual



Preamble

The following Rules and Regulations are adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Elyria, Ohio, under the authority of Article XVI of the Elyria City Charter and Ordinances of the City of Elyria, Ohio, Chapter 124 and other provisions of the Ohio Revised Code, and Articles XV and XVIII and other provisions of the Constitution of the State of Ohio.

Chapter I – General Provisions

I. Structure of the Commission

The Municipal Civil Service Commission of the City of Elyria, Ohio, shall be composed of three (3) persons who shall be appointed by the Mayor for terms of six (6) years, as provided in O.R.C. §124.40 and who shall not be employees of the City of Elyria and shall be compensated in accordance with the City Charter and the salary ordinance as determined by City Council.

In the event that a member of the Civil Service Commission is unable to complete his six (6) year term, the Mayor may appoint a successor for the remainder of the unexpired term.

II. Duties of the Commission

It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and the affairs of the Commission. The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, and the Rules and Regulations herein prescribed relative to Civil Service in the City of Elyria, Ohio.

III. Officers and Agents of the Commission

A. The Commission shall elect one of its members as Chairperson and one as Vice-Chairperson, who shall serve until a new member is appointed and qualified, at which time successors, as Chairperson and Vice-Chairperson shall be elected. It shall be the duty of the Chairperson:

1. To call such meetings of the Commission as are necessary to transact the business affairs of the Commission;
2. To sign the minutes of all action taken by the Commission;
3. To preside at all meetings of the Commission;
4. To sign all warrants or orders for the payment of money from the accounts and funds or designate the Clerk of the Commission; and
5. To insure that the Annual Report, as required by O.R.C §124.40, is assembled and transmitted to the State Personnel Board of Review in a timely manner.

B. The Commission shall employ a suitable person to act as Clerk of the Commission. This Clerk of the Commission may be appointed from within or without the membership of the Commission, and, if not a member of the commission, may hold other office or employment with the City of Elyria. The Clerk of Commission shall be compensated, and shall function as a fiduciary or agent for the Commission, and shall perform the following duties:

1. Attend all the meetings of the Commission and keep the minutes thereof;
2. Keep in the form of minutes a record of the official actions of the Commission;
3. Be available for the purpose of calls, accepting service of filings, and providing access to Commission records;
4. Accurately and properly keep all of the records of the Commission;

5. Keep all files in proper order;
 6. Prepare and deliver, or cause to be delivered, notices and other communications ordered by the Commission;
 7. Properly furnish appointing authorities with eligibility lists;
 8. Maintain an official roster
 9. Handle such correspondence as the Commission shall determine, including the preparation of the annual report;
 10. Make available to the public those documents deemed to be public records under the terms of O.R.C. §149.43;
 11. Perform other duties as assigned by the Chairperson.
- C. The Civil Service Commission may designate special examiners or contract for the preparation or administration of examinations.

IV. Powers and Duties of Commission

Except as provided in Article XVI of the Charter of the City of Elyria, all original appointments in the safety forces and all promotions in the classified civil service of the City shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination; and in the absence of a specific provision to the contrary in either the City Charter or these rules, the general statutory laws of Ohio pertaining to civil service shall be enforced by the Commission, which shall include:

- A. To hear appeals, as provided by law, of employees in the classified service from final decisions of appointing authorities relative to reduction in pay or position, job abolishment, layoff, suspension, and discharge. The Commission may affirm, disaffirm, or modify a decision the appointing authority as the case may be, and its decision shall be final;
- B. To maintain a journal which shall be open to public inspection, in which it shall keep a record of all of its proceedings, and of the vote of its members upon every action taken by it;
- C. To adopt and promulgate rules and regulations relating to the procedure of the Commission in administering the laws which it has authority or duty to administer and for the purpose of invoking the jurisdiction of the Commission in hearing appeals of appointing authorities and employees in matters set forth herein;
- D. To subpoena and require the attendance and testimony of witness(es) and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has authority to investigate, inquire into, or hear in the same manner and to the same extent as provided by O.R.C. §124.09 (G) and all witness fees shall be paid in the manner set forth herein;
- E. To prepare, conduct, and grade or contract for the preparation and administration of all competitive examinations for safety force positions in the classified service;
- F. To prepare, conduct, and grade or contract for the preparation and administration of all competitive examinations for non-safety force positions in the classified service;

- G. To prepare eligible lists containing the names of persons qualified for appointment to safety force positions in the classified service;
- H. To appoint such examiners, inspectors, clerks, and other assistants as are necessary in the exercise of the powers and performance of the duties and functions which the Commission is by law authorized and required to exercise and perform and to prescribe the duties of all such employees;
- I. To keep records of its proceedings and records of all applications for examinations and all examinations conducted by it;
- J. To make investigations concerning all matters affecting the enforcement and administration of the rules of the Commission prescribed herein. 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;
- K. To make a report to the Mayor on or before the first day of December of each year, showing its own actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of the purposes of civil service in the City. The Commission shall also furnish any special reports to the Mayor whenever the same are requested. Such reports shall be printed for public distribution under the same regulations as are the reports of other officers, boards, or commissions;
- L. To make an annual report and other reports as may be necessary to the State Personnel Board of Review in accordance with O.R.C. §124.40;
- M. To designate persons to serve as special Hearing Officers or a Trial Board under its direction, with such compensation as may be agreed between the persons so employed and the Commission.

V. Meetings of the Commission

- A. All meetings of the Civil Service Commission are open to the public except as set forth in O.R.C. §121.22 and this rule.
- B. General minutes shall be taken at all Civil Service Commission meetings and shall be open to public inspection.
- C. The Chairperson may, on his own initiative, and shall, upon the request of the other two (2) members of the Commission, call a special meeting of the Commission to be held not later than ten (10) days from the date of notice of such meeting. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson. Two (2) 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 (2) members to adopt any motion or resolution.
- D. Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Commission by writing to the Elyria Civil Service Commission at the following address: 328 Broad Street, Elyria, Ohio 44035
- E. Any representative of the news media may obtain notice of all special hearings by requesting in writing that such notice be provided. Such notice will only be given, however, to one representative of any particular publication or radio or television station. A request for such notification shall be addressed to the

Clerk of the Commission at the above address. The request shall provide the name of the individual media representative to be contacted, his mailing address and the telephone number where he can be reached. The Clerk of the Commission shall maintain a list of all representatives of the news media who have requested notice of special hearings pursuant to this rule.

- F. In order to receive notification of scheduled hearings, persons must provide to the Clerk a sufficient quantity of self-addressed stamped envelopes for the mailing of the notices. Such notice shall be mailed no later than four (4) calendar days prior to the day of the regular meeting and one (1) calendar day prior to the day of the special meeting.
- G. An executive session may be held only after a majority of the members, by roll call vote, have approved such action. Such executive session may be convened for any purpose permitted by O.R.C. §121.22 (a), including, among other things to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a municipal employee, unless such employee requests a public hearing. The notice to enter into executive session shall specifically state the reason for the session; however, the motion need not state the name or position of the affected person.
- H. The order of business for meetings of the Commission shall be:
 - 1. Roll call;
 - 2. Reading of minutes;
 - 3. Disposition of unapproved minutes;
 - 4. Unfinished business;
 - 5. New business;
 - 6. Adjournment.

VI. Procedure for the Adoption, Amendment, or Rescission of Rules

- A. Public notice as to the adoption, amendment, or rescission of any rule of the Civil Service Commission must be given to the local news media at least fifteen (15) days prior to the date set for hearing and consideration of the rule.
- B. The public notice must contain a statement of the Commission's intention to alter or adopt a rule, and a statement as to the subject matter of the rule to be affected. In addition, the notice must contain the date, time and place set for the consideration of the rule change.

VII. Savings Clause

If any section or part of these rules or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any chapter or section is restrained by a court, the remainder of these rules and any amendments shall not be affected and shall remain in full force and effect, unless the context of the rules as a whole indicates that section should be invalidated as well to conform with the Commission's intent.

Chapter II - Definitions

Whenever used in the Civil Service Rules and Regulations the terms listed below shall be construed as follows:

- A. “Applicant” means a person requesting consideration for examination or employment in the classified service of the City.
- B. “Appointing Authority” means the officer, commission, board, or body having the power of appointment or removal from positions in the classified service and shall be limited to the Safety Service Director.
- C. “Available Vacancy” means an existing funded position not currently filled by an incumbent, which the appointing authority desires to fill. The existence of vacant positions on an appointing authority’s table of organization shall not mean that a position is an available vacancy.
- D. “Certification” means the act of certifying and supplying names from an official eligible list (and recording thereon) to the appointing authority for purposes of employment selection or layoff.
- E. “Certified Eligible List” means an official list certified and issued to an appointing authority of individuals available for employment from an eligible list.
- F. “Civil Service” includes all offices and positions of trust or employment in the service of the City of Elyria.
- G. “Class” is used to designate one or more positions sufficiently distinct from all other positions in duty, responsibilities, and qualifications required to warrant a separate title.
- H. “Classification” means a class as provided in subsection (G) hereof or the process by which the proper title and level for each position is determined.
- I. “Classified Service” comprises all persons in the employ of the City who are not in the unclassified service due to their job positions pertinent to the local situation. The classified service shall be divided into the “competitive class” and the “unskilled labor class” as provided for in O.R.C. §124.11(B).
- J. “Commission” means the Municipal Service Commission of the City of Elyria, Ohio.
- K. “Competitive Examination” means an examination or examinations given for the purpose of determining the relative rank of those qualifying and establishing an eligible list arranged in the order of placement as a result of an examination procedure and these rules.
- L. “Day” means calendar days unless otherwise specified.
- M. “Demotion” means except as otherwise provided herein or in O.R.C. Chapter 124, the movement of an employee from a position in one class having a lower maximum salary rate.
- N. “Eligible” means a person who has made application for an appointment to a classification, has satisfactorily met all qualifications and requirements for

employment in the job class for which the person has made application, has passed an examination for that class and whose name appears on an eligible list.

- O. “Eligible List” means a list of names of persons found qualified either through examination or reemployment procedures for the purpose of filling vacancies in the classified service for a particular job class.
- P. “Employee” means any person holding a position subject to appointment, removal, promotion or reduction by an appointing authority.
- Q. “Examination” means any exercise or procedure which serves to provide an evaluation of an individual’s qualifications or fitness for a particular position.
- R. “Exempt Appointment” means an appointment to a position which is not subject to an examination or civil service tenure.
- S. “Impracticable”, as it relates to assessment or competitive examination, shall be defined by examining factors and considerations including, but not limited to:
 - 1. Cost effectiveness;
 - 2. Skills required, based upon a comparison to the skills of the qualified labor pool;
 - 3. Relative infrequency of the occurrence of a vacancy;
 - 4. Presence or absence of stated minimum qualifications, licenses, certifications, etc.;
 - 5. Degree to which differences in qualification can be conveniently and accurately measured by this Commission;
 - 6. Presence or absence of selection procedures or past practices in current collective bargaining agreements;
 - 7. Presence or absence of individual contracts of employment;
 - 8. Extent to which similar positions are assessed by communities situated similarly to the City of Elyria;
 - 9. Unclassified status.
- T. “Non-competitive Examination” means an open examination, given to determine those qualified to fill appointments to positions requiring peculiar and exceptional qualifications of a scientific, professional, educational, or managerial character or positions where it is impractical to develop and administer competitive examinations.
- U. “Notice” means the mailing by regular U.S. mail addressed to the latest address provided in writing to the Commission by the person to be notified or by actual delivery to the person or entity of any notice required under these rules.
- V. “Open Competitive” or “Competitive Entrance” examination means an examination open to all persons, whether employed by the City or not, who meet the qualifications and comply with the prescribed requirements for admission thereto.
- W. “Permanent Employee” means any employee in the classified service holding a position that requires working a regular schedule of twenty-six (26) bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.

- X. “Position” means any office, employment, or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant, occupied part-time or occupied full time.
- Y. “Position Classification” means the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.
- Z. “Promotion” means the movement of an employee from a position in one class to another position having a higher maximum salary rate.
- AA. “Promotional Competitive Examination” means a competitive examination which is open only to current employees who meet the qualification and eligibility requirements set forth.
- BB. “Provisional Employee” means a type of temporary employee filling a duly authorized position without competition pending the establishment of an eligible list.
- CC. “Specification” means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification; which may include classification title and number, a statement of job functions, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for the performance of each duty, worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.
- DD. “Status” means the nature or type of employment held by a City employee under the classified service of the City.
- EE. “Test” refers to any one or more of the components of the examination process.
- FF. “Unclassified Service” comprises those positions set forth in O.R.C. 124.11(A) or (C) or other State law, and those unclassified through home rule, all as applied to the civil service of the City of Elyria. Positions in the unclassified service shall be exempt from all examinations required by O.R.C. §124.01 to 124.64.
- GG. “Weights” means the relative importance of the subjects or parts of an examination as expressed in percentages, proportions or ratios as determined by the Commission.
- HH. The masculine pronoun “he” and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

Rule I – Classification of Employees

All compensated positions in the service of the City shall be in the classified service and shall be appointed pursuant to competitive examinations, except the positions listed in the City Charter, Section 16.04, which shall comprise the unclassified service of the City.

Rule II – Entry Level Qualifications

2.01 Police Department

Applicants for original appointment to the Police Department must also meet the following prerequisites on or before the date of the scheduled competitive examination:

- A. Be at least twenty-one (21) years of age, but less than forty (40) years of age the day the application is due.
- B. Be a United States citizen
- C. Be able to read and write the English language
- D. Possess a valid driver's license
- E. Possess a high school diploma or equivalent

2.02 Fire Department

Applicants for original appointment to the Fire Department must also meet the following prerequisites on or before the date of the scheduled competitive examination:

- A. Be at least eighteen (18) years of age, but less than forty-one (41) years of age
- B. Be a United States citizen
- C. Be able to read and write the English language
- D. Possess a valid driver's license
- E. Possess a high school diploma or equivalent
- F. Ability to obtain and maintain EMT certification (State of Ohio)

Rule II (A) – Police Department – Lateral Transfer Pool

Applicants who possess a current Ohio Peace Officer Training Association certificate and who are currently employed in a police officer position may request to be placed in the Lateral Transfer Pool.

The Elyria Civil Service Commission requires the following prerequisites before an applicant can be placed in the Lateral Transfer Pool:

1. **General Requirements:** Officers must have a current State of Ohio OPOTA Peace Officer certificate and be either full or part time in a police officer position in any jurisdiction in the State of Ohio. They must also be a United States citizen, must be able to read and write the English language, must possess a valid State of Ohio driver's license and possess a high school diploma or GED.
2. **Physical Fitness:** The applicant must pass a physical fitness test equivalent to the requirements for entry level candidates.
3. **Interview:** Applicants shall be ranked by a committee after participating in a structured interview.
4. **Background Check:** Once ranked and certified to the appointing authority, each applicant shall undergo a background check, prior to consideration by the appointing authority.

The Civil Service Commission shall allow the appointing authority to request names from either the lateral transfer pool or the certified testing list depending on the operational needs of the department. The applicants under this rule shall only be considered for an entry level position and shall be subject to a probationary period. The lateral transfer pool shall be in effect for one (1) year from certification and each year thereafter.

In the even an applicant for lateral transfer is unsuccessful; the applicant may elect to be considered under the civil service entry level process. An applicant shall receive a 15% preference credit for meeting the requirements of the entry level examination.

RULE II(B) – Fire Department – Lateral Transfer Pool

Applicants who possess a current Ohio Firefighter II and at a minimum, EMT (Emergency Medical Technician) certificate(s) and who are currently employed in a fulltime Firefighter II and at a minimum, EMT (Emergency Medical Technician) position may request to be placed in the Lateral Transfer Pool.

The Elyria Civil Service Commission requires the following prerequisites before an applicant can be placed in the Lateral Transfer Pool:

1. **General Requirements:** Candidates must have a current State of Ohio Firefighter II and at a minimum, EMT (Emergency Medical Technician) certificate(s) and be in a fulltime firefighter II/EMT position in any jurisdiction in the State of Ohio. They must also be a United States citizen, must be able to read and write the English language, must possess a valid State of Ohio driver's license and possess a high school diploma or GED.
2. **Physical Fitness:** The applicant must pass a physical fitness test equivalent to the requirements for entry level candidates.
3. **Interview:** Applicants shall be ranked by a committee after participating in a structured interview.
4. **Background Check:** Once ranked and certified to the appointing authority, each applicant shall undergo a background check, prior to consideration by the appointing authority.

The Civil Service Commission shall allow the appointing authority to request names from either the lateral transfer pool list or the certified testing list depending on the operational needs of the department. The applicants under this rule shall only be considered for an entry level position and shall be subject to a probationary period. The lateral transfer pool list shall be in effect for one (1).

In the event an applicant for lateral transfer is unsuccessful, the applicant may elect to be considered under the civil service entry level process. An applicant shall receive a 15% preference credit for meeting the requirements of the entry level examination.

Rule III –Police and Firefighter Promotion

3.01 Promotional Examinations: Police

- A. Promotional examinations in the Police Department shall be open only to those applicants with experience as follows:
 - 1. An applicant for promotion to Sergeant shall have had continuous non-probationary service as a Patrolman in the Police Department of the City of Elyria, Ohio, for not less than four (4) years as of the date of the written examination.
 - 2. An applicant for promotion to Lieutenant shall have had continuous service as a Sergeant in the Police Department of the City of Elyria, Ohio, for not less than two (2) years as of the date of the written examination.
 - 3. An applicant for promotion to Captain shall have had continuous service as a Lieutenant in the Police Department of the City of Elyria, Ohio for not less than two (2) years as of the date of the written examination.
 - 4. An applicant for promotion to the position of Chief of Police shall have had continuous service as a Captain in the Police Department of the City of Elyria, Ohio, for not less than two (2) years as of the date of the written examination.
- B. Time spent in an “acting capacity” shall not count toward the time-in-rank service requirement of this rule.
- C. If there are not at least two (2) persons with time-in-rank who make application to take the promotional examination, then the time-in-rank provision shall be waived to open the examination to those employees within.
- D. If by waiving the time-in-rank requirement there are not two (2) persons eligible to take the promotional examination, the Civil Service Commission shall open the test to probationary employees in that rank.
- E. If even by opening the test to probationary employees there are not two (2) persons eligible to take the promotional examination, the Civil Service Commission shall allow the non-probationary persons in the next lower rank to compete with those persons in the rank lower than the position to be filled.
- F. The above process shall be repeated in a downward progression until such time as there are at least two (2) candidates to take the competitive examination.
- G. If, after exhausting all officer ranks, two (2) eligible test takers cannot be found, then a provisional appointment may be made pursuant to rule 6.02.

3.02 Promotional Examinations: Fire

- A. Except as otherwise permitted by law, promotional examinations in the Fire Department shall be open only to those applicants with experience as follows:
 - 1. An applicant for promotion to Lieutenant shall have had non-probationary service as a Class A Firefighter in the Fire Department of the City of Elyria, Ohio, for not less than four (4) years as of the date of the written examination.
 - 2. An applicant for promotion to Captain shall have had continuous service as a Lieutenant in the Fire Department of the City of Elyria, Ohio for not less than two (2) years as of the date of the written examination.

3. An applicant for promotion to Assistant Chief shall have had continuous service as a Captain in the Fire Department of the City of Elyria, Ohio, for not less than two (2) years as of the date of the written examination.
 4. An applicant for promotion to a rank or classification above that of Assistant Chief shall have had continuous service as an Assistant Chief in the Fire Department of the City of Elyria, Ohio, for not less than two (2) years as of the date of the written examination.
- B. Time spent in an “acting capacity” shall not count toward the time-in-rank service requirement of this rule.
 - C. If there are not at least two (2) persons with time-in-rank who make application to take the promotional examination, then the time-in-rank provision shall be waived to open the examination to those employees within.
 - D. If by waiving the time-in-rank requirement there are not two (2) persons eligible to take the promotional examination, the Civil Service Commission shall open the test to probationary employees in that rank.
 - E. If even by opening the test to probationary employees there are not two (2) persons eligible to take the promotional examination, the Civil Service Commission shall allow the non-probationary persons in the next lower rank to compete with those persons in the rank lower than the position to be filled.
 - F. The above process shall be repeated in a downward progression until such time as there are at least two (2) candidates to take the competitive examination.
 - G. If, after exhausting all officer ranks, two (2) eligible test takers cannot be found, then a provisional appointment may be made pursuant to rule 6.02.

3.03 Suggested Testing Parameters

The Civil Service Commission reserves the right to amend, change, or modify at their discretion.

Police:

	<u>Written</u>	<u>Oral Assessment</u>
Chief	35	65
Captain	40	60
Lieutenant	50	50
Sergeant	60	40

Fire:

	<u>Written</u>	<u>Oral Assessment</u>
Chief	40	60
Asst. Chief	45	55
Captain	50	50
Lieutenant	55	45

Candidates must receive a score of 70% or higher on the written portion to move on to the assessment center.

Rule IV -Grading and Protest Procedure

4.01 Grading, Posting of Ranking and Notification

An outside scoring company shall grade the written examination papers of each contestant. The passing score for the examination shall be determined by the Commission prior to the identification of the contestants.

- A. Each contestant shall be notified by mail as to the grade achieved. All rules and regulations regarding the process for examination protest and the inspection of examination papers shall be included with the notice of grade.
- B. A ranked list for entry level and promotional exams shall be posted in the Civil Service Office.

4.02 Protest and Inspection Procedure

After said examination has been administered, each participant in a promotional or Entry Level examination shall have the right to protest any question and/or inspect the examination, in accordance with the testing company's procedures. The participant shall have the right to support their protest with any reference material of their choice.

- A. Such protest and/or inspection request must be made in writing to the Commission. The written request must be sent to the Commission within five (5) calendar days of the examination's administration.
- B. Revised answer keys, following any upheld challenges made during the five (5) day review period, shall be considered final and no further review shall be permitted.
- C. Commission members shall give due consideration to all examination protests and inspection requests. The commission shall make such changes as are warranted.

Rule V – Extra Credit-Entry Level and Seniority Points-Promotional

5.01 Minimum Passing Score

- A. The Civil Service Commission shall endeavor to ascertain the minimum passing grade, as determined by the compiler of any professionally prepared civil service test. When available in advance, this information will be included on all test notices.
- B. Where such minimum passing grade is unavailable in advance from the professional testing service, the minimum passing grade shall be seventy percent (70%).
- C. In the event that there are only two (2) applicants for a promotional examination, both will be deemed to have passed the examination unless either the Civil Service Commission or appointing authority requests a competitive examination. This applies to the calculation of additional credit under any other provisions of these rules.

5.02 Original Appointment Veteran’s Credit

All applicants for original appointment who are veterans of military service, as described in O.R.C. §124.23, may file with the Commission a certificate of satisfactory military service or honorable discharge (DD214), document shall clearly state nature of discharge, whereupon he shall receive additional credit of twenty percent (20%) of his total grade given in the regular examination, provided that he has received a passing grade without regard to this or any other credit. Such requests for veteran’s credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of satisfactory military service as described above. Requests for veteran’s credit made after the final date for test application will not be honored.

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

5.03 Original Appointment – Credit for College

All applicants who have obtained an associates degree, through an accredited academic institution, shall be granted an additional eight percent (8%) of his total grade given in the regular entrance examination. All applicants who have obtained a bachelors degree, through an accredited academic institution, shall be granted an additional twelve percent (12%) of his total grade given in the regular entrance examination, provided that he has received a passing grade without regard to this or any other credit. Educational credit will not be “stacked”; an applicant shall be awarded the greater percentage of credit dependent upon the highest level of education obtained.

Requests for college credit must be submitted to the Commission along with the application for examination and must be verified by transcript and/or diploma.

Requests for college credit made after the final date for test application will not be honored. (11/12/19)

5.04 Peace Office Training Program Credit for Police Department Entry Level Examination

All applicants who have completed the basic Ohio Peace Officer Training Academy and have a valid certification through an accredited institution shall be granted an additional fifteen percent (15%) of his/her total grade given in the regular entrance examination. Requests for Ohio Peace Officer Training Academy credit and verification of certification must be submitted to the Commission along with the application for examination. (11/12/2019)

5.05 Credit for Fire Department Entrance Level Examination

A. Certification Credit

An applicant who has obtained certification from the Ohio Department of Public Safety and provides valid proof of same shall be granted additional credit as follows:

Firefighter Level II: fifteen percent (15%)

Paramedic: ten percent (10%)

Advanced Emergency Medical Technician: seven percent (7%)

Basic Emergency Medical Technician: five percent: (5%)

Requests for certification credit and verification of certification must be submitted to the Commission along with the application for examination. Certification credit shall not be “stacked”; an applicant shall be awarded the greatest percentage of credit dependent upon the highest level of certification obtained.

B. Residency Credit: An applicant for the Fire Department who is a current resident of Lorain County at the time of test administration shall receive additional five (5%) percent of his/her total grade given in the regular entrance examination. Requests for residency credit and verification of same must be submitted to the Commission along with the application for examination. (11/12/2019)

5.06 Total Original Appointment Credit

The total additional credit an applicant for original appointment is entitled to under Rule V is twenty percent (20%). (11/12/2019)

5.07 Criteria for Awarding Seniority Points for Police Promotions

The following shall be used to determine “years of service” for seniority points:

- A. Civil service is as defined in the City of Elyria Charter, City Civil Service Commission Rules, and Chapter 124 of the Ohio Revised Code.
- B. Credit shall be given only for years of service with the City of Elyria Police Department.
- C. Service time shall be figured as of the date set for the written exam to begin.
- D. Seniority points shall be calculated and awarded as follows: one (1) point for each of the first four years of completed years of service; six-tenths (0.6) of a point for each of the next ten years of service. A maximum of ten (10) seniority points shall be awarded. (11/12/2019)

5.08 Criteria for Awarding Seniority Points for Fire Promotions

The following shall be used to determine “years of service” for seniority points:

- A. Seniority points shall be calculated and awarded as follows: one (1) point for each of the first four years of completed years of service; six-tenths (0.6) of a point for each of the next ten years of service; 14 years and over equals the maximum of 10 points. An uncompleted year of six months or more shall be awarded three-tenths (0.3) of a point. A maximum of ten (10) seniority points shall be awarded.
- B. Credit shall be given only for years of service with the City of Elyria Fire Department. (11/12/2019)

5.011 Original Appointment—Reservist Credit

An applicant for original appointment who is a member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, as described in O.R.C. §124.23, may file with the Commission suitable proof of same, whereupon said applicant shall receive additional credit of fifteen percent (15%) of their total grade given in the regular examination, provided that s/he has received a passing grade without regard to this or any other credit. Such requests for credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of satisfactory military service as described above. Requests for credit made after the final date for test application will not be honored. (11/14/2022)

Rule VI – Examinations, Expenses of Examination Process and Application Form Information

6.01 General

- A. All applicants for positions in the classified service shall be subject to competitive examination.
- B. Such examination may consist of one or more test elements, as determined by the Civil Service Commission, or may consist of a series of components as assembled and graded by an assessment center.
- C. Prior to the administration of any examination, the Civil Service Commission shall meet to decide the method by which the test will be administered and graded, and shall express this decision, in writing, in an examination or announcement.
- D. If a minimum passing score is to be utilized, it shall be published in the same announcement.

6.02 Examinations; Provisional Appointments

- A. Examinations for appointments must be competitive, and no such examination will be administered unless there are at least two (2) applicants.
- B. In the event that only one (1) person applies for a promotional examination, a provisional appointment may be made. Provided that the appointee otherwise meets the minimum qualifications.
- C. A person serving as a provisional employee who passes an examination for the department in which he is employed and the position which he holds, shall be appointed as a certified employee prior to the preparation of an eligible list by the Civil Service Commission.
- D. Any provisional employee who remains in provisional status in the same classification or classification series for a period of two (2) years of continuous service, during which period no competitive examination is held, shall become a certified appointee in the classified service at the conclusion of such two (2) year period.

6.03 Examination Notices and Sites

- A. Examinations for original or promotional appointments shall be held at such times and in such places, as the Civil Service Commission deems appropriate, and shall be administered in accordance with the regulations and the applicable sections of O.R.C. §124.
- B. Printed public notice of each examination for original appointment in safety forces positions in the classified service shall be given through the local newspapers and shall be posted in conspicuous places in the City office or school buildings at least two (2) weeks prior to the last date for filing application, and shall include the time, place, and general scope of the competitive examination. In addition, the

Commission may cause the notice to be given or posted in such other places, as it may deem advisable.

- C. Notice of safety force promotional examination, except for promotional examinations for positions in the Fire Department shall be posted in conspicuous places in each department in which employees would be interested and eligible to compete for such promotion. Such notices shall be posted at least two (2) weeks prior to the last date for filing application, and shall include the time, place, and general scope of the competitive examination.
- D. The notice of the 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. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions based on experience in the fire service within the Fire Department.
- E. Notices of all examinations for original appointments in safety force positions in the classified service may also be distributed to such persons or organizations as the Commission may deem to be interested in the positions to be filled.

6.04 Scope of Examinations; Subjects/Study Materials

- A. Examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capability of the person being examined to discharge the particular duties of the position for which appointment is sought.
- B. The Commission shall prescribe the subjects of each examination and the relative weights to be assigned thereto; provided that any such determination must have been made prior to the date of such examination announcement. Reasonable accommodation may be made for the testing of physically-impaired individuals.

6.05 Admission of Applicants to Examinations

No applicant shall be admitted to any assembled examination after the advertised time of beginning such examination. All applicants must have a picture identification to be admitted.

6.06 Identity of Entry Level Examinees Concealed

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

6.07 Extension of Time in Examinations

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

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

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

6.08 Visitors at Examinations

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

6.09 Postponement or Cancellation of Examinations

A scheduled examination may be cancelled or postponed by order of the Civil Service Commission, for any adequate reason. Reasonable efforts shall be made to notify each qualified applicant of the cancellation or postponement and will include written notice to the applicants last known post office address.

6.10 Expense

Except as specifically provided otherwise by another provision within these Rules and Regulations, all expenses incurred in the examination process including publishing costs, examination costs and monitoring expenses shall, upon the recommendation of the Civil Service Commission be submitted to the appropriate department of the City of Elyria, Ohio.

6.11 Application Form Information

- A. The Commission shall furnish application blanks for examinations. Application blanks for entrance examinations shall provide for the submission of information as set forth in Sec. §124.25 of the Ohio Revised Code. The Commission may determine and provide for the submission of any other relevant information either on the application blank or a supplemental sheet. Police and Firefighter/Paramedic applications shall be in accordance with the qualifications contained in O.R.C. §124.40, along with any additional physical requirements specified in the published notice.
- B. To receive additional credit, an applicant must have proof of the military service (DD-214) form. The DD-214 must be submitted along with the examination application.

6.12 Application Acceptance/Rejection

- A. All applications must be picked up at the designated location specified in the posted or published notices. Applicants will be provided copies of any Rule and Regulation referenced in the public notice at the time an application is picked up.
- B. All applications must be printed in ink and legible, or typed; contain a full address including zip code; and be signed and dated by the applicant verifying the accuracy of the information provided on the application form. Applicants must also provide their home address, including zip code, on the front of the envelope, when submitting their applications. All applications must be returned to: Elyria Civil Service Commission, 328 Broad Street, Elyria, Ohio 44035,

unless otherwise stated in print. All applicants shall use the forms provided by the Elyria Civil Service Commission.

- C. When the Commission rejects an application, Notice of Rejection will be mailed to the candidate on or before the designated date given in the instruction sheet. Candidates whose applications are rejected shall not be entitled to a refund of all processing fees such applicant paid to the Commission.
- D. Any false information provided, or material omissions made, on an application or during an examination or interview, constitutes just cause for disqualification of the applicant.
- E. All applications must be returned by mail no later than the post-marked date indicated in the application instructions.
- F. Any required processing fee must accompany the application and be in the form of cash, cashier's check or money order for the exact amount, made payable to the City of Elyria. Those persons unable to pay the processing fee must submit a written request in the form of a notarized affidavit for a waiver of the processing fee to the Secretary of the Commission along with the application. This affidavit should contain a detailed income and expense history for the prior 12 months and clearly explain why they cannot pay the processing fee. Upon receipt of the aforementioned affidavit, the Commission shall review the same for completeness. Any affidavit that is not complete in detail shall be returned to the applicant along with a letter explaining the reason it is being returned. The Commission shall review affidavits that are complete in detail and either approved or denied by a majority vote of Commission members at the next regularly scheduled Commission meeting following receipt of the affidavit. Once the Commission acts upon the fee waiver request, the Secretary of the Commission shall advise the applicant by U.S. mail that their fee waiver request was either approved or denied by the Commission. Applicants denied their fee waiver request shall be further advised that they will be required to pay and submit all required fees to the Commission Secretary twenty-four (24) hours before the time of the examination. Applicants that fail to timely submit payment, if required, shall not be permitted to take the examination.

Rule VII – Eligible List

7.01 Lists

The Commission shall prepare and keep open to public inspection, from the results of each examination, an eligible list of those persons whose general average score in the examination is not less than the minimum-passing grade, and who are otherwise eligible for appointment. Such persons shall be ranked upon the eligible list as candidates in the order of their relative excellence as determined by the examination. The Civil Service Commission shall make every effort to certify such promotion and entrance lists within ninety (90) days of presentation to the Commission at a regular or special meeting.

7.02 Term of Lists

Eligibility lists shall be set, upon certification, for two (2) years. Promotional and entrance test lists shall be valid for two (2) years.

7.03 Removal of a Name from an Eligible List

The Civil Service Commission by vote taken at a public meeting may remove the name of any person appearing on the list who:

1. Fails to report, or arrange to report, for an interview with the appointing authority;
2. Fails to respond to an inquiry from the Civil Service Commission regarding any matter bearing upon applicant's placement upon the list;
3. Provides incorrect information to the Commission;
4. Ceases to possess a requisite license, credential, or certification;
5. Has been convicted of a felony;
6. Has been rejected by the Appointing Authority more than three (3) times from the same list.

Rule VIII – Appointments and Certified List of Eligibility

8.01 Ties: Original Appointment Eligible Lists

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

8.02 Ties: Promotional Eligible Lists

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

Rule IX – Temporary, Provisional, Exceptional and Emergency Appointments

9.01 Provisional Service

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

9.02 Temporary or Exceptional Appointments

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

- A. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the Commission for non-competitive examination; and, if such nominee is certified by the commission as qualified after such non-competitive examination, they may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but, such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the Commission, and such eligible list shall be prepared within six (6) months, provided that an examination for the position must be held within said six (6) month period from the date of such provisional appointment;
- B. In case of an emergency, an appointment may be made without regard to these rules for a period not exceeding thirty (30) days, but in no case shall successive appointments be made. Interim or temporary appointments, made necessary by reason of sickness, disability or other approved leave of regular employees shall continue only during such period of sickness, disability or other approved leave of absence; subject to these rules. Persons who receive interim, temporary or intermittent appointments shall serve at the pleasure of their appointing authority.
- C. In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the Commission may suspend the provisions of Section 124.01 to 124.06 of the Ohio Revised Code and these rules requiring competition in such case, but no such suspension shall be general in its application, and all such cases of

suspension shall be reported in the annual report of the Commission with the reasons for this suspension.

- D. Where the services to be rendered by an appointee are for a temporary period, not to exceed six (6) months, and the need for such service is important and urgent, the appointing authority may select for such temporary service any person, including any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment; not shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position (§§ 124.27, 124.27.1, 124.30 of the Ohio Revised Code).
- E. Appointments to non-safety force classified positions, whether by original appointment or promotional appointment, may be made provisionally as provided in Section 9.01 herein

Rule X – Reinstatements

Any person holding an office or position in the classified service, who has been separated from the service without delinquency or misconduct on his/her part, may upon application and with the consent of the Commission, be reinstated within one (1) year from the date of such separation to a vacancy in the same or similar office or position in the department, under the provisions of in O.R.C. 124.32 (b). This rule does not apply to persons invoking the Family Medical Leave Act.

Rule XI – Reduction, Suspensions, Removals & Probationary Periods

The following rules shall apply to all situations or circumstances not covered by the Union’s collective bargaining agreement(s).

Section 1. **Cause:** The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, suspended or removed except, for the following:

- a. Incompetence.
- b. Inefficiency.
- c. Dishonest such as, but not limited to theft or the falsification of any statement, or a material omission, in an application for examination shall be considered dishonesty and be cause for removal.
- d. Substance abuse, illegal drugs or alcohol.
- e. Immoral Conduct.
- f. Insubordination.
- g. Discourteous treatment of the public.
- h. Neglect of Duty such as, but not limited to absence from duty without leave, for any time, or failure to report if leave has expired, shall be considered neglect of duty and shall constitute cause for removal.

Section 2. **Violations:** Any violation of section 124.34 of the Revised Code, the Rules And Regulations of the City of Elyria Civil Service Commission, or any other failure of good behavior, or any other act of misfeasance, malfeasance or nonfeasance in office shall be considered to be cause for reduction in pay or position, suspension or removal.

Section 3. **Entry Level Probationary Periods:**

- a. The probationary period for entry level Fire/Police Department candidates shall be for a period of twelve (12) months. The probationary period starts the day they are sworn in (unless otherwise stated in the respective union contracts).
- b. The probationary period for all Entry Level positions shall be twelve (12) months, except sworn police and firefighters unless otherwise stipulated within the respective union contracts.

Section 4. **Procedure for Reduction and Suspensions:**

- a. Suspension of more than three (3) days: In any case of a suspension for more than three (3) days, the appointing authority shall furnish such employee a copy of the order of reduction or suspension except, in cases whereby a notification procedure is established in the affected employees collective bargaining agreement.
 - i. Every such order shall state the reasons thereof, and a copy of such order shall be filed with the Commission. The order shall contain a statement advising the employee of the right of appeal.
 - ii. Any such order may be appealed by the employee.

- b. Suspension of three (3) days or less: In any case of a suspension of less than three (3) days, the appointing authority shall furnish such employee a copy of the order of reduction or suspension except, in cases whereby a notifications procedure is established in the affected employees collective bargaining agreement.
 - 1. Such order shall state the reason therefore and the number of prior disciplinary actions received by the employee within the last twenty-four (24) months.
 - 2. A copy of such order shall be filed with the Commission.
 - 3. The employee, at the discretion of the Commission, may appeal a second or subsequent suspension of the same nature within a twenty-four (24) month period.

Section 5. **Removal Procedure:**

- a. The appointing authority shall serve the affected employee with a written order of removal except, in cases whereby a notification procedure is established in the affected employees collective bargaining agreement.
- b. Such order as may be required by sub-section a, shall contain one or more statutory or other sufficient reasons or grounds for discharge together with a recitation of sufficient facts to place him/her fairly upon his/her defense. The employee in accordance with the procedures set forth below may appeal such order.
- c. A copy of such order of removal shall be filed by the appointing authority with the Commission within three (3) days of the service on the employee.
- d. The removal of an employee by the Appointing Authority shall not become effective until the Appointing Authority has complied with all of the requirements implored upon him/her by this section.

Section 6. **Appeal Procedures:**

1. Reduction or applicable: Within ten (10) days after the filing of the disciplinary order by the appointing authority with the Commission, the employee may file and appeal with the Commission. The appeal shall be in writing and shall state the reason(s) why the disciplinary action should be reduced by or rescinded by the Commission. At any hearing of an appeal, an employee may be represented by counsel, or by a fellow employee, and may present witnesses, documentary evidence and any other relevant evidence in support of his/her position.
2. Suspensions of three (3) days or less: Within ten (10) days after the filing of the disciplinary order by the appointing authority with the Commission, the employee may file a request with the Commission to hear an appeal of the suspension.
 1. The Request shall be in writing and shall contain the reason(s) as to why the disciplinary action should be reduced or rescinded.
 2. Following a review of the facts, the Commission may, at its discretion, grant or deny the employee's request for a hearing.
 3. The enforcement of the scheduled suspension of three (3) days or less shall not be altered or delayed because of the employee's request for a hearing. In the event the Commission grants the request for hearing and subsequently overrules the disciplinary action, the employee shall be reinstated with repayment of lost wages.

Section 7. **Removal:**

In the case of removal, any employee so removed may appeal the order of the appointing authority to the Commission within ten (10) days after the effective date of the removal as set forth in the order of removal.

Section 8. **Appeal:**

- a. When an appeal is filed, or a request to appeal granted, the Commission shall immediately notify the appointing authority and employee, and shall hear the appeal (or appoint a trial board to hear the appeal), as follows, and as further provided in this section.
 1. The hearing shall be scheduled within thirty (30) days from the filing of the appeal with the Commission. An appeal is "filed" with the meaning of this section when it is received by the Commission.

2. The Commission shall notify the appointing authority and the employee of the time and place of the hearing.
 3. The Commission may affirm, disaffirm, or modify the judgment of the appointing authority.
- b. Within thirty (30) days of the notice of the decision of the Commission, the appointing commission or employee, if adverse affected, may appeal to the Court of Common Pleas pursuant to the applicable provisions of O.R.C. Section 124.34 or Chapter 2506.

Rule XII - Hearing Procedure

- Section 1. **Time of Hearing – Notification(s):** Within thirty (30) days of receipt from an employee or officer in the classified service of the City or the City School District of a timely written appeal from an order of removal, reduction in pay or position, or appealable suspension. If a letter of representation has been sent to the Commission, the Commission shall then set a time and place to hear such appeal and shall notify the appointing authority, as well as the employee or his/her attorney.
- Section 2. **Order of Removal:** Amendments to an order of removal, reduction in pay or position, or suspension may be made by the appointing authority at any time, provided the employee and his attorney, if any, receive copies of the amended order at least ten (10) calendar days before the date set for the hearing.
- Section 3. **Hearing Procedure:**
- a. The Appointing Authority shall first present his/her evidence in support of the charges and specifications.
 - b. The employee shall then present such evidence as he/she may wish to refute such charges.
 - c. The Appointing Authority shall be permitted to offer evidence in rebuttal.
 - d. The Commission may, in its discretion, hear opening and final arguments, or require briefs from the parties arguments.
 - e. No hearings shall proceed without the presence of all three (3) Commission members being present except for disciplinary hearings.
- Section 4. **Rules of Evidence – Representation by Counsel – Court Reporter:**
- a. The production of evidence at the hearing of appeals and the Commission's decision on the appeal shall be governed by the Ohio rules of evidence, and the burden of proof required by courts generally in civil cases.
 - b. Both the appointing authority and employee may be represented by Counsel.
 - c. The Commission shall provide a court reporter to take down verbatim all testimony and arguments presented at the hearing. The cost of the reporter's services shall be provided by the City.
 - d. The Commission shall have the right to appoint, from time to time, as necessary a hearing officer who shall be an attorney licensed to practice law in the State of Ohio.
 - e. Any appeal of a decision of the Civil Service Commission shall be to the Court of Common Pleas of Lorain County, Ohio pursuant to Chapter 2506 of the Ohio Revised Code.

Section 5. **Resignation Before Final Action:**

- a. An employee, who appeals a removal order, may give his resignation to the Appointing Authority prior to the decision of the Commission. The resignation, if accepted by the Appointing Authority shall be considered a withdrawal of the charges.
- b. The Appointing Authority shall submit notice of acceptance of such resignation immediately to the Commission.
- c. The resignation of such employee shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

Rule XIII – Layoff or Abolishment

PREAMBLE

The Civil Service Commission of the City of Elyria enacts this Rule with the purpose and intent to establish direction and clarity for this Commission, the City of Elyria, and employees of the City of Elyria, when the Ohio Revised Code and the Elyria City Charter do not provide statutory direction regarding the layoff of employees and the abolishment of positions. This Rule is intended to apply only to those employees of the City of Elyria not working under a collective bargaining agreement except where the Ohio revised Code permits or requires such application. This Rule is enacted consistent with the authority delegated to the Commission by the Ohio Revised Code and the Elyria City Charter to fully comply with the applicable provisions of the Ohio Revised Code and the Elyria City Charter as to the content, enactment, and application of this Rule and to supplement and amplify the applicable provisions of the Ohio Revised Code and the Elyria City Charter. The Commission does not intend the enactment and application of this Rule to supersede or conflict with any provision of the Ohio Revised Code, the Elyria City Charter, or any collective bargaining agreement to which the City of Elyria is a party

I. Exclusive Rule

This Rule shall apply to those classified employees of the City of Elyria not covered by a collective bargaining agreement with the City. The Administrative Rules of the Ohio Department of Administrative Services shall not apply to layoffs or abolishments in the City of Elyria.

II. Determination of Reason for Layoff or Abolishment

The Safety Service Director shall determine whether a lack of funds or a lack of work exists and shall file a statement of rationale and supporting documentation with this Commission prior to sending the layoff notices. The Safety Service Director shall determine whether any position(s) shall be abolished and upon a determination to abolish shall file a statement of rationale and supporting documentation with this Commission prior to sending the notice(s) of abolishment

III. Calculation and Use of Retention Points

- a. Layoff and displacement shall be governed by retention points.
- b. Retention points shall reflect each employee's length of continuous service with the City of Elyria as defined in Chapter 165.001 (g) of the Elyria, Ohio Codified Ordinances.
- c. Retention points shall be calculated based upon the continuous service of the employee with the City of Elyria and shall be calculated based upon one (1) point for each pay period of continuous service added to a base of 100 points.
- d. The end date for the calculation of retention points shall be the projected date of the planned layoff or abolishment, based upon the assumption of continued employment to that day by affected workers.

IV. Prior to the commencement of any layoff, the Safety Service Director shall:

a. Provide written notice to each affected worker no less than fourteen (14) days prior to the planned effective date of layoff or abolishment.

b. Such notice shall contain:

_____ The reason for the layoff or abolishment;

_____ The effective date;

_____ The employee's accumulated retention points;

_____ A copy of the retention points calculations for all positions in the affected classification;

_____ Notification as to whether the affected worker has known displacement rights;

_____ Notification of right of the affected worker to exercise such bumping rights if such election is date stamped by the Commission no later than the fifth calendar day following the date on which the layoff notice abolishment notice was furnished to the affected worker.

V. Recall List

Once any bumping has been exhausted, the Safety Service Director shall notify the Commission of the final placement of workers and shall provide a copy of applicable recall lists for each affected classification.

VI. Displacement into Vacant Positions

At any time immediately prior to, or simultaneous with the implementation of a layoff in a promoted classification, the City may, at its discretion, elect to expand the ranks of any classification that would otherwise be filled by original appointment so as to create positions that may be filled through displacement

Such positions shall be regarded as having been filled from a recall list, even if there is no gap in compensable service by the affected employee.

VII. Appeals

Any employee who is laid off or displaced through bumping by the layoff process may appeal to the Commission as provided by the Ohio Revised Code. However, for an employee displaced through bumping the scope of such appeal shall be limited to the calculation of the retention points only, and may not address the cause of the layoff of abolishment.