



RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD FOR THE CITY OF DAYTON, OHIO

RULE 8: ELIGIBLE LISTS AND CERTIFICATIONS

Section 1. ELIGIBLE LISTS. The Secretary and Chief Examiner will establish and maintain such eligible lists for the various classes of positions as ~~he/she~~ **they** deems necessary to meet the needs of the service.

- A. Open Competitive Lists. Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score on open competitive examinations.
- B. Promotional Lists. Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score for promotional examinations, which are limited to persons already in City Service.
- C. Recall Lists. Such lists contain the names of permanent employees who were separated or demoted from their positions because of lack of work or funds, or whose positions were abolished as a result of departmental reorganization. The names of such employees shall be placed on the recall list in the inverse order of their layoff or demotion, and each name shall remain on the list for three (3) years, unless the employee is reappointed earlier. At the discretion of the Board, this period may be extended.
 - 1) Employees in their initial probationary status at the time of layoff are not entitled to have their names placed on the recall list, but instead, shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff.
 - 2) Professional - Technical - Supervisor and Management employees in their initial probationary status at the time of layoff or involuntary conversion to a part-time appointment shall have their names placed on a noncompetitive certification list, for consideration, for a period of one (1) year from the date of layoff or change in type of appointment.

Section 2. REQUISITION. Whenever a department director desires to fill an authorized vacancy in the classified service, ~~he/she~~ **they** shall submit a requisition, approved by the City Manager, specifying the title of the position to be filled, the date ~~he/she~~ **they** desires to make the appointment, and such other information as the Secretary and Chief Examiner requires.

The Secretary and Chief Examiner is authorized to investigate any requisition in order to assure that the position is properly classified.

No requisition shall specify the sex of the desired employee, unless sex is a bona fide occupational qualification.

Section 3. CERTIFICATION. On receipt of an approved requisition, the Secretary and Chief Examiner shall certify and refer to the department director the names of eligibles from the appropriate eligible list



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in the order in which they have placed, including credit for efficiency and seniority when applicable. Positions will be filled in accordance with such ranking.

Eligibles will be selected from lists in the following designated order:

1. Recall – Per Rule 15
2. Voluntary Demotion
3. Promotional
4. Reinstatement after Resignation *and/or Medical Separation*
5. Open Competitive

If a department director decides not to fill the vacancy, the requisition shall be cancelled by the City Manager, and written justification of such action shall be submitted to the Secretary and Chief Examiner.

Section 4. CORRECTIONS TO ELIGIBLE LISTS. No eligible list may be changed without approval of the Secretary and Chief Examiner; such action shall be ratified by the Board in a subsequent meeting. Whenever in its judgment the interests of the public so require, the Board may correct or amend any candidate's score when it appears that an error has been committed.

In case of substantial errors or other irregularities in an examination, the Board shall have the power to rescind an eligible list and to order a new examination. Any appointment made prior to such action shall not be invalidated, and any referral in progress shall be continued to its conclusion.

Section 5. REMOVAL FROM ELIGIBLE LIST. The name of any person on an eligible list may be removed under the following conditions:

- A. where good cause exists, the City Manager or ~~his/her~~ *their* designee, or the Secretary and Chief Examiner may request that a person's name be removed from the eligible list. The Board shall consider the reason(s) for each request, and if the reason(s) clearly relates to the suitability of the person for the position, the Board may cause ~~his/her~~ *their* name to be removed;
- B. if the person declines the position;
- C. if the person fails to respond to an employment notice from the Board;
- D. if the person fails to report for interview or background check within five (5) workdays;
- E. if the person cannot be located by postal authorities;
- F. upon recommendation from the City Physician;
- G. if the eligible list results from a promotional examination, a resignation or other termination from the City service shall be cause for removal of a person from the eligible list;
- H. any applicant for the safety forces, who, three (3) years or less prior to the date of the written exam, has ever illegally possessed, knowingly used, sold or distributed any



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“controlled substance” or abused, sold or distributed a “dangerous drug” as defined by State of Ohio law, may be disqualified;

- I. any applicant for the safety forces, who has personally used marijuana one (1) year or less prior to the date of the written exam will be disqualified;
- J. Any person convicted of an offense that disqualifies the applicant for the position under State or Federal Law.

The appropriate use of legally prescribed medications to the applicant and non-prescription (over-the-counter) medications will not disqualify an applicant.

Written requests for reconsideration of removal from an eligible list must be received within ten (10) calendar days of notification of removal. Upon submission of a satisfactory explanation, the Board may restore an applicant to the list. Any appointment made prior to such action shall not be invalidated and any referral in process shall be continued to its conclusion.

Section 6. REINSTATEMENT TO ELIGIBLE LIST AFTER RESIGNATION *AND/OR MEDICAL SEPARATION*. A former full-time employee in the competitive class with permanent status for a minimum of one (1) year, who has resigned *or medically separated* from the classified service in good standing may, within one (1) year following ~~his/her~~ *their* resignation *or medical separation*, be reinstated to a special eligible list which shall have a duration of one (1) year, for the classification in which ~~he/she~~ *they* had served at the time of separation, and shall have first priority to appointment after appointment of any persons on an existing promotional eligible list for that classification. Reinstatement requests must be made in writing to the Board, and it may request a recommendation from the head of the department or agency in which the employee last served.

- A. *A medical separation may occur when an employee is unable to perform the essential functions of their duties or classification with or without a reasonable accommodation due to mental, sensory, or physical incapacity. Medical separation is not disciplinary action, and does not apply for probationary employees.*

Section 7. DURATION OF ELIGIBLE LISTS. The term of an eligible list is fixed at one (1) year from the date of promulgation, provided that;

- A. The Board may, at its discretion, prior to the date of expiration of eligibility, extend the period of eligibility for any competitive position, provided the total period of eligibility shall not exceed two (2) years.
- B. When the Board anticipates that a current eligible list will not supply the needed number of job candidates, or when it is desirable to ensure that there is no delay between the expiration of one list and the establishment of a new list, it may schedule an examination



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and publish a consecutive eligible list which shall become effective after the current list is exhausted of candidates, or expires due to the time limitations stated in subsection A above.

- C. Safety Forces – As it pertains to competitive examinations for safety forces positions, the Board, at its discretion and prior to the date of expiration of eligibility, may extend the period of eligibility on a year for year basis, provided the total period of eligibility shall not exceed four (4) years.

Section 8. REFERRAL FROM EXPIRED ELIGIBLE LIST. Employment referrals shall continue to be made from an eligible list that was active on the date that a Personnel Requisition was authenticated by the City Manager and received in Civil Service until:

- A. the position is filled, or;
- B. the eligible list is exhausted.

Section 9. WAIVER OF APPOINTMENT. An applicant may request a waiver of a referral due to temporary physical incapacity, active military duty, or other temporary inability. A request for waiver must be submitted in writing to the Board within five (5) work days of referral. The applicant requesting a waiver cannot withdraw such request. Upon receipt of a waiver request, referral to the vacant position(s) will be made from the remaining eligibles in accordance with their rank on the eligible list. The Board may grant or deny such waiver and shall enter upon its minutes the reasons for its action in each case. When a waiver is denied the applicant's name shall be stricken from the appropriate list. Unless the Board limits the duration of the waiver, a waiver once granted remains in effect until 1) the applicant notifies the Board in writing that the basis for waiver has ended, or 2) except for military waivers, the eligible list has expired.



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RULE 9: APPOINTMENTS

Section 1. TYPES OF APPOINTMENTS. Appointments in the classified service shall be one of the following types:

- A. Permanent Appointment. An original appointment to a full-time position made from a certified competitive or noncompetitive eligible list shall be a permanent appointment, but the incumbent is subject to the completion of a probationary period, as outlined in Rule 10.
- B. Temporary Appointment. When services are needed for a short-term period, a temporary appointment, without examination, may be made under any of the circumstances set forth below. Such appointment shall not exceed a six (6) month period.
 - 1) A temporary appointment may be made in the absence of an eligible list and when there is an urgent need to fill a regular vacancy. Temporary appointments expire no later than four (4) weeks following the establishment of an eligible list.
 - 2) A temporary appointment may be made to fill a position vacated on a temporary basis because of illness, injury, or other legitimate reason for absence of a regular employee. Such appointment shall cease upon the termination of the leave of absence of the regular employee. In the event that regular employee terminates their employment, the provisions of Section 1 (B) (1) shall apply.
 - 3) A temporary appointment may be made to fill a position created for a limited period when additional work of a temporary nature must be performed within a specified time and regular staff is not adequate to meet the need.

If a person whose name is on the eligible list for regular appointment is offered a temporary position, acceptance or refusal to accept the temporary position shall not affect their eligibility for regular employment.

No individual shall be eligible for subsequent temporary appointment without a two (2) week break in service.

Service as a temporary employee shall not be counted as time served toward the completion of a probationary period. The temporary appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

- C. Seasonal Appointment. A seasonal appointment may be made to encompass a growing season, recreational season, or the like. Upon approval of the Board, seasonal positions may be created which exceed six (6) months provided the specific starting and ending dates are established for such positions.

No individual shall be eligible for subsequent seasonal appointment without a two (2) week break in service.



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Service as a seasonal employee shall not be counted as time served toward the completion of a probationary period. The seasonal appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

- D. Emergency Appointment. An emergency, as the term is used herein, means any unforeseen condition which is likely to cause loss of life or damage to property, the stoppage of services, or serious inconvenience to the public. Upon receipt of a request from a department director citing such emergency condition(s), the Secretary and Chief Examiner may authorize one or more emergency appointments, for the duration of the emergency, not to exceed thirty (30) calendar days. The department director shall determine the qualifications of persons nominated for emergency appointment. Service as an emergency employee shall not be counted as time served toward the completion of a probationary period. The emergency appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.
- E. Part-Time Permanent Appointment. A part-time permanent appointment, except as defined in Rule 9, Paragraph F below, may be made to a position which requires the services of an employee thirty-five (35) or less hours a week. Part-time permanent employees may be selected through a process approved by the Board, but shall have no right to full-time employment except as set forth in Rule 9, Section 1 (A).
- F. Professional - Technical - Supervisor and Management Part-Time Appointment. A part-time appointment may be made to a Professional – Technical – Supervisor and Management classification which requires the services of an employee thirty-five (35) or less hours a week. Professional – Technical – Supervisor and Management part-time employees may be selected through a process approved by the Board, but shall have no right to full-time employment except as set forth in Rule 9, Section 1 (A).
- G. Student Appointment. A full-time student may be appointed for no more than six (6) months in any twelve (12) month period, or on a basis of no more than 1040 hours for a twelve (12) month period. A student appointment can be made without competitive examination, on the basis of recommendations from the employing department director.
- H. Firefighter Recruit Appointment. No person who will be forty-one (41) years of age or older at the time the Firefighter Recruit Training Academy class is scheduled for completion shall receive an original appointment to the position of Firefighter Recruit.
- I. Firefighter Appointment. No person who is forty-one (41) years of age or older shall receive an original appointment to the position of Firefighter.



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- J. Police Recruit Appointment. No person who will be ~~thirty-five (35)~~ **sixty-nine (69)** years of age or older at the time the Police Recruit Training Academy class is scheduled for completion shall receive an original appointment to the position of Police Recruit.
- K. Police Officer Appointment. No person who is ~~thirty-five (35)~~ **sixty-nine (69)** years of age or older shall receive an original appointment to the position of Police Officer.

Before appointment, all persons employed under this Section must meet the minimum educational, experience, and related qualifications set for the classification and be certified by the Civil Service Board staff.

Section 2. REINSTATEMENT AFTER RESIGNATION. A former full-time employee who has been reinstated to an eligible list, may be referred for appointment in accordance with Rule 8, Section 6. A reinstated employee is not subject to a new probationary period. If the individual is not reinstated within one (1) year from the date of their separation from City service, their seniority will be computed from the date of reinstatement. A physical examination will be required at the time of reinstatement if such separation exceeds ninety (90) days.

Section 3. NONCOMPETITIVE APPOINTMENT. When a vacancy occurs in the noncompetitive class, the City Manager shall notify the Secretary and Chief Examiner through a requisition. The Secretary and Chief Examiner may require the nominee(s) to submit documentation as deemed necessary to verify the candidate's education, experience and licensure. Applications and an unranked list of pre-certified individuals will be forwarded to the appropriate department director for interview and subsequent selection.

Section 4. PHYSICAL/PSYCHOLOGICAL QUALIFICATIONS. No appointment shall be made without prior physical and, when required, a psychological examination which demonstrates an individual's ability to successfully perform the duties of the position to which appointed.