

POLICIES AND PROCEDURES

**OF THE CIVIL SERVICE BOARD
FOR THE CITY OF DAYTON, OHIO**

Civil Service Board

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Thomas Ritchie, Sr.

Members

Maria E. Oria

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Secretary and Chief Examiner

Kenneth E. Thomas





**POLICIES AND PROCEDURES OF THE
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POLICY 1: APPEAL PROCEDURES – PHYSICAL EXAMINATIONS

Reference: Civil Service Rule 8, Section 5

The purpose of this policy is to set forth a process of appeal for applicants and employees who are rejected for employment due to physical reasons.

REJECTION OF APPLICANT - PERMANENT FULL-TIME POSITION

The applicant/employee shall be informed by the City Physician that he/she has been rejected for the position for which applying due to physical reasons, and shall at that time be advised of the right to appeal this rejection:

- 1) In order to appeal the rejection, the individual must submit to the Secretary and Chief Examiner, within ten (10) work days from the date rejection notification was made, supportive documents from the physician of his/her choice.
- 2) The Secretary and Chief Examiner shall convene the Physical Examining Board within ten (10) work days from the end of the appeal period.

REJECTION OF APPLICANT - OTHER THAN PERMANENT FULL - TIME POSITION

The applicant/employee shall be informed by the City Physician that he/she has been rejected for the position for which applying due to physical reasons, and shall at that time be advised of the right to appeal this rejection:

- 1) The individual may submit to the City Physician, within ten (10) work days from rejection notification, supportive documents from the physician of his/her choice.
- 2) The City Physician shall then evaluate the documentation and make a final determination on behalf of the Physical Examining Board.

MEMBERS AND ROLE OF THE PHYSICAL EXAMINING BOARD

The purpose of the Physical Examining Board shall be to review and evaluate evidence presented, and affirm or disaffirm the rejection of an individual for employment due to physical reasons, if the individual appeals the rejection.

The Physical Examining Board shall consist of:

- 1) One member of the Civil Service Board
- 2) The City's designated physician
- 3) A representative from the Department of Law
- 4) The Director of Central Services
- 5) The Secretary and Chief Examiner



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POLICY 2: PERFORMANCE APPRAISAL CREDITS (ON PROMOTIONAL EXAMS)

Reference: Civil Service Rule 7, Section 5

- Candidates for promotional examination may receive a maximum of 2.5 points added to a passing score based on performance efficiency. The credit given for efficiency is the average of the employee's last two (2) performance appraisals, based on the following scale:

ADJECTIVE RATING

<u>MIDMANAGEMENT</u>	<u>SALARIED/HOURLY</u>	<u>CREDITS</u>
Exceptional	Exceptional	2.5
Proficient	Proficient	2.0
Fair Needs	Improvement	1.25
Unsatisfactory	Unacceptable	0.0

NOTE: Where the person has not been in the service for a sufficient length of time to have received two (2) appraisals or reports, he/she must have been rated at least satisfactory in one (1) appraisal or report.

- Performance appraisal points (0 - 100) which appear on various rating forms used by management are for determining the overall adjective rating, and are not used by Civil Service. Only the adjective rating, as shown above, will be used by Civil Service to award additional credits for efficiency. The following combination of performance ratings would result in the award of additional credits as shown:

				<u>CREDITS</u>
Exceptional	+	Exceptional	=	2.50
Exceptional	+	Proficient	=	2.25
Exceptional	+	Fair (Needs Improvement)	=	1.875
Exceptional	+	Unsatisfactory (Unacceptable)	=	1.25
Proficient	+	Proficient	=	2.00
Proficient	+	Fair (Needs Improvement)	=	1.625
Proficient	+	Unsatisfactory (Unacceptable)	=	1.00

NOTE: An individual whose last two (2) performance appraisals were less than satisfactory (proficient) is ineligible for promotion (reference Civil Service Rule 7, Section 3 C).

- The performance appraisals used to award efficiency credits will be the last two (2) required to be completed before the date of the examination, in accordance with the City's Personnel Policies. If a required report has not been completed on a candidate who has passed an examination, publication of the eligible list will be deferred until the appropriate department/division furnishes such report to the Civil Service Board and the proper computations can be completed.



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POLICY 3: REQUESTS FOR ORAL EXAMINATIONS

Reference: Civil Service Rule 6

REASONS FOR GRANTING PERMISSION TO TAKE ORAL EXAMS

1. Physical (includes vision, neurological, mental, emotional)
2. Never learned to read or write
3. Poor reader

APPROVAL/DISAPPROVAL OF PERMISSION TO TAKE ORAL EXAMS

- a. If the reasons for the request are based upon a physical condition, a statement of confirmation supporting the prognosis from the applicant's own physician must be submitted to support the request.
- b. If an individual has never learned to read or write, or is a poor reader, he/she must be currently involved in a remedial reading program (verification required). If the individual is not enrolled in such a program, this office will advise the individual of such programs which are available in the Dayton area.
- c. No permission for an oral examination will be granted if the position for which the individual is applying requires literacy as a condition in the performance of the position.
- d. If an individual is granted permission to take an oral examination, based upon physical reasons, he/she will still be required to pass a physical examination in order to be eligible for appointment.

DURATION OF APPROVAL

1. An applicant requesting permission to take oral exams, based upon a physical disability, will submit required verification for the Board's review. If the request is approved by the Board, the approval will be valid for a period of one (1) year. However, the individual must submit a request to the Chief Examiner for each exam he/she wishes to take orally during the one (1) year period. At the end of the one (1) year period, a physician's statement must be resubmitted for the Board's review.
2. An applicant with a non-physical reading disability must submit a separate request for each exam he/she wishes to take orally, along with verification of enrollment in a remedial reading program.



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POLICY 4: DESIGNATION OF LABOR CLASS POSITIONS AND SELECTION OF EMPLOYEES

Reference: Civil Service Rule 3

The unskilled labor class shall include any classification for which there are minimal or no experience or education requirements.

The Civil Service Board will determine the classifications which comprise the labor class and identify those classifications as an attachment to this policy.

Eligible lists for these classifications may, at the Board's discretion, be established by registration in lieu of written, practical, or oral examinations and applicants may be placed on OPEN or PROMOTIONAL lists as follows:

- a. OPEN - Candidates, ineligible for promotion, who meet the minimum qualifications for the job classification shall be placed on an OPEN eligible list and ranked by the date and time their application was filed.
- b. PROMOTIONAL - Candidates who make application and are permanent or part-time permanent employees serving in grades below the position for which an eligible list is to be established, and who meet the minimum qualifications for the classification shall be placed on a PROMOTIONAL eligible list and ranked in accordance with credits earned for efficiency and seniority earned as a permanent or part time permanent employee.



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POLICY 5: CERTIFICATION / SELECTION PROCESS FOR FILLING NONCOMPETITIVE POSITIONS

Reference: Civil Service Rule 5, Section 1, Rule 3, Section 2B, Rule 9, Section 3

POSITION ANNOUNCEMENTS

When an approved requisition for filling a noncompetitive position is received by Civil Service, an announcement for the opening will be issued by Civil Service. Said announcement will:

- a. Be placed as a classified ad in the Dayton newspapers (for exceptions see Note below).
- b. Be forwarded to all agencies on the Civil Service mailing list.
- c. Contain a brief description of the duties of the position as contained in the position description.
- d. Contain a statement of the salary range of the position.
- e. Cite a closing date after which postmarked resumes from applicants will no longer be accepted. Announcements are generally posted for a period of four (4) weeks following issue.

NOTE: When a department wishes to have an extended announcement, have an announcement sent to particular agencies, or requires additional advertising, this fact should be made known to the Civil Service staff so that an acceptable announcement can be issued. Further, if a Department does not wish to have the position commercially advertised, the Civil Service staff will only forward the announcement to the agencies on its mailing list.

CERTIFICATION OF APPLICANTS

Following the closing date contained in a noncompetitive announcement, Civil Service will determine whether the applicant's resume contains sufficient information indicating that he/she meets the minimum requirements contained in the classification description, and will send certification and noncertification lists to the department along with the certified applicants' resumes.

All persons who have submitted resumes by the filing deadline will be advised by Civil Service that their resumes have been received and are being reviewed, and that the department with the position vacancy will notify those individuals who are to be selected for interview.

SELECTION AND VERIFICATION OF CREDENTIALS

From the certification list, the department will notify those candidates it wishes to interview. As soon as the interview process has been completed and a tentative selection made, the department should:

- a. Inform Civil Service of the name of the individual selected and anticipated starting date.



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- b. Have the individual process through Civil Service to complete an Application for Employment, to be scheduled for a physical examination and, when required, a police background investigation, and to provide data required to verify the candidate's credentials.
- c. Provide Civil Service with the names of all candidates interviewed, as well as their sex and race.
- d. Inform the selected candidate that they must have available a complete listing of the names and addresses of educational institutions, former employers and licensing agencies who can verify that they possess the prerequisites required for the position.

APPOINTMENT

Appointment cannot be made until the candidate has successfully completed his/her physical examination.

Appointment can be made without the completion of the background investigation and credentials verification check with the understanding that failure of the applicant to successfully meet these requirements will result in probationary discharge.

Upon receipt of notification of the selected individual, Civil Service will notify all other candidates that another person has been selected for the position, and that their resumes shall remain on file for one (1) year and will be considered for any future vacancy which may occur in the classification.

FAILURE TO FILL A VACANCY

If, for whatever reason, a department is not able to fill a vacancy from the certification list, a letter stating that fact and the reasons thereof should be forwarded to Civil Service. Before a new announcement is posted for the position, the director should meet with the Secretary and Chief Examiner to resolve any problems discovered in the selection process.



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POLICY 6: VOLUNTARY DEMOTION / TRANSFER

Reference: Civil Service Rule 12

1. VOLUNTARY DEMOTION

An employee in the classified service may request demotion (placement in a classification of lower maximum pay range than the one currently serving in) to a position held previously by permanent appointment under the following conditions:

- a. The employee must have completed the probationary period in the position to which he/she requests demotion.
- b. The request for demotion must be approved by the City Manager, or the Director of Human Resources acting for the City Manager, and the Secretary and Chief Examiner.
- c. Such request will be granted only if a vacancy exists in the classification to which the employee seeks demotion, i.e., no employee will be displaced due to the voluntary demotion of another employee.
- d. If a demotion is requested when no vacancy exists, the employee may be placed at the top of a promotional and/or open eligibility list for the title to which the employee seeks demotion.
- e. An employee requesting demotion may be placed in any work unit in which an appropriate vacancy exists.
- f. If an employee requests a voluntary demotion and declines appointment to the first available vacancy, the employee shall not be eligible to reapply for voluntary demotion for a period of one year.
- g. If the Civil Service Board has made an employment referral to the position to which voluntary demotion is requested before receipt of the demotion request, that referral will have precedence over the voluntary demotion request.

The attached Voluntary Demotion format shall be used for all requests for voluntary demotion.

Reference: Civil Service Rule 11

2. VOLUNTARY TRANSFER

An employee may request voluntary transfer from one department to another under the provisions of Civil Service Rule 12, using the attached Transfer Request form. The request must be approved by the City Manager or the Director of Human Resources for the City Manager.



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VOLUNTARY DEMOTION REQUEST

CIVIL SERVICE BOARD

Date: _____

TO: Director of the Department of _____
Director of Human Resources
Secretary and Chief Examiner

I, _____, request a voluntary demotion from the position of
Full Name (Print)
_____, Division of _____

to the position of _____, I understand that if this request is approved
and I am subsequently referred to a position by Civil Service, my rejection of said assignment will make me ineligible
to reapply for a voluntary demotion for a period of one (1) year.

Employee's Signature

Forward for signatures in order shown

I Recommend:

- Approval
Disapproval

Director's Signature

Date: _____

I Recommend:

- Approval
Disapproval

Director of Human Resources
for the City Manager

Date: _____

- Approved
Disapproved

Secretary and Chief Examiner

Date: _____

FOR CIVIL SERVICE USE ONLY

Employee placed on eligible li: _____

Referred to: _____ Date: _____
Department Division

Disposition: _____

Remarks: _____

Manager/Consultant



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TRANSFER REQUEST

CIVIL SERVICE BOARD

INSTRUCTIONS: The employee requesting a transfer is to fill out the top portion of this form and submit it to his/her Department Director for their recommendation. The Director will then forward the request to the Department Director to which the transfer is requested. The form should then be submitted to the Department of Human Resources for signature. The completed form should then be forwarded to Civil Service immediately. Upon finalization, Civil Service will mail copies to all parties.

Date: _____

I, _____ request to be transferred:
Employee's Name Position Title

FROM the Department of: _____

TO the Department of: _____

Employee's Signature

TO: Civil Service Board
I recommend:

- Approval
Disapproval

Date: _____

Director's Signature
(from which transfer is requested)

I recommend:

- Approval
Disapproval

Date: _____

Director's Signature
(to which transfer is requested)

If disapproved, please explain: _____

- Approval
Disapproval

I certify that the approved transfer is in compliance with Civil Service Rule 11, Section 1

Director of Human Resources for the City Manager
Date: _____

The Civil Service Board [] Approved [] Disapproved this transfer request on
Date: _____

FOR THE CIVIL SERVICE BOARD

Manager/Consultant

Secretary and Chief Examiner



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POLICY 7: SUBPOENAS FOR CIVIL SERVICE BOARD HEARINGS

Reference: Civil Service Rule 14

Section 104 of the Charter of the City of Dayton authorizes the Civil Service Board to subpoena and require the attendance of witnesses and the production of pertinent documents in conducting any investigation. By authority of the Board, subpoenas are issued by the Secretary and Chief Examiner.

In the case of disciplinary appeals before the Board, counsel or the representative for the Appellant or Appellee shall provide prepared subpoenas for the signature of the Chief Examiner. Subpoenas will be served by First Class mail or through the City's interoffice mail system, as appropriate. If desired, those persons requesting subpoenas may provide personal service.

All questions pertaining to subpoenas will be referred to the counsel or representative who requested said subpoena.



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POLICY 8: BACKGROUND INVESTIGATIONS

Reference: Civil Service Rule 1, Section 2F, Rule 8, Section 5A

For those positions within the classified service where a high degree of public trust is required, the Civil Service Board may authorize a police background investigation of potential employees. This requirement must be included in the appropriate classification specification. If all positions within a class do not require a background check, the class specification should identify the specific positions affected.

Generally, Civil Service will initiate the background process when it has a requisition for a position known to require such a check. The processing of persons through the background investigation will be coordinated between Civil Service and the Department of Police. When an agency becomes aware of the need for background investigations in advance of class starting dates, requisition approval, etc., it should contact Civil Service to initiate this process.

Unless otherwise requested by a department/agency head in writing, temporary, emergency, seasonal, and part-time appointees will be subject to the same background requirements as are permanent employees of a classification.

Following the completion of an investigation, the Department of Police prepares and forwards to the Civil Service office a report which includes a summary of data compiled on the prospective employee.

Civil Service will contact the department that requires the investigative report and ask that a representative pick up and receipt for said reports. These reports should be treated with utmost confidentiality and should only be reviewed by persons with a "need to know". These reports will be returned to Civil Service after the department has obtained the needed information.

If, upon review of the background report, the department director wishes to recommend the removal of a candidate from the eligible list, a memo should be forwarded to the Board citing the rationale for the director's recommendation. The staff will add said recommendation to the agenda of the next Board meeting and if the individual's name is removed from the eligible list the department will be so informed.

When a candidate for a noncompetitive position is not selected due to factors contained in the background, the Board shall be notified in writing of the nonselection.

All queries pertaining to removal from an eligible list or the nonselection of noncompetitive candidates will be referred to the director of the department who made the recommendation for removal or the decision to not hire.

At a department/agency head's discretion, an individual may be hired pending the completion of the background check provided that the employee is notified that continued employment is contingent upon the results of said investigation.



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POLICY 9: CIVIL SERVICE BOARD MEETINGS

Reference: Civil Service Rule 1, Section 3

Open and Executive Meeting Sessions

Meetings will consist of an open session and/or executive session.

- a. An open session meeting may be attended by the general public and City employees.
- b. Executive sessions are closed to the public and employees, as confidential personnel actions are addressed in these sessions.

Notice of Scheduled Meetings

- a. The Civil Service Board will hold at least two (2) meetings per month one of which shall be an open session.
- b. Notice of open session meetings are sent to the City Commission office, which in turn posts the notices in the encased bulletin board by the Ludlow Street entrance of the Municipal Building. Notice is also posted on the Civil Service Board's official bulletin board on the 3rd floor of the Municipal Building.
- c. All Directors will receive a tentative list of open session business items on the agenda prior to the meeting date.

Submission of Business Items for Agendas

Any Director, Division Manager, City employee, or citizen who wishes a particular item of business to be placed on a meeting agenda must submit such item at least one (1) week prior to the meeting date if at all possible. It will be at the discretion of the Secretary and Chief Examiner whether an item received outside of this time frame is placed on the immediate agenda or is held for the following meeting agenda.

If any individual wishes to make a verbal presentation to the Board in executive session, prior approval must be given by the Board, through the Secretary and Chief Examiner.

Individuals appearing at an open session meeting who wish to make a verbal presentation will be permitted approximately five (5) minutes to make such presentation.



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POLICY 10: INSPECTION OF CIVIL SERVICE BOARD RECORDS

All general Civil Service Board records, i.e., eligibility lists, Board meeting minutes, etc., are available for inspection by the public and City employees.

Records of a personal nature, i.e., employee applications, disciplinary actions, etc., may be inspected by the employee to which the item pertains, or by his/her designated representative.

Inspection of the transcripts of disciplinary hearings not yet decided by the Board, or the provision of copies of said transcripts shall not be permitted without the express consent of the Secretary and Chief Examiner, or in his/her absence, the Assistant Chief Examiner.

Charges for copies of records will be made in accordance with the following:

Photocopy

- \$.50 per printed page
- 10.00 printed reports of 100 pages or less
- 20.00 printed reports of over 100 pages

Microfilmed Documents

- \$2.00 per copy



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POLICY 11: N/A

POLICY #11 NULLIFIED BY CHANGES TO CIVIL SERVICE RULES 7 AND 15, EFFECTIVE
AUGUST 14, 1996.



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POLICY 12: PROMOTIONAL EXAM ELIGIBILITY – LENGTH OF SERVICE

Reference: Civil Service Rule 7, Section 3 and Rule 8, Section 1, B

CHANGE IN STATUS

If as a result of a change in circumstance, a candidate who took an examination promotionally under Rule 7, no longer meets the promotional list criteria under Rule 8 (e.g. layoff, change in type of appointment) the following shall occur:

- A. In the event the eligible lists have not been promulgated, the candidate shall be placed on the open competitive eligible list, if one exists, in appropriate rank order.
- B. If the eligible lists has been promulgated prior to the change in circumstances, the candidate's name shall be removed from the promotional eligible list and placed on a revised open eligible list, in appropriate rank order. However, if the examination was given promotional only, the candidate shall be removed from the eligible list in the manner set forth in Rule 8.



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POLICY 13: PRE-HEARINGS

Reference: Civil Service Rule 14

- A. At least one week prior to the first scheduled hearing date in a matter the Board may, on its own motion, direct the parties, or their representatives, to participate in a pre-hearing with the Board's representative.
- B. The pre-hearing is to be held for the following purposes:
 - 1. To simplify or clarify issues;
 - 2. To obtain stipulations and admissions by the parties;
 - 3. To mark and exchange all exhibits to be used at the hearing and to exchange a list of witnesses expected to be called at the hearing. The Disciplinary Authority's exhibits shall be marked in numbers, and the Appellant's exhibits shall be marked in letters.

All parties shall be required, from time to time, to update their exhibit list and witness list as it becomes apparent to them that they will call additional witnesses or use additional exhibits which were not disclosed during the original exchange.
 - 4. To discuss all matters intended to expedite the proceedings.
- C. Procedural orders, reports and recommendations may be issued, based upon information obtained at a pre-hearing.