



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018

— *Established in 1910* —

Eileen Ann Patton
Mayor

Civil Service Commission
Gregory Kowalski, Chairman
Richard Dunson, Commissioner
Peter Evanko, Commissioner

Matthew Hrubey, Secretary

Civil Service Commission Meeting
Thursday, March 2, 2017 ▪ 6:30 pm
Fairview Park City Hall, Dunson Room

AGENDA

- Call to Order & Roll Call
- Election of Chairman for 2017 Calendar Year
- Review and Approve: Past Meeting Minutes – November 10, 2016
- Discussion: Correspondence from U.S. Department of Justice
- Discussion: Rules for removal of candidates from eligibility lists
- Miscellaneous
- Adjourn

U.S. Department of Justice

Civil Rights Division

Office of Special Counsel for Immigration-Related
Unfair Employment Practices - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530
Main (202) 616-5594
Fax (202) 616-5509

January 4, 2017

Fairview Park Police Department
Attn: Erich Upperman, Chief
20777 Lorain Rd.
Fairview Park, OH 44126

Dear Sir or Madam,

The Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC") writes this letter to provide you with important information regarding the training and certification requirements for peace officers in Ohio and compliance with federal law under 8 U.S.C. § 1324b.

OSC enforces the anti-discrimination provision of the Immigration and Nationality Act ("INA"), as amended, 8 U.S.C. § 1324b. The anti-discrimination provision prohibits citizenship and immigration status discrimination in hiring, firing, and recruitment or referral for a fee, by employers with more than three employees. 8 U.S.C. § 1324b. Such discrimination violates the INA unless required by a law, regulation, executive order or government contract.

It has come to our attention that some members of the Ohio law enforcement community, including some charged with recruiting and/or hiring candidates for peace officer positions, may be uncertain about whether the Ohio Peace Officer Training Commission (OPOTC) requires incoming trainees to be United States citizens in order to be eligible for certification. According to OPOTC's recent meeting notes, OPOTC does not require trainees to be citizens. *See Ohio Peace Office Training Commission, Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, January 14, 2016*, at p. 12, available at <http://www.ohioattorneygeneral.gov/getattachment/3d392645-7058-4df4-a9b5-8d8751c7df98/Final-Draft-January-14th.aspx>; *Ohio Peace Office Training Commission, Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, March 10, 2016*, at p. 8, available at <http://www.ohioattorneygeneral.gov/getattachment/5b888af4-1ff7-46d0-9e9b-73f26db7483a/March-10th-Minutes-and-Addendums-Final-Draft.aspx>). According to OPOTC, if trainees "are here legally with a visa and are able to have a firearm," they can take and pass basic training if they are otherwise eligible to do so. *Ohio Peace Office Training Commission, Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, January 14, 2016*, at p. 12; *see also Ohio Peace Office Training Commission, Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, March 10, 2016*, at p. 8 ("there is nothing prohibiting a non-citizen [from] taking Peace Officer Basic Training and receiving certification").

We hope you will use this information to ensure that your hiring practices comply with 8 U.S.C. § 1324b, and encourage you to distribute it to other individuals who may benefit from it. Please feel free to contact us through our toll free number at 1-800-255-8155 if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alberto Ruisanchez", written over a horizontal line.

Alberto Ruisanchez
Deputy Special Counsel

Rules for the Removal of Candidates from Eligible Lists in Westshore Communities

City of Bay Village

- RULE VIII –ELIGIBILITY LISTS

Section 4. CAUSE AND REMOVAL. The Commission may, at any time, remove the name of an eligible from any eligibility list for any one or more of the following causes:

- a. Failure to respond to notice of certification within the time limited in such notice.
- b. Declination of appointment.
- c. Failure to withdraw waiver of certification within the time limited in these rules.
- d. Attempted deception or fraud in connection with any application or test.
- e. Willfully or corruptly making any false statement, certificate, mark, grading, or report with regard to any test or appointment made or held under the civil service provisions of the City charter.
- f. In any case where the Commission has reason to believe that an eligible candidate is, or has, in any manner become disqualified for the position for which he is listed.
- g. Failure to notify the Commission of changes in address.

City of Lakewood

Article 5: Eligible Lists

Section 505: Removal from Eligible List

- C. A person's name shall be removed from the eligible list if he or she:
 - a. Fails to contact the appointing authority or designee within 10 days after date of notice of certification.
 - b. Fails to report for an interview with the appointing authority or designee.
 - c. Declines an appointment or consideration for an appointment without reasons satisfactory to the Commission.
 - d. Cannot be located at the address last furnished to the Commission.
 - e. Provides incorrect or incomplete information.
 - f. Fails to respond to request for information within a reasonable time as determined by the Commission.
 - g. Fails to appear for or complete un-scored exams.

City of Rocky River

RULE VI. CERTIFIED LISTS

4. The name of any person appearing on an eligible list shall not be certified for appointment if the candidate:

- a. fails to report or arrange within six (6) days (Sundays and holidays excluded) for an interview with an appointing authority;
- b. fails to respond to a notice from the Civil Service Commission;
- c. declines an appointment without reasons satisfactory to the Civil Service Commission;
- d. cannot be located by the postal authorities.

City of Westlake

RULE VIII. ELIGIBILITY LISTS.

Section 4. NAMES NOT TO BE CERTIFIED FOR APPOINTMENT.

The name of any person appearing on an eligibility list shall not be certified for appointment if he:

(a) Fails to report for an interview at the request of the Police or Fire Chief or the appointing authority, or if unable for good cause to attend such an interview, fails to arrange for an interview to take place within six days (Sundays and holidays excluded) from the date of the originally scheduled interview.

(b) Fails to respond to a notice from the Civil Service Commission.

(c) Declines an appointment without reason satisfactory to the Civil Service Commission.

(d) He cannot be located by the postal authorities.

(e) He does not pass to the satisfaction of the Civil Service Commission:

(1) A physical examination given by a doctor selected by the appointing authority.

(2) And when required, a psychological examination conducted by an approved professional as appointed.

The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligibility list only after a thoroughly satisfactory explanation of the circumstances is made to the Commission.