

**Rules and Regulations of the**  
**Fairview Park Civil Service**  
**Commission**

**Adopted February 18, 2014**

**Amended June 16, 2015**

**By Order of the Fairview Park Civil Service Commission**

Gregory Kowalski, Chairman  
Richard Dunson, Commissioner  
Peter Evanko, Commissioner  
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## **PREAMBLE**

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Fairview Park, Ohio, by Section 15 of Article X of the Ohio Constitution; Article VI of the Charter of the City of Fairview Park; Section 124.40 of the Ohio Revised Code; and Chapter 141 of the Codified Ordinances of the City of Fairview Park.

**RULE I:**  
**ADMINISTRATION**

**Section 1.** The Civil Service Commission of the City of Fairview Park, Ohio, shall be composed of three (3) persons who shall be appointed and serve in the manner provided for in Section 124.40 of the Ohio Revised Code.

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

**Section 2.** 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 Fairview Park, Ohio.

**Section 3.** At the first meeting of each calendar year, the Commission shall elect one of its members as Chairman, who shall serve in that position during that calendar year. It shall be the duty of the Chairman to call meetings of the Commission as necessary to transact the business and affairs of the Commission and to preside over all meetings of the Commission.

The Chairman may on his own initiative, and shall upon the request of the other two members of the Commission, call a special meeting of the Commission to be held no later than ten (10) days from the date of notice of such meeting. In the absence of the Chairman, another Commission member shall act as Chairman.

Two members of the Commission shall constitute a quorum at any meeting of the Commission. It shall require the affirmative vote of at least two members to adopt any motion or resolution.

**Section 4.** The Commission shall employ a person to act as Secretary of the Commission, which shall be filled pursuant to Article VI, Section 2 of the Charter of the City of Fairview Park and Section 141.01 of the Codified Ordinances of the City of Fairview Park.

The Secretary shall attend all meetings of the Commission and keep the minutes thereof; shall accurately and properly keep all records of the Commission in accordance with the Schedule of Records Retention and Disposition of the City of Fairview Park; shall prepare and deliver, or cause to be delivered, notices and other communications ordered by the Commission; shall promptly furnish the

appointing authority with certified lists of candidates eligible for appointment; shall handle such correspondence as the Commission may determine; and shall perform such other duties as may be required by the Commission.

**Section 5.** Notices of Commission meetings shall be posted a minimum of twenty-four (24) hours in advance of a meeting in a location commonly used for posting notices of public meetings.

**Section 6.** These Rules and Regulations apply only to the classified service of the City of Fairview Park Police and Fire Departments.

## **RULE II:**

### **DEFINITION OF TERMS**

The terms herein specified, whenever used in the Rules and Regulations of the Fairview Park Civil Service Commission or in the administration of the Civil Service laws, shall be construed as follows:

1. "Commission" refers to the Civil Service Commission of the City of Fairview Park, Ohio.
2. "Civil Service" refers to and includes all officers and positions in the classified services of the City of Fairview Park, Ohio, Police and Fire Departments.
3. The term "employee" shall signify any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer.
4. "Appointing authority" shall signify the Mayor of the City of Fairview Park having the power of appointment to or removal from classified positions.
5. The pronoun "he" and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

**RULE III:**  
**APPLICATIONS**

- Section 1.** All applicants must be citizens of the United States and possess a High School diploma or its equivalent and a valid driver's license.
- Section 2.** Applicants for original appointment as a Patrol Officer must have attained the age of 21 on or prior to the date of examination. No person shall be eligible to receive an original appointment on or after his 35<sup>th</sup> birthday.
- Section 3.** Applicants for original appointment as a Firefighter/Paramedic must have attained the age of 18 on or prior to the date of examination. No person shall be eligible to receive an original appointment on or after his 31<sup>st</sup> birthday.
- Section 4.** Applicants taking an entrance examination for the position of Firefighter/Paramedic must have paramedic certification at the time of appointment. The required certification must be in accordance with the level of qualifications mandated by the Fairview Park Fire Department. Applicants for Firefighter/Paramedic must have maintained appropriate continuing education hours as mandated by the State of Ohio for Emergency Medical Technology (EMT) Paramedic certification.
- Section 5.** Application blanks for examinations shall be furnished by the Commission. Application blanks shall provide for the submission of information as set forth in Section 124.23 of the Ohio Revised Code. The Commission may provide for the submission of other relevant information either on the application blank or on a supplemental sheet.
- Section 6.** Application blanks must be completely filled out in ink or typed. The completed application must be signed by the applicant's own hand, notarized, and submitted prior to the deadline established by the Commission for an examination. Only the first 200 completed and filed applications will be accepted for an examination. A money order or cash in the amount of \$35.00, payable to the City of Fairview Park, must be attached to the application; however, such fee may be waived upon the filing of an affidavit of financial hardship on a form adopted by the Commission. Completed applications should also include proper proof for extra credit items applicants may be eligible to receive (see Rule IV, Section 10).

## **RULE IV:**

### **ENTRANCE EXAMINATIONS**

- Section 1.** Examinations shall be held at such times and places as the Commission deems advisable and shall be administered under its direction and supervision.
- Section 2.** Notice of entrance examinations shall be posted in locations so as to reach the broadest possible population base. Notices shall be posted a minimum of thirty (30) days prior to an examination date.
- Section 3.** The identity of all persons taking a competitive examination shall be concealed by the use of an identification number, which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have been graded and ranked. Any paper bearing the name of an applicant or any other identification mark will be rejected and the applicant so notified.
- Section 4.** Entrance examinations shall be practical in character and relate directly to those matters which will fairly test the relative capacity of an applicant to discharge the particular duties of the position for which appointment is sought.
- Section 5.** No applicant shall be admitted to any assembled examination more than ten (10) minutes after the advertised start time for the examination.
- Section 6.** No applicant shall be given a longer time for the examination than prescribed by the Commission.
- Section 7.** No person shall:
- a. Willfully impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination, registration, or appointment, or application or request to be examined, registered, or appointed; or
  - b. Furnish any false information about himself or any other person in connection with any examination, registration, or appointment, or application or request to be examined, registered, or appointed; or
  - c. Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
  - d. Assist any other applicant in any manner whatsoever; or
  - e. Use any information other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him in answering the questions.

- f. Any violation of this section will result in such applicant's examination papers being taken up and filed with a zero marking.

**Section 8.** No visitor shall be permitted in the examination room during an examination except by special permission of the person in charge.

**Section 9.** Examinations, unless postponed, must be held upon the dates fixed by the Commission. Examinations may be postponed by order of the Commission, which order shall designate the reason thereof.

**Section 10.** Applicants who receive a passing grade of seventy (70) or more shall be granted additional percentage credits as follows:

<u>ITEM</u>	<u>FIRE</u>	<u>POLICE</u>
Veteran	5	5
College (4-year degree)	4	4
OR		
College (2-year degree)	2	2
Fire I & II	4	0
Current Ohio Peace Officer Certificate	0	2

To obtain such extra credit percentage points, proper proof shall be attached to the applicant's application. For Veteran points, proper proof shall be a DD214. For College (2-year and 4-year) points, proper proof shall be a diploma, transcript, or other proof deemed acceptable by the Commission. For Fire I & Fire II and Current Ohio Peace Officer Certificate points, proper proof shall be documentation of successful completion of the course.

**Section 11.** For the position of Patrol Officer, after the tests have been graded and the adjusted test scores determined, all applicants shall receive a letter showing their status as follows:

- a. Failed; or
- b. Passed with the adjusted test score, but not in the top 30 scorers; or
- c. Passed with the adjusted test score, and in the top 30 scorers.

Those applicants who ranked in the top 30 scorers shall be notified of the time and place for the pass/fail agility test. An injury waiver and release form signed

by the applicant are required to take the agility test. Failure to take and pass the agility test will eliminate the applicant from further consideration.

Following completion of the agility test, the Commission shall prepare a certified list of applicants for the appointing authority.

**Section 12.** For the position of Firefighter/Paramedic, after the tests have been graded and the adjusted test scores determined, the Commission shall prepare for the appointing authority a certified list of applicants who passed the exam, and shall notify all applicants by letter of their status as follows:

- a. Failed; or
- b. Passed, and their position on the certified list.

The Civil Service Commission shall not conduct a physical agility test for the position of Firefighter/Paramedic prior to preparing a certified list of applicants for that position. However, candidates who receive a passing grade shall be notified that at the time of interview for a position in the Fire Department, they must possess a valid certificate showing completion of Cuyahoga Community College's physical agility test for firefighters, which test shall have been completed within the previous 12-month period. The appointing authority may, at its discretion, determine the maximum completion time allowed for such a test.

## **RULE V:**

### **CERTIFIED LISTS FOR ORIGINAL APPOINTMENT**

- Section 1.** From each examination the Commission shall prepare and maintain a certified list of persons eligible for appointment.
- Section 2.** The certified list and the names appearing thereon shall be fixed by the Commission for no less than one (1) year nor more than two (2) years. Any list that has been in effect for more than one (1) year may, at the discretion of the Commission, be terminated at any time in the public interest.
- Section 3.** In the event two or more applicants receive the same grade on an examination, priority in the time of submitting application to the Commission shall determine the order in which their names are placed on the certified list.
- Section 4.** The name of any person appearing on a certified list may be removed if he:
- a. Fails to respond to a notice from the Civil Service Commission; or
  - b. Voluntarily removes himself from the certified list; or
  - c. Has been considered for the same position three (3) times and has been passed over.
- Section 5.** If at any time when preparing a certified list, the Commission has reason to believe a person should be disqualified for appointment because of a false statement made in his application, physical disability, or for another comparable reason, such person shall be notified and given the opportunity to be heard. If such person fails to appear for a hearing, or, upon being heard, fails to satisfy the Commission, his name shall be removed from such certified list.
- Section 6.** Each person on a certified list shall file with the Commission written notice of any change of contact information. Failure to do so may be considered sufficient reason for not certifying his name to the appointing authority for future appointments.
- Section 7.** A certified list may be revoked within one (1) year and another examination ordered only when the Commission deems such action advisable by reason of errors, fraud, or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application or paying an additional fee. No certified list shall be altered or revoked except upon written notice to all persons whose standings may be

affected and upon an entry in the minutes of the Commission of the reasons of such alteration or revocation.

## **RULE VI:**

### **PROMOTIONAL EXAMINATIONS**

- Section 1.** Notice for competitive promotional examinations shall be given by posting a notice on the department bulletin boards. Such notice shall be given no less than thirty (30) days prior to an examination and shall include a list of study materials and testing methods.
- Section 2.** Composition of Promotional Examinations:
- a. Promotional examinations may include both written and oral components, except that if a collective bargaining agreement in effect dictates the composition of such an examination, said provision shall control. Promotional exams, whether written, oral, or a combination of both, shall be practical in nature and shall relate directly to those matters which will fairly test the relative capacity of a candidate to discharge the particular duties of the position for which promotion is sought.
  - b. For the promotional examination for the position of Fire Chief, the promotional exam shall be weighted fifty percent (50%) for the written component and fifty percent (50%) for the oral component.
- Section 3.** Eligibility for Promotional Examinations:
- a. Promotions to positions above the rank of Patrol Officer in the Police Department shall be accordance with the provisions of Section 124.44 of the Ohio Revised Code, except that a Patrol Officer must serve four (4) years in the department before being eligible to take a promotional examination. In the event that there are not two candidates in the same rank immediately below the vacant position, who are willing and eligible to take the examination, then the twelve (12) month in rank time requirement shall not make any other candidate in the same rank ineligible for the examination.
  - b. Promotions to positions above the rank of Firefighter/Paramedic in the Fire Department shall be in accordance with the provisions of Section 124.45 of the Ohio Revised Code.
- Section 4.** No applicant shall be permitted to any assembled examination more than ten (10) minutes after the advertised start time for the examination. However, an exception to this rule may be made at the discretion of the Commission in cases when an applicant is on a duty call.

**Section 5.** No applicant in any examination shall be given a longer time on any subject than prescribed by the Commission when examination questions are approved.

**Section 6.** No person or officer shall:

- a. Willfully impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination, registration, or appointment, or application or request to be examined, registered, or appointed; or
- b. Furnish any false information about himself or any other person in connection with any examination, registration, or appointment, or application or request to be examined, registered, or appointed; or
- c. Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
- d. Assist any other applicant in any manner whatsoever; or
- e. Use any information other than that provided in the examination itself, such as memoranda, pamphlets, or books of any kind to assist him in answering the questions.
- f. Any violation of this section will result in such applicant's examination papers being taken up and filed with a zero marking.

**Section 7.** The identity of all persons taking a competitive examination shall be concealed by the use of an identification number, which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have been graded and ranked. Any paper bearing the name of an applicant or any other identification mark will be rejected and the applicant so notified.

**Section 8.** After testing is completed, each applicant shall have the right to inspect any written component of his examination together with the answer key within ten (10) days (Saturdays, Sundays, and holidays excluded) of being notified in writing of his preliminary written test score and rank. Applicants shall be given as much time as they desire for such inspection during normal business hours, but shall not be permitted to remove either their test or the answer key from the inspection room. Any protest as to grading must be in writing, signed, and filed with the Commission within this ten (10) day period. All protested questions shall be referred to the test giver for consideration. The Commission will then consider all protests and the test giver's comments, and make such changes, if any, as warranted.

**Section 9.** After any and all protests have been ruled upon by the Commission, a final test score shall be calculated, appropriately factoring in any weighting as required by these rules (see Rule VI, Section 2) and adding any extra credit that is earned.

**Section 10.** Applicants who receive a passing grade of seventy (70) or more shall receive additional credit for seniority, which shall be determined as follows: One (1) percent of the total grade attainable in such examination for each of the first four (4) years of service, and six-tenths percent of such total grade for each of the next ten (10) years of service. In computing the credit for seniority, half the credit above set out shall be given for a half year of service.

**Section 11.** The Commission will prepare a certified list for the appointing authority of candidates eligible for promotion, ranked by adjusted test score. In the event two or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligibility list. When seniority is used as a determining factor, it shall be restricted to the date of hire within the department. Should the seniority be identical, the order of priority shall be determined by such arbitrary method as shall be determined by the Commission (e.g., a coin toss).

**Section 12.** The certified list and names appearing thereon shall be fixed by the Commission at not more than two (2) years.

**RULE VII:**  
**APPOINTMENTS**

- Section 1.** Appointments to all positions in the classified service that are not filled by promotion, transfer, or reduction, as provided by the Civil Service Laws and Rules and Regulations of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Civil Service Laws and the Rules and Regulations of the Commission.
- Section 2.** The appointing authority shall notify the Commission when a position is to be filled. The Commission shall, except as provided in Sections 124.30 and 124.31 of the Ohio Revised Code, submit to the appointing authority the names of the ten (10) candidates standing highest on the certified list for appointment. The Commission may submit less than ten (10) names, if ten (10) names are not available.
- Section 3.** Upon receipt from the Commission of the certified list of eligible candidates for a position, the appointing authority shall fill the position from the certified list.
- Section 4.** Promotion of Patrol Officers shall be in accordance with Section 124.44 of the Ohio Revised Code. Promotion of Firefighter/Paramedics shall be in accordance with Section 124.45 of the Ohio Revised Code.
- Section 5.** In case of an emergency, an appointment may be made without regard to the Civil Service Laws or the Rules and Regulations of the Commission. In no case shall such appointment continue longer than thirty (30) days, and in no case shall successive temporary appointments be made, provided that interim or temporary appointments, made necessary by reason of sickness or disability of the regular employee, shall continue only during such period of sickness or disability.

Where the services to be rendered by an appointee are for a temporary period, not to exceed thirty (30) days, and the need of such service is important and urgent, the appointing authority may select for such temporary service 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 provision. The acceptance or refusal of a temporary appointment by an eligible person shall not affect his standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

All temporary appointments shall be promptly reported to the Commission by the appointing authority.

**RULE VIII:**

**LAYOFFS**

The following rule shall apply to all situations or circumstances not covered by a union's collective bargaining agreement:

Whenever it becomes necessary in the Police and Fire Departments, through lack of work or funds or for causes other than those outlined in Section 124.34 of the Ohio Revised Code, to reduce the force in such department, such changes shall be made in accordance with the provisions of Sections 124.321 through 124.37 of the Ohio Revised Code.

**RULE IX:**  
**HEARINGS**

- Section 1.** Upon receipt from an employee in the classified service of the City of Fairview Park, who is not subject to a collective bargaining agreement, of a timely written appeal from an order of removal, reduction in pay or position, or suspension for more than three (3) working days, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee or his representative. Appeals shall be considered timely if postmarked no later than ten (10) calendar days from the date of the order of removal, reduction, or suspension. The Commission shall schedule the hearing of such appeal within thirty (30) days of the date the hearing request is filed with the Commission. The appointing authority, the employee, and his/her legal representative, if any, shall be notified of the date, time, and location of the hearing.
- Section 2.** In the hearing of such appeals, the order of procedure shall be as follows:
- a. The appointing authority taking action affecting the employee shall present evidence in support of the action taken.
  - b. The employee affected shall present such evidence as he may wish to refute such action taken.
  - c. The appointing authority may offer evidence in rebuttal.
  - d. The Commission may hear arguments at its discretion.
- Section 3.** Copies of exhibits shall be made available to the Commission as they are identified and the Commission shall pass upon the admissibility of evidence and may limit cumulative and/or irrelevant testimony.
- Section 4.** The production of evidence in the hearing of appeals and the Commission decision thereof shall be governed in general by the rules of evidence, proof, and burden of proof applied by the Court of Common Pleas of Cuyahoga County.
- Section 5.** All hearings shall be recorded unless the Commission orders a stenographic record. All recordings shall be maintained in accordance with the City of Fairview Park's Schedule of Records Retention and Disposition. The Commission shall transmit a written transcript of all hearings for appeals to the Court of Common Pleas of Cuyahoga County.
- Section 6.** All witnesses at the hearing shall testify under oath or affirmation.

- Section 7.** No hearings shall proceed without the presence of all three (3) Commission members being present.
- Section 8.** If two or more appeals involve substantially identical issues of fact or law, the Commission may consolidate them into a single hearing upon its own motion or the motion of either party.
- Section 9.** On all appeals to the Commission, the Commission may affirm, disaffirm, or modify the decision(s) of the appointing authority. The votes of the Commission members shall be recorded and a written decision shall be issued by the Commission Chairman within thirty (30) calendar days of the conclusion of the hearing. Any Commission member, at their discretion, may write a dissent, which shall be included with the decision of the Chairman. Such decision, together with any dissent, shall be mailed to the affected employee by certified mail, and to other parties by regular mail.
- Section 10.** The decision of the Commission may be appealed by the affected employee or the appointing authority to the Court of Common Pleas of Cuyahoga County.