

## ORDINANCE NO. 017-18

### **AN ORDINANCE AMENDING SECTION 195.04 (RULE 4.1, PLACE OF EXAMINATION AND ADMINISTRATION, RULE 4.2, NOTICE OF EXAMINATION FOR ORIGINAL APPOINTMENT, RULE 4.4, HUMAN RESOURCE DEPARTMENT ASSISTANCE, 4.5.1, EXAMINATION FOR ORIGINAL APPOINTMENT, RULE 4.5.3, METHOD OF EXAMINATION, AND RULE 4.16, EXAMINATION GRADING METHODS), OF THE CIVIL SERVICE CODE OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Civil Service Commission met on March 26, 2018 and adopted rule changes as found in 195.04 of the Codified Ordinances of Napoleon, Ohio, subject to Council's approval; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, Section 195.04 of the City of Napoleon, Ohio Codified Ordinances, being a part of the Civil Service Rules, shall be amended and enacted as follows:

“Rule 4.1 Place of Examination and Administration

Commission examinations may be held at such places as the commission deems advisable and shall be administered under its direction. The commission may designate others to conduct examinations on their behalf, subject to its review and approval. Absent written legislation or motion properly approved by this Commission establishing a different procedure, the Commission shall use the National Testing Network to administer the examinations for original appointment for City of Napoleon, Ohio Police Officer and Firefighter/Paramedic positions.

Rule 4.2 Notice of Examination for Original Appointment

Absent written legislation or motion properly approved by this Commission establishing a different procedure, notice of competitive examinations for original appointment shall be provided by the office of the finance director (or council clerk when one exists). National Testing Network. ~~The commission may authorize the clerk's providing of publication of notice to be completed by the city's human resource department when such department exists.~~ Absent written legislation or motion properly approved by this Commission establishing a different procedure, notice shall be accomplished through a newspaper of general circulation in the municipality and by posting notices conspicuously on the municipal building bulletin boards in the department where appointment is needed, i.e., police department or fire department, and in such other places as may be deemed advisable, not less than two (2) weeks prior to such examinations. Such notice shall contain a clear statement showing the following:

- 1) The title of the position for which the examination is to be held.
- 2) The duties of the position or a summary of the duties.
- 3) The minimum qualifications of age, education, and experience required of all applicants.

- 4) ~~The last day and hour on which applications will be received.~~
- 5) ~~Examination fees required, if any.~~
- 6) ~~A statement whether a medical or psychological exam is required.~~
- 7) ~~Proof required for veteran's preference (or military/veteran's service credit on examinations if allowed) and requirement that proof be filed with application.~~
- 8) ~~Proof required of educational credit, when allowed.~~
- 9) ~~The place where application blanks may be secured and the place where they must be filed, the place where classification specifications and/or position descriptions may be secured, and any other information that may be deemed necessary."~~ the current procedure used by the National Testing Network, including several recruitment channels such as links to National Testing Network department websites, and online and local job advertising.

#### Rule 4.3 Promotional Examination for Competitive Classified Positions

Notice of competitive examinations for promotion shall be provided by the office of the finance director (or council clerk when one exists). The commission may authorize the clerk's providing of this notice to be completed by the city's human resource department when such department exists. Notice of competitive promotional examinations to be held shall be given by posting of bulletins in conspicuous places in the departments whose employees may be interested. Such notice shall be given not less than (30) days prior to the examination. Such notice shall contain the following information:

- 1) The title of the position for which the promotional examination is to be held.
- 2) The class or classes of employees who are eligible to make application for admission to the examination.
- 3) The salary range for the position.
- 4) The last day and hour on which applications will be received.
- 5) The minimum qualifications of education and experience required for all applicants, if any.
- 6) The place where application blanks may be secured and the place where they must be filed, and any other information that may be deemed necessary."

#### Rule 4.4 Human Resource Department Assistance

In addition to examination notice and publication assistance by the human resource department pursuant to Rules 4.2 and 4.3, the commission may authorize city's human resource department, when one exists, to accept applications, preliminarily evaluate the same for consideration by the Commission, and to distribute study guides.

#### Rule 4.5 Examination Scope: Subjects and Weight Thereof

##### Rule 4.5.1 Examination for Original Appointment

Examinations for original appointment shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought. ~~The commission shall prescribe the subjects of each examination and the relative weights to be attached thereto provided that any such determination must have been adopted prior to the date of such examination.~~ Absent written legislation or motion properly approved by this Commission establishing a different procedure, the Commission shall use the services of the National Testing Network for original appointment examinations for Police Officer and Firefighter/Paramedic.

##### Rule 4.5.2 Promotional Examination

Promotional examinations shall relate to those matters that test the relative capacity of the person examined to discharge the particular duties of the position for which promotion is sought.

#### Rule 4.5.3 Method of Examination

Examinations may include written examination, oral examination, performance examination, evaluation of experience, practical demonstrations of skills, and/or such other forms of examination as the Civil Service Commission deems appropriate. Structured interviews conducted by the appointing authority after an eligible list is certified shall not be construed as part of the testing process by the commission, but merely a process of selection by the appointing authority.

#### Rule 4.6 Medical and/or Psychological as a Requirement for Appointment to the Competitive Classified Service

When a medical or psychological examination is required for appointment to the competitive service, such requirement shall be published in the examination announcement. Disclosure of any reports prepared by the examining practitioner is subject to Chapter 1347 of the Ohio Revised Code. Medical examinations shall be required for all competitive examinations (conducted in the police and fire departments), including examinations required by the Police and Fire Disability and Pension Fund. Such medical examinations shall be post-offer, pre-employment, except any examinations necessary to determine whether an applicant is fit to participate in the examination process. Psychological examinations may be conducted at the request of the appointing authority.

#### Rule 4.7 Admitting Applicants to Examination

No applicant shall be admitted to any assembled examination more than thirty (30) minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his or her work and left the examination room, except by special permission of the person in charge, who, at his or her discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the commission.

#### Rule 4.8 No Extension of Time to be Given

No applicant in any examination shall be given a longer time on any subject than prescribed by the commission. The commission may establish separate time limits for reasonable individual accommodation of otherwise qualified applicants with disabilities.

#### Rule 4.9 Examination Fraud Prohibited

No person or office shall:

- 1) Willfully or corruptly by himself or herself or in cooperation with one (1) or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment, or employment arising under these Rules and Procedures; or
- 2) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of these Rules and Procedures, or aid in so doing; or
- 3) Willfully or corruptly make any false representations concerning the results of such examinations or concerning any person examined; or

- 4) Willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed or promoted; or
  - 5) Willfully personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, registration, or appointment, or application or request to be examined, registered or appointed; or
  - 6) Furnish any false information about himself or herself, or any other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed; or
  - 7) Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
  - 8) Being an applicant, take an examination to assist any other applicant in any manner whatsoever; or
  - 9) Personally solicit a favor from any member of the commission, appointing authority, or have any person in his or her behalf solicit a favor; or
  - 10) Being an applicant in any examination, be found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets or books of any kind to assist him or her in answering the questions.
- Any applicant found in violation of this rule, in addition to any other penalty found in rule or law, shall have his or her examination papers taken up and filed with a zero marking when the circumstances justify such action.

**Rule 4.10 Visitors at Examination**

No visitors shall be admitted to the examination room during any examination except by special permission of the examiner in charge. The examiner in charge may provide for assistance for applicants with disabilities who are otherwise qualified, provided, however, that such applicants notify the commission, in writing, no later than forty-eight (48) hours prior to the examination that such assistance will be required. Any such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicants. Any outside assistants shall be approved and/or provided by the commission.

**Rule 4.11 Inspection of Examination Papers**

Any competitor shall have the right at any time within the period of fifteen (15) days after receiving his or her notice of examination grade to review own papers and inform himself or herself as to the markings given him or her on each subject or question and to submit in writing for the commission's consideration, any objection or protest he or she may wish to make concerning the grades given him or her. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an examination as would call for an investigation on the part of the commission, and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a six (6) month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the city service, where such inspection would tend to reduce the validity of test results.



#### Rule 4.12 Examinations Postponed

Examinations, unless postponed, must be held upon dates fixed by the commission. Examinations may be postponed by order of the commission, which order shall designate the reason therefor. Reasonable efforts shall be made to inform applicant of cancellation or postponements. The type of notice is within the sole discretion of the commission.

#### Rule 4.13 Educational Prerequisites – Educational Credit

The Civil Service Commission may establish specific educational requirements as prerequisites for examination for positions under its jurisdiction, or for certification of persons for appointment to such positions. Educational credit, which may include education credit by way of certification, and/or by way of prior in service training within the department for which an eligible list is being created, shall not be a part of, but shall be a credit to be added to the person's base earned grade given in the regular examination in which the person receives a passing grade resulting from the competitive examination for original appointment to positions under the jurisdiction of the commission where the commission has elected to grant such credit. The commission may grant such credit in an amount and under conditions deemed appropriate by the commission when determining fitness and merit; provided, that such amount is established in advance of any affected examination; and provided, that no such credit shall be added to a person's examination grade unless the applicant achieves at least the minimum passing grade as established in Rule 4.17 on the examination without counting any additional credit; moreover, in order to be eligible to receive the credit, the applicant must submit proof of such education at the time of filing the application. Any additional credit given under this provision shall be in terms of a percent of the person's base earned grade given in the applicant's regular examination, unless otherwise method is authorized by the commission.

#### Rule 4.14 Release Time for Examinations

City employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the commission for the classification in which the employee is serving as a provisional. The appointing authority may grant time off without loss of pay for up to two (2) additional examinations during any one (1) calendar year. If the employee wishes to take additional examinations, the appointing authority may require that the employee take vacation leave, compensatory time or leave without pay.

#### Rule 4.15 Rating of Applicants

Exclusions and extra credits:

##### Rule 4.15.1 Credit for Veteran's Service Credit in Examinations For Original Appointment

In the case of an original appointment, the commission may grant veteran's service credit, which shall also mean military service credit, to any applicant who has completed service in the uniformed services and who has (1) been honorably discharged from the uniformed services or (2) transferred to the reserve with evidence of satisfactory service; and, any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days (180) of active duty service pursuant to an executive order of the President of the United States or an act of the Congress of the United States. Credit for service in the armed forces of the United States shall not be a part of but shall be a credit to be added to the applicant's base earned grade resulting from the competitive examination for original appointment to positions under the commission's jurisdiction where the commission has elected to grant such

credit. The commission may grant veteran's service credit in an amount and under conditions deemed appropriate by the commission when determining fitness and merit; provided that such amount is established in advance of any affected examination; and provided that no such credit shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade as established in Rule 4.17 on the examination without counting any additional credit; moreover, in order to be eligible to receive the credit, the applicant must submit proof of honorable discharge or applicable military service (a certificate of service or honorable discharge or equivalent as determined by the commission) at the time of filing the application. Any additional credit given under this provision shall be in terms of a percent of the person's base earned grade given in the applicant's regular examination, unless another method is authorized by the commission.

#### Rule 4.15.2 Seniority Credit Prohibited

Except as otherwise provided in Rule 9.5.2(1) of these rules and procedures, in promotional examinations, no additional credit for seniority or efficiency in the civil service of the city, the state, or any other political subdivision of Ohio shall be added to the examination grade. This provision shall not be construed as limiting the commission's ability to use seniority as a tie breaker.

#### Rule 4.15.3 Political or Religious Questions Prohibited

No questions in any examination shall relate to political or religious opinions or affiliations.

#### Rule 4.16 Examination Grading Methods

The total grade attainable in each examination, except for special credits as outlined above, shall be one hundred (100%) percent. In examinations composed of more than one (1) part the method of scoring shall be:

- 1) Each part of the examination shall be separately rated and the proficiency of each competitor determined on the basis of a scale of one hundred (100%) percent for maximum possible attainment.
- 2) Each part shall be assigned a weight which shall be based on the relative value of the part to that of the entire examination expressed in terms of tenth (1-10th) of the total.
- 3) The earned grade of each examinee in each part of the examination shall be multiplied by the weight assigned to the part and the sum of the total shall be the earned grade for the participant.
- 4) Notwithstanding the above, any physical agility portion of the examination for original appointment to the position of Police Officer shall be administered by the commission and shall be ~~merely pass or fail with no specific weight assigned~~ based on the Cooper Standards. In the event that an applicant fails the physical agility portion, no further consideration to the applicant for appointment shall be given. If the applicant has passed the physical certification process of the Ohio Peace Officer Training Academy (OPOTA) within the previous year, but not more than one (1) year prior to the date of the original examination for Police Officer, the commission will accept that certification for the physical agility portion of the original examination for Police Officer. The physical agility portion of the original examination for Firefighter/Paramedic will be administered by the National Testing Network using the standard of the Firefighter's Mile. The commission will accept the Firefighter Mile card for the physical agility portion of the original examination for Firefighter/Paramedic.

Upon completion of the grading process, each applicant shall be notified by regular U.S. mail, with proof of mailing required to his or her last address on file with the commission, as to his or her grade.

**Rule 4.17      Passing Grade**

The passing grade of any examination administered pursuant to these Rules and Procedures, exclusive of any additional credits that may be offered, shall be a minimum of seventy (70%) percent.

**Rule 4.18      Changing of Grades**

No grades given in any examination shall be changed after the posting of an eligible list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the commission's properly authorized examiners; provided that the commission may correct clerical errors of examiners or employees at any time before the cancellation of such lists.

**Rule 4.19      Repeating Examinations**

An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within six (6) months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement, provided that the commission may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.

**Rule 4.20      Preservation of Examination Papers**

Applications and final scores of all candidates for employment in the classified service shall be secured on file in the office of the finance director, or in the case when a specific council clerk exists, then such clerk, until such time as a new examination is given.

(Ord. 039-10. Passed 6-7-10.)"

Section 2.      That, Sections 195.04, Rule 4.1, Rule 4.2, Rule 4.4, Rule 4.5.1, and Rule 4.16 as existed prior to the enactment of this Resolution shall be amended subject to City Council approving the changes as contained in the Resolution by Ordinance or Resolution of the City Council.

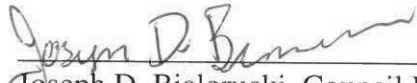
Section 3.      That, it is found and determined that all formal actions of this Civil Service Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Commission, and that all deliberations of this Commission and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 4.      That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.


Section 5.      That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: April 2, 2018


  
Joseph D. Bialorucki, Council President

Approved: April 2, 2018

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 017-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 5<sup>th</sup> day of April 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

  
Gregory J. Heath, Clerk/Finance Director