

ORDINANCE NO. 2024-16

AN ORDINANCE AMENDING CHAPTER 133, CIVIL SERVICE RULES AND REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Director of Administration has recommended that Section 133.03, APPLICATIONS, Section 133.04, EXAMINATIONS, Section 133.05, ELIGIBLE LISTS, Section 133.06, CERTIFICATION, and Section 133.07, APPOINTMENTS be amended to help with recruiting efforts.

WHEREAS, the City of Wooster desires to remain competitive in our hiring processes; and

WHEREAS, municipalities across Ohio have changed or are in the process of changing civil service rules as it relates to hiring lateral police officers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Section 133.03, APPLICATIONS, Section 133.04, EXAMINATIONS, Section 133.05, ELIGIBLE LISTS, Section 133.06, CERTIFICATION, and Section 133.07, APPOINTMENTS be amended to read as follows:

**133.03 APPLICATIONS.**

(a) Filing of Applications. Applications for all positions in the classified service shall be made to the Director of Administration upon forms furnished by the Director. Questions on the applications form must be reasonably related to the duties required to be performed in the position.

(b) Minimum Qualifications. Prior to the announcement of a vacancy in the classified service, the Director shall prepare in writing the minimum qualifications required for a vacant position. The minimum qualifications shall make reference to the following when required for a position: age, education and experience, licenses and certificates, physical condition, criminal history, polygraph testing, psychological test. All required qualifications must be reasonably related to the duties required to be performed in the position, and shall not be used to unlawfully discriminate.

A copy of such minimum qualifications shall be provided to the Civil Service Commission. The minimum qualifications must be made a part of the announcement of the vacancy. Following publication of the announcement, no reduction or modification in the minimum qualifications shall be performed.

All applicants must be citizens of the United States and meet the minimum requirements for a position as stated in the announcement, except when necessary to under fill a

promotional position as provided in Section 133.09(a). All applicants for permanent, full-time positions must be at least eighteen years old, except for police officers, who shall be twenty-one to ~~forty-~~ ~~thirty-~~ five years of age, and firefighters, who shall be twenty-one to thirty-five years of age, inclusive at the date of appointment. All applicants seeking a position under Section 133.07(f)(g) shall not be subject to the maximum age requirements of this section.

(c) Investigation. The Director may investigate the information provided by any applicant. Whenever the Director finds that an applicant fails to meet minimum qualifications stated on the announcement; or has been found guilty of a job-related criminal offense; or has been dismissed from employment for inefficiency, delinquency or misconduct; or has resigned from employment while disciplinary charges were pending; or is addicted to the habitual or excessive use of habit forming drugs or intoxicating beverages; or has made false statement on the application; or has otherwise demonstrated a lack of integrity or responsible behavior, the Director may reject the application.

The applicant may appeal the rejection to the Commission within five working days from the date of the notice of rejection.

#### **133.04 EXAMINATIONS.**

(a) Examinations. All original appointments, lateral **firefighter** hires, and promotions in the classified service shall be filled according to merit and fitness, to be ascertained, as far as practical, by competitive examination.

The Director of Administration shall have the responsibility for reviewing the applications and testing applicants.

(b) Announcements. When the Director determines that a vacancy exists that must be filled in an authorized position in the classified service, and no valid eligible list exists for such position, the Director shall establish the date and the type of examination that will be given for the position.

For all examinations, except promotional examinations, the Director shall announce the vacancy by placing an advertisement in a local newspaper of general circulation or electronically publishing, and in other publications as necessary, for three successive days.

Notification of the vacancy shall also be sent to the Civil Service Commission and all City departments to be posted in a conspicuous location in the Municipal Building.

Each classification vacancy shall be advertised in a separate announcement. Multiple vacancies in one classification may be combined into one announcement.

The Director may announce a combined open and promotional examination when three or fewer qualified promotional candidates are available for an examination. The examination shall be advertised as provided herein.

Promotions of sworn officers in the Police and Fire Divisions shall be made only as specified in Section 133.09. Promotional positions, except sworn officers in the Police and Fire Divisions, may be provisionally under filled as provided in Section 133.09(a).

When a position requires exceptional qualifications of a scientific, managerial, professional or educational nature, or where a particular applicant has unusual qualifications for a vacant position based on exceptional skills, education or experience, the Director may determine that it is not practicable to give a competitive examination. In such cases the Director may approve the appointment of a person of recognized attainment, providing satisfactory evidence can be presented to the Commission showing that the designated person is exceptionally qualified and that competition would therefore be impractical.

(c) Examination Methods. Examination methods shall consist of one or more of the following tests, as determined by the Director:

(1) Written tests of aptitudes, achievement and knowledge of the work. The test may include an objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected in the position; standard intelligence tests; standard aptitude tests; or a dissertation on one or more subjects dealing with problems encountered in the classification.

(2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests are related to the duties of the position sought.

(3) Ratings which evaluate education, training and/or experience pertinent to the classification for which the examination is taken.

(4) Performance or skill tests which provide for assessment of applicant's abilities and manual skills to perform the work involved in the classification.

(5) Physical examinations consisting of muscular strength, agility, endurance and coordination of applicants.

(6) Oral examinations which evaluate knowledge, personal qualifications, and communications skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.

(d) Conduct of Examinations. All examinations shall be conducted under the supervision of the Director of Administration who may designate or contract on behalf of the Civil Service Commission for special examiners as required. Written examinations shall be prepared, graded and the results certified by a university or other qualified testing service, and contracts for such written examinations shall be approved by the Commission.

No applicant shall be admitted to any written examination after any applicant who has seen the questions has withdrawn from the examination room.

Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director. The Director may provide for assistance for handicapped applicants who are otherwise qualified. Such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicant.

Any applicant who, during an examination, attempts to aid himself or another applicant in answering questions by reference to notes or other material not approved for use by all applicants, or by discussion with other applicants, or by other means of cheating, shall be dismissed from such examination and shall receive no grade.

Examinations shall be conducted in accordance with the following procedures:

(1) Written examinations shall be administered to all applicants on the date advertised. Prior to the start of the examination, each applicant shall complete and sign an identification card containing a number the applicant must use to identify the examination form and answer sheets, and other such information as required. The identification cards shall be sealed in a blank envelope and delivered to the Commission, who shall use the numbers to identify and rank the test scores. The identity of the person taking the test shall be concealed from the examiners by the use of the identification number by the applicant on the examination form and answer sheet.

(2) An unassembled test which involves the evaluation of education, experience and training of applicants shall use a consistent standard of ranking the qualifications of all applicants.

(3) Performance tests shall involve similar tasks for all applicants competing for the same position, and shall be related to the actual duties and responsibilities of the position. This type of examination shall be administered by someone designated by the Director who is familiar with the skills required in the position,

(4) Physical examination shall involve similar physical fitness activities for all applicants, and shall be related to the duties and responsibilities of the position.

(5) Oral examination shall involve similar questions for all applicants related to the duties and responsibilities of the position. This examination shall be administered by two or more individuals, one of whom may be the Director, or one or more persons selected by the Director familiar with the position. The two examiners shall average their scores to determine a final score for the applicant.

(e) Postponement and Cancellation of Examinations. The Director of Administration shall have the right to postpone any examination because of an inadequate number of applications, because of non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of the City. All postponements or cancellations shall be approved by the Civil Service Commission.

(f) Grading of Examinations. All examinations shall be graded or ranked by the examiner and the results certified to the Commission. Written examinations shall be graded by statistical methods which proportion and convert individual scores on a scale where 100% represents the highest possible attainment and 65% represents the minimum level of attainment. Non-written examinations shall use a consistent passing mark representing the minimum performance level for each examination. In order to attain place on the eligible list, an applicant's final grade average from all tests must be no less than 65% for written examinations or the minimum performance level on non-written examinations. However, the Director, with the approval of the Commission, may require at least 65% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 65% in that part of the examination will disqualify the applicant in the entire examination.

The weights of the various parts of each examination shall be determined by the Director and shall be applied uniformly in determining each applicant's final grade.

An applicant who has served in the Armed Forces, Reserve, National Guard, or other Uniformed Services of the United States and has been honorably discharged, shall receive five points credit in addition to the test score. Veteran credit points shall not be added until a passing grade is obtained by the applicant. Veteran credit points shall not apply to any promotional or unassembled examination.

Police officer applicants shall receive two and one-half points credit in addition to the test score for an Associate's Degree or five points additional credit for a Bachelor's Degree. Applicants shall receive one-half point credit for each year of part-time service in their respective divisions.

(g) Repeating Examinations. No person who has failed to pass an examination shall be permitted to be re-examined for the same classification within six months of the date of the previous examination. However, the Director may, if the examination is determined to be unfair or unjust, permit person who have failed an examination to be re-examined before the expiration of the six month period, but in no case prior to sixty days from the date of such failure. When such re-examination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous examination may be used. Applicants disqualified and removed from an eligible list because of an unsatisfactory background investigation may repeat an examination for the same classification after three years from date of disqualification.

(h) Inspection of Examination Papers by Candidates.

(1) All selection and grading devices and examination papers are the property of the City, and shall be treated as confidential records to the maximum extent possible under law.

(2) Upon receiving notification of the examination grade, applicants may review the keyed copy of the written examination and their own answer sheet, which is identified by their number received during the examination. The criteria and standards used for non-written examinations may also be reviewed during the period herein provided. This review must be

requested within five days exclusive of Saturdays, Sundays and holidays, from the date of mailing the applicant's notification of the examination grade. Review must take place in the presence of the Director or a person designated by the Director. Notetaking in regard to the exam content shall not be permitted. If the applicant believes a clerical error has been made, a request for the correction shall be made to the Director. The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof shall be subject to alteration, addition or deletion by the applicant except that any manifest error of scoring may be corrected by the Director. Additional testing procedures or investigation may continue during the time period provided for review.

(3) Any applicant who exercises the right to inspect examination papers shall not be permitted to take an examination for the same classification within six months of the inspection, unless a totally different examination form is used.

(i) Preservation of Examination Papers. Applicants and examination papers of all candidates for employment shall be kept on file in the office of the Director for at least one year.

### **133.05 ELIGIBLE LISTS.**

(a) Establishment of Eligible List. The scores or final standing of each applicant shall be provided to the Civil Service Commission at the completion of the examination. From the returns of each competitive examination, the Director shall prepare an eligible list of the persons whose grades in the examination are not less than sixty-five percent or who meet the minimum performance level and who are otherwise eligible. The eligible list shall be established in the order of scores or ratings, with the highest score or rating being at the top of the list, and the lowest score or rating being at the bottom of the list. The grade of any applicant failing to qualify shall not be made public.

In an open competitive or fire lateral examination for original appointment, if two or more applicants receive the same grade, priority in time of filing the application shall determine the order in which their names shall be placed on the eligible list.

As soon as the grading and rating of an examination have been completed and an eligible list is established, all applicants shall be notified in writing of their individual score or rating, and if successful, of the applicant's final average and related position on the eligible list.

(b) Duration of Eligible List. An eligible list shall be in effect for one year from the date on which it is established by the Director provided, however, that any list that has been reduced to less than three names may be abolished at any time by the Director, except when such eligibility list consists of persons laid-off from the classification for which the eligible list exists. The Director of Administration may request an extension of the eligible list up to six additional months or request that the Commission abolish the eligible list after six months.

(c) Causes for Removal from Eligible List. The Director may at any time remove the name of an applicant from any eligible list for any one or more of the following causes:

- (1) Failure of applicant to reply to notice of certification within the time limit of such notice, unless reasons are presented that satisfy the Director.
- (2) Rejection of the applicant for any of the causes listed in Section 133.03 (c).
- (3) Declination of appointment.
- (4) Failure to notify the Director of change of address.
- (5) For attempted deception, fraud or cheating in connection with any application or tests.

The applicants shall be notified upon being removed from the eligible list unless the whereabouts of the applicant is unknown or the address provided is inaccurate.

Reinstatement to an eligible list may be requested by the applicant in writing to the Commission within thirty days after notification of removal. Upon approval by the Commission, the name of such person shall be restored to the eligible list in a position determined by the grade obtained by the applicant on the examination.

A person certified from an eligible list more than three times for the classification, and is not appointed, may be omitted from future certification from that classification.

(d) Change in Address. Applicants shall notify the Director in writing of any changes in address while their names remain on the eligible list.

### **133.06 CERTIFICATION**

(a) Certification from Eligible List. Upon receipt of an eligible list for a classification, the Civil Service Commission shall certify to the Director of Administration the names of the ~~ten~~ ~~three~~ persons standing highest on the eligible list. When more than one vacancy is to be filled in a classification, the Commission shall certify the number of names equal to the number of vacancies to be filled and ~~ten~~ ~~three~~ more in addition thereto; provide, however, that a few number may be certified when there is not the required number on the eligible list. No person shall be certified from a promotional eligible list while permanently separated from employment by the City.

(b) Placement of Lay-Offs on Eligible List. When any regular appointee is laid off, the name of such person shall be placed at the top of the eligible list for the classification from which the employee is laid off. If there is no existing list at the time, the name of such person shall constitute one. When two or more person have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off. Such persons shall be eligible for certification and reappointment for a period of two years thereafter.

(c) Waiver of Certification. An eligible may waive certification by notification to the Director. A waiver of certification shall remain in effect until withdrawn, at which time the eligible is reinstated to the position originally held on the eligible list. A waiver may not

exceed six months and may not be used more than two times. After two waivers, or after six months have passed on a waiver, the eligible name shall be removed from the eligible list. Whenever one or more of the eligible who have been certified waive certification or fail to respond to notice of certification, the Commission shall supplement the certification from the eligible list by an equal number of additional names.

(d) Objection. If the Director objects to the certification of any eligible, the specific reasons for the objection shall be given in writing to the Commission. Any cause contained in Section 133.03 (c) shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person against whom objection is made may be granted a hearing by the Commission, at which time the Director may present the objection. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified.

### **133.07 APPOINTMENTS.**

(a) Investigation of Eligibles. Upon the establishment of an eligible list, the Director of Administration may conduct or authorize an investigation as to whether the eligible possess the necessary standards of health, physical attributes and mental soundness necessary to perform the duties and responsibilities of the position sought. The eligible may be investigated prior to certification.

The investigation may include physical fitness examination, and psychological examination, polygraph examination, background investigation, personal interview or any other method necessary to ascertain the qualifications and ability of the applicant.

If the eligible is found during the investigation to be unqualified or unsuitable for the position, such person may be removed from the eligible list. Upon notification to the Civil Service Commission of such rejection and the reasons thereof, an additional name shall be certified to replace each eligible removed.

The person against whom objection is made may appeal such rejection to the Commission within five days after mailing such notification.

(b) Permanent and Promotional Appointments. After certification of the eligible by the Commission to the Director, the Director shall recommend to the Mayor the name or names of persons to be appointed or promoted from the eligible list. The Mayor may follow the recommendation of the Director, or may appoint or promote another on the eligible list. The Commission shall be notified in writing upon such appointment or promotion. Appointments or promotions may only be made to authorized positions.



(c) Temporary Appointments. Part-time and temporary employees may be appointed by the Mayor, by non-competitive examination, from a list maintained by the Director for such positions. The Commission shall be notified in writing of all such appointments.

Part-time and temporary employees may be dismissed at any time, and do not have the same rights and privileges as permanent employees, except where so granted. Such employees are hired and serve under the following conditions:

(1) Must have the previously established minimum qualifications required for the specific classification.

(2) Are not eligible to transfer to another position.

(3) Are not eligible to take promotional examinations.

(4) Do not serve a probationary period.

(5) Are not placed on an eligible list during lay-off.

(d) Provisional Appointment. When it is urgent that an immediate appointment be made to fill a vacant, authorized position, and no eligible list exists for the position, the Mayor may make a provisional appointment to that position. Prior to such appointment the Director shall notify the Commission. In no case shall a provisional appointment continue longer than 180 days, or until an appropriate eligible list is established, whichever occurs first.

(e) Emergency Appointment. In time of extreme emergency that poses a threat to public health, safety or welfare, and it is necessary to employ one or more persons, the Mayor may, without consulting the Commission, appoint a qualified person or persons during the period of emergency, but in no such case for a period exceeding fifteen days.

Emergency appointments, with the reasons therefor, shall be reported to the Commission as soon as possible after the action is taken, but in any event within three days. The Commission may inquire into the nature of the emergency and reject the appointment if it is found that no emergency existed.

(f) Division of ~~Police and~~ Fire Lateral Hire. There shall ~~also~~ be a lateral hire process for ~~firefighters~~. Subject to Civil Service Rule Sections 133.04 , 133.05 , 133.06 and 133.07 (a) an eligible certified hire list will be generated as provided below:

(1) In response to an advertisement, applicants must submit an employment application to the Department of Human Resources. In addition, candidates must conform to all minimum requirements of the Civil Service Commission Rules and Regulations. And all applicants must meet the following prerequisites:

(i) An applicant must currently or have previously been employed as a full-time firefighter ~~or peace officer~~;

(ii) An applicant must meet all position requirements, as outlined in the posted advertisement; and

(iii) For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a ~~peace officer or~~ firefighter.

(2) The ~~Police Chief or~~ Fire Chief, in conjunction with Human Resources and Director of Administration, will review resumes and applications to determine which applicants meet the lateral entry criteria.

In addition, lateral entry candidates may be required to submit to the following evaluations, including but not limited to, a thorough background investigation, polygraph or CVSA examination, physical, psychological and medical evaluation (post offer), oral interview and drug screening.

(3) Candidates appointed to ~~police officer through these procedures will be hired at a wage step commensurate with prior peace officer service and~~ firefighters will be hired at Class B first year. All candidates must also successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(4) If a ~~police officer or~~ firefighter is hired under the lateral process, then after the lateral list expires or is abolished, the next hire must be made from an entry level certified eligible list.

(5) If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(6) The Civil Service Commission is authorized to promulgate rules and regulations for the administration of the test and selection methodology not inconsistent with this section.

(g) Division of Police Lateral Hire. There shall be a lateral process for police officers. Officers hired through this process will not be subject to sections 133.04, 133.05(a)(b), 133.06(a)(c), 133.07(b)(c)(d)(e)(f).

The Director of Administration shall accept applications on a continuous basis for applicants to be placed on a lateral police officer transfer list. To be eligible to be placed on the lateral police officer transfer list, the applicant must meet all of the qualifications listed in the job description.

Once an applicant is placed on the lateral transfer list, the applicant must meet all acceptable standards for all pre-employment assessments. These assessments include, but are not limited to the following:

- a. Medical examination including drug screen
- b. Psychological and/or psychiatric examination
- c. Polygraph and/or CVSA examination
- d. Background investigation
- e. Personality assessment
- f. Personal interview

The lateral transfer police officer list will be provided to the Civil Service Commission from which appointments will be made. Priority in time of filing the application shall determine the order in which names shall be placed on the later transfer list. Applicants who fail to pass or meet the acceptable standards will be removed from the lateral transfer list and will not be considered for the police officer classification until three years have passed from the removal.

All candidates must successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service following successful completion of the probationary period.

If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

The Civil Service Commission is authorized to promulgate rules and regulations for the selection methodology not inconsistent with this section.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Ordinance is declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to protect the public and the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 5-6-24      2nd reading →      3rd reading 5-6-24

Passed: May 6, 2024

Vote: 7-0

Attest: Amy M Hamber  
Clerk of Council

[Signature]  
President of Council

Approved: SL, 2024

[Signature]  
Mayor

Introduced by: Barb Knapic