

**City of Maumee**

**CIVIL SERVICE RULES**

Amended 4/1/07

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## **RULE I -- DEFINITIONS**

As employed in these Rules and Regulations, the following words and terms shall have the meaning ascribed to each as follows:

Appointing Authority--The officer, board, or body having the power and authority to appoint persons to, and remove persons from, offices, jobs, or positions in the service of the City.

City--The City of Maumee, Ohio.

Civil Service --All regular employees in the service of the City of Maumee, Ohio.

Classified Service --See RULE IV, Section 1.

Commission --The Civil Service Commission of the City of Maumee, Ohio.

Eligibility List --See RULE VI, Section 1.

Employee -- Any person holding an office, job, or position in the service of the City by virtue of a valid appointment by the appropriate Appointing Authority.

Permanent Employee--An employee holding a job or position created or established by the Charter of the City of Maumee, Ohio, or by an ordinance or resolution of the Council of the City, for which a salary or rate of pay has been fixed by said Council and which job or position is of a full-time, continuing nature in the operation of the City as distinguished from a job or position of temporary, provisional, or seasonal duration or nature or part-time employment.

Promotion -- See RULE IX, Section 1.

Regular Employee--An employee, other than a seasonal employee, employed in a full-time job or position or a part-time job or position requiring the performance of regular recurring service on not less than three (3) days of each regular work week.

Seasonal Employee --An employee employed either full-time or part-time for a particular season of the year not to exceed six (6) consecutive months in duration.

Secretary--The Secretary to the Civil Service Commission.

Unclassified Service --See RULE IV, Section 4.

## **RULE II -- POWERS AND DUTIES**

### **Section 1. Purpose and Scope of Rules.**

These Rules and Regulations are adopted for the purpose of providing, and the Commission does hereby provide, for the ascertainment of merit and fitness as the basis for appointment and promotion of all employees in the Classified Service of the City as required by the City Charter and the Constitution of Ohio, and for appeals from the action of the Appointing Authority as herein provided.

No person in the Classified Service of the City shall be appointed, discharged, transferred, laid off, suspended, reinstated, promoted, or reduced in pay or position, except in the manner prescribed in these Rules and Regulations.

In the event of a conflict between the provisions of these Rules and Regulations and the provisions of any applicable collective bargaining agreement then in effect, the provisions of the collective bargaining agreement shall supersede these Rules and Regulations.

**Section 2. Waiver of Rules.**

In specific cases where, in the judgment of the Commission, it is in the best interest of the public service, any rule hereby adopted may be waived by a unanimous vote of the Commission. Such action and the reasons therefore shall be entered in the minutes of the Commission.

**Section 3. Inspection of Records.**

Records of the Commission shall be open to public inspection upon proper application made at the office of the Secretary during regular working hours.

**RULE III -- ORGANIZATION AND ADMINISTRATION**

**Section 1. Chairman of the Commission.**

The Commission shall organize annually and shall designate one of its members as Chairman. In the absence of the Chairman at any meeting, the remaining members may designate one of their number to serve as temporary Chairman.

**Section 2. Secretary of the Commission.**

The Municipal Clerk, in accordance with Article V, Section 4, of the Charter of Maumee shall act as Secretary of the Civil Service Commission and in such capacity he or she shall keep the records of the Commission and authenticate all records, documents and instruments that need authentication.

Under the direction of the Commission, the Municipal Clerk shall supervise its office, have charge of the preparation of examinations and schedules, conduct examinations, approve payrolls, certify eligibles, keep records, and prepare recommendations to the Commission concerning the administration of these rules and the routine business of the office. The Municipal Clerk shall attend all meetings of the Commission, keep official records of its actions, and perform such other duties as the Commission may prescribe. In the absence of the Secretary, the Commission may designate one of its members or staff to act in his or her place.

**Section 3. Special Examiners.**

The Commission may designate persons in or out of the Civil Service to serve as Examiners or Assistant Examiners under its direction, with such compensation as may be agreed upon between the person so employed and the Commission, with the approval of Council.

**Section 4. Meetings.**

Regular meetings of the Commission shall be held at the Municipal Office Building at such times as the Commission determines to be necessary to conduct its business. Special meetings may be called by the Chairman or any two (2) members upon written notice delivered to all members at their respective residences at least forty-eight (48) hours in advance of such meeting. Presence at a meeting shall be deemed waiver of notice of such meeting. Two (2) members of the Commission shall constitute a quorum for the transaction of any business of the Commission.

**Section 5. Official Roster.**

The Secretary shall prepare and maintain an official roster showing the names, titles, dates of employment, rate of pay, and other data of all persons employed in the Civil Service of the City. Information concerning appointments to positions in the Unclassified Service shall be supplied to the Commission by the Appointing Authority within forty-eight (48) hours after any such appointment. No payroll shall be certified or approved for payment unless the name of each person in the Classified Service shown thereon appears on such official roster of the Commission.

Layoffs shall be made in reverse order of seniority, and rehiring in direct order, except as may be otherwise specified in any applicable collective bargaining agreement or ordinance of Council.

Seniority shall be accorded from the time of original employment with the City or its political predecessors, except as may be otherwise specified in any applicable collective bargaining agreement or ordinance of Council.

**Section 6. Division of Duties.**

The Commission shall act by a majority vote of its members, at a regular or special meeting. At any such meeting, defined duties or responsibilities may be assigned to a member, the Secretary, or an employee. All actions under such authority shall be reported to the full Commission and be subject to its revocation or approval.

**RULE IV -- CLASSIFICATION**

**Section 1. Classified Service.**

All positions of regular employment in the service of the City not specifically excluded therefrom by the Charter, by ordinances passed thereunder, by the Constitution of the State of Ohio, or by rule, regulation or resolution of the Commission, shall constitute the Classified Service of the City.

Council shall establish each such position, designate the duties, responsibilities, qualifications, compensation, and title thereof. Such title shall be employed in all communications to the Commission pertaining to such position.

Civil service examinations shall not be required for an appointment to any position designated as in the Unclassified Service in Article VIII, Section 6, subsection (d) (I)(A) through (P) of the Charter of the City.

Except as otherwise provided in the Charter, the Civil Service Commission shall determine the practicability of competitive examinations for any nonelective office or job classification in the civil service of the City.

All other appointments to positions in the Classified Service shall be made as provided herein.

**Section 2. Employees' Class Must Conform to Duties.**

A change of titles shall not operate to remove an employee from the classification or level of his or her position unless the duties of the position are changed. The Commission may, from time to time, prescribe forms upon which appointing officers shall report any facts which the Commission may require as to change in title.

**Section 3. Amending Official Classification.**

Whenever the duties of a new or existing position may not be appropriately assigned to any existing class, the Appointing Authority shall so inform the Commission in writing. The Commission shall thereupon, if it deems such action appropriate, amend the official classification or create a new class.

**Section 4. Unclassified Service.**

The Unclassified Service shall comprise all positions or employment in the Civil Service of the City not included in the Classified Service as defined in Section 1 of this RULE IV or specifically therein excluded from the Classified Service.

**RULE V -- EXAMINATIONS**

**Section 1. Necessity and Practicability.**

All applicants for positions in the Classified Service of the City shall be subject to examination as provided in these Rules and Regulations. Except as hereinafter provided, the Commission shall determine the necessity for and practicability of competitive or other examination for any such position.

**Section 2. Types of Examinations.**

Examinations shall be competitive or noncompetitive, assembled or unassembled, open or promotional.

(a) Competitive examinations are those given for the purpose of determining the relative rank of examinees and establishing an eligible list in the order of the grades received by each candidate.

(b) Noncompetitive examinations are those given for appointments to positions in which the eligible list consists of all examinees who are successful in the examination without regard to grades received.

(c) Assembled examinations are those given to a number of candidates gathered in one or a number of examination centers.



(d) Unassembled examinations are those given to candidates without assembly at an examination center.

(e) Open examinations are those to which persons not in the City, as well as those in such service, are admitted.

(f) Promotional examinations are those to which only eligible persons in the City are admitted.

The Commission shall determine and state in the notice announcing each examination, the type thereof.

**Section 3. Exemption From Competitive Examination.**

Competitive Civil Service examination shall not be required for:

(a) appointment to any office or position excluded from the Classified Service of the City by these Rules and Regulations;

(b) appointment of persons exempted from such examination by the Charter of the City of Maumee; or

(c) original appointment as a patrolman in the Division of Police of the City of Maumee.

**Section 4. Character of Examination.**

Examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the position to which appointment is sought.

**Section 5. Parts of Examinations.**

The Commission shall determine in the case of each examination, the parts into which it shall be divided and the weight to be assigned to each part. Such examination may include an evaluation of such factors as education, training capacity, knowledge, manual dexterity, and physical and/or psychological fitness. Examinations may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, and/or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

All oral and practical examination shall be held in the presence of the Examiner.

**Section 6. Veterans' Preferences.**

Any person who has served in any branch of the armed services of the United States or of any state, who has been honorably discharged therefrom may file with the Commission a Certificate of Service and honorable discharge, whereupon he or she shall receive additional credit of five (5) per cent of his or her total grade given in any regular competitive examination, other than a promotional examination, in which a passing grade is received.

**Section 7. Notice of Open Competitive Examination.**

Whenever the Commission shall determine that an open competitive examination shall be held for any position in the Classified Service of the City , the Secretary shall cause a notice thereof to be posted in the City Hall and inserted in a local newspaper of general circulation in the City at least two (2) weeks before the day set for the examination, inviting qualified persons to make application for admission to the examination. Such notice shall contain a clear statement showing the following:

- (a) The title of the position for which the examination is to be held.
- (b) The duties of the position.
- (c) The minimum qualifications of education and experience required of all applicants.
- (d) Age limit and physical requirements, if any.
- (e) Residence requirements.
- (f) The salary range for the position.
- (g) The last day and hour on which applications will be received.
- (h) Licenses required, if any.
- (l) Examination fees required, if any.
- (j) Type of examination.
- (k) 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.

**Section 7.1 Notice of Open Noncompetitive Examination.**

Whenever the Commission shall determine that an open noncompetitive examination shall be held for any position in the Classified Service of the City , the Secretary shall cause a notice thereof to be posted in the City Hall and inserted in a local newspaper of general circulation in the City at least two (2) weeks before the day set for the examination, inviting qualified persons to make application for admission to the examination. Such notice shall contain a clear statement showing the following:

- (a) The title of the position for which the examination is to be held.
- (b) The duties of the position.
- (c) The minimum qualifications of education and experience required of all applicants.
- (d) Age limit and physical requirements, if any.
- (e) Residence requirements.
- (f) The salary range for the position.
- (g) The last day and hour on which applications will be received.
- (h) Licenses required, if any.
- (l) Examination fees required, if any.
- (j) Type of examination.
- (k) 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.

**Section 8. Notice of Promotional Examination.**

Notice of promotional examinations shall be served upon all eligible employees not less than two (2) weeks before the date set for the examinations and all shall acknowledge receipt thereof. In addition, the notice shall be posted for a two (2) weeks period before the examination date in the office of the Secretary and in locations in offices of the City where it may be examined by employees eligible for the examination. Such notice shall contain the following information:

- (a) The title of the position for which the promotional examination is to be held.
- (b) The class or classes of employees who are eligible to make application for admission to the examination.
- (c) The salary range for the position.
- (d) The last day and hour on which applications will be received.
- (e) The minimum qualifications of education and experience required of all applicants.

**Section 9. Additional Advertising.**

The Commission shall take such additional steps as it may deem advisable to secure a maximum number of qualified applicants for each examination. The form of notices of examination shall be approved by the Commission.

**Section 10. Application From Employees.**

No employee of the City shall be barred, by reason of such employment, from participating in any open competitive examination announced by the Commission for which he or she is qualified.

**Section 11. Age Limits For Police Positions.**

No persons shall be eligible to take an examination for or receive an original appointment as a patrolman in the Division of Police of the City if he or she has reached the age of thirty-six (36) or until he or she has attained the age of twenty-one (21).

**RULE VI -- ELIGIBILITY LIST**

**Section 1. How Composed.**

The Commission shall maintain a list of persons eligible for appointment in each class or position in the Classified Service. Each list shall remain in force for one (1) year from the date of its promulgation unless a new examination is sooner held, or unless the time of such expiration is extended by the Commission. Such extension, if made, shall be entered on the minutes of the Commission with the reasons therefore. No such extension shall be longer than six (6) months and no more than two (2) such extensions shall be made on the same list.

**Section 2. Combined Lists.**

When, for any reason, the Commission shall hold a competitive examination to create an eligible list for any level of the service while there are eligibles on any existing list for such level, and any person of such existing list takes such examination, he or she shall be given

the standing on such combined list to which the highest grade received in either examination shall entitle such person during the continuance of the first list, and thereafter he or she shall take rank in accordance with the grade received in the subsequent examination.

**Section 3. Removal From List.**

If at any time after the creation of an eligible list the Commission has reason to believe that any person whose name appears on such list has in any manner become disqualified for appointment, such person shall be notified and given opportunity to be heard. If such person shall fail to appear for hearing, or, upon his or her being heard, shall fail to satisfy the Commission that he or she is qualified for appointment, his or her name shall be removed from such eligible list.

**Section 4. Errors or Fraud in Examination.**

Whenever, in the judgment of the Commission, action is deemed advisable on account of errors or fraud in connection with any examination, a re-examination of applicants shall be ordered and the eligible list shall be amended in accordance with the results of such re-examination. After an eligible list is prepared and posted, it shall not be revoked except upon written notice to all the eligibles on said list.

**Section 5. Restoration of Veterans to Prior Eligibility Status.**

Any person entering military service as defined in Section 6 of RULE V and, who prior to entering into such service had passed a Civil Service examination for a position in the Classified Service of the City and had failed to receive an appointment or was eligible to any priority, advantage, or preference by virtue of having passed such Civil Service examination shall, upon presentation of a written application and evidence of termination of service, other than a dishonorable discharge or bad conduct discharge, to the Civil Service Commission within ninety (90) days from the date of such discharge, be restored to such eligibility which such person enjoyed under these Rules and Regulations prior to his or her entry into such service, notwithstanding age limitations.

The rights, advantages, priorities, or preferences which are re-established under this Section shall remain in effect for two (2) years from the date they are so established.

**RULE VII -- PERMANENT APPOINTMENTS**

**Section 1. Requisitions.**

Whenever the Appointing Authority determines that a vacancy in the Classified Service is to be filled otherwise than by promotion, transfer, reinstatement or reduction, the Appointing Authority shall make request for certification to the Secretary stating the title of the position to be filled, the class and level, compensation, the name of the last persons holding such position, and also whether the position is to be filled permanently or for a temporary period only.

**Section 2. REPEALED.**

**Section 3. Action Upon Requisition.**

(a) Except as to vacancies for the position of patrolman in the Division of Police, immediately upon receipt of request for certification, the Secretary shall certify to the Appointing

Authority from the eligible list most nearly appropriate, the names, addresses and grades of the five (5) persons standing highest on such appropriate eligible lists. If more than one of the candidates are tied for the final position, then the names of all such candidates shall be certified to the Appointing Authority. If there be more than one (1) vacancy to be filled, the number of names to be certified shall be determined in the following manner:

The Secretary will certify from the highest on the list triple the number to be employed, from which the Appointing Authority shall appoint the number actually needed for the particular work.

Should the number of names remaining on a list be less than triple the number to be employed, such names shall be submitted, and the Appointing Authority shall proceed as provided in Section 4 hereof.

(b) Whenever there is a vacancy for the position of patrolman in the Division of Police, immediately upon receipt of a request for certification, the Secretary shall certify to the Appointing Authority the eligible list for that position.

**Section 4. Certification of Less Than Five.**

In cases where there are fewer than five (5) names on an eligible list appropriate for certification to any vacancy, such names shall be certified and the Appointing Authority may make selection for such certification, or he or she may reject the certification of fewer than five (5) names and nominate a person for non-competitive examination for provisional appointment to fill such vacancy until a full eligible list is created.

**Section 5. Number of Times Certified.**

(a) Except as specified in subsections (b) and (c) below, no person shall be certified from an eligible list more than three (3) times to the same Appointing Authority for the same position or for a similar position at the same rate of compensation, except at the request of said Appointing Authority, provided that certification for temporary appointment shall not be counted as one of such certifications.

(b) There shall be no limit on the number of times that persons may be certified from the eligible list for the position of patrolman in the Division of Police to the Appointing Authority for the Division for the position of patrolman.

(c) There shall be no limit on the number of times that a person may be certified from the eligible list if the selection of the appointee from the names certified is automatically determined by the provisions of a collective bargaining agreement

**Section 6. Objection By Appointing Authority.**

In case objection is made by an Appointing Authority that any person certified:

- (a) has been convicted of a criminal offense, the nature of which would indicate that the person is unfit to hold the position applied for, or
- (b) has been dismissed from a position in the Civil Service for any of the reasons specified in Section 3 of RULE XI hereof, or

- (c) has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in an application, interview, or examination concerning his or her employment by the City

the Commission shall, if such objection is shown to be well taken, strike the name of such person from the eligible list.

**Section 6.1. Temporary Disqualification From Appointment**

If an objection is made by an Appointing Authority that any person certified is temporarily unable to fully perform the duties of the position sought, then the Commission shall, if such objection is shown to be well taken, temporarily disqualify such person from consideration for appointment and shall certify one additional name for each person found to be temporarily disqualified from appointment. Grounds for temporary disqualification include, but are not limited to:

- (a) a temporary physical condition which so disables the person certified as to render the person temporarily unable to perform the essential functions and duties of the position sought, or
- (b) a temporary loss of any license, permit, or certificate which is required by law to perform any of the duties of the position sought, or
- (c) temporary disqualification from operation of vehicles under the City "Vehicle Operation Policy" if operation of a vehicle is one of the duties of the position sought.

If the condition causing the inability to fully perform the duties of the position is of such a character that the Commission can determine that the condition will terminate on or about a specific date, then a fixed term of temporary disqualification may be specified by the Commission, during which period the name of such person shall not be certified to the Appointing Authority for consideration for appointment.

A person who, upon objection by the Appointing Authority, has been temporarily disqualified from appointment under this section, shall not be considered to have been certified for that position on that occasion for the purpose of computing the number of times certified under Rule VII, Section 5(a), during the term of disqualification as established by the Commission.

**Section 7. Physical Examinations.**

Appointments from an eligibility list created by open examinations shall be conditional appointments subject to the candidate successfully passing a physical examination and drug screening test if the Commission has determined that a physical examination and drug screening test are requirements for appointment to that position. Said examinations shall be performed by a physician of the City's choice at the expense of the City. Physical examination reports shall be filed with the Commission.

**Section 8. Notice of Eligibles Certified.**

Except as to candidates for original appointment to the position of Patrolman in the Division of Police, at the time certification of eligibles is submitted to the Appointing Authority, notice thereof shall also be sent to each eligible so certified, setting forth the title and salary of the

position and the name of the Appointing Authority.

**Section 9. Time to Communicate.**

Except as to candidates for original appointment to the position of Patrolman in the Division of Police, all eligibles certified to a position shall communicate their continuing interest in such appointment to the Secretary within the time and in the manner specified in the Notice of Certification. All candidates for appointment to a position in the classified service of the City shall provide current addresses and telephone numbers to the Commission at the time of application, and shall be responsible for notifying the Commission if such address or telephone number changes during the life of the list. Failure to provide a current address or telephone number for communications from the Commission will be considered a waiver of certification and the Secretary will certify an additional name for each eligible failing to provide current contact information.

Failure on the part of any eligible to communicate with the Secretary within the time and in the manner specified in the Notice of Certification will be considered a waiver of certification and the Secretary will certify an additional name for each eligible failing to so communicate. Eligibles who fail to respond to Notice of Certification shall be dropped from the eligible list and notice of such action shall be sent immediately. No person whose name has thus been stricken from the eligible list shall be restored except upon his or her written request to the Commission giving reasons for not responding to Notice of Certification which are satisfactory to the Commission.

All eligibles who are certified to the Appointing Authority shall be available to be interviewed within seven (7) days from the time that they are contacted by the representative of the Commission. Failure to schedule an interview within that time period or failure to attend a scheduled interview will be considered a waiver of certification and the Secretary will certify an additional name for each eligible failing to so attend.

**Section 10. Waiver of Certification.**

REPEALED

**Section 11. Selection.**

Within sixty (60) days from the date of the receipt of any certification, the Appointing Authority shall make selection to fill the vacancies for which the requisition was made and shall forthwith give written notice of appointment to the persons so selected and to the Commission. Upon request of the Appointing Authority, giving adequate and detailed reasons why selection to fill the vacancies for which the requisition was made, cannot be completed within sixty (60) days, the Commission may grant a reasonable extension. Whenever the Appointing Authority, having made requisition to fill a certain number of vacancies, shall appoint a number smaller than the vacancies stated by him or her, he or she shall not make selection from the whole number certified but only from that number of names standing highest upon the list that would have been certified had the requisition stated the number of vacancies actually filled.

**Section 12. Time of Acceptance or Rejection.**

An eligible offered appointment shall, within seven (7) days next succeeding the date of the notice of appointment, advise the Appointing Authority in writing, of his or her acceptance or rejection and if rejected shall state the reason for refusing appointment. Upon failure without just cause to reply to such offer of appointment, within the aforesaid seven (7) days, he or she shall be deemed to have declined the appointment. Thereupon the Appointing

Authority shall give notice of such fact to the Commission and the Secretary shall certify an additional name or names to replace the names of persons so declining.

If, after having accepted appointment, an applicant fails to report for duty at the time specified, such applicant may be deemed to have declined the appointment.

**Section 13. Rejection of Appointment.**

An eligible who has declined appointment to a permanent position for any reason whatsoever shall not thereafter be certified for a position at the same level within the same department except upon his or her written request to the Commission, giving reasons for not declining the appointment which are satisfactory to the Commission.

**Section 14. Duties Must Conform to Title.**

No person shall be appointed or employed under any title not appropriate to the duties to be performed and, except in case of emergency, no person shall be assigned to perform duties other than those properly belonging to the position to which he or she has been legally appointed.

**Section 15. Probationary Period.**

Subject to the provisions of RULE IV, Section 1 hereof, all original and promotional appointments in the Division of Police shall be for a probationary period of one year unless a different period is fixed by the Commission with respect to a particular position, after two (2) weeks written notice to the Appointing Authority concerned. All original appointments in the Department of Public Service shall be for a probationary period of 180 calendar days. All promotional appointments in the Department of Public Service shall serve a probationary period of 90 calendar days. No appointment or promotion shall be final until the appointee has satisfactorily served his or her probationary period.

Such probationary period shall commence upon the actual date that the appointee begins work. Not less than two (2) weeks prior to the end of the probationary period, the Appointing Authority shall transmit to the Commission a record of the employee's service together with a statement in the form prescribed by the Commission of the character of the employee's service during such period.

If the Appointing Authority states that such service has been unsatisfactory, the employee may, with the approval of the Commission, be removed or reduced without restriction; provided that the employee has completed sixty (60) days or one-half of his or her probationary period, whichever is greater.

Pending action by the Commission, the Appointing Authority may suspend such employee without pay. The Commission shall not withhold such approval except for violation of RULE XI, Section 1.

If the Commission does not grant such approval, the employee shall be restored to his or her probationary appointment. Should such refusal be made more than two weeks prior to the end of the probationary period, the same will be without prejudice to the right of the Appointing Authority to again transmit a record of the employee's service to the Commission, in accordance with paragraph No. 2 of this section.



Should such refusal be made within two (2) weeks of the completion of the probationary period, the employee shall receive a permanent appointment to the position.

No hearing shall be held by the Commission on any charge of violation of said RULE XI, Section 1, without notice to the parties concerned and an opportunity to be heard.

Should the Appointing Authority seek to dismiss or suspend the employee during the first sixty (60) days or one-half of his or her probationary period, whichever is greater, procedure shall be in accordance with RULE XI hereof.

## **RULE VIII -- PROVISIONAL, TEMPORARY, AND EMERGENCY APPOINTMENTS**

### **Section 1. Provisional Appointments.**

Upon receipt of requisition for certification to a classified position for which no appropriate eligible list is available, the Commission shall notify the Appointing Authority that nomination for provisional appointment may be made to fill such position until an eligible list can be created. The Commission shall be advised of provisional appointments made, and the effective date thereof.

### **Section 2. Termination of Provisional Appointment.**

Any change in the nature of the employment of a provisional appointee, or an increase in salary, shall at once terminate such provisional appointment, unless upon notice of such change, the Civil Service Commission shall give consent to such change without termination, provided no suitable eligible list is available for certification.

### **Section 3. Provisional Appointment Limit.**

Provisional appointments shall terminate upon a permanent appointment, made upon a complete certification from an eligibility list. Should the certification be of "Less than Five" for an original appointment or "Less than Three" for a promotion, and the Appointing Authority rejects the certification, the Commission shall be advised of a new or renewal provisional appointment made therefor.

### **Section 4. Emergency Appointments.**

In case of an emergency, an appointment may be made without regard to the other Rules and Regulations of this Commission, provided, however, that written notice of such emergency appointment shall be immediately sent to the Commission. No such emergency appointment shall continue longer than ninety (90) days.

### **Section 5. Temporary Service for Definite Time.**

When services are to be rendered in a classified position of a temporary character and for a definite period, the Appointing Authority shall inform the Commission, stating the duration of such temporary employment, the rate of compensation, and other conditions of such employment, and may select for such temporary employment, one of the first five (5) persons on an appropriate eligible list for an original appointment who are willing to accept such employment except that, in the case of such temporary employment in the position of patrolman in the Division

of Police, the Appointing Authority may select for such employment any person on the eligible list who is willing to accept such employment.

**Section 6. Certification For Temporary Appointment.**

The name of an eligible shall not be certified for temporary appointment unless he or she has signified his or her willingness to accept temporary employment.

**Section 7. Effect of Temporary Employment.**

The acceptance of temporary employment by an eligible shall not affect his or her standing on the eligibility list for permanent employment nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

**Section 8. Notice of Temporary Appointments.**

Notice of all temporary appointments shall be filed with the Commission prior to receipt of the payroll upon which the salary of such temporary appointee appears for approval. A vacancy in a permanent position caused by resignation of which the Appointing Authority has had prior notice sufficient to permit permanent appointment, shall not be filled by a temporary or emergency appointment. Where positions are rendered vacant for temporary and indefinite periods by reason of sickness of regular employees, and the Commission is unable to certify from appropriate eligible lists for such temporary and indefinite period, interim appointment without regard to the Rules and Regulations of the Commission may be authorized by the Commission during such period of sickness or disability.

**RULE IX -- PROMOTIONS**

**Section 1. Definition.**

The term "promotion" shall be used to designate an advancement from one level within the classified service to the next higher level in the classified service within an appropriate group.

**Section 2. Procedure for Promotion.**

Whenever the Appointing Authority determines that a vacancy in the Classified Service is to be filled by promotion, the Appointing Authority shall make request for certification to the Secretary stating the title of the position to be filled, the class and level, compensation, the name of the last persons holding such position, and also whether the position is to be filled permanently or for a temporary period only. Except as provided in Section 3 of this Rule, upon receipt of the request of the Appointing Authority, the Commission shall ascertain whether there are at least three (3) persons who have served six (6) months or more in a lower level eligible and willing to compete to fill the vacancy. If it is found that there are at least three (3) such persons, a vacancy shall be filled from the eligible list resulting from competitive examination for promotion.

In the event there are less than three (3) such persons, the Commission may:

- (a) Conduct a competitive promotional examination.
- (b) Hold an original competitive examination to fill the vacancy.

- (c) Certify to the Appointing Authority a name from an existing eligible list for such position.
- (d) Permit the Appointing Authority to nominate one of such eligible persons for promotion without competition, but in all cases of promotion without competition, the Appointing Authority shall submit a written statement showing that the duties performed by the person nominated are a natural preparation for the higher position, and that such person is entitled to promotion by reason of length of experience and effective performance.

**Section 3. Promotions in Police Division.**

Vacancies in positions above the rank of Patrolman and below the rank of Chief of Police in the Police Division of the City which the Appointing Authority has determined are to be filled shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled. No person shall be appointed to such position unless that person has served at least two (2) years in a lower rank in the division. Promotion shall be by successive ranks so far as practicable.

Whenever the Appointing Authority determines that a vacancy in a position above the rank of Patrolman and below the rank of Chief of Police is to be filled by promotion, the Appointing Authority shall make request for certification to the Secretary of the Commission. If there is an eligible list for such position, the Commission shall immediately certify to the Appointing Authority the names, addresses and grades of the three (3) persons standing highest on such list. If there is more than one position to be filled, the number to be certified will be as provided in Section 3 of Commission RULE VII. If there is no such list, the Commission within sixty (60) days after notification of such vacancy shall conduct a competitive promotional examination for the position.

If there is no eligible list and the Commission finds that there are less than two (2) persons holding positions in the rank next lower than the position to be filled who are eligible and willing to compete, the Commission shall allow persons holding positions in the then next lower rank who are eligible and willing to compete to take the promotional examination.

The Commission shall certify to the Appointing Authority the names of the persons heading the eligibility list established as the result of such examination, from whom the Appointing Authority shall make an appointment as provided in Section 11 of this Rule.

**Section 4. Period For Eligibility.**

Except as otherwise provided in Sections 2 and 3 of this Rule, no person shall be deemed eligible for promotion who has served less than six (6) months in a lower rank or level POSITION.

**Section 5. Positions Requiring Special Qualifications.**

If the Commission finds that executive ability or professional or exceptional qualifications are required to fill a position and, by reason thereof, promotion by competitive examination is impracticable and not for the best interest of the service, it may hold an original competitive examination without regard to the number of persons in the next lower rank or level.

**Section 6. Eligibility by Reason of Experience.**

The Commission shall, in each case, determine the person eligible to compete for promotion by reason of experience in work constituting a natural preparation for the higher position.

**Section 7. Basic Requirements.**

No person shall be eligible for promotional examination who lacks any of the requirements prescribed by applicable ordinance, rule, or regulation for the position to be filled.

**Section 8. Examinations and Personnel Records.**

Examinations for promotion shall be competitive and credits for seniority or other credits to which eligible employees are entitled, shall be given as provided in these Rules and Regulations. The Commission may prescribe forms on which shall be kept continuous and comparative records of the work and conduct of all persons employed in any division, or may prescribe special forms upon which the relative capacity of persons entitled to consideration for promotion shall be recorded for comparison by the Commission in considering a nomination for promotion without examination. Inaccuracies in such records or reports may be corrected by the Commission after appropriate investigation and hearing.

Such examination may include an evaluation of such factors as education, training capacity, knowledge, manual dexterity, and physical and/or psychological fitness. Examinations may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, and/or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

**Section 9. Application For Promotional Examinations.**

Applicants for promotion, at least five (5) days before the date fixed for a promotional examination pursuant to Section 8 of RULE V, shall file such applications as the Commission shall prescribe.

**Section 10. Grading and Seniority Credits For Promotion.**

The credit for seniority for promotion for candidates receiving a raw score of 70% or more on a written exam shall be determined as follows:

Each full year of the first four (4) years of service, one percentage point (1).

Each full year of the next ten (10) years of service, six-tenths percentage point (.6).

"Service" for the purpose of this Section shall mean service with the City of Maumee, Ohio, and its political predecessors.

**Section 11. Promotional Appointment.**

Upon certification to the Appointing Authority from an eligible list or as the result of

a promotional examination of the names, addresses, and grades of the persons standing highest on such list as prescribed above, appointment shall be made on or before the commencement of the next regular pay period. For promotions within the Division of Police, should the number of names certified be less than those provided in Section 3 of this Rule above, appointment shall nevertheless be made from the lesser number certified.

## **RULE X -- TRANSFERS AND REINSTATEMENTS**

### **Section 1. Procedure.**

Transfer of a person holding a position in the Classified Service who has served the required probationary term, may be made by the Appointing Authority as follows:

(a) Without notice to the Commission - for a period not exceeding thirty (30) days, from one position to a similar position of the same class, level and character of work, and having the same pay, within a division.

(b) Upon notice to the Commission - from a position in one division to a position having the same pay and similar duties in another division, provided evidence of approval by the employee concerned accompanies such notice to the Commission.

(c) With the consent of the Commission - to a position with comparable duties and pay, where the good of the service demands.

### **Section 2. Salary Increase Limit.**

No person transferred from one position to another in the Classified Service shall receive an increase in the salary specified for such latter position for a period of ninety (90) days from and after the date of such transfer, unless approved by the Commission.

### **Section 3. Reinstatements and Special Certifications.**

Any permanent employee in the Classified Service of the City

(a) who has been separated from the service for reasons other than those specified in Section 3 of RULE XI hereof, for a period of not more than six (6) months from the effective date of separation, including but not limited to employees whose positions have been abolished; or

(b) who has been laid off for lack of work or lack of funds; may be specially certified to the Appointing Authority without regard to the provisions of RULE VII, Section 3 for appointment to the same position or, in the discretion of the Commission, may be specially certified with and in addition to other eligibles certified pursuant to RULE VII, Section 3.

Certification in accordance with this Section, unless resulting in appointment to a permanent position, shall not prejudice the employee's right, if any, to reappointment to his or her former position. In the event any employee so certified shall not be appointed, he or she may be specially certified for appointment twice thereafter, but shall not again be certified for any position to which he or she has declined appointment.

Any employee whose certification in accordance with this Section results in appointment to a permanent position shall be accorded seniority and credits for promotion from

the time of reappointment when the separation from the service has been by resignation.

**Section 4. Re-established Position.**

Should a position in the Classified Service of the City once abolished be recreated or re-established within one (1) year, the last permanently appointed incumbent of such position shall, upon his or her request, except as provided in Section 3 of this Rule, be reinstated therein.

**Section 5. Change From Classified to Unclassified.**

Whenever any position in the Classified Service is placed in the Unclassified Service, the name of the incumbent of such position, if he or she be a regular and permanently appointed employee, shall be eligible for special certification as provided in Section 3 of this Rule.

**Section 6. Leave of Absence.**

With the consent of the Commission, the Appointing Authority may grant leave of absence to any employee permanently appointed to a position in the Classified Service, for a period not to exceed one (1) year. The vacancy resulting therefrom shall be filled by temporary appointments made as provided in Section 5 of RULE VIII, or if no person on the appropriate eligible list wishes to accept such appointment, by provisional appointment made under Section 1 of RULE VIII.

**Section 7. Absence From Duty Without Leave.**

An employee who is absent from duty without leave, or who fails to report after a leave of absence has expired, or after disapproval, revocation, or cancellation of a leave of absence by the Commission, may be discharged therefore. An absence from duty without leave for ten (10) consecutive days shall be deemed a resignation from the service. Upon notification of such ten (10) days absence, the Commission shall enter the resignation of such employee upon its records. If within ten (10) days after such entry of resignation or, in the case of a discharge by reason of violation of this Section within such time as the Commission may allow, the employee concerned shall satisfactorily explain such violation, the Commission may order his or her reinstatement.

**Section 8. Restoration of Veterans.**

Any person entering military service as defined in Section 6 of RULE V, and who prior to entering into such service had been appointed to a position in the Classified Service of the City shall, upon presentation of a written application and evidence of termination of service, other than dishonorable, to the Civil Service Commission within ninety (90) days from the date of such discharge, be restored to such status in the Classified Service as such person enjoyed prior to his or her entry into military service. If such person is unable to perform the essential job functions and duties of his or her former position, with reasonable accommodation, at the expiration of thirty (30) days from the date of his or her application for restoration thereto because of temporary physical disability, he or she shall be restored to such position when such physical disability is removed, if so removed within one (1) year from the date of his or her application.

When such classified employee is restored to his or her position and to the status, rank, rating or qualifications provided in this Section following such military service, the former incumbent of such position who has not entered such armed services shall be demoted to the next lower rank and the youngest classified employee in point of service in the next lower rank

shall be demoted and so on down until the youngest employee in the point of service has been reached, who shall be laid off, if necessary. The person so laid off shall be eligible for special certification as provided in Section 3 of this Rule.

This section shall not apply to a person who, by re-enlisting, displays an intent to remain on extended active duty in the armed services of the United States.

**Section 9. Transfer For Physical Disability.**

When an employee becomes unable to perform the essential job functions and duties of his or her former position, with reasonable accommodation, the Appointing Authority may, with the consent of the Commission, transfer him or her to a vacant position in an equal or lower level which he or she has the ability to fill.

**RULE XI -- REDUCTIONS, SUSPENSIONS, REMOVAL - PROCEDURE**

**Section 1. Discrimination Prohibited.**

No person in the Classified Service of the City shall be reduced in pay or position, suspended, discharged or otherwise discriminated against by an Appointing Authority because of race, gender, religion, national origin or ancestry, or for political reasons, or affiliations.

**Section 2. Tenure of Employment.**

The tenure of every employee in the Classified Service of the City shall be during good behavior and efficient service, subject to such rules and regulations as may be established in the City for retirement on account of age.

**Section 3. Grounds for Removal, Suspension or Reduction.**

Any employee in the Classified Service of the City may be reduced, suspended or discharged by the Appointing Authority in the manner provided in this Rule for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of law, the Rules of the Commission or policies of a City Department, any other failure of good behavior, any other misfeasance, malfeasance or nonfeasance in the performance of his or her duties; or by reason of attainment of a mandatory retirement age established in the City .

**Section 4. Procedure.**

When an employee in the Classified Service of the City other than a temporary employee, whether appointed for a definite term or otherwise, is reduced in pay or position, suspended, or discharged, the Appointing Authority shall furnish such employee with a copy of the order of reduction, discharge, or suspension which order shall state the specification of facts with sufficient clarity to enable the employee to make an explanation. A copy of such order shall be filed concurrently with the Commission at the time of presentation to the employee. The employee shall thereafter be afforded a reasonable time, not to exceed five (5) calendar days, in which to file an explanation with the Appointing Authority. Within three (3) days after the date of filing of such an explanation with the Appointing Authority, the same shall be filed with the Commission by the Appointing Authority, and if no explanation has been filed by the employee, a

statement to this effect shall be filed in lieu thereof with the Commission.

**Section 5. Suspension for Less Than Five Days.**

The Appointing Authority may suspend any employee in the Classified Service without pay for disciplinary purposes for a reasonable period, not exceeding five (5) days, without compliance with the provisions of this Rule. Consecutive suspensions for disciplinary purposes under this Section shall not be permitted beyond such five (5) day period.

**Section 6. Voluntary Reductions.**

In the event an employee holding a permanent appointment to a position in the Classified Service or occupying a supervisory position in the Unclassified Service of the City applies for appointment to a position in the Classified Service lower in level and carrying a lesser rate of compensation than his or her present employment and no eligibility list has been established for such position, the Commission may, if it finds such employee to be qualified therefor, certify such employee to the Appointing Authority for appointment to such lower classified position without regard to the provisions of RULE VII, Section 3.

If an eligibility list is in existence for such lower classified position, the Commission may specially certify such employee for appointment thereto with and in addition to other eligibles certified pursuant to RULE VII, Section 3.

**RULE XII -- REDUCTIONS, SUSPENSION, REMOVAL - APPEAL AND HEARINGS**

**Section 1. Appeals.**

An employee in the Classified Service against whom action has been taken under Section 4, RULE XI above, may appeal to the Commission from the order of the Appointing Authority. Such appeal must be filed with the Secretary within twenty-one (21) calendar days from the date upon which the Appointing Authority furnished the employee with a copy of the order of reduction, suspension or discharge. Upon the filing of such appeal, the Commission shall hear, or appoint a Trial Board to hear, such appeal within thirty (30) calendar days from the date of filing of the appeal, and it may affirm, disaffirm, or modify the judgment of the Appointing Authority. Notice of hearing shall be given to the employee and to the Appointing Authority not less than twenty (20) days prior to the date of such hearing. For good cause shown, the date of hearing may be continued, postponed, or the hearing may be adjourned as the Commission, in its discretion, may determine.

**Section 2. Hearing on Appeal.**

In all hearings on appeal conducted by the Commission,

(a) the Commission shall confine its consideration to the specific facts set forth in the order from which appeal is taken, and no substantial amendments of, or additions to, the charges or specifications therein will be permitted or considered by the Commission;

(b) the order of procedure shall be as follows:

1. the Appointing Authority shall adduce his or her evidence in support of the charges and specifications;



2. the employee shall then produce such evidence as he or she may wish to offer in defense of such charges;
3. the Appointing Authority may offer evidence in rebuttal;
4. the Commission may, in its discretion, hear arguments;

(c) the production of testimony and evidence on the hearing of appeals and the determination and decision thereof shall be governed by the rules of evidence and procedures applied by the Courts of Ohio in cases of administrative review. The appellee and the appellant may be represented by counsel.

**Section 3. Appeal to Common Pleas Court.**

After the hearing provided in Section 2 of this Rule, an appeal on questions of law and fact may be taken within thirty (30) days from the finding of the Commission to the Common Pleas Court of Lucas County, Ohio, as provided by law.

**Section 4. Effect of Resignation.**

The acceptance by an Appointing Authority of the resignation of an employee reduced, suspended or discharged before final action by the Commission will be considered a withdrawal of any charges then pending against such employee and any proceedings pending before the Commission relating to such charges shall thereupon be dismissed.

**RULE XIII -- POLITICAL ACTIVITY**

**Section 1.**

No officer or employee in the Classified Service of the City shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any partisan political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in the Classified Service of the City ; nor shall any officer or employee in the Classified Service of the City be an officer in any partisan political organization or take part in politics other than to vote as he or she pleases and to express freely his or her political opinions.

**Section 2.**

No person or officer shall willfully or corruptly by himself or herself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, appointment, or employment according to the Rules and Regulations of the Civil Service Commission of the City of Maumee, Ohio, the Ordinances of said City, or the applicable laws of Ohio; or willfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to such Rules, Regulations, Ordinances or laws or aid in so doing; or willfully or corruptly make any false representations concerning the same, or concerning the person examined; or 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 examined, registered, or certified; or personate any other person, or permit or aid in any manner any person to personate him or her, in connection with any examination, registration, appointment, application, or request to be examined, registered or appointed; or shall furnish any false information about himself or herself, or any other person, in connection with any examination, registration, appointment, application, or request to be examined, registered, or appointed.

**Section 3.**

No applicant for appointment or promotion in the Classified Service of the City shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he or she ask or receive any recommendation or assistance from any person upon the consideration of any political service to be rendered, for or on account of his or her appointment or promotion, or proposed appointment or promotion.

**Section 4.**

No officer or employee of the City shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the Classified Service thereof, or promise or threaten to do so, for giving, withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

**Section 5.**

No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or herself or another any office or employment in the Classified Service of the City, or any promotion or increase in salary therein, as a reward for political influence or service; nor shall any person, by means of threats or coercion, induce or seek to induce anyone in such Classified Service to resign his or her position or to waive his or her right to certification, appointment, or promotion.

**Section 6.**

No person shall make an appointment to an office or select a person for employment in the Classified Service of the City contrary to this Rule or willfully refuse or neglect to comply with or to conform to this Rule, or willfully violate any of its sections. If any person in the Classified Service of the City is convicted of violating an Ordinance of the City of Maumee or law of the State of Ohio prohibiting the conduct or activities proscribed by this Rule, the office or position held by such person, shall, by virtue of such conviction be rendered vacant.

**RULE XIV -- AMENDMENT OF RULES**

**Section 1. How Made.**

These Rules, or any part thereof, may be amended at any time by a majority vote of the Commission provided only that the proposed amendments be placed upon the agenda of the Commission at least one (1) week prior to their adoption, and unless otherwise provided therein, shall become effective upon adoption thereof.

**Section 2. Publication.**

These Rules and Regulations and all amendments thereto shall be on file and available for public inspection. The Commission may provide for printing, publication, and posting of copies thereof as it deems necessary in the public interest.

**RULE XV -- PARTIAL INVALIDITY**

**Section 1. Saving Clause.**

Should any section, clause, or provision of these Rules and Regulations or any amendment thereto be declared by the courts to be invalid, the same shall not affect the validity of such Rules and Regulations or amendment as a whole, or any part thereof, other than the section, clause or provision so declared to be invalid.

The foregoing Rules and Regulations of the Civil Service Commission of the City of Maumee incorporating amendments made from the date of the adoption of the original Rules, June 18, 1952, are hereby adopted, promulgated and filed in the office of the Commission, 400 Conant Street, Maumee, Ohio, 43537, this 14th day of October, 1997.

/s/ \_\_\_\_\_  
Reginald Jackson, Jr., Chairman

/s/ \_\_\_\_\_  
Barbara Dennis, Member

/s/ \_\_\_\_\_  
Rex Palmer, Member