

ORDINANCE NO. 11-94  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE 18th  
DAY OF April, 1994.

AN ORDINANCE ESTABLISHING THE CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD, SETTING TERMS OF OFFICE AND ASSIGNING POWERS, DUTIES AND RESPONSIBILITIES.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Establishment. There is hereby established the Centerville City School District Personnel Appeals Board which shall consist of three members appointed by the Council of the City of Centerville all of whom shall be electors of the Centerville City School District.

Section 2. Term. All of the members of the Centerville City School District Personnel Appeals Board shall serve for terms of three years each; however, the first such appointments shall be for terms of one year, two years and three years; and thereafter, the terms of office shall be staggered with one member to be appointed to a three year term each year. The members shall serve without compensation but they may be reimbursed for their reasonable expenses incurred. The process of appointment shall be the same as that generally followed by the Centerville City Council in its appointment to other boards and commissions of the City.

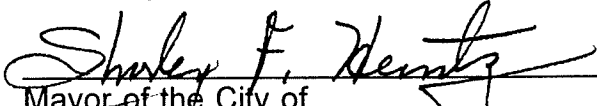
Section 3. Powers, Duties and Responsibilities. Attached hereto and incorporated herein as Exhibit A are the rules and regulations of the Centerville City School District Personnel Appeals Board which shall govern the procedure, powers, responsibilities and duties of the Centerville City School District Personnel Appeals Board. Said rules and regulations may be amended, supplemented or modified from time to time by ordinance duly passed by the Centerville City Council.

Section 4. Expenses of the Personnel Appeals Board. The Personnel Appeals Board may not incur any liability for the expenditure of money for its expenses without the prior written permission of the City Manager who shall act in consultation with the Superintendent of the Centerville City School District prior to the approval of such expenses. The Centerville City School District shall, upon written request and documentation from the City of Centerville, reimburse the City of Centerville for any expenses incurred pursuant to this section.

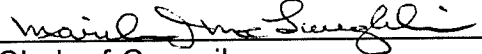
Section 5. Removal of Members of the Personnel Appeals Board. Any member of the Centerville City School District Personnel Appeals Board may be removed for cause in accordance with Section 9.02 of the Charter of the City of Centerville.

Section 6. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 18th day of April, 1994.

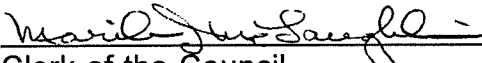
  
\_\_\_\_\_  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 11-94, passed by the Council of the City of Centerville, Ohio on the 18th day of April, 1994.

  
\_\_\_\_\_  
Clerk of the Council

CVILLE8274.RNF

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions,  
Department of Law  
Robert H. Farnsworth  
Municipal Attorney

**RULES & REGULATIONS**

**OF THE**

**CENTERVILLE CITY SCHOOL DISTRICT  
PERSONNEL APPEALS BOARD**

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## DEFINITIONS

- APPOINTING AUTHORITY - Means the Board of Education for classified employees as determined by Chapter 124, Ohio Revised Code, and the Rules and Regulations of the Centerville City School District Personnel Appeals Board.
- APPOINTMENT - Means the hiring or placement of a qualified individual into a vacant classification.
- APPOINTMENT, ORIGINAL - Means the initial appointment of a qualified individual into a vacant classification in the classified competitive service as the result of an open competitive examination or into the classified non-competitive service.
- APPOINTMENT, PROMOTIONAL - Means the appointment of an individual into a vacant classification in the classified competitive service as a result of a promotional examination whether or not an increase in compensation results therefrom, or a higher graded classification in the classified non-competitive service.
- APPOINTMENT, PROVISIONAL - Means a temporary appointment to a regular classified competitive classification to fulfill an urgent requirement when an eligible register is not available from which a regular appointment can be made and until an eligible register can be established.
- BOARD - Means Centerville City School District Personnel Appeals Board as established by the City of Centerville, Ohio, to hear appeals from the Centerville City School District.
- CERTIFICATION - Means a document signed by the school district examiner, or his/her agent, evidencing that an individual is qualified to be appointed, or has been legally appointed, to a specific classification in the classified service.

## DEFINITIONS (con't)

- CLASSIFICATION SENIORITY - Means the length of credited service in a given job title.
- COUNSEL - Means an attorney or other representative acting on behalf of the Centerville City School District or an appellant.
- ELIGIBLE REGISTER - Means a list of applicants who have passed a competitive or qualifying examination and are ranked numerically from the highest to the lowest examination score which shall include other appropriate credit for total seniority.
- EMPLOYEE, REGULAR - Means an employee other than employee-probationary, or employee-temporary, seasonal, part-time, who has completed the prescribed probationary period immediately following initial appointment and who is assigned to work forty-six (46) weeks or more in any calendar or academic year and/or has a reasonable assurance that the employee's services will be required in the next succeeding academic year.
- EMPLOYEE-PROBATIONARY - Means an employee who has not finished serving the required probationary period immediately following initial appointment, or a regular employee who has not finished serving the required probationary period following a promotional appointment.
- EMPLOYEE-TEMPORARY, SEASONAL, PART-TIME - Means an employee not subject to the Personnel Appeals Board rules and regulations and who is hired for a specified period of time in terms of hours, days, or weeks.
- EXAMINER - Means the individual appointed by the Personnel Appeals Board to carry out the rules and regulations of the Personnel Appeals Board for the Centerville City School District.

## DEFINITIONS (con't)

- LAYOFF - Means an involuntary reduction or termination for reasons other than disciplinary actions.
- REDUCTION, INVOLUNTARY - Means the reduction in classification, grade and/or compensation of a regular employee as the result of disciplinary action or in accordance with the policies of the Centerville City School District applicable to a reduction in force.
- REDUCTION, VOLUNTARY - Means the reduction in classification, grade and/or compensation at the request of a regular employee and approval of the appointing authority to a vacant classification for which qualified.
- SUPERVISOR - Means any person authorized to interview and/or recommend to the appointing authority the hiring of an individual for a position in the classified service, the promotion, demotion, suspension or dismissal of an employee, or the removal of an individual from an eligible register.
- SUSPENSION - Means the temporary relief from assigned duties as a result of disciplinary action which results in a loss of compensation.
- TOTAL SENIORITY/  
SYSTEM SENIORITY - Means the length of continuous credited service with the Centerville City School District in a classified service position.
- TRANSFER - Means the reassignment of a person from one operational unit to another with no change in job classification or grade.
- TRIAL BOARD - Means a person or persons designated by the Board to conduct hearings pursuant to these Rules and Regulations.

**CITY OF CENTERVILLE, OHIO  
RULES & REGULATIONS OF THE PERSONNEL APPEALS BOARD  
CENTERVILLE CITY SCHOOL DISTRICT**

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**PREAMBLE**

The following Rules and Regulations of the Centerville City School District Personnel Appeals Board of the City of Centerville, Ohio, ("Board" herein) are hereby adopted in accordance with authority conferred upon said Board by the City Charter of the City of Centerville, Ohio, and by Section 124.40 of the Ohio Revised Code, to establish a Board for the Centerville City School District to provide uniform standards for appointments, promotions, and separations in the Classified Service of the Centerville City School District, and to establish the Appeals procedures in the event of separation therefrom.

**RULE I**

**REGULATIONS**

These Rules and Regulations shall supersede any rules or regulations now in existence for employees in the classified service of the Centerville City School District.

**RULE II**

**ORGANIZATION AND DUTIES**

Section 1. The Board shall consist of three (3) members who are electors of the City of Centerville, and who are not employees of or members of the immediate family of employees in the classified service and who are appointed for three (3) year terms. However, the first such appointments shall be for terms of one (1) year, two (2) years and three (3) years; and thereafter, the terms of office shall be staggered with one member to be appointed to a three (3) year term each year. Appointments to the Board shall be made by the Council of the City of Centerville, Ohio, in the same manner as



appointments are made by the Council to other commissions/boards of the City of Centerville.

Section 2. The Board, at its first meeting each year, shall select one of its members as Chairperson to preside at such meetings for the ensuing year.

Section 3. The Board shall appoint a person of professional competence, from a person or persons nominated by the Superintendent of Schools of the Centerville City School District for such position, to maintain records and to administer examinations for the Centerville City School District and to be referred to as Examiner for the Centerville City School District. This Examiner shall be an unclassified employee of the Centerville City School District.

Section 4. The Board, at its discretion, may remove an Examiner at any time and without cause and appoint another person as Examiner; provided, however, such new Examiner must be appointed in accordance with the provisions of Section 3 above.

Section 5. The Board shall hear or cause to be heard the Hearings on appeals from classified employees relating to suspensions of four (4) or more consecutive days, demotions, or dismissals when such appeals are submitted in writing to the Board within ten (10) calendar days of effective date from the filing of the order of the disciplinary action or dismissal.

Section 6. Two (2) members of the Board shall be considered a quorum to transact business of the Board.

Section 7. The members of the Board shall serve without compensation but shall be reimbursed for all expenses incurred in the performance of their official functions.

### **RULE III**

#### **DUTIES OF EXAMINER**

Section 1. It shall be the duty of the Examiner to recruit qualified applicants, to provide application forms for employment in the Classified Service, to prepare and to conduct examinations for employment and promotion whenever practical and to supervise grading of same, to certify Eligible Lists, to maintain a roster of classified school employees, to maintain records of personnel actions affecting employees, to accept appeals directed to the Board, to subpoena witnesses and records when necessary for Hearings, to prepare reports, to make recommendations to clarify or improve the personnel policies and/or procedures in the Centerville City School District, when necessary, and to perform such other duties relating to personnel work as may be required by the Ohio Revised Code, the Board of Education of the Centerville City School District, the Superintendent of Schools of the Centerville City School District, or the Board.

### **RULE IV**

#### **APPLICATION OF RULES**

Section 1. The provisions set forth in these Rules are intended to fully comply with all requirements in Chapter 124, Ohio Revised

Code. Where any conflict exists between such provisions and any rules contained herein, the provisions contained herein shall control pursuant to the Home Rule Amendment.

Section 2. In accordance with the provisions of Section 124.11, Ohio Revised Code, employees of the Centerville City School District are hereby divided into the Unclassified Service and the Classified Service.

Section 3. The Unclassified Service shall comprise the following positions which are not subject in any respect to the provisions of these Rules and Regulations:

- (a) Elected members of the Board of Education of the Centerville City School District or persons appointed to fill vacancies in such positions.
- (b) Members of Committees, Commissions, Associations, Research or Study Groups appointed by the Board of Education of the Centerville City School District for a limited specific purpose.
- (c) All Business Managers and Administrative and Supervisory Officers, including but not limited to: superintendents, assistant superintendents, treasurers, directors, administrative assistants, principals, assistant principals, instructors, teachers and such employees as are engaged in educational or research duties connected with the Centerville City School District and such other employees as may be determined from time to time by

the Board of Education of the Centerville City School District.

- (d) All confidential employees working in the office of the treasurer, as may be determined from time to time by the Centerville City School District Board of Education.
- (e) One secretary or stenographer to each of the appointed unclassified officers or employees of the Centerville City School District, as may be determined from time to time by the Centerville City School District Board of Education.
- (f) Seasonal or student employees.
- (g) Contract employees who are engaged to complete specific research, a specialized task or study within a specified time.
- (h) Job Trainees assigned to the Centerville City School District for training by other agencies, or temporary employees in special programs or projects funded by grants from other agencies.

Section 4. The Classified Service shall include all persons in the employ of the Centerville City School District that are not specifically included in the Unclassified Service provisions of Section 3. The Classified Service shall be divided into three classes designated as the Competitive Class, Non-Competitive Class, and the Labor Class.

- (a) The Competitive Class shall include all positions in the Centerville City School District for which it is practicable to determine the ability and fitness of applicants by competitive examination as determined by the examiner for which an Eligible List shall be established.
- (b) The Non-Competitive Class shall include all positions in the Centerville City School District for which it is not practicable to determine the ability and fitness of applicants by competitive examination, as determined by the examiner, and for which no Eligible List shall be established.
- (c) The Labor Class shall include ordinary unskilled laborers.

## RULE V

### APPLICATIONS FOR EMPLOYMENT

Section 1. Applicants for employment in the Classified Service must complete and file with the appropriate office of the Centerville City School District a standardized employment form which accurately includes information as to the applicant's name, address, previous address, place of birth, formal education, specialized training, previous work experience, and references relating to previous satisfactory work performance.

Section 2. Applicants may be required to submit to an examination which may include urinalysis or blood tests to

determine the presence of drugs or alcohol, as may be required by the Centerville City School District.

Section 3. No reference will be made to race, sex, religion, national origin or political affiliation on the application or in subsequent written examinations which may be given.

Section 4. The Examiner may refuse to examine or to certify an applicant: (a) lacking the established qualifications for the position for which the applicant may apply; (b) who has previously been dismissed from the Centerville City School District for misconduct; (c) who has made false statements on the application; (d) who is unsuitable for Public School Service because of crimes of moral turpitude or disgraceful conduct; (e) who is currently abusing intoxicating beverages or using illegal drugs, and/or whose character and fitness for employment in the opinion of the Examiner is unsatisfactory.

Section 5. Applications for examinations must be on file in the office of the Examiner no later than forty-eight (48) hours prior to a scheduled examination.

## **RULE VI**

### **NOTICE OF EXAMINATION**

Section 1. Notice that an Open Competitive Examination is to be conducted shall be advertised in a newspaper with general circulation in the Centerville City School District at least fourteen (14) days prior to such examination, and by the posting of an announcement at the office and in the school buildings of the

Board of Education of the Centerville City School District and at such other locations normally used to post vacancies.

Section 2. Notice that a Promotional Examination is to be conducted shall be posted for at least fourteen (14) days at the office and in the school buildings of the Board of Education of the Centerville City School District and in such other school locations normally used to post such notices.

## **RULE VII**

### **CONDUCT OF EXAMINATIONS**

Section 1. Examinations shall be conducted under the direction of the Examiner. They shall be fair, impartial, practical, and designed to test the relative fitness and qualifications of applicants to discharge the duties of the particular position they seek to fill. Examinations may include parts which shall be written, oral, physical, psychological, a demonstration of skill, and/or an evaluation of training and experience.

Section 2. On Open Competitive Examinations, an oral examination may be used to supplement the written examination when qualifications of the position to be filled include poise, administrative ability, verbal expression, decisiveness under pressure, or persuasiveness or other relevant factors which cannot be measured by written questions. The weight given to such oral examinations shall not exceed thirty percent (30%) of the total weight given to the examination. No questions in any examination shall related to political or religious opinions or affiliations.

Section 3. On Open Competitive Examinations, applicants will be scored on the basis that the sum total of all examination components, including oral or practical portions, equals one hundred percent (100%), and that a score of seventy percent (70%) will be required to place a name on the Eligible List or Register. Those examination papers which then achieve a score of seventy percent (70%) shall be considered passing.

Section 4. On Promotional Examinations, a written examination will be required as far as practical. If the position to be filled requires manual dexterity or skills in addition to specific knowledge of procedures, the written test may be supplemented by practical or performance tests which are designed to fairly measure such skills. Oral testing may be utilized as outlined in Section 2 above on promotional tests.

Section 5. On Open Competitive Examinations, any soldier, sailor, Marine, Air Force, Coast Guardsman, member of Auxiliary Corps established by Congress, member of Nurse Corps of the Armed Forces or Red Cross Nurse who has served in the Armed Forces of the United States and has been honorably discharged therefrom, may file with his/her application for employment with the Examiner a certificate of service and honorable discharge, whereupon he/she shall receive an additional credit of twenty percent (20%) of his/her total grade in the regular examination in which he/she receives a passing grade.

Section 6. Classification seniority in regular full-time paid status in the Centerville City School District shall be a factor on



Promotional Tests. Applicants shall receive credit not to exceed ten percent of the total grade, on the basis of one percent of the total grade obtained in such examination for each of the first four years of service and six-tenths of one percent of such total grade for each of the next ten years of service.

Section 7. An efficiency rating of the employee's performance may be used as a portion of the Promotional Test score. The weight given for efficiency ratings shall not exceed ten points of the final score.

Section 8. The determination of credit for seniority for Promotional Examinations shall be established as of the date on which the examination is held.

Section 9. The actual conduct of every examination shall be under the responsible direction of the Examiner or his/her designated agents, free from interference, participation or influence of the appointing authority, or of any person other than examiners or experts approved in advance and employed by the Board, and the Board is hereby authorized to employ such assistants or experts, and for this purpose may exempt from examination, under these rules, any person engaged in private business who shall render it any professional, scientific, technical or other expert service of an occasional or exceptional character.

Section 10. In an examination, the Board may require applicants to furnish a written statement of their experience, education or training qualifying them for the position they seek.

## **RULE VIII**

### **ELIGIBLE LISTS**

Section 1. Eligible lists shall be prepared as the needs of the Centerville City School District may require for each classification in the Classified Service from candidates found to be duly qualified by competitive examination.

Section 2. The term of an Eligible List is fixed as one year from the date of certification, but the Board may, upon request of the Superintendent of Schools or his designee and prior to the expiration date of such list, extend the period of eligibility for a group or position up to one (1) additional year. The total time period or life of an Eligible List shall not exceed two (2) years.

Section 3. In the event two or more applicants receive identical scores on an Open Competitive Examination, they shall be listed or ranked on the Eligible List by the date on which applications for examination were filed with the Examiner. On Promotional Examinations, applicants with identical scores shall be ranked by classification seniority and thereafter by total regular full-time paid status in the service of the Centerville City School District. If the above procedure fails to break identical rankings on the Eligible List, ties will be broken in accordance with the procedures developed by the Board.

## RULE IX

### APPOINTMENTS IN THE CLASSIFIED SERVICE

Section 1. Every vacancy not filled by reinstatement, transfer, or demotion shall be filled by appointment from the Eligible List established for that position or as provided by specific sections of these Rules and Regulations or Chapter 124, Ohio Revised Code.

Section 2. Appointments shall be made in the Competitive Class by selection from persons certified by the Examiner on the most nearly appropriate Eligible List.

Section 3. Whenever the Superintendent, or his designee, shall request a certification from the Examiner for appointment or employment in a position in the Classified Service, he/she shall specify the title, duties, and compensation for such position so that certification can be made from a proper Eligible List, or, when necessary, a proper list can be prepared as the result of an examination held for that purpose. The Examiner, as soon as practicable, shall certify to the Superintendent, or his designee, for appointment from the Eligible List, most nearly appropriate to such position, the names of all persons on such list, indicating ratings, post office address, and telephone number, if available, of such persons. The appointing authority, upon recommendation of the Superintendent, shall appoint individuals to positions in the classified service. In making a recommendation for appointment, the Superintendent shall choose from among all eligible persons listed on the open competitive or promotional list, whichever is applicable, the individual deemed "best qualified" for the

position. When any list contains less than three certified names, appointment from said list shall not be mandatory. Open Competitive Eligible List may be combined with the Promotional Eligible List when any promotional list contains less than three certified names. In any event, those applicants certified on any such promotional list shall be referred to the Superintendent, or his designee, for consideration for appointment prior to referring the certified applicants on the Open Competitive Eligible List.

Section 4. If more than one position in a respective classification is to be filled, the positions shall be filled as indicated in Section 3.

Section 5. When an eligible person refuses to accept an appointment or fails to acknowledge a firm offer of appointment within four (4) business days, the name of such person will be removed from such Eligible List.

Section 6. An eligible person who has declined an appointment on the ground of insufficiency of salary offered, shall not, thereafter, be certified for a position at the same or at any lesser salary for a period of one year thereafter.

## **RULE X**

### **APPOINTMENTS IN LABOR CLASS**

Section 1. The unskilled Labor Class shall include ordinary unskilled laborers. Vacancies in the Labor Class shall be filled by appointment from lists of applicants registered with the Examiner. The Examiner shall require an applicant for registration

in the Labor Class to furnish such evidence or take such tests as the Board deems proper. Laborers who fulfill the requirements shall be placed on the Eligible List, as such qualified persons may become available, for the kind of labor or position sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of the Superintendent or his designee, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, selection shall be determined from the persons on the list, with a maximum of six times the number to be employed presented, from which the appointing authority shall appoint the number actually needed for the particular work. In the event of more than one applicant receiving the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment. If, however, it shall be made to appear to the satisfaction of the Board, within ten days after giving such notice, that person was prevented from accepting such appointment for reasons of just cause, the name may be restored to the appropriate place on the Eligible List. When any list contains less than three certified names, appointments from said list shall not be mandatory.

#### **RULE XI**

##### **TEMPORARY, PROVISIONAL, AND EXCEPTIONAL (NON-COMPETITIVE CLASS) APPOINTMENTS**

Section 1. Provisional Appointments - When there are urgent reasons for filling a vacancy, and the Examiner, upon requisition

from the Superintendent or his designee, is unable to certify a list of persons eligible for appointment to such position, the Superintendent or his designee may nominate a person to the Examiner for non-competitive examination, and if such nominee is certified by the Examiner as qualified, said nominee may be appointed provisionally to fill the vacancy until selection and regular appointment can be made after competitive examination. Provisional appointments shall continue in force, only, until a regular appointment can be made from an Eligible List resulting from a competitive examination. Competitive examinations shall be prepared and administered whenever practicable within a six-month period from the date of the provisional appointment, provided an examination is required by these rules for such position. Any employee who remains in a provisional status in the same classification, during which period no competitive examination is held, shall become a regular appointee in the Classified Service at the conclusion of a two-year period.

Regular Appointment does not apply to or affect any position in a program financed in whole or in part by federal funds and/or which is subject to federal merit system standards of the United States Department of Health and Human Services, the Department of Education, the Department of Labor, Department of Housing and Urban Development, or the Office of Civil and Defense Mobilization.

Section 2.      Exceptional (Non-Competitive Class) Appointments -  
When a vacancy occurs in a classification which requires peculiar

or exceptional qualifications of a scientific, managerial, professional, para-professional or educational character, or such other characteristics as may be determined by the Board upon the recommendation of the Superintendent or his designee, and upon satisfactory evidence that competition in such special case is impracticable and the position can best be filled by selection of some designated person of special and recognized attainments in such qualities, the Examiner may suspend the provisions of these rules which require competition.

Section 3. In the event of special needs, special appointments may be made without regard for these rules, but shall, in no case, continue for more than thirty days and no successive appointments may be made unless otherwise subsequently ratified by the Board upon recommendation of the Examiner. Interim or temporary appointments made necessary by sickness or disability shall continue only during such period of sickness or disability. The acceptance or refusal by an eligible person of a temporary appointment shall not affect his/her standing on the register for regular employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a regular position.

## RULE XII

### PROBATION PERIOD

Section 1. All original appointments shall be for a probationary period of one (1) year commencing with the employees

first day on the job and no appointment is deemed to be final until the appointee has satisfactorily completed the probation period. If service is unsatisfactory, as determined by the Superintendent of Schools or the Centerville City School District, an appointee may be removed.

Section 2. All promotional appointments shall be for a probationary period of thirty (30) working days and no promotion is deemed to be final until the appointee has satisfactorily completed the probationary period. If the service of the employee during this probationary period is deemed unsatisfactory, as determined by the Superintendent of Schools of the Centerville City School District, the appointee may be reduced (returned) to his/her previous or former position, if so desired by the appointee, provided the appointee is eligible to return to such former position, or, if not, may be removed.

Section 3. No appeal rights shall be granted for a probationary removal or reduction under the provisions of Rule XX.

### **RULE XIII**

#### **EVALUATION/EFFICIENCY RATINGS**

Section 1. The Centerville City School District will determine, and from time to time redetermine, the relative efficiency of classified employees by adopting, and from time to time readopting, a standardized Evaluation/Efficiency Rating Form which will evaluate the work performance of such employees. Such ratings may then be used by the Examiner as a factor to determine Promotional



Examination scores. Such ratings shall be used by the Examiner only if such evaluation is available for the applicant at the time of examination. Such ratings shall be used by the Centerville City School District or the Board only if an evaluation/efficiency rating program has been utilized by the Centerville City School District for three (3) years prior to any action by the Centerville City School District utilizing such ratings.

#### **RULE XIV**

##### **TRANSFER**

Section 1. With the approval of the Superintendent or his designee, an employee may be transferred and/or reassigned from one position in his/her classification to another position in his/her classification without any loss or gain in grade, provided said employee is qualified to perform the duties of the newly assigned position.

Section 2. If a regular employee is transferred to a lower rated position, such transfer must comply with the provisions of these rules relating to reduction.

Section 3. If a regular employee is transferred to a higher rated position, such transfer must comply with the provisions of these rules relating to promotion or Temporary, Provisional, and Exceptional (Non-Competitive) Appointments.

**RULE XV**

**REDUCTION**

**Section 1.** An employee may be reduced or demoted to a lower rated position in the following instances:

- (a) During the probation period, following a promotion, if performance is unsatisfactory.
- (b) If employee voluntarily, in writing, requests a reduction for medical or other valid reasons, as determined by the Superintendent of Schools of the Centerville City School District.
- (c) If employee becomes physically and/or psychologically unable to perform the assigned duties after being afforded reasonable accommodations as required by law and if a vacancy exists in a position for which the employee qualifies.
- (d) For disciplinary reasons for actions which otherwise might also be a basis for dismissal or suspension. Written notice of such demotion or reduction will be made promptly to the employee and to the Board.
- (e) For such reasons as provided for in Section 1(a) of Rule XVII.

**Section 2.** When a reduction occurs as a result of a disciplinary action to a regular classified employee pursuant to (d) above, the employee shall be provided with a copy of charges

and specifications and shall have the right of appeal to the Board as provided by Rule XX.

## **RULE XVI**

### **SUSPENSION**

Section 1. The appointing authority, upon the recommendation of the Superintendent and any supervisor, shall have the power to suspend employees without pay for a reasonable period, for disciplinary reasons involving infractions of established policies or rules, conduct unbecoming an employee, excessive absence, inefficiency, insubordination, or for other reasons enumerated or provided for under Section 124.34, Ohio Revised Code.

Section 2. Employees who are suspended shall be provided a copy of the written notice of suspension stating the reasons for such suspension. Such notice shall be served in person or by mail as soon as the necessary signature of the appointing authority is obtained. Immediate notice of such action shall be filed with the Board.

Section 3. Employees shall have the right of appeal of any suspension of four (4) or more consecutive working days, but such appeal must be filed in writing with the Examiner within ten calendar days from the filing of the order of suspension with the Board.

RULE XVII

LAYOFFS, REINSTATEMENT, REMOVAL OR DISCHARGE

Section 1. The tenure of office of an employee of the Centerville City School District holding a position in the Classified Service shall be during good behavior and efficient service. No employee shall be removed or discharged unless:

- (a) The position in the Classified Service is abolished or made unnecessary or the person holding such office or position is reduced pursuant to the reduction in non-exempt Classified staff policy of the Centerville City School District.
- (b) The employee is dismissed for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, falsification of records, misappropriation of funds or property of the Centerville City School District, an act of misfeasance, malfeasance, or nonfeasance in office, for other reasons provided for in Section 124.34, Ohio Revised Code, violations of such rules as may be established by the Board of Education of the Centerville City School District, or other violations of the rules established in Chapter 124 of the Ohio Revised Code. Incompetency shall include, but not be limited to, a physical, psychological or license inability of an employee

to perform the essential functions of his/her classification, with a reasonable accommodation, if required by applicable law.

Section 2. In the event of reduction, suspension, or removal, the appointing authority or a designated representative shall furnish such employee with a copy of the Order of Removal or Discharge which states the reasons for such order. A copy shall forthwith be filed with the Board.

Section 3. The affected employee, within ten calendar days following the filing of such order with the Board, may appeal in writing to the Examiner of the Board. In the event of such appeal, the Board shall notify the appointing authority and shall cause such appeal to be heard within thirty days or as soon as practicable after such appeal is filed. Following such hearing, the Board may affirm, disaffirm, or modify the order of the appointing authority.

Section 4. In the event of removal or of reduction in pay for disciplinary reasons, either the employee or the appointing authority may appeal from the decision of the Board to the Court of Common Pleas in accordance with the provisions of Section 119.12 of the Ohio Revised Code.

Section 5. For the purpose of an involuntary reduction as a result of a layoff, such layoffs shall be conducted in accordance with the reduction in non-exempt Classified staff policy of the Centerville City School District as adopted by the Board of

Education of the Centerville City School District and in effect at the time of such reduction.

Section 6. Retention points, as such are used in Section 124.32, Ohio Revised Code, if applicable under the reduction in non-exempt Classified staff policy of the Centerville City School District, shall be determined by multiplying an incumbent's applicable seniority by 90% and the figure derived thereby shall be added to the incumbent's efficiency rating, if any (not to exceed 10% of applicable seniority).

#### **RULE XVIII**

##### **FAILURE TO RETURN FROM LEAVE**

Section 1. Should an employee fail to report for duty at the expiration of any leave of absence, and if no notice or explanation which shall be both reasonable and acceptable to the Superintendent or his designee is received from such employee within three work days from date of expiration of such leave, this shall be deemed a resignation. No appeal rights to the Board shall be available as a result of said action.

#### **RULE XIX**

##### **ABSENCE WITHOUT LEAVE**

Section 1. When an employee is absent from normally assigned duties without authorization for such absence, this shall be deemed to be absence without leave, and such absence shall be without pay.

Section 2. Absence without leave shall be subject to such disciplinary action normally provided for non-performance of assigned duties; i.e., neglect of duty.

**RULE XX**

**PROCEDURE ON APPEAL**

Section 1. When an employee in the Classified Service who has completed the necessary probationary period is dismissed, suspended for four (4) more consecutive working days, or reduced in rank, files with the Examiner a written notice of appeal to the Board within ten calendar days from the filing of any such appealable order with the Board, the Board shall proceed to hear or cause to be heard said appeal within thirty days or as soon as practicable from receipt of such notice to hear such appeal. The Board shall give written notice to the Superintendent or his designee and to the employee of the time and place of the hearing.

Section 2. The Board, through the Examiner, in causing the conduct of hearings, shall have authority to subpoena witnesses and to require the production of records.

Section 3. Hearing procedure and order of proof:

- (a) The Superintendent of Schools or his designee, on behalf of the appointing authority, shall first present evidence in support of the charges leading to suspension, reduction or dismissal.
- (b) The employee shall then produce such evidence as he/she may wish to offer in his/her defense.

- (c) The trial Board may hear rebuttal evidence, if offered.
- (d) The trial Board, at its discretion, may hear arguments and/or accept briefs.
- (e) The trial Board may question witnesses and require submission of specific documents or pertinent information necessary to establish the validity of evidence presented during its hearing.

Section 4. The Superintendent of Schools or his designee may be represented by legal counsel and the appellant may also be represented by legal counsel.

Section 5. The Board, after due consideration of evidence presented at a hearing, or consideration of a recommendation of a trial Board, shall render its judgment in writing to the appellant and to the School Superintendent or his designee and it may affirm, disaffirm, increase or decrease the imposed sanction of the appointing authority.

Section 6. In cases of removal, or of reduction in pay for disciplinary reasons, the appointing authority or the employee may appeal from the decision of the Board to the Court of Common Pleas in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code. There shall be no other appeal to the Court of Common Pleas from any other decision of the Board.

Section 7. A trial Board may consist of disinterested persons not to exceed three disinterested members. A single referee may be appointed to act as a trial Board.



**RULE XXI**

**REPORTS**

Section 1. The Superintendent of Schools or his designee, on behalf of the appointing authority, shall promptly report to the Board at the office of the Examiner the following matters and those other matters mentioned in these Rules by a copy of the agenda of the Board of Education, or by other appropriate transmittal:

- (a) Appointments, whether temporary or regular.
- (b) Reinstatement appointments.
- (c) Refusal to accept appointment by a certified eligible person.
- (d) Suspensions.
- (e) Separations from service including resignations, discharge, layoff, or removal.
- (f) Such other reports as may, from time to time, be requested by the Examiner.

**RULE XXII**

**CHANGES IN RULES AND REGULATIONS**

Section 1. These Rules may be amended, repealed, or supplemented at any time and new rules and regulations adopted provided that:

- (a) Such change will not be effective until seven days after being proposed.
- (b) Such rule change will not be operative until approved by the City Council of the City of