

**11/7/2023 | 6:00 PM**

**MUNICIPAL SERVICES CENTER, LOWER LEVEL CONFERENCE ROOM  
3600 TREMONT ROAD**

If you are joining through Zoom, please click the link below to join the meeting:

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<https://us06web.zoom.us/j/84877100239?pwd=Shbg5ZddoOWhpFDtcKLaw-zSL2YncQ.g7eExiAL4XeBDsVX>

Passcode: 122151

Webinar ID: 848 7710 0239

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
  - a. Approve February 15, 2023 Civil Service Commission Meeting Minutes
- 3. Old Business**
- 4. New Business**
  - a. Introduction of New Civil Service Commission Member
  - b. Civil Service Rules & Regulations Requested Changes - Rule 8
  - c. 2024 Civil Service Commission Meeting Schedule
- 5. Updates & Reports**
- 6. Adjournment**

February 15, 2023 | 6:30pm  
Special Meeting

**Members Present**

<b>Lisa Burleson</b>	<b>Commission President</b>
<b>Steve Ball</b>	<b>Commission Vice President</b>

**Also Present**

<b>Abby Cochran</b>	<b>HR Director</b>
<b>Darlene Pettit</b>	<b>Assistant City Attorney</b>
<b>Lyn Nofziger</b>	<b>Fire Chief</b>
<b>Jon Hamilton</b>	<b>Firefighter/Paramedic</b>
<b>Jason Amweg</b>	<b>Police Sergeant</b>

**MINUTES**

The meeting was brought to order at 6:30pm

1. Roll Call

City staff introduced themselves.

2. Designation of Officers

Steve Ball motioned for Lisa Burleson to remain as President and for himself to be Vice President.

Motion passed.

3. Approval of December 14, 2022 meeting minutes (Rule 4 G)

Motioned: Vice President Ball motions to approve.

Seconded: President Burleson seconded the motion.

Motion passed.

4. Hearing of Promotional Examination Protest (Rule 7G)

Firefighter Jon Hamilton brought forth his protest to question #74 in the Fire Lieutenant promotional written exam that was held on January 25, 2023. Firefighter Hamilton read



question #74: “Fire lanes designated for two-way travel must be at least \_\_\_\_\_ wide. This allows vehicles to pass an aerial with the outriggers deployed.” Firefighter Hamilton explained that the code enforcement 8<sup>th</sup> edition that was used for this test has the correct answer as 20 feet. He pointed out the code enforcement 7<sup>th</sup> edition that was used for the 2018 Fire Lieutenant promotional written exam stated that the answer was 24 feet for two-way travel. He believes that with the change in wording, the answer of 24 feet should also be accepted. President Burleson noted that the 2023 Lieutenant testing schedule listed the 8<sup>th</sup> edition on the reading list and not the 7<sup>th</sup> edition but appreciated the merit of his protest. She asked if we knew how many others answered the question the same as Firefighter Hamilton. HR Director Abby Cochran replied that if this protest is upheld that all candidates that answered with 24 feet would also be given credit for that question. Fire Chief Lyn Nofziger said that the test administrator Chief Talcott has not graded the tests yet and would not until the protest is finalized. President Burleson asked if a decision had to be made at the meeting and HR Director Cochran responded that making a decision at the meeting was up to the Commission but any delay in a decision would likely result in a delay of the promotional process. President Burleson asked if there was a way of knowing how the question was worded in the written exam from the 2020 process and Fire Chief Nofziger explained that they do not have a copy of that test and test questions are changed from process to process and that question may not have been included on the 2020 test. Assistant City Attorney Pettit outline the City’s civil service rules regarding protests – candidates have 5 days to file a protest and are notified of their results after the protest filings. President Burleson asked how soon they could get the test results and Chief Nofziger said normally within a week of the administrator starting to grade. Firefighter Hamilton explained he studied a lot and is invested and brought the protest forward because the way question #74 was worded being slightly different in the 8<sup>th</sup> edition from the 7<sup>th</sup> edition, he personally felt like was a catch them question. President Burleson was hesitant to rule on the protest at the meeting without knowing if or how the question was asked on the 2020 exam because that could impact the scoring from that exam. HR Director Cochran said that would not have an impact on the 2020 test because a protest was not file and Chief Nofziger added that there were no protests during the 2020 exam process. Vice President Ball said that he did not think our process of not hearing protests after the exams are graded is not right. He does not feel it is fair to other candidates who answered correctly that we would then accept an additional answer as correct. The Commission would like to discuss the grading/protest process at the next meeting. Vice President Ball moved to accept the protest because it is understandable that there were 2 different answers given between the 7<sup>th</sup> and the 8<sup>th</sup> editions but also noted that in the future we should go by the answers that the vendors have as correct unless there is a valid reason to dispute it, we should rely on their answers. President Burleson supports the protest only because the Chief Talcott felt comfortable with granting the protest.

Vice President Ball motioned to grant the protest.  
Seconded: President Burleson seconded the motion.  
Motion passed unanimously.

5. Public Safety Competitive Processes with changes made since the amended 8A section of the Civil Service Rules and Regulations  
Sergeant Amweg discussed the Police hiring process and how they are continuously looking at their process to see where improvements can be made. They have had success



recently by using the new lateral hiring process. President Burleson asked about the awareness about our new lateral process and Sergeant Amweg explained the job description was recently rewritten outlining the process. The new process makes the City a more competitive employer and catches us up with other entities.

Chief Nofziger said that the Fire Division is in support of the new process but still sees value in having the NTN scores for their process. HR Director Cochran explained that they have not seen the written test be as much of a barrier for the Fire Department like they have seen in the Police Department.

6. Set 2023 Civil Service Commission Regular Meeting (Rule 4A)  
Meeting will be held quarterly on the 2<sup>nd</sup> Tuesday at 6pm  
The 2023 schedule is April 11th, July 11<sup>th</sup> and October 10<sup>th</sup>.

Motion: Vice President Ball motioned to adjourn.

Seconded: President Burleson seconded the motion.

Motion passed.

## **ADJOURNMENT**





Author(s): Abby Cochran, Human Resources Director

Meeting Date: 11/7/2023

Subject: Proposed Changes – Civil Service Rules & Regulations

We respectfully request the Civil Service Commission to approve our recommended changes to **Rule 8: Eligible List** which are provided as both a tracked changes and changes accepted version. The original can be found online at:

[https://library.municode.com/oh/upper\\_arlington/codes/personnel\\_rules\\_and\\_civil\\_service\\_rules?no\\_deld=CITY\\_UPPER\\_ARLINGTON\\_CIVIL\\_SERVICE\\_COMMISSIONRURE\\_RULE\\_8ELLI\\_RULE\\_8ACRCOEXELLI](https://library.municode.com/oh/upper_arlington/codes/personnel_rules_and_civil_service_rules?no_deld=CITY_UPPER_ARLINGTON_CIVIL_SERVICE_COMMISSIONRURE_RULE_8ELLI_RULE_8ACRCOEXELLI)

**Removal of 8A (4):**

Notice of any additions or deletions to the eligible list shall be provided to the Commission two weeks prior to making a conditional offer to one of the new names on the list, to permit the Commission to review the list and make any objections. In the alternative, a special meeting can be called to approve the new names.

We continue to streamline our process to move candidates as quickly and efficiently through our process as possible because we know we are directly competing with neighboring agencies for the same pool of candidates. The final graded stage of the process for a Police Officer candidate is the oral board which is then followed by the interview with the Chief where the decision to make an offer is made. If the candidate is not already certified, we then need to secure them a spot in an academy.

During our last few processes, we were concerned that the two-week timeframe was going to result in us losing a candidate and/or not being able to secure a spot in the academy. So far, the Commission has not made any objections to our certified lists and the concern is that we might lose a candidate or a spot at the academy for a step that is not adding any value.

If the Commission is not interested in removing the waiting period, we would be open to any suggestions to solve this issue.

**Removal of words in Rule 8A (2):**

~~After the completion of the oral panel interview,~~ an eligible list shall be prepared. ~~The list which~~ shall be composed of the persons whose average grade in the examinations is not less than the required passing score, including a passing score in each stage of testing, and who are otherwise eligible for appointment.

This language gives more flexibility to the creation of the process since the language is used by both Police and Fire Divisions. The Fire division has an unscored oral board, thereby, scoring is already



completed by the time candidates reach that step. Police Officer candidates have a scored oral board which is the final step before the eligibility list is created.

**Clarification of Additional Points/Reorganization of 1 and 2:**

This change does not affect any actual process but provides better organization to this rule. We had gotten feedback that it was not clear that existing employees participating in a promotional exam were not eligible for the new lateral points we added last year. It does state that clearly; however, there was an unrelated line separating the sections. That line was moved up under section 1, then the various points are listed under section 2.



## RULE 8 ELIGIBLE LISTS

### Rule 8A. Creation of a Competitive Examination Eligibility List.

1. The names of all applicants who receive a passing score, after certification of the Human Resources Director, shall be entered on the appropriate eligible list in the order of their relative standing. The City Manager for each eligibility list has the discretion to waive the requirement to take the written examination for lateral transfer applicants from another agency. In this case, the lateral applicant will be treated as if they obtained the lowest passing score on the written exam and may proceed to the next step in the process.
  2. ~~An After the completion of the oral panel interview, an~~ eligible list shall be prepared ~~which. The list~~ shall be composed of the persons whose average grade in the examinations is not less than the required passing score, including a passing score in each stage of testing, and who are otherwise eligible for appointment.
  3. Names shall be in the order of the final ranking based upon the grades earned and any additional points applied. The eligibility list, and any additions or deletions to the list, shall be certified by the Human Resources Director and provided to the Commission at the time of certification.
  4. Notice of any additions or deletions to the eligible list shall be provided to the Commission ~~two weeks~~ seven calendar days prior to making a ~~conditional~~ formal offer to one of the new names on the list, to permit the Commission to review the list and make any objections. In the alternative, a special meeting can be called to approve the new names. An offer may be made during this period, conditioned upon there being no objection from the Commission.
  5. Whenever two (2) or more applicants have identical final eligibility list scores, the names of all applicants receiving the same score shall be placed on the eligibility list with the same ranking.
- 4-6. Eligibility for additional points: All additional points must be requested and documentation provided, at the time of the application submission. Additional points shall only apply to entrance examinations except for service credit, which shall only apply to promotional lists, as noted below. A Candidate must attain a total overall passing score in all phases of examination to have points added to their final eligibility list score. Additional points shall not cause a final score to be above the maximum attainable score.
- ~~a. Whenever two (2) or more applicants have identical final eligibility list scores, the names of all applicants receiving the same score shall be placed on the eligibility list with the same ranking.~~
- Service Credit:** Service credit shall only apply to public safety forces promotional lists.
- ~~i.~~
  - ii.i. Service Credit shall equal three (3) points for service between five (5) and ten (10) years and five (5) points for service of more than ten (10) years of service with the City.
  - ii-ii. The number of years and days of all interruptions of service as a sworn member of Upper Arlington public safety forces, including but not limited to suspensions and unpaid leaves of absence, shall be subtracted from the overall total.

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~~iv~~.iii. Leave caused by service with the Armed Forces of the United States shall not be deducted provided that the employee meets the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) or a comparable Ohio statute that mandate that the employee will continue to receive service credit during this period.

**b. Educational points:** Candidates will be awarded one (1) point for an Associate degree, two (2) points for a Bachelor's degree, or three (3) points for a Master's degree.

**c. Military points:** Applicants who have been honorably discharged, are on active duty, or in current reserve status are eligible for one (1) point.

**d. Lateral transfer from another agency points:** Applicants who currently hold the position being applied for in good standing at another agency are eligible for five (5) points if they have served in that capacity for at least a year and hold the required certifications for the position.

(Amendment effective 12/14/2022 )

### **Rule 8B. Selection of Applicants from Eligible List.**

1. The Appointing Authority shall follow the "Rule of Three" for the selection of the successful applicant(s) in a promotional appointment, and the "Rule of Ten" for the selection of the successful applicant(s) in an original appointment. For purposes of this Section, the "Rule of Three" or "Rule of Ten" shall mean the three (3) or ten (10) names of those applicants who have scored and are rated highest in the testing procedure.
2. If multiple positions are being filled at the same time, the list shall be increased by the number of extra appointments (the formula being  $3/10 + X - 1$ , where X is the number of open positions. For example, filling two positions simultaneously results in a list of four (4) or eleven (11) applicants). When an applicant is hired from the list, and then declines an offer of employment, or is otherwise removed from the list, the next name(s) will be moved forward for inclusion in the three (3) or ten (10) top scores on the list, and placed according to the applicant's overall score.
3. Whenever it is determined that an appointment or promotion is to be made from an eligibility list, the list shall only be deemed complete if there are three (3) or ten (10) names respectively certified who will accept each vacant position. If less than three (3) or ten (10) applicants are available, the Appointing Authority may opt to fill from the remaining names, call for a new and complete list, or otherwise fill the vacancy consistent with these policies. Such an election may be made before or after testing, or at any appropriate time as determined by the Appointing Authority.

( Amendment effective 4-20-2021 )

### **Rule 8C. Removal From Eligibility List.**

Candidates may remain on the eligibility list for one year from the date of the candidates' certification to the list, unless extended by the Appointing Authority or his/her designee.

1. A candidate may be removed from the eligibility list under the following circumstances:
  - a. Employee or candidate is among the top 3 (promotional) or 10 (original appointment) and is passed over three times during eligibility;
  - b. Failure to report, or arrange to report, or arrange within a reasonable time for an interview with an appointing authority;
  - c. Failure to respond to a notice from the City by the deadline specified by the City;

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- d. Providing incorrect or incomplete information;
  - e. Failure to respond to a request for information during background checks;
  - f. Declines offer for position; or
  - g. Other circumstances approved by the Commission.
2. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from eligible lists for classes in which the starting salary is equal or lower.

( Amendment effective 4-20-2021 )

### **Rule 8D. Duration of Eligible Lists.**

1. Original appointment lists continue on a rolling basis, with candidates being added according to their score. Candidates may remain on an original appointment list for one year from the date of their original certification to the list. This period may be extended for any additional period, not to exceed one year, by order of the appointing authority.
2. Promotional eligible lists are valid for one year from the date of certification. Promotional lists may be extended for any additional period, not to exceed one year, upon approval by the appointing authority.
3. The Commission may abolish an eligible list when the number of eligible persons therein is reduced to three (3) or less persons for a police or fire promotional list or ten (10) or less persons for other lists.

( Amendment effective 4-20-2021 )

### **Rule 8E. Addition by Reinstatement.**

1. Following Separation or Reduction in Rank without Fault. Upon written request and upon recommendation of the Appointing Authority, the name of an individual may be placed at the top of the eligible list for the classification from which the employee was separated or reduced in rank if all of the following apply:
  - (a) The request is made within one (1) year from the date of separation or reduction in rank;
  - (b) The individual was separated from the service or reduced in rank without fault or delinquency (e.g. resignation in good standing, retirement, voluntary demotion or termination as a result of a condition of employment); and
  - (c) The employee held permanent status in the class.

An individual who resigned in lieu of disciplinary action shall be deemed not to have resigned in good standing. Retirement of an employee at the employee's own request shall be considered a resignation.

2. Following a Layoff. The name of an employee who is reduced in rank or separated from employment as a result of a layoff shall automatically be reinstated to the eligible list for the classification from which the layoff occurred.
3. Following separation due to injury or physical disability incurred in the performance of duty. Upon written request, a public safety employee separated due to injury or physical disability incurred in the performance of duty shall be reinstated upon filing with the chief of the fire division or the chief of the police division a written application for reinstatement, to the office or position held at the time of such separation, after passing a physical examination showing that the person has recovered from the injury or other physical disability upon the first vacancy in the position.

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4. A name reinstated to the eligible list, unless removed in accordance with these Rules, shall remain on the list for a period of one (1) year, which may be extended for any additional period, not to exceed one year, by order of the appointing authority.

( Amendment effective 4-20-2021 )

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2. An eligible list shall be prepared which shall be composed of the persons whose average grade in the examinations is not less than the required passing score, including a passing score in each stage of testing, and who are otherwise eligible for appointment.
3. Names shall be in the order of the final ranking based upon the grades earned and any additional points applied. The eligibility list, and any additions or deletions to the list, shall be certified by the Human Resources Director and provided to the Commission at the time of certification.
4. Notice of any additions or deletions to the eligible list shall be provided to the Commission seven calendar days prior to making a formal offer to one of the new names on the list, to permit the Commission to review the list and make any objections. In the alternative, a special meeting can be called to approve the new names. An offer may be made during this period, conditioned upon there being no objection from the Commission.
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    - ii. The number of years and days of all interruptions of service as a sworn member of Upper Arlington public safety forces, including but not limited to suspensions and unpaid leaves of absence, shall be subtracted from the overall total.
    - iii. Leave caused by service with the Armed Forces of the United States shall not be deducted provided that the employee meets the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) or a comparable Ohio statute that mandate that the employee will continue to receive service credit during this period.
  - b. **Educational points:** Candidates will be awarded one (1) point for an Associate degree, two (2) points for a Bachelor's degree, or three (3) points for a Master's degree.

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  - b. Failure to report, or arrange to report, or arrange within a reasonable time for an interview with an appointing authority;
  - c. Failure to respond to a notice from the City by the deadline specified by the City;
  - d. Providing incorrect or incomplete information;
  - e. Failure to respond to a request for information during background checks;
  - f. Declines offer for position; or
  - g. Other circumstances approved by the Commission.

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2. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from eligible lists for classes in which the starting salary is equal or lower.

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4. A name reinstated to the eligible list, unless removed in accordance with these Rules, shall remain on the list for a period of one (1) year, which may be extended for any additional period, not to exceed one year, by order of the appointing authority.

( Amendment effective 4-20-2021 )