

**4/9/2024 | 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:**

<https://us06web.zoom.us/j/81000777267?pwd=R4vnGjVFKtRQIFai771qmE4l0anDzy>

**Passcode:** 398557

**Or One tap mobile:**

+13126266799,,81000777267# US (Chicago)

+16469313860,,81000777267# US

**Webinar ID:** 810 0077 7267

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
  - a. Approve January 9th, 2024 Civil Service Commission Meeting Minutes
- 3. Unfinished Business**
  - a. Incorporate Public Safety Disqualification Standards into Rules
    - Rule 8 - Clean Version (Page 6)
    - Rule 6 - Clean Version (Page 7)
    - Rule 6 - Version without Tracked Changes (Page 12)
- 4. New Business** None
  - a. None
- 5. Updates & Reports**
  - a. None
- 6. Adjournment**

January 9<sup>th</sup>, 2024 | 6:00pm  
Regular Meeting

**Members Present**

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

**Also Present**

<b>Abby Cochran</b>	<b>HR Director</b>
<b>Darlene Pettit</b>	<b>Assistant City Attorney</b>
<b>April Gregory</b>	<b>HR Administrator</b>

**MINUTES**

The meeting was brought to order at 6:00pm

1. Roll Call/Call to Order
  - a. Designation of Officers (Rule 3B)

President Burleson explained at the first meeting each year the Commission shall designate one its members as president and one as vice president. She then opens it up for discussion where Commissioner Ball suggests President Burleson keeps her position as such. President Burleson states that Commissioner Ball should be Vice President. He then agrees to move forward to take on the role as Vice President.

Motion: President Burleson motioned to approve.  
Motion passed unanimously.

2. Approval of December 11, 2023 meeting minutes (Rule 4 G)  
Motion: Vice President Ball motioned to approve.  
Motion passed unanimously.
3. New Business
  - a. Rule Revision Request – Rule 1, 6, and 8



HR Director Cochran explained that at the beginning of each year, they typically look over the rules and show the Commission what the processes look like. After doing so, HR Director Cochran shared that there are some revisions they're requesting to make to Rule 1, 6, and 8, alongside the processes used for Police and Fire that are all located in the agenda packet. HR Director Cochran explained the current process, highlighting that the Commission has heard from city employees who help with Police and Fire recruitment and how they've discussed some of the challenges involved in recruiting for those divisions. That the City Manager's Office tries to make the background process for these roles as thorough as possible, while keeping it fair and consistent without accidentally excluding applicants from the process that otherwise would be considered. HR Director Cochran shared that she's investigated what other agencies have done; that typically outside of their Civil Service rules, there is a set of hiring standards, and that this was something she suggested we adopt. She shares that Police and Fire have worked together to draft a document that indicates various items that could disqualify someone, while also specifying timeframes for those items, so if an applicant has done something in their past, it won't be used against them in the hiring process. This document will also keep the hiring process consistent for each candidate. It is explained that there is a definition added to Rule 1, Item 20 that lists out what these hiring standards would be.

Titled 'Public Safety Disqualification Standards', this item states that the hiring standards set forth for the Police and Fire Divisions when determining eligibility for candidates for non-promotional opportunities will be reviewed by the Human Resources Department and City Attorney's Office, then sent to the Civil Service Commission via email for review. If the Civil Service Commission does not respond to or request a meeting within a two-week timeframe after the notification has been sent, the revisions to Standards become effective at the conclusion of that 14-day period. HR Director Cochran shared that she doesn't anticipate too many upcoming changes soon, however this adjustment would allow for Police and Fire to work through those changes without waiting for the Commission's next meeting. The hiring standards are located on Page 9 of the agenda, and states that the background process does give some leniency on a case-by-case basis so there can be a review on situations that may not call for someone to get completely disqualified from moving forward. HR Director Cochran explained that adjustments have been made to Rule 6 and 8 as Rule 6 talks about disqualifications for an applicant, and Rule 8 talks about disqualifications for people on the eligibility list. Since these rules are for both Police and Fire, they have been specified in two different locations to target both divisions. It is shared that there are some disqualifications in the rules already, however the requested adjustment is to leave those as is, and to move forward with adding the Public Safety Disqualification Standards. HR Director Cochran also shared that after the hiring standards were drafted, they were reviewed by herself and the City Attorney before bringing it to council. President Burleson asked if there are currently no background disqualification standards in place, to which HR Director Cochran agreed. President Burleson asked how these standards would apply to people currently sitting on the eligibility list if the adjustments were approved. HR Director Cochran shared that they wouldn't be applicable. President Burleson requests clarification on what would be an automatic disqualifier, to which HR Director Cochran explained that the standards state a disqualification may not be automatic if the circumstances allow of some exceptions. President Burleson shared that when seeing the word exception, unless those exceptions are delineated or defined, she worries that someone could argue that an exception being made in a discriminatory way, or not being applied consistently. She explains that she has



no issues with exceptions being made, but she'd rather they be delineated or categorized in some way. HR Director Cochran explained that some disqualifiers would be automatic, for example a felony, and that the note regarding exceptions are for minor infractions, such as entering information incorrectly on an application.

Vice President Ball raises a discussion regarding the end of the revision request, which states "If the Civil Service Commission does not respond to or request a meeting within a two-week timeframe after the notification has been sent, the revisions to Standards become effective at the conclusion of that 14-day period." He asks how the Commission would be able to move forward with requesting a meeting and voices his concern about being unable to assist with this process. HR Director Cochran explains that the verbiage used here is very similar to what is used when approving the Eligibility List for Police and Fire, which the Commission does not currently approve. She also explains that the purpose for this change is to keep the Commission from needing to hold a meeting each time this occurs. Vice President Ball raises a rebuttal, asking what would happen if the Commission received an email with a notification and they had trouble understanding it, or would want to discuss it amongst the group. He questions how they'd be able to move forward without having a meeting, and whether the open meetings have been an issue thus far. Assistant City Attorney Pettit explains that in cases such as that, the Commission members are urged to connect with one another as well as with the city staff to schedule a special meeting. She provides feedback on how best to go about that, such as sending a list of what doesn't make sense and what they'd like to discuss in person to HR Director Cochran so a special meeting could be scheduled. Vice President Ball responds, sharing that revisions becoming effective if they don't respond within a 14-day period is strange. President Burleson chimes in in agreement, mentioned that if the disqualification standards are what Police and Fire want to see, the rules should just be changed. She shares that without the rules being changed, applicants will not be notified about what they'll be up against or what they'll be judged by, or what our hiring standards are. Assistant City Attorney Pettit asks if the Commission would be comfortable with these revisions being a sperate rule in the Civil Service rules, to which Vice President Ball agrees. He explains that he's still uncomfortable with the language about what happens if they don't respond within 14-days of receiving notification. HR Director Cochran explains that with the current cadence of meetings, if there was a change that needed to be made, a delay would be anticipated. She proposes going back and seeing how they could incorporate them into the rules, mentioning that Rule 6 is for applicants and Rule 8 is for the eligibility list. President Burleson explains that a magnitude of changes such as this would be better as adjustments to the rules, not in a document that is outside the rules. Vice President Ball agrees and asks if everyone is in agreement with tabling the matter while adjustments are made to the proposed revisions.

Motion: Vice President Ball motioned to postpone Item 4A.

Seconded: President Burleson seconded the postponement of Item 4A under New Business until the next regular meeting.

Motion passed unanimously.

#### 4. Updates & Reports

HR Director Cochran introduces HR Administrator Gregory to the Commission.

Motion: President Burleson motioned to adjourn.



Seconded: Vice President Ball seconded the motion.  
Motion passed unanimously.

Adjourned at 6:34pm.

## ADJOURNMENT



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

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

1. An applicant may be removed from the eligibility list under the following circumstances:
  - a. Employee or applicant 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;
  - d. Providing incorrect or incomplete information;
  - e. Failure to respond to a request for information during background checks;
  - f. Declines offer for position or requests to withdraw themselves from consideration; or
  - g. Other circumstances approved by the Commission.
  - h. A disqualification based upon a standard listed in Rule 6D for entry level applicants.
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 6 ANNOUNCEMENTS, APPLICATIONS AND DISQUALIFICATIONS**

**Rule 6A. Examination Announcements.**

1. Examinations shall be announced in public notices specifying the class title, definition, typical tasks, salary range, the application filing period, the time and place of the examination, examination components, applicant requirements, whether background investigations are applicable, and other information pertinent to the examination and/or classification. The announcements will also comply with any applicable special rules for firefighter promotional examination announcements required by O.R.C. 124.45 .
2. Announcement of the time and place of every competitive examination opportunities for the general public (new hires) shall be posted on the City's website for at least two weeks prior to the examination. For purposes of announcing examinations for promotions, e-mail to eligible employees shall suffice as notice.

( Amendment effective 4-20-2021 )

**Rule 6B. Reserved.**

**Rule 6C. Applications and Applicants.**

1. Applications. Applications for admission to any competitive examination must be completed within the time limits fixed by the Human Resources Director using forms approved by the Human Resources Director or the designated online application system.
2. Information contained in applications once filed become public record and must be maintained according to the applicable records retention schedule.

( Amendment effective 4-20-2021 )

**Rule 6D. Disqualification of Applicants**

1. Disqualification standards determine eligibility for applicants for entry-level positions. Applicants may be rejected from consideration, refused admittance to any examination, or disqualified or removed from an eligible list or a certification list. Disqualification standards are cause for removal at any time during the selection process. Unless otherwise noted, standards that reference a time frame will be calculated from the date of application. Standards marked with an asterisk (\*) are automatic disqualifiers. Depending on the set of circumstances exceptions may be granted for all other standards.
  - a. Failure to meet the minimum requirements or qualification of the job, as specified in the job description.
  - b. Individual is not eligible to work in the United States.
  - c. Honesty/Falsification:
    - i. At any stage of the selection process, the applicant provides false, incorrect, or

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- substantially inconsistent information.
  - ii. At any stage of the selection process, the applicant fails to disclose or acknowledge any disqualifying behavior or activity on the part of the applicant, relative to, and governed by, any of the Background Hiring Standards. \*
  - iii. The applicant's failure or refusal to answer or respond to oral and/or written questions during any phase of the selection process. \*
  - iv. If applicable, any attempt by the applicant to distort the truth verification examination results. \*
  - v. Attempts to distort the truth verification examination.
  - d. Personal History:
    - i. For police officer applicants, a conviction of a misdemeanor crime of domestic violence involving use of force or threatened use of a deadly weapon ( a permanent disqualifier under Federal laws). \*
    - ii. Verified or admitted physical abuse of one's spouse, ex-spouse, child, stepchild, and parent or any other relative or person with whom one lives, has a relationship, or has had a relationship. \*
    - iii. Non-compliance with a court order or legal contract to provide child support, alimony or other financial responsibility as determined by the appropriate support enforcement bureau or a court of law within the preceding five (5) years. \*
    - iv. Intentional violation of any protective or temporary restraining order as determined by a court of law within ten (10) years. \*
    - v. Verified or admitted sexual abuse of another to include, but not limited to, any of the following as defined in the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred: Rape, Sexual Battery, Unlawful Sexual Conduct with a Minor, Gross Sexual Imposition, Sexual Imposition, Importuning, Voyeurism. \*
  - e. Employment:
    - i. Two or more involuntary terminations and/or discharges from employment within the last five (5) years. This shall not include terminations resulting from a business ceasing operations or resulting from being laid off from a position of employment.
    - ii. Post-probationary termination or resignation in lieu of discipline from any criminal justice-related employment. \*
    - iii. Abuse of a position of trust through theft of time or services. \*
    - iv. Demonstrated pattern of poor work habits and performance with previous employers which is verified through the employer or individual's own admission.
    - v. Any incident of engaging in an act of discrimination or harassment. \*
    - vi. Any pattern of repeated abuse of authority, lack of respect for authority or law, or lack of respect for the dignity and rights of others. \*
  - f. Military History – Except as provided below in Number 3 of this Section, individuals are removed from the selection process for any of the following reasons:
    - i. Dishonorable or Bad Conduct Discharge from the Military. \*
    - ii. Conviction of any article of the Uniform Code of Military Justice that is equivalent to a felony or other listed disqualifying misdemeanor in this standard under the Ohio Revised Code (ORC). \*

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- iii. An “Other Than Honorable” Discharge from the Military will be evaluated to determine whether the individual should be removed from the selection process.
  - iv. Failure to register with selective service, if required by law.
  - v. Scheduling conflicts due to military assignments will not be used as a disqualifier. The individual must communicate their commitments in advance. The individual will be allowed to make up the missed appointment at a later date as long as the individual’s written exam score is still valid.
- g. Traffic:
- i. Any conviction of vehicular homicide or related offense(s). \*
  - ii. OVI: Conviction within past five years of an alcohol related offense involving vehicle, including physical control; If convicted more than five (5) years prior, more than one (1) OVI conviction and/or physical control as an adult; More than two (2) OVI convictions, if one of the convictions was as a juvenile. \*
  - iii. Four (4) moving violations in the past three (3) years as an adult. \*
  - iv. One (1) Conviction for Failure to Possess a Valid Driver’s License within two (2) years of application. Failure to hold auto insurance as required by resident state, if the individual owns a motor vehicle. \*
  - v. One (1) conviction involving operating a motor vehicle while under suspension (or a similar ORC statute or Municipal code) or leaving the scene of an accident, within two (2) years of application. \*
  - vi. One (1) or more revocation or suspension of a driver’s license as an adult, in effect during the past five (5) years. (Unless the individual can show that the suspension was the result of an error by the BMV, random selection, or administrative overlap). \*
- h. Gambling – The term “gambling offense” includes any activity defined as illegal gambling by a federal, state, local statute or ordinance in the jurisdiction where the activity occurred. Individuals are removed from the selection process for any of the following reasons:
- i. Conviction of a gambling offense, within the last five (5) years. \*
  - ii. Admission to gambling that has resulted in an unstable financial or credit history within the last seven (7) years.
  - iii. Conviction of or admission to engaging in the promotion of illegal gambling activity wherein the individual gains, or attempts to gain, a financial benefit. \*
- i. Criminal Activity:
- i. Any theft offense(s) as an adult, within the last five (5) years, which (a) singularly or cumulatively exceeds \$1,000.00; or (b) establishes a pattern of theft offenses from an employer during the course of employment. \*
  - ii. Any insurance claims or applications for welfare, workers’ compensation, unemployment compensation or other public assistance benefit program determined to be fraudulent by the body overseeing the claim, compensation, or benefit program. \*
  - iii. Any admission or conviction of an offense, as an adult, defined as a felony by the federal, state, or local law of the jurisdiction where the offense occurred. An admission of a felony offense would be disqualifying unless otherwise addressed in

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these standards. \*

- iv. Any admission or conviction of an offense, as a juvenile, of one (1) violent felony as defined by the federal, state or local law of the jurisdiction where the offense occurred, unless expunged and more than ten (10) years prior. This will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards.) \*
- v. Any admission or conviction of a M-1 or M-2 misdemeanor offense, as an adult, as defined by the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred in the last five (5) years will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards).
- vi. Any admission or conviction of more than one (1) M-1 or M-2 misdemeanor offense, as a juvenile, as defined by the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred in the last five (5) years will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards) (does not include traffic, or misdemeanors of the 3rd, 4th, or minor degrees).
- vii. Any admission or conviction of soliciting another for sexual conduct/contact, whether or not the offense was legal at the time and place where the act occurred, in the last five (5) years.
- viii. Any admission of an offense of carrying a concealed weapon within the last five (5) years if it is defined as a felony by the federal, state, or local law where the offense occurred.
- ix. For Firefighter/Medic applicants, any violations as specified under ORC 9.78 and 9.79 \*
- j. Controlled Substances:
  - i. Any use or purchase of drugs of abuse (except marijuana) within five (5) years before application or admitted use during any portion of the selection process. Drugs of abuse include chemical agents/solvent- based substances and prescription drugs taken for reasons other than intended use, without a prescription. \*
  - ii. Failure to successfully pass the pre-employment drug test (including marijuana) will cause the individual to be disqualified. \* For those possessing medical marijuana cards, the City of Upper Arlington follows federal drug guidelines in regard to controlled substances. The federal Controlled Substance Act (CSA) states that marijuana is a Schedule I drug; therefore, any use, even with a medical marijuana card is prohibited. \*
  - iii. Any illegal sales or manufacture of drugs of abuse, marijuana or prescription drugs after the individual turned 18 years of age. \*

For the purpose of this standard the “use” of drugs includes, but not limited to, when an individual smokes, puffs, ingests, tastes, injects, inhales, or otherwise tries, any illegal drug..

For the purpose of this standard, the “purchase” of illegal drugs include those purchases made by pooling of resources or money by the individual and others for substances for their own use.

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k. Applicant Conduct:

- i. Failure to appear or is tardy for pre-interview/interview, physical fitness testing or any other portion of the process that is pre-scheduled.
- ii. Failure to respond to phone calls or correspondence from agency personnel in a timely manner.
- iii. Unable to locate at address/phone number on file.
- iv. Individual is no longer interested in employment with the City of Upper Arlington.
- v. The individual's use or attempted use of political influence to secure employment.  
\*
- vi. The individual fails to pass any of the tests required for the position to which he seeks appointment or failed the oral review board. \*

2. Physical or Psychological Examinations. Whenever physical or psychological qualifications are an approved part of the hiring process, the individuals may be required to pass a physical or psychological examination and be certified as qualified in such respects, before being placed on the position eligible list or before certification for appointment. Medical examinations will only be conducted after a prospective appointee has received a conditional offer of employment; except that the Human Resources Director may require that an individual be medically examined prior to any test (e.g. a physical agility test) to determine the individual's ability to participate safely in the test. When asking for such a medical opinion, the Human Resources Director will describe the agility or fitness test, and ask "Can this person safely perform this test?" Examinations must be job-related and based on business necessity. (See also Rule (7)(L) and Rule 7(M) below.) Removal of individuals from a position eligible list must be approved by the Commission.

( Amendment effective 4-20-2021 )

RULE 6 ANNOUNCEMENTS, ~~AND APPLICATIONS~~ AND DISQUALIFICATIONS

**Rule 6A. Examination Announcements.**

1. Examinations shall be announced in public notices specifying the class title, definition, typical tasks, salary range, the application filing period, the time and place of the examination, examination components, applicant requirements, whether background investigations are applicable, and other information pertinent to the examination and/or classification. The announcements will also comply with any applicable special rules for firefighter promotional examination announcements required by O.R.C. 124.45 .
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**Rule 6D. Disqualification of ~~Applicants~~ Applicants and Candidates**

1. 1. — Disqualification standards determine eligibility for candidates and applicants for entry-level positions. Applicants ~~and candidates~~ may be rejected from consideration, refused admittance to any examination, or disqualified or removed from an eligible list or a certification list. Standards are cause for removal for timeframes listed and any time during the selection process. Unless otherwise noted, standards that reference a time frame will be calculated from the date of application. Those marked with an asterisk (\*) are automatic disqualifiers. Depending on the set of circumstances exceptions may be granted for all others. ,for, but not limited to, the following causes:
  - a. Failure to meet the minimum requirements or qualification of the job, as specified in the job description.
  - b. Individual is not eligible to work in the United States.
  - c. Honesty/Falsification:

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- i. At any stage of the selection process, the applicant provides false, incorrect, or substantially inconsistent information.
  - ii. At any stage of the selection process, the applicant fails to disclose or acknowledge any disqualifying behavior or activity on the part of the applicant, relative to, and governed by, any of the Background Hiring Standards. \*
  - iii. The applicant's failure or refusal to answer or respond to oral and/or written questions during any phase of the selection process. \*
  - iv. If applicable, any attempt by the applicant to distort the truth verification examination results. \*
  - v. Attempts to distort the truth verification examination.
- d. Personal History:
- i. For police officer applicants, a conviction of a misdemeanor crime of domestic violence involving use of force or threatened use of a deadly weapon is a permanent disqualifier under Federal laws. \*
  - ii. Verified or admitted physical abuse of one's spouse, ex-spouse, child, stepchild, and parent or any other relative or person with whom one lives, has a relationship, or has had a relationship. \*
  - iii. Non-compliance with a court order or legal contract to provide child support, alimony or other financial responsibility as determined by the appropriate support enforcement bureau or a court of law within the preceding five (5) years. \*
  - iv. Intentional violation of any protective or temporary restraining order as determined by a court of law within ten (10) years. \*
  - v. Verified or admitted sexual abuse of another to include, but not limited to, any of the following as defined in the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred: Rape, Sexual Battery, Unlawful Sexual Conduct with a Minor, Gross Sexual Imposition, Sexual Imposition, Importuning, Voyeurism. \*
- e. Employment:
- i. Two or more involuntary terminations and/or discharges from employment within the last five (5) years. This shall not include terminations resulting from a business ceasing operations or resulting from being laid off from a position of employment.
  - ii. Post-probationary termination or resignation in lieu of discipline from any criminal justice-related employment. \*
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Revised Code (ORC). \*

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- v. One (1) conviction involving operating a motor vehicle while under suspension (or a similar ORC statute or Municipal code) or leaving the scene of an accident, within two (2) years of application. \*
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- iii. Conviction of or admission to engaging in the promotion of illegal gambling activity wherein the individual gains, or attempts to gain, a financial benefit. \*

i. Criminal Activity:

- i. Any theft offense(s) as an adult, within the last five (5) years, which (a) singularly or cumulatively exceeds \$1,000.00; or (b) establishes a pattern of theft offenses from an employer during the course of employment. \*
- ii. Any insurance claims or applications for welfare, workers’ compensation, unemployment compensation or other public assistance benefit program determined to be fraudulent by the body overseeing the claim, compensation, or benefit program. \*
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admission of a felony offense would be disqualifying unless otherwise addressed in these standards. \*

- iv. Any admission or conviction of an offense, as a juvenile, of one (1) violent felony as defined by the federal, state or local law of the jurisdiction where the offense occurred, unless expunged and more than ten (10) years prior. This will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards). \*
- v. Any admission or conviction of a M-1 or M-2 misdemeanor offense, as an adult, as defined by the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred in the last five (5) years will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards). \*
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- vii. Any admission or conviction of more than one (1) M-1 or M-2 misdemeanor offense, as a juvenile, as defined by the Ohio Revised Code or similar federal, state, or local law of the jurisdiction where the offense occurred in the last five (5) years will be reviewed in determining suitability for appointment (unless otherwise addressed in these standards) (does not include traffic, or misdemeanors of the 3<sup>rd</sup>, 4<sup>th</sup>, or minor degrees).
- viii. Any admission of an offense of carrying a concealed weapon within the last five (5) years if it is defined as a felony by the federal, state, or local law where the offense occurred.
- ix. For Firefighter/Medic applicants, any violations as specified under ORC 9.78 and 9.79 would disqualify the applicant. \*
- j. Controlled Substances:
  - i. Any use\* or purchase\*\* of drugs of abuse (except marijuana) within five (5) years before application or admitted use during any portion of the selection process. Drugs of abuse include chemical agents/solvent-based substances and prescription drugs taken for reasons other than intended use, without a prescription. \*
  - ii. Failure to successfully pass the pre-employment drug test (including marijuana) will cause the individual to be disqualified. \*\*\* For those possessing medical marijuana cards, the City of Upper Arlington follows federal drug guidelines in regard to controlled substances. The federal Controlled Substance Act (CSA) states that marijuana is a Schedule I drug; therefore, any use, even with a medical marijuana card is prohibited. \*
  - iii. Any illegal sales or manufacture of drugs of abuse, marijuana or prescription drugs after the individual turned 18 years of age. \*

\*For the purpose of this standard the “use” of drugs includes, but not limited to, when an individual smokes, puffs, ingests, tastes, injects, inhales, or otherwise tries, any illegal drug, including but not limited to, marijuana, cocaine, anabolic steroids, or chemical inhalants.

\*\*For the purpose of this standard, the “purchase” of marijuana or other illegal drugs include those

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purchases made by pooling of resources or money by the individual and others for substances for their own use.

k. Applicant or Candidate Conduct:

- i. Failure to appear or is tardy for pre-interview/interview, physical fitness testing or any other portion of the process that is pre-scheduled.
- ii. Failure to respond to phone calls or correspondence from agency personnel in a timely manner.
- iii. Unable to locate at address/phone number on file.
- iv. Individual is no longer interested in employment with the City of Upper Arlington.
- v. The individual's use or attempted use of political influence to secure employment.
- \*  
vi. ~~(i) The individual fails to pass any of the tests required for the position to which he seeks appointment or failed the oral review board. \*~~

- ~~(a) Lack of any of the minimum requirements or qualifications for the position for which the individual applies.~~
- ~~(b) The individual has been convicted of or made an admission to any crime that is classified as a felony under the O.R.C. or any other state code or law of the United States.~~
- ~~(c) The individual has been convicted of or made an admission to any crime that is classified as a misdemeanor under the O.R.C. or any other state code or municipal law, or law of the United States that was punishable by a potential jail sentence, regardless of whether one was actually imposed, provided the crime is related to the duties of the position or otherwise would impair the ability to perform the duties of the position.~~
- ~~(d) The individual has been dismissed from public employment for just cause.~~
- ~~(e) The individual has made a false statement of material fact in the application, testing process, or during the hiring process.~~
- ~~(f) The individual has practiced or attempted to practice deception or fraud on the application or examination or in securing his eligibility or appointment.~~
- ~~(g) The individual has used, threatened to use, or attempted to use political influence in securing employment, reemployment, or promotion.~~
- ~~(h) The individual cannot be located, fails to report for an interview or other step in the selection process as directed by the Commission or Appointing Authority and/or fails to report for duty as directed by the Appointing Authority.~~
- ~~(i) The individual fails to pass any of the tests required for the position to which he seeks appointment or failed the oral review board.~~
- ~~(j) The individual has been convicted of a crime involving moral turpitude or an offense of violence.~~

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- ~~(k) The individual has failed a required drug or alcohol screening test for an entry level position in that the test showed the presence of a drug of abuse as defined in O.R.C. 3719.011 and/or alcohol in a body fluid unless such substance is identified as a prescribed medication. For purposes of this section, the presence of marijuana may still be grounds for disqualification or removal even if the applicant has a prescription of medical marijuana. Alcohol tests will be treated as medical tests subject to Rule 6D(2).~~
  - ~~(l) The individual has a pattern of poor work habits and performance with previous employers. This includes but is not limited to excessive absenteeism, poor quality of work, excessive tardiness, inability to get along with others in a work environment, or any thefts.~~
  - ~~(m) The individual fails to pass the medical examination required for the position.~~
  - ~~(n) The individual has a poor traffic record and is applying for a position which requires a driver's license and involves driving.~~
  - ~~(o) The individual has been dismissed from public or private employment for good cause.~~
  - ~~(p) The individual cannot speak, read, or write the English language to the level required by the position.~~
  - ~~(q) The individual fails to report for an interview or other step in the selection process as directed by the Commission or Appointing Authority and/or fails to report for duty as directed by the Appointing Authority.~~

2. Physical or Psychological Examinations. Whenever physical or psychological qualifications are an approved part of the hiring process, the ~~applicant~~individuals may be required to pass a physical or psychological examination and be certified as qualified in such respects, before being placed on the position eligible list or before certification for appointment. Medical examinations will only be conducted after a prospective appointee has received a conditional offer of employment; except that the Human Resources Director may require that an ~~applicant~~individual be medically examined prior to any test (e.g. a physical agility test) to determine the ~~applicant~~individual's ability to participate safely in the test. When asking for such a medical opinion, the Human Resources Director will describe the agility or fitness test, and ask "Can this person safely perform this test?" Examinations must be job-related and based on business necessity. (See also Rule (7)(L) and Rule 7(M) below.) Removal of ~~applicant~~individuals from a position eligible list must be approved by the Commission.

( Amendment effective 4-20-2021 )