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Municipal Civil Service Commission**

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RULE VII

EXAMINATIONS

A. Scheduling of Examinations

Examinations will be scheduled, and may be postponed or cancelled, at the direction of the Executive Secretary.

B. Competitive Examinations

There shall be two types of competitive examinations: Open Competitive and Promotional Competitive.

1. Open competitive examinations shall be open to all applicants who hold provisional status in the class being tested or meet the minimum requirements listed in the class specification for the class being tested.

2. Promotional examinations shall be limited to current City employees who: (a) meet the minimum requirements listed in the class specification for the class being tested or hold provisional status in such class and (b) have permanent status in an eligible class or, within their continuous service, had such status or are entitled to it pursuant to Rule IX(H)(5).

3. a. Competitive examinations shall relate to those matters which fairly test the relative capacity and qualifications of the applicant to discharge proficiently the duties of the class to which the individual seeks appointment. Competitive examinations may consist of written, oral, performance or physical fitness tests; medical examinations; demonstrations of manual skill; evaluation of training and experience; evaluation by any other professionally accepted method; or any combination thereof. Competitive examinations may also include investigation of training, experience and background.

b. For any competitive promotional examination where the number of qualified applicants is less than or equal to the number of candidates who will be certified to the appointing authority to fill a vacancy, the Executive Secretary may utilize the following examination procedure:

(1) The examination will consist of a 100% training and experience evaluation;

(2) The training and experience evaluation shall be a review of the minimum qualifications for the test; and;

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- (3) Any applicant who meets the minimum qualifications will be considered to have passed the test with a grade of 80.

4. Examinations shall be administered according to professional standards endorsed by the American Psychological Association. Necessary precautions shall be taken to protect the confidentiality of test materials, to provide a favorable test environment, and to insure fairness and security in the administration and grading process. Seniority or other preference points, if applicable, shall be added to the passing grades. If the grades are transformed by psychometric means, the seniority or other preference points shall be added to the transformed grades.

5. Similar job classes may be tested simultaneously through a group examination process. Classifications will only be included in this process if they require the same, or similar, knowledge, skills and abilities. Individual eligible lists shall be established for each classification included in this process.

6. Examination or parts thereof may be modified or voided by the Commission if it is determined that the results have been jeopardized.

Competitive Examinations

7. Retests

- a. Retesting for the same class. Examinees who have been admitted to a competitive examination or a qualifying noncompetitive examination for any job class shall not be permitted to retest for that job class, or retake any exam component associated with the job class, for a period of six (6) months following the notice of test results, unless:
- (1) a new test is being administered and the results of the new test will be used to replace the previously administered test; or
 - (2) the applicant **missed or** failed a typing, data entry, or performance test for which a retest opportunity is being made available to candidates;
 - (3) The written test for the classification of Police Officer or Firefighter, for which candidates may retest no more than twice in a calendar year when made available to candidates.
- b. In cases in which an applicant is qualified to take the Firefighter or Police Officer examination and he/she passed the multiple choice

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and/or writing sample portions of the previously administered Firefighter or Police Officer exam, he/she will be considered to have passed these two portions of the current exam as long as the multiple choice and/or writing sample portions of the current exam have been determined to be the same as or comparable to the previous.

- c. In cases in which an applicant is qualified to take an examination for a non-uniformed exam but is prohibited from retaking an examination component by Rule VII(B)(7)(a) above, or the applicant has opted not to sit for the current administration of the exam, the raw test score(s) from the prior administration shall be used in determining the individual's score for the subsequent examination if all exam components and their content in the subsequent examination are identical to the prior.
- d. In cases in which Rule VII(B)(7)(a) does not apply because the time limits have expired, an examinee who takes a second examination for a class, while his name is on a competitive eligible list for that class, shall have the grade and be ranked based upon the grade obtained on the second examination. If the examinee fails the retest after having passed the original examination, the examinee's name shall be removed from the competitive eligible list. An examinee for a qualifying noncompetitive exam shall be placed or not be placed on the eligible list on the basis of the second score.

8. Reported Scores.

- a. Whenever a Fixed Band method of certification is published on the examination announcement, passing grades shall consist of not fewer than three ordered bands. Preference points shall be added to passing scores prior to the assignment of a candidate to a band.
- b. Whenever the Rule of Three method of certification is published on the examination announcement, passing grades shall be numerical scores subject to rank ordering. Ties shall be broken by using the following methods in the order listed until the tie is broken.
 - (1) Open competitive. When final grades on an open competitive examination are tied, the tie shall be broken as follows:

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- (a) an applicant who is currently a City employee shall be ranked ahead of an applicant who is not currently a City employee; however this provision shall not apply if the employee is serving pursuant to a temporary appointment;
 - (b) By random selection.
- (2) Promotional. When final grades on a promotional examination are tied, the tie shall be broken as follows:
- (a) The examinee with the greatest amount of seniority in the class eligible for the examination shall be placed highest of the tied grades on the competitive eligible list;
 - (b) in cases in which multiple appointments were made on the same day, seniority shall be determined on the basis of the order of appointment, the first appointment shall be the most senior, etc.;
 - (c) Same as 8(1)(b) above.
9. Notice of Results.
- a. After the grading of a competitive examination has been completed, all test participants shall be notified in writing of their final grade and relative position on the eligible list established as a result of the examination.
 - b. When a promotional examination will result in an eligible list that will be certified using the Rule of Three, there may be an inspection period during which examinees may inspect their answer sheets for possible grading errors by comparing them with a keyed answer sheet provided by the Commission. The inspection period shall be up to ten calendar days. No such eligible list shall be effective and no certification shall be made therefrom prior to the lapse of the inspection period, if any.

C. Noncompetitive Examinations

1. Noncompetitive examinations shall include an evaluation of the applications to determine if the applicants meet the minimum requirements for the class being examined. Noncompetitive examinations may also consist of other components, such as qualifying tests, to determine if the applicants can perform the duties of the class. In the absence of qualifying tests, applicants who meet the minimum requirements shall have their names placed on the appropriate certification list. Otherwise, the names of applicants who successfully complete all components shall be placed on an eligible list.

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2. Applicants shall be notified in writing whether they passed the qualifying examination and if their name appears on the eligible list for the class examined. [See Rule XIII(G) Applicant Appeals.]

D. Medical/Psychological Examinations

1. Applicants may be required to undergo and pass a medical and/or psychological examination. The medical examination may include a drug and alcohol-screening test.

2. Employees may be required by an appointing authority or the Commission to undergo a medical examination in order to determine whether an employee is physically fit to perform assigned work. In accordance with Rule XIII(C), such person may be subject to termination, demotion or reassignment.

3. An applicant who fails any portion of the medical or psychological evaluation, including the drug and alcohol-screening test, if given, shall be notified. Such applicant shall not be eligible for appointment to the position sought and such person's name shall be removed from the applicable eligible list, if any. [See Rule XIII(G) Applicant Appeals.]

4. If an applicant or employee is deemed by the Commission to be temporarily physically unfit to perform the assigned work on the job for which application has been made, such person may request a medical leave of absence or a waiver of appointment as provided in these Rules.

5. The medical examinations provided for in this Rule shall be conducted by licensed physicians in accordance with generally accepted medical practices and any medical standards established by the Commission. A medical determination that a condition would adversely affect job performance constitutes failure of the medical and grounds for removal from the applicable eligible list, if any.

6. The psychological examinations provided for in this Rule shall be conducted by licensed psychologists in accordance with generally accepted professional practice and ethical standards adopted by the American Psychological Association and the State of Ohio Board of Psychology. A psychological determination that a condition would adversely affect job performance constitutes failure of the examination and grounds for removal from the applicable eligible list, if any.

E. Veterans' Preference

1. Veteran Defined.

- a. A veteran is an individual who has performed active service, as defined by 10 USC § 101 (d) (3), in the Armed Forces of the United States, as defined

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by 10 USC § 101 (a) (4), **and** whose characterization of service upon discharge was determined to be either: “Honorable” or “General (Under Honorable Conditions).” For purposes of this rule, individuals discharged under the United States Armed Forces’ *Don’t Ask Don’t Tell Policy* will be considered to have been released under honorable conditions.

- b. An individual currently performing active service in the Armed Forces of the United States, as defined by 10 USC § 101 (a) (4), who is able to provide proof that they are within 180 days of separation **and** expected to be discharged with a characterization of service of either “Honorable” or “General (Under Honorable Conditions)” will be considered a veteran for the purposes of veterans’ preference.

2. Disabled Veteran Defined.

- a. A person who meets the definition of veteran under 1a or 1b above and who has established the present existence of a service-connected disability (incurred or aggravated in the line of active service) rated ten percent (10%) or higher, as determined by the United States Department of Veterans Affairs or by the applicable military service.

3. Proof of Eligibility.

- a. Any veteran who desires to be awarded veterans’ preference points will indicate so by submitting the acceptable documentation to the Commission. The documentation should be submitted at time of application.
- b. The veteran must have acceptable documentation on file with the Commission prior to the date the eligible list is established.
 - (1) “Acceptable documentation” required for a person who meets the definition of “veteran” under 1a above is defined as a DD214 or other such document(s) deemed comparable that identifies:
 - (a) Branch of Service;
 - (b) Character of Discharge;
 - (2) “Acceptable documentation” required for a person who meets the definition of “veteran” under 1b above is defined as an official letter on organizational letterhead that is signed by their current Commanding Officer (holding no lower billet than that of a

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Battalion Commander or service equivalent that includes the following information:

- (a) Basic Demographic Information (e.g. Name, Rank, Military Occupational Specialty (MOS), Billet);
- (b) Anticipated Separation Date;
- (c) Expected Characterization of Service upon discharge;
- (d) Statement affirming that the service member is not under any punitive action or subject to any investigation that could potentially result in a discharge other than “Honorable” or “General (Under Honorable Conditions).”

- (3) “Acceptable documentation” required for a person who meets the definition of “disabled veteran” under 2a above is defined as a present service connected disability rating provided by the United States Department of Veterans Affairs or other such document(s) deemed comparable that attests to their disability percentage.

4. Preference Points.

- a. Five (5) points shall be added to the final passing grade of each qualified veteran on an open competitive examination who provided the required documentation prior to the establishment of the list.
- b. Ten (10) points shall be added to the final passing grade of each qualified disabled veteran on an open competitive examination who provided the required documentation prior to the establishment of the list. The ten points consist of the five points awarded in 4a and an additional five points.

5. Limitations.

- a. All applicants seeking veterans’ preference points must meet all the minimum qualifications and all other requirements of the position for which they apply.
- b. No preference points shall be awarded for promotional examinations.
- c. No person shall be entitled to the addition of preference points to future exam results under this Rule once appointed from an eligible list in which preference points were received, unless such employment was terminated as a result of a layoff.

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Amended as of: May 26, 2020
