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TO: Hon. Kevin Hardman, City Of Sharonville Mayor  
Mr. Tom Burton, Princeton City Schools Superintendent

COPIES: Mr. John Carlberg, Civil Service Commission Co-Chairman  
Ms. Wendy Lindsey, Civil Service Commission Member  
Ms. Debbie O'Toole, Civil Service Commission Clerk/Secretary  
Mr. Jim Lukas, City Of Sharonville Safety/Service Director  
Mr. Noah Powers, City Of Sharonville Human Resources Director  
Mr. Donis Toler, Princeton City Schools Human Resources Director  
Ms. Rachel Mann, Princeton City Schools Human Resources Coordinator

FROM: Paul Kattelman, Sharonville Civil Service Commission Chairman

DATE: May 29, 2019

SUBJECT: Revisions To The Rules And Regulations Of The Sharonville Civil Service Commission

The City Of Sharonville (City) has asked the Commission to make changes to Rule Two (Definitions) and Rule Six (Applications) of The Rules And Regulations Of The Sharonville Civil Service Commission (Rules) in order to require or permit that applications for employment be submitted electronically through the City's web site rather than the current procedure of written applications for employment. The Commission has thoroughly investigated this request from the City.

Attached to this memo please find the suggested changes that will be considered by the Commission to Rule 2 (Definitions) and Rule 6 (Applications). The only suggested change in Rule 2 can be found in Section 2.01(A). Suggested changes to Rule 6 can be found in Sections 6.01 through 6.03 of that Rule.

This notification constitutes notification of the suggested Rule changes to The Mayor Of The City Of Sharonville and The Superintendent Of The Princeton City School District as required by Rule 3.06 of The Rules And Regulations Of The Sharonville Civil Service Commission.

  
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Paul Kattelman, Chairman  
Sharonville Civil Service Commission

**CO-CHAIR**  
**John Carlberg**

**CHAIRMAN**  
**Paul Kattelman**

**MEMBER**  
**Wendy Lindsey**

**FINAL DRAFT**                      **CHAPTER TWO**  
**DEFINITIONS**

2.01 Definitions

The terms herein specified, and as used in the Rules and Regulations of the Civil Service Commission, or in the administration of civil service laws and rules, shall be defined as follows:

- A. "Application" – any form or group of forms issued or required by the Commission, that an individual seeking employment or promotion must satisfactorily complete in order to successfully complete the process of informing the Appointing Authority of his or her availability and desire to be considered for employment, promotion, or for any other purpose as determined by the Commission. The Commission may require or permit that applications for initial employment be submitted in an electronic format or by an electronic process.
- B. "Appointing Authority" – those political entities authorized by the appropriate provisions of the Ohio Revised Code to hire or appoint civil service employees. The Rules shall be applicable to the following political entities:
  - 1. The Mayor is an Appointing Authority for the City of Sharonville.
  - 2. The Safety Service Director is an Appointing Authority for the City of Sharonville.
  - 3. The Board of Education is the Appointing Authority for the Princeton City School District.
- C. "Certification" means the process of providing to an Appointing Authority the names on an eligibility list or layoff list.
- D. "Certified Eligibility list" – a list of candidates authorized to be considered for employment from an eligibility list, a layoff list, or from a list of temporary employees who qualify for certified status.
- E. "City" – the City of Sharonville, Ohio.
- F. "Civil Service" – all offices and positions of trust or employment in the service of the City of Sharonville and the Princeton City School District.

- G. "Classified Service" – those persons in the employ of the City of Sharonville and the Princeton City School District who are now in classified civil service status due to their job positions pertinent to the local situation. All other employees and positions shall be "unclassified." Classified status may be determined as provided for in ORC 124.11(A) or (C) or other Revised Code provisions, or by local ordinance. In any situation in which the status of an employee, as being either classified or unclassified, is in issue, the burden shall be upon the Appointing Authority to establish such status by a preponderance of evidence.
- H. "Commission" – the Municipal Civil Service Commission of the City of Sharonville, Ohio.
- I. "Days" – consecutive calendar days unless specified otherwise.
- J. "Eligible" – a candidate for appointment or promotion to a classification who has passed all required examinations and met all other requirements for appointment to the classification.
- K. "Eligibility List" – a list of names and corresponding final scores of individuals who, through testing and meeting the other qualifications of a position, have been found qualified, and each of whom has been afforded a specific competitive rank based upon his or her total score achieved.
- L. "Employee" – any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority.
- M. "Examination" or "Exam" – an evaluation of one (1) or more applicants' suitability for employment in a particular position and/or classification in accordance with these Rules. An examination may consist of an evaluation of training and experience, an assessment center, or a written, oral, or other test, etc. (see Rule 7.02, Types of Examinations). The type of examination may depend on the position to be filled.
- N. "Exempt Appointment" – an appointment to a position which is not subject to an examination or civil service tenure. The term "exempt" in this definition does not refer to a position that is exempt from the provisions of the Fair Labor Standards Act ("FLSA"). The term "overtime exempt" in these Rules refers to a person who is exempt from the provisions of the FLSA but not necessarily from examination or civil service tenure.
- O. "Municipal Service" – includes those positions in the Classified Service of the City of Sharonville, Ohio.

- P. "Position" – when used by itself, refers to any specified office, employment, or job, calling for the performance of certain duties, either full time or part time, and for the exercise of certain responsibilities by one (1) individual.
- Q. "Position Classification" – the arrangement of similar positions into classifications. Positions shall be classified in accordance with the duties and responsibilities of the position.
- R. "Promotion" – the act of placing an employee in a position, the classification for which carries a higher salary range or rate than the classification of the position previously held by the employee.
- S. "Rules" – The Rules and Regulations of the Civil Service Commission of the City of Sharonville.
- T. "Secretary" – the Secretary of the Civil Service Commission of the City of Sharonville. The Secretary shall also act as the Clerk of the Commission (Rule 3.03 [B]).
- U. "Section" – an individual rule, as in "Section 5.03" and in some cases a reference might be to a subsection as in "Section 5.03(A)." The terms "Section" and "Rule" are interchangeable for that purpose, for example "Rule 4.01(A)."
- V. "School District" – the Princeton City School District.
- W. "Specification" – a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification. Specifications may include a classification title and a number, a statement of job functions, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for the performance of each duty, and may include worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.
- X. "Unclassified Service" – all offices and positions that are exempt from civil service examination and which provide no civil service tenure under the law. Unclassified status may be determined as provided for in ORC 124.11(A) or (C) or other Revised Code provisions, or by local ordinance. The rights of the affected employee are determined accordingly by the Commission.

Y. "Unsatisfactory Performance" – the failure of an employee to complete one or more of his or her job duties:

1. in a way; or
2. to a standard; or
3. within a time frame;

that:

4. is not arbitrary or capricious;

and that:

5. the employee's supervisor or someone else in authority has communicated to the employee; or
6. the failure or refusal of an employee to complete one or more of his or her job duties in a manner or to a standard or within a time frame that is not arbitrary or capricious, and that has been communicated to the employee by his or her supervisor or designee.

Z. "Vacancy" – an existing funded and unfilled position that an Appointing Authority desires to fill. The existence of vacant positions on an Appointing Authority's table of organization or roster of positions shall not imply the availability of a vacancy.

**APPLICATIONS**

## 6.01 Generally

All applications for original employment or for promotional examination, must be submitted on forms or electronically as required by the Sharonville Civil Service Commission and shall require the applicant to personally certify the truth and accuracy of the information contained therein. Each application must be legibly completed in its entirety. Each application must be submitted to the Commission at or prior to the stated deadline. The Commission will provide a reasonable accommodation to assist an applicant in completing any form or any other requirement or phase of the application process.

The Appointing Authorities may require electronically submitted applications for employment if so stated in the job vacancy notice. If electronically submitted applications are required, the Appointing Authority must include within each application a document or other means that clearly confirms the date and time by which such application must be received. If an applicant for any reason is unable to submit an electronic application when an electronic application is required, the applicant can contact The Sharonville Civil Service Commission for assistance. Failure of an applicant to ask for assistance in such a situation forfeits any right the applicant may have had to contest the electronic application requirement.

No application shall be accepted after the date and time for filing has passed.

## 6.02 Forms

Application forms and/or electronic application processes shall be provided without charge by the Commission and shall be available in the office of the Appointing Authority, or electronically, or at other locations as announced by the Commission.

The Appointing Authority may require applications to require references from persons having knowledge of the character of the applicant or candidate.

Completed application forms from applicants who have been placed on eligibility lists shall be retained by the Commission during the effective period of such eligibility lists. The application forms of candidates who are appointed to, or employed in any classified civil service position shall be retained by the Commission during the tenure of such employees. Appointing Authorities may require that application forms be retained for longer periods of time than provided for in this paragraph.

### 6.03 Method Of Filing

Fully completed applications containing or accompanied by all of the information and documentation required by the application form and/or the job vacancy notice, and submitted by the applicant or candidate or his or her properly authorized agent, shall be filed with the Secretary of the Commission or with such other employee or agent of the Appointing Authority as designated in the job vacancy notice. The date of the receipt of each application shall be mechanically or electronically placed on or appended to each application form. The Secretary of the Commission shall maintain registers which contain the names of each applicant, the date and time of receipt of each application form, and all documents which accompany the application form.

### 6.04 Requirements

Every applicant for a position in the classified civil service must be a citizen of the United States or must legally declare and signify in writing his or her intention to become, prior to appointment, a citizen of the United States.

### 6.05 Age Restrictions – Police And Fire

A. Applicants for entry level patrol officer classification must have attained the age of twenty-one (21) years on or prior to the application for employment deadline. No person may apply for or receive an original appointment as a police officer if that person will have attained the age of thirty-eight (38) years prior to the application for employment deadline.

This section does not prevent the City from establishing a police cadet program or employing persons who have attained the age of eighteen (18) years as police cadets for the purposes of training them to become police officers.

B. Applicants for entry level fire department classifications must have attained the age of eighteen (18) years on or prior to the application for employment deadline. No person may apply for, or receive an original appointment in an entry level fire department classification if that person will have attained the age of forty-one (41) years prior to the application for employment deadline.

### 6.06 Licenses, Certifications, Education, and Training

Every applicant shall have, and shall be able to demonstrate that he or she possesses all required licenses, certifications, etc. and the educational, training, or equivalent qualifications required of the classification the applicant is seeking. An applicant shall

provide the Commission with reasonable and adequate proof thereof when the Commission requires such information, or when the Commission has sufficient reason to believe that the applicant may not possess such qualifications. The Commission shall not establish any educational requirements as a prerequisite for examination that are not necessary to the performance of the position to be filled. (See also Rule 7.01 regarding educational requirements as a condition for examination).

#### 6.07 Character And Fitness

Satisfactory information that an applicant has been involved in or committed any acts or offenses as described in this Section, and that is discovered at any time by the Commission, either before or after any examination, shall justify the Commission's refusal to permit the examination of such applicant, or, after testing, shall justify the Commission's refusal to certify the applicant as eligible for employment or appointment.

The provisions of the above paragraph shall apply to, but are not limited to, the following actions of any applicant or candidate:

- A. act or acts that demonstrate a character trait that would be detrimental to the successful performance of the employment sought; or
- B. a pattern of poor work habits and/or performance with previous employer(s); or
- C. having been dismissed for just cause, including delinquency or misconduct, from any employer including any public service employer or any branch of the United States armed forces; or
- D. having been convicted of a felony; or
- E. current use of illegal drugs; or
- F. having engaged in conduct that is contrary to the public interest and/or generally acceptable community standards; or
- G. in relation to the employment application process, having made any false statement or false representation of any material fact; or
- H. in relation to his or her application or examination, in establishing his or her eligibility, and/or in securing his or her appointment, having practiced, or attempted to practice any deception or fraud.



## 6.08 Acceptance Or Rejection Of Application And Notice To Applicants

- A. The completed application for employment and required documentation, information, and material requested therewith and secured in relation thereto shall be the sole criteria in determining an applicant's eligibility for participation in the application, examination, pre-employment, and/or appointment procedures. Information and/or documentation confirming that an applicant meets all of the minimum qualifications as stated in a job vacancy notice must appear within the application for employment, or be attached to the application for employment as required by the job vacancy notice. No additional information will be accepted from the applicant or on behalf of the applicant after the application for employment filing deadline.
- B. Applicants whose applications for employment are accepted shall be given notice of the date, time, and place of any examination. Such notices shall be given at a reasonable time before the examination date, and shall apprise applicants that reasonable accommodations are available to disabled persons to afford them access to the examination process.
- C. Failure of an applicant to indicate on his or her application for employment his or her qualifications as to education, certification, licensing, prior employment, or any other requirement shall be sufficient cause to exclude an applicant from examination or further participation in the pre-employment or appointment procedures. Whenever a submitted application for employment demonstrates that an applicant is not qualified under these Rules for consideration for a position for which he or she has made application, or that the application is not in reasonable and substantial compliance, the Secretary of the Commission or the Commission shall reject the application, and the Secretary, shall forthwith notify the applicant in writing of that action and of the reason for the same.
- D. Certification to an eligibility list of an individual who has not met all of the requirements of these Rules shall not be considered a waiver of any requirements of these Rules, and shall not bar removal of the applicant from an eligibility list by the Civil Service Commission as a result of said failure.
- E. The Commission shall make reasonable accommodations available to otherwise qualified disabled persons to afford them access to the examination process.

## 6.09 False Statements

Fraudulent conduct or false statements by any applicant or by others with an applicant's connivance, in any application for employment, examination, pre-employment offer, or appointment process, shall be deemed cause for exclusion of an applicant from such processes, or for removal of his or her name from an eligibility list, or for termination from service after appointment or employment. No person shall be denied examination, removed from an eligibility list, or terminated from service after appointment or employment under this provision without an opportunity to be heard by the Commission.

## 6.10 Fitness For Service

- A. Every applicant appointed to or employed in a classified civil service position shall be physically and psychologically able, with or without reasonable accommodation, to perform the essential functions of the position to which he or she is appointed, or in which he or she is employed.
- B. Any applicant to whom a conditional offer of employment has been tendered for a position within the Police Department or the Fire Department of the City of Sharonville may be required to successfully complete any psychological evaluation, medical examination, and/or illegal substance use testing as required by the Appointing Authority and administered by appropriate and licensed or certified medical professionals selected and designated by the Commission.

The intent of the foregoing paragraph is to provide information as to the applicant's physical and psychological health that is relevant to his or her ability to perform the essential functions of the position in relation to which a conditional offer of employment has been tendered, with or without reasonable accommodation. The Commission may order physical agility tests where applicable.

- C. The Commission may require that Rule 6.10 (B) above should also apply to other divisions or departments within the City or with other Appointing Authorities. Such requirements shall be uniform as to all positions within an employment classification.