

DRAFT
(9.12.16)

CIVIL SERVICE REGULATIONS

UPPER ARLINGTON CITY SCHOOL DISTRICT

UPPER ARLINGTON, OHIO

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Rule 1. Purpose and Scope

- A. Purpose:** Pursuant to an agreement between the Civil Service Commission of the City of Upper Arlington and the Board of Education of the Upper Arlington Public School District under which the Board of Education's classified employees are to be accorded the rights granted under Chapter 124 of the Ohio Revised Code, it is the purpose of these rules to establish procedures governing personnel matters for classified employees of the Upper Arlington Public School District. It is the intent of these rules to insure that all personnel transactions involving the classified civil service will be based on the merit, fitness, and qualifications of applicants without regard to their race, color, religion, sex, national origin, political opinions, age or disability, unless such age, sex or disability is a bona fide occupational requirement.
- B. Scope:** These rules address the terms and conditions of pre-employment of classified personnel in the Upper Arlington Public Schools including but not limited to kitchen helpers, cooks, head cooks, bus drivers, mechanics, custodians, maintenance personnel (groundkeepers, technicians, general maintenance), secretaries, and clerks.
- i. Application of Chapter 124 of the Ohio Revised Code:** These Rules are intended to expand upon and supplement the requirements in Chapter 124 of the Revised Code. For any issue these Rules do not specifically address, the Board will be subject solely to the limitations contained in Chapter 124 of the Ohio Revised Code, elsewhere in federal and state law, and in any applicable collective bargaining agreement.
 - ii. Relation to Collective Bargaining Agreement:** Except for the conducting and grading of examinations, the rating of candidates, the establishment of eligible lists and original appointment from such lists, all matters pertaining to wages, hours, or terms and other conditions of employment shall be subject to the applicable collective bargaining agreement and shall not be governed by these rules. If a collective bargaining agreement covering some or all of the Board's classified employees contains binding arbitration of grievances, that grievance procedure shall be in lieu of any employee appeal that could otherwise be made to the Commission.
 - iii. Unclassified Service:** All positions in the Unclassified Service shall be exempt from the requirements of these rules.

Rule 2. Definitions

- A. Applicant** means a person who has filed a written application as required by Rule 4.

- B. Appointment or Appoint** means the act of designating an individual for a Position.
- C. Board** means the Upper Arlington School District Board of Education.
- D. Certify** means the process of providing to the Board the names on an Eligible List or a certified Layoff list.
- E. Classification** means the categorization of a Position as either Classified Service or Unclassified Service, and within the Classified Service, as either in the Competitive Class or the Noncompetitive Class.
- F. Classified Service** means all nonteaching, noncertified Positions within the District not specifically included in the Unclassified Service.
- G. Competitive Class** means all Positions for which it is practicable to determine the merit and fitness of Applicants by competitive Examinations. The Superintendent or designee shall have discretion to determine which Positions meet this definition.
- H. District** means the Upper Arlington School District.
- I. Eligible** means an Applicant for Appointment to a Position subject to these Rules who has passed an Examination and met any and all other requirements for Appointment.
- J. Eligible List** means the names of Applicants who fulfill the Examination requirements, arranged in order of Examination grade.
- K. Emergency Appointment** means an appointment to a position to meet an emergency situation as determined by the Board of Education, subject to section 124.30 of the Revised Code, and limited to a maximum of 120 days.
- L. Employee** means any person who holds a Position subject to these Rules.
- M. Examination** is a process for determining the qualifications of candidates or potential candidates for employment, often done in stages or different parts. The process is to determine the aptitude and skill and background qualifications of potential or actual Applicants for a position subject to these Rules. Examination may consist of one or more of the following: a performance skills test, a paper-pencil or online test, an informal rating system of an Applicant's credentials and/or documents submitted for a position, like a resume, standardized questions for the position, the results of a structured interview, and/or an overall rating or assessment of an Applicant's qualifications.

- N. Layoff** means the act of discontinuing the employment of an individual by the Board pursuant to Rule 9.
- O. Noncompetitive Class** means all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character and unskilled positions for which it is impracticable to give competitive examinations, as may be determined by the Superintendent or designee.
- P. Position** means any specific job within a class characterized by certain specified duties, and calling for the exercise of certain duties and certain responsibilities by an individual in such Position.
- Q. Promotion** means the placement of an Employee in a Position the Classification that carries a higher salary range than the Position previously held.
- R. Provisional Appointment** means an appointment made without competition, in the classified service, in the absence of an eligible list certified by the Board of Education or Superintendent and continuing only until appointment from an eligibility list can be made or until certification is made pursuant to Rule 12.
- S. Reassignment** means the act of moving a person in the classified service to a similar position in the same classification in another building, office, or department.
- T. Reclassification** means the act of changing the class of an existing position to another class.
- U. Reduction** means the act of shortening the hours and/or pay for a specific position or class because of a material change of duties, change in organizational structure, job consolidation, lack of funds, lack of work for reasons of efficiency, or similar nondisciplinary reason.
- V. Seasonal Employment** means employment that is for a duration of time established to coincide with the seasonal nature of the work to be performed.
- W. Substitute Employee** means a person temporarily appointed to fill a position held by another on a casual or as needed basis while the person who holds the position is absent.
- X. Unclassified Service** means all Positions within the District that are Board members, business manager, administrative officers, the Superintendent, assistant superintendents, the Treasurer, principals, assistant principals, instructors, teachers, librarians, other employees licensed under section 3319.22 of the Ohio Revised Code, positions for which a permit or license is required under section 3319.088 of the Ohio Revised Code, employees engaged in educational or research duties with the District, any unskilled laborer position the Superintendent

finds impractical to include within the Classified Service, and the following clerical or administrative support positions to which employees are appointed by the Board:

- i. Executive Assistants
- ii. _____
- iii. _____
- iv. _____.

Y. Uniformed Service and Service in the Uniformed Service has the same meaning as in the “Uniformed Services Employment and Reemployment Rights Act of 1994,” 38 U.S.C. 4303.

Rule 3. Classification Plan

- A. Classification of Positions:** The Superintendent or designee shall establish, and may modify or rescind, a job classification plan for all positions subject to these Rules. The Superintendent or designee shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied.
- B. Modifications of Classifications:** Prior to modifying the Classification of a Position, the Superintendent or designee shall send written notice of the proposed change to affected Employees two weeks before such a modification is final. If the proposed change will affect an Employee’s pay, this written notice must include a notification of the Employee’s new class, pay range, and salary or wage rate.

Rule 4. Applications

- A. Applications Required:** All persons applying for a Position subject to these Rules must file a written application, as required by the Superintendent or designee.
- B. Citizenship:** Each Applicant to take an Examination must be a United States citizen or have a valid permanent residence card.
- C. Falsification Grounds for Termination:** Falsification of any information on an application will be grounds for termination of employment.

Rule 5. Examinations

- A. Examinations Required:** All Applicants to the District for Positions in the Classified Service shall be subject to Examination.

- B. Educational Requirements:** A particular educational requirement may be a condition of taking an Examination only if such a requirement is expressly imposed by Ohio or federal law, or is determined by the Superintendent or designee to be job-related, such as holding a particular license(s) or certificate(s).
- C. Examinations Open:** All Examinations for Positions in the Classified Service shall be public and open to all Applicants who meet the citizenship requirement in Rule 4(B).
- D. Examination Announcement:**
- i. Announcements Required:** Before holding any Examination for Applicants to a Position or Positions in the Classified Service, the Superintendent or designee shall publicly announce when and where that Examination will take place, and to what Position or Positions the Board seeks Applicants.
 - ii. Minimum and Maximum Requirements:** An Examination announcement shall notify Applicants of any established minimum or maximum requirements for that Examination.
- E. Content of Examinations:**
- i. Design of Examinations:** Examinations shall be designed to fairly test the relative capacity of persons examined to discharge the particular duties of the Position for which Appointment is sought. Examinations may impose requirements on or test an Applicant's education, training, capacity, knowledge, aptitude, skill, manual dexterity, physical fitness, psychological fitness, age, physical condition, ability to labor, honesty, sobriety, industry, and/or experience in the work or employment for which the application is made. The Superintendent or designee has discretion to create or choose an Examination within these requirements.
 - ii. Structure of Examinations:** Examinations may include structured interviews; assessment centers; work simulations; Examinations of knowledge, skills, and abilities; and any other testing methods the Superintendent or designee deems acceptable.
 - iii. Prohibited Content:** No question on an Examination shall relate to an Applicant's political or religious opinions or affiliations.
- F. Accommodations:** If possible, special Examinations will be administered to Applicants who are legally blind or legally deaf.
- G. Additional Credit:** No additional credit may be added to any Applicant's Examination score, including pursuant to the Veteran's Preference described in

Rule 5(H), below, unless an Applicant achieves at least the minimum passing grade on the Examination before any extra credit is calculated.

H. Veteran's Preference

- i. **Additional Credit of Twenty Percent:** All Applicants who receive a passing grade on an Examination shall receive an additional credit of twenty percent of the person's total grade on the Examination taken, if they meet all requirements of subparts (a) and (b), below.
 - a. The Applicant has completed Service in the Uniform Services, has been honorably discharged from the Uniformed Services or has been transferred to the reserve with evidence of satisfactory service; and who is a resident of Ohio.
 - b. The Applicant is a member of a reserve component of the armed forces of the United States, including the Ohio National Guard, and has completed more than 180 days of active duty service pursuant to an executive order of the President of the United States or an Act of Congress of the United States, and has filed a certificate of service or honorable discharge with the Superintendent or designee.
- ii. **Additional Credit of Fifteen Percent:** All Applicants who receive a passing grade on an Examination shall receive an additional credit of fifteen percent of the Applicant's total grade on the Examination taken, if they meet the requirements of the following sentence and do not meet the requirements of Rule 5(H)(i), above. The Applicant is a member in good standing of a reserve component of the armed forces of the United States, including the Ohio National Guard, who successfully completes the member's initial entry-level training.

Rule 6. Eligible Lists

- A. **Applicants to be Placed on an Eligible List:** The Superintendent or Designee shall certify Applicants who fulfill the requirements, as determined by Examination, and place them on an Eligible List for the Position sought, in order of the rating received on the Examination. If more than one Applicant receives the same rating, the higher ranking Applicant shall be the Applicant who submitted his or her Application first.
- B. **General Eligible Lists:** At his/her discretion, the Superintendent or designee may maintain a General Eligible List for a Position in the Noncompetitive Class, which he/she may use at any time to fill a Position in the Noncompetitive Class. If placed on a General Eligible List, an Applicant shall remain on the General Eligible List for one year, unless the Applicant asks the Superintendent or designee to be removed from the General Eligible List. When a General Eligible

List is reduced to three names or fewer, the Superintendent or designee may prepare a new General Eligible List.

- C. Specific Eligible Lists:** At his/her discretion, the Superintendent or designee may create a Specific Eligible List applicable to a particular Position he/she seeks to fill in either the Competitive Class or the Noncompetitive Class. An Applicant placed on a Specific Eligible List will only be considered Eligible for the particular Position specified for the Specific Eligible List; the Applicant is not considered Eligible for Employment in other Position at the District. If the Superintendent or designee determines a Specific Eligible List is too small, he/she may, at his/her discretion, conduct the same Examination it initially used to create the Specific Eligible List, and add to the Specific Eligible List any additional Applicant who achieves a qualifying score.

Rule 7. Appointments

- A. Appointments:** The Superintendent may recommend, and the Board may, in its sole discretion, make Appointments from any of the top ten Applicants on an Eligible List, or the top twenty-five percent of Applicants on an Eligible List, whichever is greater. If fewer than ten Applicants are on an Eligible List, the Board may Appoint any of the Applicants on the Eligible List.
- B. Vacancies to be Filled by Promotions:** To the extent practicable, vacancies shall be filled by Promotions of Employees. The Superintendent or designee shall have sole discretion to determine when and if a Promotion is practicable.
- C. Board not Required to Make an Appointment:** Nothing in these Rules shall be interpreted to require the Superintendent or designee to make a recommendation or the Board to make an Appointment as a result of creating a Specific or General Eligible List.
- D. Roles of the Superintendent and Treasurer:** The Superintendent is the chief executive officer with authority to recommend appointment, lay-off, demotion, reduction or removal of classified employees. However, the Treasurer, rather than the Superintendent, shall have this authority with regard to employees directly engaged in the day-to-day fiscal operations of the District.

Rule 8. Probationary Period:

- A. Probationary Period:** All Appointments to the Classified Service shall be for a probationary period. The probationary period for each Position subject to these Rules shall be between sixty days and one year, at the discretion of the Superintendent.
- B. Removal or Reduction during Probationary Period:** No Appointment is final until the conclusion of the probationary period. During the probationary period,

the Board on the Superintendent's recommendation has the sole discretion to terminate a person's employment.

Rule 9. Layoffs

A. Rationale: The Board may lay off Employees subject to these Rules under any of the conditions described in subsections (i) through (iii), below. The Board shall have sole discretion to determine if the conditions for a Layoff exist.

- i. Lack of Funds.** Lack of funds means there is a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations.
- ii. Lack of Work.** Lack of work means a current or projected decrease in workload that requires a reduction of current or projected staffing levels in the District, or in a particular department or Position.
- iii. Abolishment of Positions.** Abolishment of Positions means the deletion of a Position or Positions from the District, or from a particular department or Position, because of a reorganization for the efficient operation of the District, because of economic factors, or because of Lack of Work.

B. Procedure:

- i. Notice:** Whenever the Board determines a Layoff subject to these Rules is necessary, a notice of rationale and supporting evidence shall be sent to the member of the Classified Service affected by the proposed Layoff before notices of Layoff or abolishment are distributed.
- ii. Determination of Positions to be Laid Off**
 - a. Discretion:** The Board has discretion to determine the Classifications of Positions to be laid off and the number of Employees to be laid off within each Classification. In determining which Employee or Position to lay off, the Board may consider any lawful factor it deems relevant.
 - b. Order:** Layoffs shall be made in the following order:
 - A.** Part-time probationary Employees; followed by
 - B.** Full-time probationary Employees; followed by
 - C.** Full or part-time provisional Employees; followed by

D. Part-time nonprobationary Employees; followed by

E. Full-time nonprobationary Employees.

iii. Displacement

- a. **Right to Displacement:** Where Layoffs are based on Abolishment of Positions, the laid off Employee shall have displacement rights as described in section 124.321(D)(3) of the Ohio Revised Code. All other laid off Employees shall have displacement rights as described in section 124.324 of the Ohio Revised Code.
- b. **Limitations to Displacement Rights:** A laid off Employee may not displace an Employee in a Position for which the laid off Employee does not meet the qualifications, as determined by the Superintendent. Any laid off Employee wishing to exercise displacement rights must give written notice to the Superintendent or designee within five days following receipt of the Layoff notice.

iv. Layoff Lists

- a. **Placement on the Layoff List:** An Employee who is laid off or displaced to a Position with lower pay shall be placed on a Layoff list for one year following the Layoff or displacement. The Employee on the Layoff list with the most total service time in the District will be placed at the top of the Layoff List, followed by other laid off or displaced Employees ranked in descending order of seniority. If an Employee on the Layoff list accepts or declines reemployment to a Position in the same Classification from which he or she was laid off or displaced, that Employee shall be removed from the Layoff list.
- b. **Appointment from the Layoff List:** During the one-year period following an Employee's placement on a Layoff list, the Superintendent will not hire or promote anyone not on the Layoff list into a Position within the Employee's former Classification until all persons on the Layoff list for that Classification who are qualified to perform the duties of the Position are reinstated or decline the Position when it is offered.
- c. **Appeals:** An employee who is laid off pursuant to this Rule may challenge said layoff pursuant to the procedure laid out in Rule 11.

Rule 10. Record-Keeping:

- A. List of Positions:** The Superintendent or designee shall maintain a list of Positions that are in the Classified Service. This list shall also note whether a Position in the Classified Service is in the Competitive Class or the Noncompetitive Class.
- B. Public Records:** All records created pursuant to, and relating to, these Rules shall be public records law, within the requirements and limitations of section 149.43 of the Ohio Revised Code, and applicable Board Policies.

Rule 11. Tenure; Reduction; Suspension; Removal; Appeal

- A. Tenure:** The tenure of every employee in the Board's classified service shall be during good behavior and efficient service and no such employee shall be reduced in pay or position, suspended, or removed except as provided in Rule 9, or for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other failure of good behavior, or any other act of misfeasance, malfeasance, or nonfeasance in office. In case of reduction (demotion), suspension of more than three working days or removal, the Board of Education shall furnish such employee with a copy of reduction (demotion), suspension, or removal which order shall state the reasons therefore. Such order shall be filed with the Civil Service Commission.
- B. Suspension; Reduction; Removal:** Before implementing a suspension, reduction (demotion) or removal of a classified employee, the Superintendent or designee shall hold a conference with the employee to give the employee an opportunity to learn the reasons for intended disciplinary action and to challenge the reasons or otherwise explain his/her behavior. The employee has the right to be represented at the conference. If the Superintendent or designee determines that the employee's continued presence on the job prior to the conference poses a danger to persons or property or a threat to disrupting operations, he/she may suspend the employee for up to three days pending the conference to determine final disciplinary action.
- C. Appeal:** Within ten calendar days following the filing of an order for reduction (demotion), suspension for more than three days, or removal, the employee may file an appeal in writing with the Board of Education. In the event such an appeal is filed, the Board of Education or its designee shall hear such an appeal within forty-five calendar days from and after its filing. By its own action or through its designee the Board of Education may affirm, disaffirm, or modify the judgment of the Superintendent or designee, and shall send its decision to the employee via certified mail. The affected employee may challenge the Board of Education's decision by filing an appeal with the City of Upper Arlington Civil Service

Commission within ten calendar days of receiving the decision of the Board of Education via certified mail.

Rule 12. Separability

If any section, subsection, paragraph, sentence, clause, or phrase of these rules, for any reason, is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions or sections of these rules.