

**AGENDA
OXFORD CIVIL SERVICE COMMISSION**

March 24, 2015

WORK SESSION

6:00 P.M.

**2nd Floor Conference Room
Municipal Building**

MEMBERS

Karen Martino, Chairperson

James Burchyett, Vice Chairperson
Bill Brewer

Greg Smith
Brian Martin

STAFF

Donna Heck, Human Resources Director, City of Oxford
Steve McHugh, Law Director, City of Oxford
Kim Newton, Recording Secretary

- I. Call to Order.
- II. Review of Rules & Regulations. Pg. 2
 - A. Rule VI. 3. Part-Time Service Credit - Proposal Pg. 3
 - B. Rule IX.7. Provisional Appointment -- Proposal Pg. 6
- III. Adjournment.

STAFF REPORT

TO: Civil Service Commission
FROM: Donna Heck
DATE: March 18, 2015
RE: CIVIL SERVICE RULES & REGULATIONS

Enclosed are the revised Rules and Regulations for your review.

Please note, any changes recommended by the Civil Service Commission at the last meeting, have been incorporated in blue. The red still indicates the changes recommended by staff that were discussed at the last meeting.

Rule VI. Additional Credit. 3. Service Credit B. Part-Time Employees Extra Credit is highlighted in yellow as this section needs to be revised. Included in your packet are a number of various suggestions for your review and to discuss at the meeting.

If you have any questions, please let me know.

Enclosure:

STAFF REPORT

TO: Civil Service Commission
FROM: Donna Heck
DATE: March 19, 2015
RE: PART-TIME SERVICE CREDIT

The following is the current language in the Civil Service Rules and Regulations for Rule VI 3.B. Part-Time Employees Extra Credit.

Rule VI. 3. SERVICE CREDIT

Credit for years of service for full-time employees. Additional credit is also given to candidates who are employed by the City and are applying for another position within the City. The Talawanda School District will also observe this rule with respect to candidates who are employed by the School District and are applying for a position within the School District. The additional credit will be granted on the following basis:

B. Part-Time Employees Extra Credit: (Under Review)

Additional credit equal to .25% of the assessment score shall be granted for each 260 hours worked with their respective organizations (the City or the Talawanda School District) up to a maximum of 5%. (e.g., With a test score of 75, an applicant who has worked 2080 hours with their respective organization is entitled to additional credit of $75 \times 2\%$, which is added to 75 for a total of 76.5).

In order to be granted the credit, an applicant must be a current employee with their respective organization or have been employed with that organization within the last three years. If employed with the organization within the last three years, their entire number of years with that particular organization will be considered.

The Commission had reviewed a number of suggestions for revision to this section, however, we were unable to agree on an acceptable change.

Civil Service Commission

March 19, 2015

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The current language has proven to be problematic in that a part-time applicant can actually end up with more credit for part time service than a full-time employee who has been with the respective organization for 15 years. A perfect example just occurred with Talawanda and the Eligibility List which will be presented later this evening. Specifically: Talawanda has an employee who has been part-time off and on from 2007-2014. He has worked a total of 8,097.25 hours. According to the current rule, this individual would receive .25% for every 260 hours worked which will give him $31 \times .25 = 7.75\%$ with a maximum of 5%. This employee would receive the full 5%. The full time employee who has been with the district for 15 years would receive 1% for each 5 years of service or 3%.

I have attached three options for the Commission's review and discussion. I have also provided a listing of other Civil Service cities and whether they provide credit for part-time employees and specifics on what that would be.

RULE VI. Additional Credit

3. Service Credit

B. Part-Time Employees Extra Credit: Proposals

Option 1:

Additional credit using a full-time equivalent (FTE) calculation will be used to determine part-time service credit with their respective organizations (the City or the Talawanda School District) up to a maximum of 5%. For example, a part-time employee that has worked a total of 2,500 hours over a 3 year period would have a FTE of 1.2 (2,500/2,080) and be eligible for one (1%) percent of the earned grade. Only full years are used to compute the credit.

A part-time employee who has worked a total of 6,240 hours of service would have a FTE of 3.0 (6,240/2,080) and be eligible for three (3%) of the earned grade. Only full years are used to compute the credit. $75 \times 3\% = 2.25$ points, which is added to 75 for a total of 77.25.

In order to be granted the credit, an applicant must be a current employee with their respective organization or have been employed with that organization within the last three years. If employed with the organization within the last three years, their entire number of years with that particular organization will be considered.

Option 2:

Additional credit equal to .25% of the assessment score shall be granted for each 520 hours worked with their respective organizations (the City or the Talawanda School District) up to a maximum of 5%. For example, a part-time employee with a test score of 75 who has worked a total of 6,240 hours of service is entitled to an added credit of $75 \times 3\% = 2.25$ points, which is added to 75 for a total of 77.25.

In order to be granted the credit, an applicant must be a current employee with their respective organization or have been employed with that organization within the last three years. If employed with the organization within the last three years, their entire number of years with that particular organization will be considered.

Option 3:

Additional credit equal to .10% of the assessment score shall be granted for each 520 hours worked with their respective organizations (the City or the Talawanda School District) up to a maximum of 5%. For example, a part-time employee with a test score of 75 who has worked a total of 6,240 hours of service is entitled to an added credit of $75 \times 1\% = .75$ points, which is added to 75 for a total of 75.75. ($6,240 \div 520 = 12 \times .10\% = 0.0120$ [1%]).

In order to be granted the credit, an applicant must be a current employee with their respective organization or have been employed with that organization within the last three years. If employed with the organization within the last three years, their entire number of years with that particular organization will be considered.

STAFF REPORT

TO: Civil Service Commission

FROM: Donna Heck

DATE: March 19, 2015

RE: CIVIL SERVICE RULES – PROPOSAL

Several years ago, the Ohio Revised Code and State Civil Service had a rule for Provisional appointee. The rule 124.271 Provisional appointee; permanent appointee after two years stated: Any employee in the classified service of the state or any county, city, city health district, general health district, or city school district who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification or classification series for a period of two years of continuous service, during which period no competitive examination is held, becomes a permanent appointee in the classified service at the conclusion of such two year period.

The City utilized this rule with Commission approval in the past, the last time being in 2001 with the appointment of the Receptionist in the Parks and Recreation Department, who had held that position on a temporary/part-time basis for three years. The Commission approved the request and the Receptionist was appointed a permanent full-time employee.

The State changed the rule a few years ago and it currently reads as follows: Rule 124.271 Permanent appointment without examination; time: Any employee in the classified service of the state or any county, city, city health district, general health district, or city school district who is appointed to a position under section 124.30 of the Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period.

In researching other cities, it was found that Springfield, Bowling Green, Englewood, Kettering and Forest Park have different variations of the rule. Kettering is called a Provisional Appointment and allows the employee after six months of service to submit a request to obtain full-time, classified status. Bowling Green responded they can change an employee's status from part-time to full-time or full-time to part-time as necessary without re-advertising. Forest Park's rule is called Direct Recruitment whereby they can recruit specific individuals such as police who are working part-time because they are already certified. Englewood allows for the transfer from part-time status to full-time status in the same position provided that the employee participated in the competitive hiring process and achieved placement on the eligibility list within four years prior to the transfer.

Staff feels there is a benefit to the City in being able to 'promote' part-time employees who have shown dedication and consistency in their performance. In addition, we are not asking for carte blanche' in the usage of the rule should some version be approved. There would be specific requirements for the type of position that would be included for 'provisional – part-time/full-time' category. These would cover only those part-time positions that are employed year-round and have an expectancy of continuous employment. This would not only limit the number of positions that would qualify but the number of individuals as well. There would be strict guidelines as to the length of service of the part-time employee, such as a year or more; requirements regarding training or certification in the position; and positive evaluations and feedback. A complete package would be prepared for each position and should an individual be recommended for consideration, a proposal would be presented covering all the requirements and reasons for the recommendation. The City is also open to additional stipulations to the amendment to include some of the items noted in the summary sheet.

There would be approximately five (5) part-time positions in the City that could possibly qualify under this type of rule. These would include: Accounting Assistant (Finance); Laborers (Service Department); Police Officers, Public Safety Assistant and Public Safety Communications Officer (Police Department). To actually be considered would require that the City have an authorized/budgeted full-time vacancy.

Our request would be the Commission consider incorporating a similar version of the current Rule 124.271. This would allow the City to utilize this Rule for those part-time employees who have served the City for an extended period of time and have proven to be a valuable and productive asset to the organization. The City would recommend the individual must serve in the position for a minimum of two years and would be required to serve the probationary period if appointed full-time. A recommendation to the Commission would be required and be accompanied by all supporting documentation justifying the request.

A draft amendment is attached for the Commission's consideration. The amendment has been reviewed by the Law Director, Steve McHugh.

Attached:

- Proposed Amendment Rule IX.7.
- 124.271 - Previous Version
- 124.271 - Current Version
- 124.30 - Temporary & Exceptional Appointments

Rule IX. Appointments

7. Provisional Appointment

A part-time or temporary employee who has served in the same classification or classification series for a period of two (2) years of continuous service and has demonstrated merit and fitness for the position while meeting all the requirements and qualifications for the position may be considered for appointment to a full-time position should a vacancy occur without examination. A recommendation for consideration of appointment shall be made to the Civil Service Commission and upon approval be forwarded to the Appointing Authority. The individual would be required to serve the probationary period if appointed full-time.

124.271 Provisional employees.

Any employee in the classified service of the state or any county, city, city health district, general health district, or city school district who is appointed to a position under section 124.30 of the Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period.

Cite as R.C. § 124.271

History. Effective Date: 10-25-1995; 07-01-2007

124.30 Filling classified positions in civil service without competition.

(A) Classified positions in the civil service may be filled without competition as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified civil service and the director of administrative services is unable to certify to the appointing authority, upon its request, a list of persons eligible for appointment to the position after a competitive examination, the appointing authority may fill the position by noncompetitive examination.

A temporary appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code. Except as otherwise provided in this division, the temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made. A temporary appointment longer than one hundred twenty days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the rules of the director.

(2) In case of a vacancy in a position in the classified civil service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in this special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in those qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code that require competition in this special case, but no suspension shall be general in its application. All such cases of suspension shall be reported in the annual report of the director with the reasons for each suspension. The director shall suspend the provisions when either of the following applies:

(a) The director of job and family services provides the certification under section 5101.051 of the Revised Code that a position with the department of job and family services can best be filled if the provisions are suspended;

(b) The medicaid director provides the certification under section 5160.051 of the Revised Code that a position with the department of medicaid can best be filled if the provisions are suspended.

(3) The acceptance or refusal by an eligible person of a temporary appointment shall not affect the person's standing on the eligible list for permanent appointment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

(B) Persons who receive temporary or intermittent appointments are in the unclassified civil service and serve at the pleasure of their appointing authority.

Cite as R.C. § 124.30

History. Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No. 127, HB 487, §101.01, eff. 9/10/2012.

Effective Date: 07-01-2000; 07-01-2007

City of Ashland:

Rule VI. Appointments

6.7 Noncompetitive Appointments – When there are urgent reasons for filling a vacancy in any position in the classified service, and the Director of Human Resources is unable to certify to the appointing authority, upon request, a list of persons eligible for appointment to the position after a competitive examination, the appointing authority may fill the position by noncompetitive examination.

City of Ashtabula :

Allows provisional appointments in accordance with ORC 124 which includes 124.271 – Rule VII Appointments.

City of Avon:

Rule VII. Appointments

6. Provisional Appointments. C. Provisional Appointee, Permanent Appointment. Any employee in the classified service of the City who is appointed provisionally to fill a vacancy and demonstrates merit and fitness for the position by successfully completing the probationary period, or any extension thereof as set forth in the applicable Avon codified ordinances, shall become a permanent appointee in the classified service at the conclusion of such period.

City of Cincinnati:

Rule 08. Appointment to the Classified Service.

Section 2. Types of Appointment Through Examintion:

B. Provisional Appointments: Use of the provisional appointment process shall be in accordance with Sections 124.30 (a), 124.26(b) and 124.271 of the Ohio Revised Code.

Section 124.26 (B) of the Ohio Revised Code states:

A person serving as a provisional employee who passes an examination for the class or grade in which he holds his position shall be appointed as a permanent employee in the position before the director of administrative services prepares an eligible list.

Section 124.271 of the Ohio Revised Code states in part:

Any employee in the classified service of the state or any county, city, city health district, general health district, or city school district who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification or classification series for a period of two years of continuous service, during which period no competitive examination is held, he becomes a permanent appointee in the classified service at the conclusion of such two-year period.

City of Columbus:

Rule X. Appointments F. Conditions of Employment 2. Part-time employment

2. Part-time Employment. – c. **An appointing authority may appoint a part-time employee in a competitive class to a full-time position in the same class by using the original appointment certification number providing that: (1) the employee had received the part-time appointment at least one year prior to the effective date of the full-time appointment and (2) the employee had accumulated at least 1,040 hours in the class while in part-time status. Otherwise, the appointing authority must fill the vacancy in the manner prescribed by these rules.**

City of Cuyahoga Falls:

Rule V. Appointments.

H. Provisional Appointee; Permanent Appointee After Two Years – Any employee in the classified service who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification for a period of two years of continuous service, during which period no competitive examination is held, becomes a permanent appointee in the classified service at the conclusion of such two year period. This section does not apply to or affect any position in a program financed in whole or in part by federal funds and which is subject to federal merit system standards of the United States Government.

City of Englewood:

Article II. 2-15. Appointments to City Service

Every vacancy in the classified service not filled by reinstatement, transfer or reduction shall be filled by appointment from the eligibility list established for that position or as provided by this rule. As used in this section, transfer shall indicate a move from one position in the classified service to another of equal or lesser pay grade. **Transfer shall also indicate a move from part-time status to full-time status in the same position, provided that the employee has participated in a competitive hiring process and achieved placement on the eligibility list for such position within four (4) years prior to the transfer.**

City of Findlay

Rule VI – Appointments.

7. Provisional Appointments - ...A person serving as a provisional employee who passes an examination, given for the department in which he or she is employed, for the class or grade in which the person holds the position, shall be appointed as a certified employee in the position before an eligible list is established.

If such a provisional appointee remains in the same classification for two years of continuous service, during which period no competitive examination is held, he or she shall become a permanent employee in the classified service at the end of such time.

City of Galion:

Rule Seven – Examinations

7.04 Examinations; Provisional Appointments – D. Any provisional employee who remains in provisional status in the same classification or classification series for a period of two (2) years of continuous service, during which period no competitive examination is held, shall become a certified appointee in the classified service at the conclusion of such two (2) year period.

City of Greenville:

Provisional Service – any employee in the classified service of the City of Greenville, or the City of Greenville School District, who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification series for a period of two years of continuous service, during which period no competitive examination is held shall become a permanent appointee in the classified service at the conclusion of such two year period.

City of Kettering:

Section 900: A.2. Provisional Appointment.

An employee may be provisionally appointed to a vacant or newly created classified position for which no Civil Service eligible list exists. Employees appointed provisionally are not classified employees and do not obtain such status automatically or after any given length of service in the provisional status. Under normal circumstances, provisional appointments should not exceed six (6) months in duration. **When a provisional employee has performed well and the six-month period is exhausted, the employee may submit a request to obtain full-time, classified status. Such requests should be submitted to the Director in writing. The decision of the Director to authorize or deny full-time classified status shall be appealable to the Commission.**

City of Medina:

Rule VIII. Appointments 3. Provisional Appointments

a. Procedure for Appointment – Whenever there are urgent reasons to fill a vacancy and the Commission is unable, upon requisition, to certify eligibles from an eligible list, the Commission shall notify the appointing authority, who may then appoint a person to fill the vacancy. The appointing authority shall send notice of such appointment, with complete date for the official roster, to the Commission.

c. Procedure upon Establishing of an Eligible List -... Before establishment of an eligible list by the Commission, it shall certify for appointment as a permanent employee any provisional appointee who satisfactorily completed the probationary period or at least six (6) months of service, whichever is longer, before the examination was held for the position and who passed the examination. The employee shall have all the rights of a permanent employee and shall not be required to complete an additional probationary period.

City of Sandusky:

Rule Ten – Appointments and Promotions

10.07. Provisional Service – Any employee in the classified service of the City of Sandusky, who is appointed provisionally to fill a vacancy and who remains in provisional in the same classification series for a period of two (2) years in continuous service, during which period no competitive examination is held, shall become a permanent appointee in the classified service at the conclusion of such two (2) year period.

City of Twinsburg:

Rule XIV. Promotions.

6. Promotion Without Examination – In exceptional cases, the Commission may authorize the promotion without examination, of an eligible employee upon presentation by the appointing authorities or their representative, a written statement showing that the duties performed by the employee nominated are a natural preparation for the higher position; that such person is entitled to promotion by reason of service and effective performance; and that no other employee of the department meets the foregoing conditions. The Commission reserves full authority to determine.

City of Upper Arlington:

Rule 9. H. Provisional Appointments.

Whenever there are urgent reasons for filling a vacancy, in any position in the classified service and the Commission is unable upon request to certify to the Appointing Authority a list of persons eligible for appointment to such position after a competitive examination, the Appointing Authority may nominate a person to the Commission for non-competitive examinations and if such nominee is certified by the Commission as qualified after such non-competitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examinations; but such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists certified by the Commission or its designee and such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six month period from the date of such provisional appointment.

A person serving as a provisional employee who passes an examination, given for the department in which he is employed, for the class or grade in which the person holds the position may be appointed as a certified employee in the position before the Secretary prepares an eligible list.

City of Wadsworth:

Rule 11. Appointments

11.05 Appointment Types

A. Exceptional Appointments....A suspension of the rules would also be appropriate in the following circumstances:

1. The duties performed by an employee are a natural preparation and progression for a higher position;
2. Such an employee is entitled to promotion by reason of length of experience and good performance;
3. Such employee possesses the appropriate qualifications to be promoted.

The suspension of the rules shall not be general in its application and all such cases of suspension shall be discussed and noted in the minutes of the Commission with the reasons for the suspension.

City of Washington Court House:

Chapter Ten – Appointments and Promotions

10.07 Provisional Service – Any employee in the classified service of the City of Washington Court House. Or the City of Washington Court House School District, who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification series for a period of two (2) years of continuous service, during which period no competitive examination is held, shall become a permanent appointee in the classified service at the conclusion of such two (2) year period.

City of Xenia:

Rule 12. Section 1. Appointments and Section 3. New Employee Appointments

Section 1. Appointments – Whenever a vacancy occurs in a position, and upon a written request of the Department Head, the appointing authority may place an employee in the position on a provisional basis until such time as a competitive examination is conducted. In order for the employee to retain permanent status in that position, he/she shall participate in said competitive examination and qualify as a result of that examination for a permanent appointment in said position.

Section 3. New Employee Appointments – In the event the provisionally appointed person is appointed directly to the position as a new employee, he/she shall participate in the next competitive examination conducted and qualify for permanent appointment in the same manner as an employee already in the employment.

City of Youngstown:

Rule V. Section 9 – Temporary Appointments

Temporary employees will be subject to Civil Service Testing, there is no exemption for union membership. Temporary employees will be required to pass a Civil Service Examination in order to obtain permanent status – union bidding procedures do not obviate the necessity to test. **Any temporary employee who successfully bids on a classified position will be required to achieve a passing score of 70% or greater on a Civil Service Examination to be awarded the position on a permanent basis.**