

# RULES AND REGULATIONS



# OF THE CIVIL SERVICE BOARD

## FOR THE DAYTON PUBLIC SCHOOL DISTRICT

### CIVIL SERVICE BOARD

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**CIVIL SERVICE RULES AND REGULATIONS  
FOR THE DAYTON PUBLIC SCHOOL DISTRICT  
City of Dayton, Ohio**

**TITLE** Preamble

**RULE** \_\_\_\_\_

Authority

Under Section 93 of the Charter of the City of Dayton, Ohio, the Civil Service Board is established. In accordance with Section 124.40 of the Ohio Revised Code, authority is conferred upon the Civil Service Board to adopt separate Rules and Regulations for the Dayton Public School District, which shall provide uniform standards for appointment, promotion, and separation in the classified service of the Dayton Public School District and for the regulation of other personnel matters as specified in Chapter 124 of the Code.

Policy

It is the policy of the Civil Service Board to comply with all pertinent sections of the Ohio Revised Code in the development and implementation of its Rules.

Upon adoption of the Rules by a quorum of the Civil Service Board, these Rules shall be binding upon the Civil Service Board, all administrative units of the Dayton Public School District, district employees in the classified service, and all other departments and/or employees for which these Rules apply.

**NOTE:** Except where otherwise indicated, the term "Board" appearing in these Rules refers to the Civil Service Board of the City of Dayton.

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SERVICE BOARD**

**July 25, 2002**

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Organization and Duties of the Civil Service Board

**RULE** 1

**Sec. 1.1. Organization.** By Charter provision, the Civil Service Board shall consist of three (3) members appointed by the City Commission. At the first regular meeting held in January of each year, the Board shall elect one (1) of its members as Chairperson.

**Sec. 1.2. Duties and Functions.** The Board shall:

A. Prescribe, amend, and enforce rules for:

- (1) the classification of positions, appointments, promotions, removals, transfers, layoffs, suspensions, reductions, and reinstatements;
- (2) standardizing positions and maintaining efficiency;
- (3) conducting hearings on appeals for disciplinary or non disciplinary actions regarding suspensions, demotions, and terminations;
- (4) examinations and resignations;
- (5) the conduct of its business

B. Select, appoint, or remove a Secretary and Chief Examiner and, on his/her recommendation, may appoint such examiners, clerks, and employees as may, by appropriation, be provided for.

C. Adopt and publish, as necessary, policies which prescribe the procedures under which Civil Service Rules and Regulations shall be implemented.

D. Conduct or provide for the hearing of appeals authorized by Ohio Civil Service Laws and Rules.

E. Assure that all employment practices and other staff actions under these Rules adhere to the principles of merit and fitness.

F. Maintain minutes of its official meetings which shall be authenticated by signatures of the Chairperson as well as the Secretary and Chief Examiner. Said minutes shall be available for public inspection.

G. Conduct such investigations as it deems necessary concerning the enforcement and effect of these Rules and, in conducting any investigation, the Board shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents - and to administer oaths to such witnesses.

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**TITLE** Organization and Duties of the Civil Service Board **RULE** 1

**Sec. 1.3. Schedule of Meetings.** The Board shall conduct at least one (1) regular meeting monthly, which shall be open to the public. Notice of the regular meeting(s) shall be posted in a manner directed by the Board at least five (5) working days in advance of such meeting(s). A quorum, consisting of two (2) members, must be present to conduct business. The Board may conduct Executive meetings as necessary.

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**TITLE** Duties of the Secretary and Chief Examiner

**RULE** 2

**The Secretary and Chief Examiner shall:**

**Sec. 2.1.** Keep the minutes of all proceedings of the Board, develop meeting agendas, and bring to the Board's attention all policy and procedural matters requiring Board resolution.

**Sec. 2.2.** Recommend to the Board the appointment and removal of subordinate staff, within the budgeted authorization approved by the City Commission.

**Sec. 2.3.** Maintain employment records of all employees, including class title and pay status, and other records as may be required by the Board in fulfilling its responsibilities.

**Sec. 2.4.** Make reports on matters affecting the classified service as the board shall request, or that he/she believes relevant on his/her own initiative, and make such investigations as the Board shall authorize.

**Sec. 2.5.** Supervise all examinations for entry into or promotion within the classified service. In the exercise of this function, and in addition to the use of Civil Service Board staff, he/she may nominate, for Board approval, such persons, private-sector employees, or Dayton Public School District employees deemed fit to act as special examiners to assist in the conduct of any examination. Special examiners who are regular employees of the Dayton Public School District shall be required to serve in such a capacity as part of their official duties. All such examiners shall perform this function under the direction of the Secretary and Chief Examiner.

**Sec. 2.6.** Compile eligible lists from the results of examinations, showing the names of all persons who, by the examination, have demonstrated their relative potential to perform the work required of the job classification. However, no eligible list may be modified after promulgation without the approval of the Board. Such eligible lists shall be forwarded to the appointing authority.

**Sec. 2.7.** Certify the qualifications of applicants considered for exceptional, provisional, or temporary appointment.

**Sec. 2.8.** Perform such other work as is from time to time assigned by the Board.

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**TITLE** Classified/Unclassified Service

**RULE** 3

**Sec. 3.1. Unclassified Service.** The unclassified service consists of those positions defined in Section 124.11 of the Ohio Revised Code. The unclassified service shall comprise the following positions which are not subject to competition by written examination or affected by the provisions of these Rules and Regulations:

- A. Elected members of the Board of Education or persons appointed to fill vacancies in such positions.
- B. Members of committees, commissions, associations, research or study groups appointed by the Board of Education for a limited specific purpose.
- C. All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers and such employees as are engaged in educational or research duties connected with the City School District as determined by the Dayton Board of Education.
- D. Three (3) clerical and administrative support employees assigned to the office of the Dayton Board of Education.
- E. The deputies and assistants of the Superintendent of Schools and the Treasurer authorized to act for and in the place of their principles or holding a fiduciary relationship to such principle.
- F. The professional and/or part-time staff of the school library.
- G. Student employees serving on a part-time basis.
- H. Contract employees who are engaged to complete specific research, a specialized task or study within a specified time.
- I. Job trainees assigned to the School System for training by other agencies, or temporarily employed in special programs funded by grants from other agencies.

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**RULE** 3

**Sec. 3.2. Designation of Exemptions.**

- A. Positions previously designated exempt from the competitive classified service under the provisions of Section 1.D. above shall remain exempt upon the adoptions of these Rules.
- B. Proposed changes to such exemptions may be approved after filing a statement of reasons for such proposed change satisfactory to the Civil Service Board.

**Sec. 3.3. Deputies and Assistants.** The Board shall be provided notice from the appointing authorities of the appointment of deputies and assistants exempt from the classified service under the provisions of Section 1. E. above which shall include a statement of the duties to be assigned to such appointees showing that they are performing duties of a confidential and fiduciary character involving the responsibilities of their principles.

**Sec. 3.4. Change from Classified to Unclassified Service.** Whenever a position is for any reason changed from the classified to the unclassified service, if the position is occupied by a classified employee, and if as a result of such change that employee is displaced, such employee shall be treated as if his/her position were abolished, and the layoff provisions of these Rules shall be followed.

**Sec. 3.5. Classified Service.** The classified service includes all positions not included in the aforementioned unclassified service. The classified service is divided into two (2) classes:

- A. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination.
- B. The unskilled labor class shall include any classifications for which there are minimal or no experience or education requirements and which are designated by the Board and entered in its minutes.

Certified appointments to positions in the unskilled labor class shall be from lists of applicants registered by the Secretary and Chief Examiner. Certification of eligibles for appointments in the unskilled labor class shall consist of double the number to be employed, from which the appointing officer shall appoint the number actually needed for the particular work.

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**TITLE** Classified/Unclassified Service

**RULE** 3

For purposes of this Rule, "register" shall be defined as the process by which all applicants deemed acceptable as meeting the minimum qualifications for a job classification in the unskilled labor class, and/or deemed acceptable as determine by the Secretary and Chief Examiner, shall be placed on an eligible list, ranked chronologically by the date and time the application was received. All eligible applicants shall be given the minimum score of seventy (70) points, prior to application of credit for military service as provided in Section 124.26 of the Revised Code.

The Civil Service Board shall determine, in all cases, those positions which comprise the competitive and unskilled labor classes in the classified service and shall publish a listing of the unskilled labor titles as a policy.

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**TITLE** Position Classification

**RULE** 4

**Sec. 4.1. Classification Plan.** The official classification plan consisting of the titles and class specification for all positions in the classified service shall be prepared by the Superintendent of schools and approved by the Board, and from time to time amended as may be necessary to reflect changes in duties and functions. No person shall be employed to work under any title not included in the official plan. An official list of titles shall be maintained in the office of the Board. The Superintendent 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.

**Sec. 4.2. Classification Specifications.** Classification specifications shall be prepared by the Superintendent of Schools and approved by the Board. Such specifications shall include statements of the essential character of the work of the classification, essential knowledge, abilities, and skills, and the qualifications for persons who are to fill positions so classified. Qualifications shall be stated in terms of specific coursework at recognized institutions, experience, training, or in such other terms as to meet the requirements of the classifications. No minimum educational requirements are to be specified except in respect to professional and other positions for which such requirements are expressly imposed by statute or federal requirements and to the extent of the requirements so imposed, except for such positions where education and training are necessary to the performance of a specific job or professional pursuit. The qualifications listed in the specifications shall be followed in determining admittance to competitive or noncompetitive examinations.

**Sec. 4.3. Specifications Interpreted.** Inasmuch as many classes contain two or more positions, the class specification shall be considered to be descriptive of the class in general, and not restrict the duties of any given position within the class. In determining the allocation of a given position, the specification shall be considered as a whole. The fact that an employee might perform one or more of the duties listed for a given class does not in itself entitle him/her to allocation to that class. However, substantial changes in duties, except for a temporary period, should be reported to the Superintendent of Schools for consideration of possible changes in allocation or revision of the class specification.

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**TITLE** Position Classification

**RULE** 4

**Sec. 4.4. Determination of Job Series.** For purposes of promotion, demotion and layoff, a class of positions may be placed in a job series. The Secretary and Chief Examiner, after consultation with the Superintendent of Schools or his/her designee, shall determine the appropriate job series for each class of positions based upon the progressive nature of duties, responsibilities and minimum qualifications. Said job series shall be approved by the Board and published as a Policy.

**Sec. 4.5. Classification Changes.** Whenever the duties or responsibilities of a position are changed, the following will occur:

- A. If all positions within a multi-incumbent class are equally affected, employees shall be placed in the new class without process of examination.
- B. In multi-incumbent classes, if the duties of a reallocated position(s) under its new classification are on a higher level than those performed under the original classification, the new position(s) must be filled by appointment from an eligible list or a certification list. If no eligible or certification list exists for the class, a temporary appointment may be made in accordance with Rule 9.
- C. In single incumbent classes, if a position is reallocated to a new classification, the incumbent may be placed in the new class without process of examination provided said incumbent meets the required minimum qualifications for the position. Such appointment must be approved by the Board.
- D. In all other instances, if the duties of a reallocated position, under its new classification, are on a lower lever than those performed under the original classification, it may be filled by voluntary demotion, through implementation of the layoff procedures, if applicable, or by appointment from an eligible list or certification list.

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**TITLE** Recruitment and Application for Original Appointment **RULE** 5

**Sec. 5.1. Notice.**

- A. Notice of open competitive examinations for original appointment to the classified service shall be given at least two (2) weeks prior to the date set for an examination. The minimum advertising shall be posting notices of examination in the office of the Board. Additional advertising shall be at the discretion of the Secretary and Chief Examiner, with the objective of providing reasonable assurance that interested and qualified persons will be made aware of the examination and the requirements therefore.
- B. Notice of examinations will be provided to the Dayton Public School District who will be responsible for posting such notice in appropriate buildings of the District.
- C. Where minimum or maximum requirements have been established for a classification, such requirements shall be specified in the examination announcement for said classification.
- D. The examination notice will contain the general scope of the examination.

**Sec. 5.2. Application Forms.** The Secretary and Chief Examiner shall devise one or more application forms which shall be the exclusive method of applying for entrance into the classified service. This form shall require the applicant, to state his/her name, address, education, training and experience, employment record and such other information as the Secretary and Chief Examiner shall require; and sign the application by hand, or acknowledge electronically; provided that the form shall not require the inclusion of any discriminatory information.

**Sec. 5.3. Supporting Data.** The Secretary and Chief Examiner may require any applicant to submit adequate proof to verify any statement made on the application form.

**Sec. 5.4. Filing Date.** Any applicant wishing to compete in an examination must file his/her application with the Civil Service Board Office no later than the closing date and time set forth in the examination announcement. The closing date and time will be determined by the Secretary and Chief Examiner.

**Sec. 5.5. Rejection of Applications.** The Secretary and Chief Examiner may refuse to accept an application for any of the following reasons:

- A. It was not filed within the prescribed time period;

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- B. The applicant does not meet the requirements of the position as set forth in the position description included in the examination announcement;
- C. The application contains a false statement of a material fact;
- D. The applicant is not a United States citizen or has not legally declared his/her intention of becoming a United States citizen;

If information comes to the attention of the Secretary and Chief Examiner, following acceptance of the application and prior to the promulgation of an eligible list, which would have resulted in rejection of the application, the applicant may be disqualified.

**Sec. 5.6. Equal Employment Opportunity.** Applications will be accepted without regard to ethnic background, sex, age or physical handicap, except for those classifications for which the Board determines that bona fide occupational qualification exists.

**Sec. 5.7. Unskilled Laborers.** Applicants for unskilled positions may be recruited, examined, certified and appointed in the same manner as applicants in the competitive class.

**Sec. 5.8. Veterans Credit.** On open competitive examinations any soldier, sailor, Marine, Air Force, member of the Coast Guard, member of Auxiliary Corps established by Congress, member of the Nurse Corps of the Armed Forces or Red Cross nurse who has served in the Armed Forces of the United States and has been honorably discharged or separated under honorable conditions therefrom and such other military service as is designated by Congress, may file with his/her application for employment a certificate of service and honorable discharge, whereupon he/she shall receive an additional credit of twenty (20) percent of his/her total grade given in the regular examination in which he/she receives a passing grade.

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**TITLE** Open Competitive Examinations

**RULE** 6

**Sec. 6.1. Conduct of Examinations.** All examinations shall be conducted under the supervision of the Secretary and Chief Examiner, subject to the policy direction of the Board.

**Sec. 6.2. Examinations to be Job-Related.** All examinations shall be designed to test the relative qualifications of applicants to discharge the duties of the particular position(s) which they seek to fill. All examinations shall deal with the knowledge, skills, and abilities necessary for satisfactory work performance. No question shall relate to the race, ethnic background, sex, political affiliation or opinion, religious belief or age of any applicant.

**Sec. 6.3. Contents of Examinations.** Examinations may consist of any one or more of the following types of tests:

- A. **Written Test.** This part, when required, shall include a written demonstration designed to show the familiarity of the competitors' knowledge, skills, and abilities involved in the class of positions to which they seek appointment and to ascertain special aptitudes, when required.
- B. **Performance Test.** (Demonstration of Skill) This part, when required, shall include such tests of performance as would determine the ability of candidates to perform the work involved.
- C. **Oral Test.** This part, when required, may include a personal interview with competitors for classes of positions where the ability to deal with others, to meet the public, to make an oral presentation or other similar qualifications are to be determined. This part may also be designed to elicit a demonstration of the criteria enumerated in subsection (A) above.
- D. **Evaluation of Training and Experience.** Training and experience may be graded from the statements of education and experience contained in the application form, or from supplemental data as may be required. Results of reference checks, if made prior to oral tests, may be part of the evaluation of training and experience.

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**TITLE** Open Competitive Examinations

**RULE** 6

**Sec. 6.4. Scoring Examinations.** Examination grades shall be computed in a manner consistent with professional psychometric standards. Parts of an examination, or a combination of parts, may disqualify an applicant from further consideration in the examination process. Examinations shall be administered according to professional standards endorsed by the American Psychological Association. The Secretary and Chief Examiner shall have the authority to establish pass/fail cutting scores for each examination.

**Sec. 6.5. Breaking Ties.** In the event two or more applicants receive the same grade, ties will be broken in the following manner:

- A. Applicants eligible for veteran's preference shall receive priority in rank over nonveterans.
- B. All ties shall be decided by a random selection method, or by such other methods as may be determined by the Secretary and Chief Examiner in advance of an examination.

**Sec. 6.6. Inspection of Papers.** Any person, or his/her authorized representative, may inspect his/her examination papers under the following criteria:

- A. For any competitive examination, candidates will be permitted to review their individual examination paper in conformance with the following:
  - (1) Civil Service personnel will grade all papers, but scores will not be computed.
  - (2) Beginning the third (3<sup>rd</sup>) workday following the examination, examinees may review their test papers one (1) time during the following three (3) day work period.
  - (3) The examinees may review only those questions, which were graded as incorrect on their examination papers.
  - (4) Examinees will not be permitted to review copyrighted, standardized tests which have been purchased by Civil Service from test publishing agencies, nor will they be permitted to review test questions on exams which have been developed by outside consultants or the Civil Service Board, when said test questions have been validated in accordance with EEO guidelines, unless approved by the Secretary and Chief Examiner.

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**TITLE** Open Competitive Examinations

**RULE** 6

**B. Appeal of Examination Questions.**

- (1) If an examinee believes that a question has been improperly graded, based upon substantiating material, he/she may appeal such question, using the appropriate form provided by the Civil Service Office.
- (2) Following the review period, any appealed items will be presented to selected experts for ruling. Such experts will be chosen by the Secretary and Chief Examiner. The experts' ruling, with Secretary and Chief Examiner's approval, shall be final.
- (3) Subsequent to the experts' decisions, exam papers will be regraded if necessary, scores computed, and an eligible list promulgated. Each complainant shall be notified by mail of the result of his/her appeal.

**Sec. 6.7. Concealment of Identity.** The Secretary and Chief Examiner shall adopt procedures to assure that the identity of candidates is properly concealed, and that each candidate is credited with his/her own exam results.

**Sec. 6.8. Notification of Examination Results.** Each person who takes an examination shall be notified of his/her grade and rank on the eligible list.

**Sec. 6.9. Cancellation of Examination.** The Secretary and Chief Examiner may cancel, postpone, reschedule or re-announce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Board and appear in the minutes, with the reason for such action.

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**TITLE** Promotions

**RULE** 7

**Sec. 7.1. General.** Except when inconsistent with any section of this Rule, the provisions of Rule 6 regarding the conduct of open competitive examinations shall apply to promotional examinations. A promotion means moving from a classification of lower maximum pay range, exclusive of fringe benefits. Examination for promotion shall include ratings for seniority and efficiency.

**Sec. 7.2. Policy.** Whenever practicable, vacancies in positions above the lowest rank or grade within a series of similar classifications shall be filled by promotion. The Secretary and Chief Examiner, with approval of the Board, and after consultation with the Dayton Public School District, shall develop and post, and from time to time revise, a list of positions ordinarily filled by promotional examination, and showing the classifications eligible and the seniority required for each such classification.

**Sec. 7.3. Eligibility For Promotional Examination.** No person shall be eligible for any promotional examination who:

- A. does not meet the criteria of Section 1 above;
- B. has not satisfactorily completed his/her initial probationary period in one of the eligible classes for promotion;
- C. has been rated unsatisfactory in one of his/her last two (2) performance appraisals or efficiency reports. (Exception: Where the person has not been in the service for a sufficient length of time to have received two (2) appraisals or reports, he/she must have been rated at least satisfactory in one (1) appraisal or report);
- D. is not employed at the time of examination in any of the eligible classes, as determined by the Board, and set forth in the promotional examination announcement for the required length of permanent service;
- E. was demoted as a result of disciplinary action during the twelve (12) month period preceding the promotional examination.

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**TITLE** Promotions

**RULE** 7

**Sec. 7.4. Notice of Promotional Examination.** Notice of promotional examinations shall be posted in the office of the Board at least two (2) weeks prior to the date set for the examination. Notice of examinations will be provided to the Dayton Public School District, who will be responsible for posting such notice in appropriate buildings of the District.

**Sec. 7.5. Performance (Efficiency) Appraisal Credits.** In all promotional examinations, credits shall be added to an individual's passing grade, based upon the rating of his/her last performance (efficiency) appraisal(s). This credit shall not exceed ten (10) points of the final score and shall be applied by policy established by the Civil Service Board.

**Sec. 7.6. Seniority.** After the final examination grade is computed in a promotional examination, there shall be added to any passing grade a credit for seniority, based upon the employee's permanent full-time paid status in the Dayton Public School district. The amount of credit shall not exceed ten (10) percent (10%) of the total grade attainable on the basis of one percent (1%) of the total grade obtained in such examination for the first four (4) years of service and six-tenths (.6) of one percent (1%) of such total grade for each of the next ten (10) years of service.

**Sec. 7.7. Breaking Ties.** If two or more candidates receive the same total grade, including seniority and efficiency points, the tie shall be broken in favor of the candidate with the longest total permanent service in the Dayton Public School District. If a tie still exists, the tie shall be broken by a random selection method, or by such other methods as may be determined by the Secretary and Chief Examiner in advance of an examination.

**Sec. 7.8. Inspection of Papers.** Candidates for promotional examination may review their test papers under the criteria outlined in Rule 6, Section 7.

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**TITLE** Eligible Lists/Certifications and Reinstatements

**RULE** 8

**Sec. 8.1. Eligible Lists.** The Secretary and Chief Examiner will establish and maintain such eligible lists for the various classes of positions as he/she deems necessary to meet the needs of the service.

- A. **Open Competitive Lists.** Such lists contain the name and final grades in order of rank for those applicants attaining a minimum passing score on entrance or open competitive examinations.
- B. **Promotional Lists.** Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score for promotional examinations, which are limited to persons who are presently permanent, full-time Dayton Public School employees.
- C. **Recall Lists.** Such lists contain the names of permanent or provisional employees who were separated or demoted from their positions because of lack of work or funds, or whose positions were abolished as a result of reorganization. The names of such employees shall be placed on the recall list in the inverse order of their layoff or demotion, and each name shall remain on the list for one (1) year, unless the employee is reappointed earlier.

**Sec. 8.2. Requisition.** Whenever the Superintendent desires to fill an authorized vacancy in the classified service, he/she shall submit a requisition specifying the title of the position to be filled, the date he/she desires to make the appointment, the names of any provisional employee currently serving in the title of the position to be filled, and such other information as the Secretary and Chief Examiner requires. The Secretary and Chief Examiner is authorized to investigate any requisition in order to assure that the position is properly classified.

No requisition shall specify the sex of the desired employee, unless sex is a bona fide occupational qualification.

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**CIVIL SERVICE RULES AND REGULATIONS  
FOR THE DAYTON PUBLIC SCHOOL DISTRICT  
City of Dayton, Ohio**

**TITLE** Eligible Lists/Certifications and Reinstatements **RULE** 8

**Sec. 8.3. Certifications.** On receipt of an approved requisition, the Secretary and Chief Examiner shall certify to the Superintendent the names of eligibles from the appropriate eligible list in the order in which they have placed, including credit for efficiency and seniority when applicable. Positions will be filled in accordance with such ranking as prescribed by a Board policy implementing this Rule. When less than three (3) names for promotion and less than ten (10) names for open competitive are certified, appointment from that list shall not be mandatory.

Except for the provisions of A. and B. below, and Section 9, Reinstatement, eligibles will be selected from lists in the following designated order:

- A. Recall from layoff/demotion
- B. A person serving as a provisional employee who passes an examination for a grade or class in which a position is vacant shall be appointed to the position before an eligible list is prepared.
- C. Promotional
- D. Open Competitive

If the Superintendent decides not to fill the vacancy, the requisition shall be cancelled, and written justification of such action shall be submitted to the Board.

**Sec. 8.4. Corrections to Eligible Lists.** No eligible list may be changed without approval of the Board, with the reasons for the change entered upon its minutes. The Board shall have the power, whenever in its judgment the interest of the public so require, to correct or amend any candidate's score when it appears that an error has been committed.

In case of substantial errors or other irregularities in an examination, the Board shall have the power to rescind an eligible list and to order a new examination. Any appointment made prior to such action shall not be invalidated, and any referral in progress shall be continued to its conclusion, provided the person appointed was not involved in such fraud or error.

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**TITLE** Eligible Lists/Certifications and Reinstatements

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**Sec. 8.5. Removal From Eligible List.** The name of any person on an eligible list may be removed under the following conditions:

- A. if the person fails to respond to an employment notice from the Board within six (6) workdays;
- B. if the person fails to report for interview or background check within five (5) workdays; if the person cannot be located by postal authorities;
- C. if the person cannot be located by postal authorities;
- D. if the eligible list results from a promotional examination, a resignation or other termination from the Dayton Public Schools shall be cause for removal of a person from the eligible list.
- E. Upon recommendation from the Dayton Public Schools Physician.

Upon submission of a satisfactory explanation, the Board may restore an eligible to the list.

**Sec. 8.6. Duration of Eligible Lists.** The term of an eligible list is fixed at one (1) year from the date of promulgation; provided, however, that;

- A. The Board may, at its discretion, prior to the date of expiration of eligibility, extend the period of eligibility for any position or group, provided the total period of eligibility shall not exceed two (2) years.
- B. When the Board anticipates that a current eligible list will not supply the needed number of job candidates, or when it is desirable to ensure that there is no delay between the expiration of one list and the establishment of a new list, it may schedule an examination and publish a consecutive eligible list which shall become effective after the current list is exhausted of candidates, or expires due to the time limitations stated in subsection A above.

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**TITLE** Eligible Lists/Certifications and Reinstatements

**RULE** 8

**Sec. 8.7. Referral From Expired Eligible List.** Employment referrals shall continue to be made from an eligible list that was active on the date that a Personnel Requisition was authenticated by the Superintendent until:

- A. the position is filled, or;
- B. a new eligible list is established

On the date a new eligible list is established, any in-process referral made from a previous list will continue until that specific referral is resolved, i.e., the applicant accepts employment or the applicant declines appointment or is rejected. Henceforth, any further referral shall be made from the newly-established list.

**Sec. 8.8. Waiver of Appointment.** No person whose name is upon an eligible list may waive his/her right to certification or appointment except for temporary inability, physical or otherwise, the proof of which shall be acceptable to the Board. A request for waiver of appointment must be submitted in writing to the Board within five (5) working days from referral. The applicant requesting a waiver cannot withdraw such request. Upon receipt of a waiver request in the office of the Civil Service Board, referral to the vacant position(s) will be made from the remaining eligibles in accordance with their rank on the eligible list. The Board may grant or deny such waiver and shall enter upon its minutes the reasons for its action in each case. When a waiver is denied the applicant's name shall be stricken from the appropriate list. A waiver shall not continue in effect for a period longer than thirty (30) days from the date of the Board's action, without special vote of the Board.

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**TITLE** Eligible Lists/Certifications and Reinstatements

**RULE** 8

**Sec. 8.9. Reinstatement.** A former classified employee with permanent status who has resigned from the service in good standing may, upon the recommendation of the Superintendent and with the approval of the Board, be reinstated within one (1) year from the date of such resignation to a vacancy in the same classification he/she held at the time of his/her separation; provided, if such separation is due to injury or physical disability, such person shall be reinstated to the same office or similar position he/she held at the time of his/her separation, within thirty (30) days after written application for reinstatement and after passing a physical examination made by a licensed physician designated by the public employees retirement board, showing that he/she has recovered from such disability, provided further that such application for reinstatement be filed within three (3) years from the date of separation, and further profiled that such application shall not be filed after the date of service eligibility retirement.

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**TITLE** Appointments

**RULE** 9

**Sec. 9.1. Types of Appointment.** Appointments in the classified service shall be one (1) of the following types.

**A. Permanent Appointment.** An original appointment to a full-time position made from a certified competitive or noncompetitive eligible list shall be a permanent appointment, but the incumbent is subject to the completion of a probationary period, as outlined in Rule 10.

**B. Temporary Appointment Due to Extended Absence or Disability of a Regular Employee.** In the event of the extended absence or disability of a regular employee, an interim or temporary replacement may be appointed in the following manner:

- (1) The appointing authority will notify the Secretary and Chief Examiner of the need for such temporary appointment and provide information citing the name and classification of the absent employee, nature of the absence, expected duration of the absence, and any other information required by the Secretary and Chief Examiner.
- (2) Upon approval of the Secretary and Chief Examiner, the appointing authority may select for such temporary appointment any person on the proper list of those eligible for permanent appointment. The acceptance or refusal by an eligible of a temporary appointment shall not affect his/her standing on the register for permanent appointment; nor shall the period of temporary service be counted as a part of the probationary period in care of subsequent appointment to a permanent position.
- (3) If temporary appointment cannot be effected from the eligible register, the appointing authority may nominate a person to the Secretary and Chief Examiner for noncompetitive examination and if said person is certified as qualified by the Secretary and Chief Examiner, may be appointed to temporarily fill the vacancy. Such period of temporary employment shall not count as time served toward any probationary period.

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(4) If appointment cannot be effected by the above, the appointing authority is authorized to contract for such work.

In the absence of an eligible list and in those cases where a register is maintained of the names of persons desiring consideration for temporary employment, the Secretary and Chief Examiner shall furnish such listing to the appointing authority for use in selecting a nominee for noncompetitive examination.

**C. Temporary Appointment for Periods of Six (6) Months or Less.** When the services to be rendered by an appointee are for a temporary period, not to exceed six (6) months, and the need for such service is important and urgent, the appointing authority may select an individual for such appointment using the procedures outlined in (1) thru (4) above. Successive temporary appointments to the same position shall not be permitted.

**D. Emergency Appointment.** In case of an emergency, an appointment may be made without regard to these Rules but in no case can such appointment exceed thirty (30) calendar days, and in no case shall successive appointments be made. Notification of such appointments shall be provided to the Secretary and Chief Examiner within five (5) calendar days of such appointment.

**E. Provisional Appointment.** Whenever there is a vacancy in an authorized position in the classified service and such vacancy cannot be filled from a current eligible list, the appointing authority may nominate a person to the Secretary and Chief Examiner for noncompetitive examination, and if such nominee is certified by the Secretary and Chief Examiner as qualified, he/she may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination.

Any employee who is appointed provisionally to fill a vacancy and who remains in provisional status in the same classification for a period of two (2) years of continuous service, during which period no competitive examination is held, becomes a permanent appointee in the classified service at conclusion of such two (2) year period.

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**TITLE** Appointments

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Provisional employees are subject to a probationary period in the same manner as those selected for original appointment or promotion. If the service of the probationary employee is unsatisfactory, he/she may be removed or reduced at any time during his/her probationary period after completion of sixty (60) days or one-half (1/2) of his/her probationary period, whichever is greater. Dismissal or reduction may be made under the provisions of ORC 124.34 during the first sixty (60) days or first half of the probationary period, whichever is greater.

F. **Exceptional Appointment.** In case of a vacancy in a position in the classified 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 such 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 such qualities, the Board may suspend its rules requiring competition in such case, but such suspension shall not be general in its application, and all such cases shall be entered upon its official minutes.

G. **Seasonal Appointment.** Upon approval of the Board, seasonal positions may be created, where the nature of the work is such that the service is not continuous throughout the year, but recurs in each successive calendar year. Any person appointed to such seasonal position under the provisions of this Rule, and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided he is not in the meantime disqualified for any cause.

Any person appointed to a seasonal position, not assigned to work for a period of one (1) year, due to lack of work or to refusal of same on his part, shall be deemed ineligible for further assignment as a classified employee.

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Service as a seasonal employee shall not be counted as time served toward the completion of a probationary period. The seasonal appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

**H. Permanent Part-Time Appointment.** A permanent part-time appointment may be made to a position which requires the services of an employee thirty-five (35) or less hours a week. Permanent part-time employees may be selected through whatever process is approved by the Board, but shall have no right to full-time work unless they successfully compete in an examination.

**I. Student Appointment.** Student appointments may be made, with the approval of the Board without competitive examination, on the basis of recommendations from the Superintendent and the student's school.

**Sec. 9.2. Reappointment/Reinstatement.** A former employee who has been reinstated in accordance with Rule 8, Section 9, may be referred and reappointed to a position within any Dayton Public School agency. A reappointed employee is not subject to a new probationary period.

**Sec. 9.3. Physical Qualifications.** No appointment shall be made without prior physical examination which demonstrates an individual's ability to successfully perform the duties of the position to which appointed.

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**TITLE** Probation

**RULE** 10

**Sec. 10.1. Initial Appointment.** All persons initially appointed either competitively or noncompetitively shall be subject to a probationary period. This period is regarded as an integral part of the examination process and may be used to remove any employee who does not meet the required standards of professional and personal performance, with no right of appeal.

**Sec. 10.2. Length.** The probationary period shall be for a minimum of sixty days (60) days following appointment. The Board, upon request of the Superintendent of Schools, for specific job classification may authorize longer probationary periods, not in excess of one (1) year, if included in the classification specification. The probationary period shall be extended by the number of days during which the employee was absent without pay within his/her probationary period. A probationary employee may be removed or reduced at any time after completion of sixty (60) days of his/her probationary period upon the recommendation of the Superintendent of Schools, with the approval of the School Board and the majority of the Board. Dismissal or reduction may be made under provisions of Section 124.34. of the Revised Code during the first sixty (60) days of the probationary period.

**Sec. 10.3. Probationary Report.** A performance appraisal must be submitted by the Superintendent of Schools to the Secretary and Chief Examiner before the end of the probationary period, or at the time of probationary separation. If the employee's services are not satisfactory and he/she is to be removed, the performance appraisal must include reasons in support of removal. Additionally, the Superintendent will provide the probationer with copies of any recommendation for removal from service at the time of removal.

**Sec. 10.4. Status of Separated Probationary Employee.** An employee separated prior to the end of his/her probationary period, or resigning in lieu of dismissal, has no right of appeal. The employee will also be ineligible for any appointment to the classified service for a period of two (2) years, unless, in the judgment of the Board, the cause of his/her removal would not affect the employee's usefulness in some other classification.

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**TITLE** Probation

**RULE** 10

**Sec. 10.5. Permanent Employee.** An employee who has served an initial probationary period is subject to an additional probationary period upon promotion or appointment to a new classification under the provisions cited in Section 10.2 above. In the case of unsatisfactory performance during the probationary period of such an employee, the Superintendent of Schools may submit to the Board a recommendation for his/her removal from the position under the following procedures:

- A. An employee who fails to qualify during his/her probationary period following promotion or new appointment has the right to return to his/her last previous classification or to an equal or lower position for which qualified. Such action will not cause the displacement or reduction of any other Dayton Public School District employee.
- B. The Superintendent of Schools' recommendation for a change in a permanent employee's status due to failure to satisfactorily complete the probationary period must clearly address those aspects of direct job performance which were unsatisfactory (such as the inability to operate new equipment, or the inability to learn and apply new job techniques, etc.). Incidents which would normally give rise to Charges and Specifications being brought against the employee because of misconduct should be administered through the Employee Discipline process, and should not serve as the basis for the reduction of an employee's status during the probationary period.

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**TITLE** Transfers and Assignments

**RULE** 11

**Sec. 11.1. Transfer.** At his/her own volition or at the request of an employee, the Superintendent of Schools or his/her designee(s) may transfer an employee from one assignment to another provided that:

- A. no change in classification is involved;
- B. the employee has already served a satisfactory probationary period;
- C. no disciplinary action is pending before the Civil Service Board;
- D. no displacement of another employee occurs;

**Sec. 11.2. Assignment.** An employee in the classified service may be assigned duties of a different, but substantially equal, classification. Such assignments shall not exceed thirty (30) days without prior approval of the Secretary and Chief Examiner.

**Sec. 11.3. Transfer - General.** A transferred employee is not subject to a new probationary period.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Non-Disciplinary Demotion/Reassignment

**RULE** 12

**Sec. 12.1. Voluntary Demotion.** An employee may request demotion to a position that he/she held previously by permanent appointment. Such request will be granted only if a vacancy exists in the classification to which he/she seeks demotion. Approval of the Superintendent and the Secretary and Chief Examiner is required. If a demotion is requested when no vacancy exists, the employee may be placed at the top of a promotional and/or open eligible list for the title to which the employee seeks demotion. An employee may not be reappointed to a classification from which he/she was voluntarily demoted without reestablishing his/her eligibility through the competitive process.

**Sec. 12.2. Reassignment/Demotion Because of Physical Incapacity.** When an employee becomes temporarily or permanently incapacitated for the performance of his/her duties due to his/her physical or mental condition, the Superintendent may demote or reassign the employee under the following conditions:

- A. Verification of the employee's disability must be furnished by competent medical authority as determined by the Superintendent.
- B. Such demotion or reassignment can be made only if a vacancy exists. No other employee will be displaced due to such action.
- C. The employee may only be reassigned or demoted to a position for which he/she is qualified and is within his/her physical capabilities. Such qualifications are to be assessed and certified by the Secretary and Chief Examiner.
- D. Reassignment can only be made to a classification at an equal compensation level currently held by the employee.

If the employee objects to reassignment/demotion for disability reasons, he/she shall have the right to appeal to the Board.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Disciplinary/Dismissal Policy

**RULE** 13

**Sec. 13.1. Disciplinary/Dismissal Policy.** The tenure of every employee in the classified service shall be conditioned on good behavior and efficient service of assigned duties and responsibilities. A permanent employee may be dismissed, demoted, or suspended for cause.

**Sec. 13.2. Causes for Disciplinary or Dismissal Action.** The following are among the non-exclusive causes which shall be sufficient for dismissal, demotion or suspension:

- A. Absence without leave or failure to return from leave;
- B. Incompetency, inefficiency, or neglect of duty;
- C. Insubordination;
- D. Discourteous treatment of the public;
- E. Under influence of drugs or alcohol while on duty;
- F. Negligent or willful or wanton damage to public property or waste or unauthorized use of public supplies or equipment;
- G. Violation of any lawful or reasonable regulations or orders made and given by a supervisor;
- H. Dishonesty;
- I. Immoral Conduct;
- J. any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office.

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**TITLE** Disciplinary/Dismissal Policy

**RULE** 13

**Sec. 13.3. Absence Without Leave.** Any employee who absents him/herself from duty habitually, or for three (3) or more successive duty days, without leave and without notice to his/her supervisor of the reasons for such absence may be subject to removal for neglect of duty under the provisions of Section 2 C. above.

**Sec. 13.4. Disciplinary Demotion.** Any employee who is demoted as the result of disciplinary action shall not displace any permanent employee or probationary employee in good standing.

**Sec. 13.5. Notification.** In any case of reduction, suspension of more than three (3) workdays, or dismissal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension, or dismissal, which order shall state the reasons therefore. Such order shall be filed with the Civil Service Board.

**Sec. 13.6. Suspensions.** The Superintendent or his/her designee shall have the power to suspend employees for three (3) days or less for disciplinary reasons for infractions set forth in this section. The power to invoke all other suspensions rests solely with the Superintendent.

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**CIVIL SERVICE RULES AND REGULATIONS  
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TITLE Procedure on Appeal

RULE 14

**Sec. 14.1. Definitions.**

- A. **"Disciplinary Authority"** means the officer, commission, board, or body having the power to dismiss, suspend, or reduce in rank any employee in the classified service.
- B. **"Disciplinary Action"** means the dismissal, reduction, or suspension of more than three (3) working days of any employee in the classified service.
- C. **"Appellant"** means any employee in the classified service appealing a disciplinary action to the Civil Service Board.

**Sec. 14.2. Notice of Appeal.**

- A. Any employee in the classified service against whom disciplinary action is taken by the Disciplinary Authority may appeal therefrom to the Civil Service Board no later than ten (10) days from the date upon which the order for such action was filed with the Civil Service Board.
- B. Written notice of appeal shall be filed with the Civil Service Board. Such notice of appeal shall contain the name and current mailing address of the Appellant, the name of the Disciplinary Authority, the disciplinary action appealed, and the effective date of the disciplinary action. The Board will, on application, furnish to the Appellant a copy of the Charges and Specifications, and Findings, filed against him/her.
- C. When any employee of the Dayton Public Schools in the classified service who has been suspended more than three (3) work days, reduced in rank, or dismissed from the service, appeals to the Civil Service Board, the Board shall schedule a hearing no later than thirty (30) calendar days from the date of receipt of the appeal.
- D. Such hearing shall be open to the public unless otherwise requested by the Appellant and approved by the Board.
- E. The appeal may be heard by the Board or a Hearing Officer appointed by the Board, either by direct employment or by contract. The Hearing Officer shall be an Attorney at Law. Appeals of disciplinary actions resulting in dismissals may be heard by a Hearing Officer only with the express consent of the Appellant.

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RULE 14

**Sec. 14.3. Continuances.** The Board, or its Hearing Officer conducts the hearing, may grant continuances for good cause shown.

**Sec. 14.4. Charges and Specifications.** The Board or its Hearing Officer shall hear the evidence upon the Charges and Specifications as filed with it by the Disciplinary Authority. No material amendment of or addition thereto will be considered. Charges that have been dismissed by the Disciplinary Authority shall not be considered.

**Sec. 14.5. Procedure at Hearings.**

- A. The admission of evidence shall be governed by the rules applied by the Courts of Ohio in civil cases.
- B. The Disciplinary Authority shall be represented by the Dayton School Board Attorney. The Appellant may represent him/herself or may be represented by any person of his/her own choosing.
- C. The order of proof shall be as follows:
  - (1) The Disciplinary Authority shall present its evidence in support of the Charges and Specifications and disciplinary action taken.
  - (2) The Appellant may then present such evidence as he/she may wish to offer in his/her defense to the Charges and Specifications and disciplinary action taken.
  - (3) The Disciplinary Authority shall then present rebuttal evidence to issues raised by the Appellant in the presentation of his/her defense.
  - (4) The Board or its Hearing Officer may, in its or his/her discretion hear arguments.
- D. The Board or Hearing Officer conducting a hearing shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, to rule upon all objections, and take such other actions as are necessary and proper for the conduct of such hearing. In cases heard by the Board, the Board shall designate one of its members as the presiding member.

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**TITLE** Procedure on Appeal

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E. All testimony shall be taken under oath or affirmation, and shall be recorded by a certified stenographic reporter. All testimony shall be subject to cross-examination by the party against whom it is offered.

F. Where an appeal is heard by a Hearing Officer, said Officer shall, upon due consideration of the evidence adduced at the hearing, oral argument, and/or briefs of the parties, submit to the Board within thirty (30) days of the completion of the hearing or the submission of written arguments or briefs, whichever occurs later, a written report setting forth his/her findings of fact and conclusions of law, and a recommendation of action to be taken by the Board.

**Sec. 14.6. Decision of the Board.**

A. A majority of the Board, after due consideration of the record and, when applicable, the report of the Hearing Officer, shall, within thirty (30) days after the hearing or filing of the Hearing Officer's report, whichever is later, issue a decision on the appeal in writing, which decision may be to affirm, disaffirm, or modify the disciplinary action of the Disciplinary Authority. In such decision, the Board shall state its findings of fact found separately from its conclusions of law.

B. The decision of the Board shall be filed with the Secretary and Chief Examiner, who shall forthwith serve copies thereof upon the Appellant and his/her representative and the Disciplinary Authority. The decision of the Board shall be a final order, and may be appealed by either the Appellant or by the Disciplinary Authority, as provided by general law.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Layoff Procedure

**RULE** 15

**Sec. 15.1. Layoff.** Whenever it becomes necessary for the appointing authority to reduce the work force, the appointing authority shall layoff employees or abolish their positions in accordance with Sections 124.321 to 124.327 of the Revised Code.

**Sec. 15.2. Appeal.** An employee may appeal a layoff or a displacement, which is the result of layoff, to the Civil Service Board. The appeal shall be filed no later than ten (10) days after the notice of layoff or after the date the employee is displaced.

**Sec. 15.3. Retention Points.** Retention points used to determine displacement rights shall be computed in accordance with the provisions of the Department of Administrative Services Civil Service Rule 123:1-41.

**Sec. 15.4. Notification.** Employees subject to layoff shall receive notice at least fourteen (14) days in advance of such action. Such notice shall include a statement of the reasons for such action, the employee's retention points and relative standing on a recall list, and notice of the employee's right of appeal to the Civil Service Board.

**Sec. 15.5. Reinstatement.** Any employee in the classified service laid off under "Layoff" provisions may be reinstated in accordance with Rule 8. An employee recalled from layoff shall be credited with his/her full seniority for all of his/her active service, for purposes of determining eligibility for promotional examinations. He/she shall not be subject to a new probationary period if such probationary period has previously been served. An employee who was in his/her probationary period at the time of layoff shall begin a new probationary period upon reinstatement.

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**CIVIL SERVICE RULES AND REGULATIONS  
FOR THE DAYTON PUBLIC SCHOOL DISTRICT  
City of Dayton, Ohio**

**TITLE** Performance Appraisal

**RULE** 16

**Sec. 16.1 Appraisal Systems.** The Superintendent of Schools will develop one or more systems for the appraisal of employee performance and will provide necessary training for each appraiser in the use of the system of which he/she is a part. Any system so devised will include provision for consultation between appraiser and subordinate as a part of the appraisal process.

**Sec. 16.2. Use of Appraisal Systems.** Any system so adopted will include the overall appraisal of performance representing the judgment of the rater on the employee's total performance during the rating period. The appraisal system may be used for any of the following purposes:

- A. To counsel employees, so that they have a clear understanding of their duties and responsibilities, the work of their unit, and the objectives toward which they should strive.
- B. To improve performance by describing strengths and weaknesses of employee performance, and suggesting means for improvement of any weaknesses.
- C. To evaluate employees for merit increases in salary within the salary range.
- D. As a step in the process of corrective disciplinary action.
- E. As an element in any competitive promotional examination in accordance with Rule 7.
- F. As a factor in computing retention points to determine layoff status.

**Sec. 16.3. Employee Participation.** Each employee rated in accordance with the Rule has the right to receive a copy of the rating and to discuss it with the evaluator.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE**     Military Service    

**RULE**     17    

**Sec. 17.1. Policy.** No Dayton Public School employee or persons on an eligible list for Dayton Public School employment will be made to suffer any loss of job rights as a result of his/her being called into military service.

**Sec. 17.2. Restoration to Position.** A classified employee called into active duty in any of the United States Armed Forces shall be returned to his/her Dayton Public School position if he/she makes written application within ninety (90) days following discharge from active duty. If he/she was called into such duty during his/her Dayton Public School probationary period, the probationary period shall be extended by the number of calendar days absent in that period as a result of such duty.

**Sec. 17.3. Eligibles called into Military Duty.** If a person whose name is on an eligible list for Dayton Public School employment is called into military service, he/she may make written application to the Board, within ninety (90) days following termination of his/her active duty, to have his/her name restored to the eligible list. Such applicant must present evidence of termination of service, other than a dishonorable or bad conduct discharge.

**Sec. 17.4. Limitations.** The foregoing does not apply to a person who holds only a temporary, provisional, seasonal, part-time, or emergency appointment in Dayton Public School service.

**Sec. 17.5. Enlistment into Military Duty.**

A. An employee who enlists in the uniform service must request Board approval of an extended leave of absence, and the length of approved leave of absence shall be consistent with the limitations set forth in the Veterans' Reemployment Rights Statute in effect at that time. Written application for return to his/her Dayton Public School position must be made within ninety (90) days following discharge from active duty. If he/she enlisted during his/her Dayton Public School probationary period, the probationary period shall be extended by the number of calendar days absent in that period due to said military service.

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**TITLE**     Military Service    

**RULE**     17    

B. A person whose name appears on an eligible list(s) for Dayton Public School employment, who enlist in the uniformed service, may, within ninety (90) days following termination of his/her active duty, make written application to the Board to have his/her name restored to the eligible list(s) under the provisions of Section 3 above.

The provisions of this Section do not apply to any person, who, by re-enlisting displays an intent to remain on extended active duty in the armed services of the United States or to any commissioned officer, who voluntarily, enters on extended active duty beyond that required on accepting a commission.

When such classified employee is restored to his/her position, the former incumbent of such position who has not entered such armed services shall be demoted to the next lower rank, and the least senior classified employees in point of service in the next lower rank shall be demoted, and so down until the least senior employee in the point of service has been reached, who shall be laid off, if necessary. The person so laid off shall be placed at the head of the same eligible list form which he/she secured original appointment, or an eligible list subsequently established for the position, or upon an eligible list which the Board regards as appropriate for the classification involved.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Prohibited Practices

**RULE** 18

**Sec. 18.1. Fraud in Examinations.** If a candidate, during an examination, is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets and/or books of any kind or otherwise is found to have cheated, his/her exam paper shall be taken and the Secretary and Chief Examiner shall have them graded with a zero (0) and note on the exam papers the reason for such marking. Such applicant may be barred from taking any future examination as determined by the Board.

**Sec. 18.2. Fraud by Examiners.** No examiner, including special examiners either from the Dayton Public School District or from outside the District, shall willfully or corruptly make a false mark, grade, estimate, or report on an examination with respect to the proper standing of any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances for the appointment, employment, or promotion of any person examined or to be examined. If such person is in the employ of the Dayton Public School District, he/she shall be subject to dismissal. If he/she is not a Dayton Public School District employee, his/her contract for services to be provided with regard to this or any other civil service examination shall be cancelled, and no payment made thereunder for any services previously rendered.

**Sec. 18.3. Participation by Relatives.** No Civil Service board staff member shall take any part in the preparation, administration, or grading of any examination in which a relative is a candidate. Whenever practicable, it shall be the obligation of the staff member to notify the Secretary and Chief Examiner whenever he/she learns that a relative is expected to be a candidate. Thereupon, the Secretary and Chief Examiner shall take all necessary steps to assure the integrity of the examination.

In case of willful failure to so notify the Secretary and Chief Examiner, the staff member shall be subject to disciplinary action, and if privileged information was transmitted from the staff member to the candidate, the candidate shall be disqualified from the examination, or if the examination has already been held, his/her name shall be removed from the eligible list, or if he/she has received an appointment, he/she shall be subject to discharge.

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**CIVIL SERVICE RULES AND REGULATIONS  
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**TITLE** Reports and Records

**RULE** 19

**Sec. 19.1. Reports to the Board** .Appointing officers shall make prompt and complete reports to the Board on the following matters, on forms prescribed or by letter where no forms are prescribed:

- A. Appointment of any type.
- B. Reinstatements, promotions, transfers, or any other change of employee status.
- C. Declination of appointments by persons certified for consideration of appointment.
- D. Disciplinary actions, including suspension, demotion, or dismissal.
- E. Salary changes.
- F. Creation of new positions, or material changes in duties of any positions.
- G. Copy of each payroll as submitted to the Treasurer.

**Sec. 19.2. Paper Property of the Board.** All original paper, application, examination, certificates, legal documents, etc., are the property of the Board and will be filed in the office of the Board and kept for not less than one (1) year, except that examination papers of those failing to qualify may be destroyed after sixty (60) days. The Secretary and Chief Examiner, with Board approval, will develop a retention schedule for all other records maintained under the supervision of the Board.

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**CIVIL SERVICE RULES AND REGULATIONS  
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TITLE Amendments

RULE 20

**Sec. 20.1. Procedure.** These Rules may be amended, repealed, or supplemented by a quorum of the Board at any time and new Rules adopted; provided that no amendment, repeal or supplement shall be adopted in less than seven (7) days after its proposal.

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**TITLE**    Scope of Civil Service Rules - Savings Clause

**RULE**    21

**Sec. 21.1. General.**    If any section or part of a section of these Rules is held by a Court of competent jurisdiction to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other section or part of a section of these Rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of the section held invalid or unconstitutional.

- A.    Nothing herein contained shall affect any examination held or any eligible list heretofore formed, and every eligible list duly formed under previous regulations shall in all respects be deemed to be formed under these Rules.

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