

CIVIL SERVICE RULES AND REGULATIONS

City of Dayton, Ohio

TITLE **ELIGIBLE LISTS AND CERTIFICATIONS**

Rule 8

Section 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 names and final grades in order of rank for those applicants attaining a minimum passing score on 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 already in City Service.
- C. Recall Lists. Such lists contain the names of permanent 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 departmental 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 three (3) years, unless the employee is reappointed earlier. At the discretion of the Board, this period may be extended.
- 1) Employees in their initial probationary status at the time of layoff are not entitled to have their names placed on the recall list, but instead, shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff.
 - 2) Professional - Technical - Supervisor and Management employees in their initial probationary status at the time of layoff or involuntary conversion to a part-time appointment shall have their names placed on a noncompetitive certification list, for consideration, for a period of one (1) year from the date of layoff or change in type of appointment.

**APPROVED BY
COMMISSION**

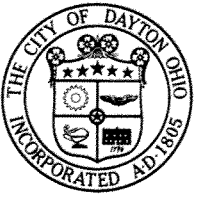
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Section 2. REQUISITION. Whenever a department director desires to fill an authorized vacancy in the classified service, he/she shall submit a requisition, approved by the City Manager, specifying the title of the position to be filled, the date he/she desires to make the appointment, 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.

Section 3. CERTIFICATION. On receipt of an approved requisition, the Secretary and Chief Examiner shall certify and refer to the department director the names of eligibles applicants 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.

Eligibles will be selected from lists in the following designated order:

1. Recall – Per Rule 15
2. Voluntary Demotion
3. Promotional
4. Reinstatement after Resignation
5. Open Competitive

If a department director decides not to fill the vacancy, the requisition shall be cancelled by the City Manager, and written justification of such action shall be submitted to the Secretary and Chief Examiner.

Section 4. CORRECTIONS TO ELIGIBLE LISTS. No eligible list may be changed without approval of the Secretary and Chief Examiner; such actions shall be ratified by the Board in a subsequent meeting. Whenever in its judgment the interests of the public so require, the Board may correct or amend any candidate's score when it appears that an error has been committed.

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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.

Section 5. REMOVAL FROM ELIGIBLE LIST. The name of any person on an eligible list may be removed under the following conditions:

- A. where good cause exists, the City Manager or his/her designee, or the Secretary and Chief Examiner may request that a person's name be removed from the eligible list. The Board shall consider the reason(s) for each request, and if the reason(s) clearly relates to the suitability of the person for the position, the Board may cause his/her name to be removed;
- B. if the person declines the position;
- C. if the person fails to respond to an employment notice from the Board;
- D. if the person fails to report for interview or background check within five (5) workdays;
- E. if the person cannot be located by postal authorities;
- F. upon recommendation from the City Physician;
- G. if the eligible list results from a promotional examination, a resignation or other termination from the City service shall be cause for removal of a person from the eligible list;
- H. any applicant for the safety forces, who, **three (3) eight (8)** years or less prior **from the date of the written exam** to beginning the background investigation process, has ever illegally possessed, **knowingly** used, sold or distributed any "controlled substance" or abused, sold or distributed a "dangerous drug" as defined by State of Ohio law, **may will** be disqualified;
- I. ~~Any applicant for the safety forces, who after 25 years of age, has ever illegally possessed, used, sold, or distributed any "controlled substance" or~~

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abused, sold or distributed a “dangerous drug” as defined by State of Ohio law, will be disqualified;

- I.J. any applicant for the safety forces, who has personally used marijuana *one (1) two (2) years* or less prior *from the date of the written exam* to the beginning of the background investigation will be disqualified;

The appropriate use of legally prescribed *medications to the applicant* and non-prescription (*over-the-counter*) medications will not disqualify an applicant.

Written requests for reconsideration of removal from an eligible list must be received within ten (10) ~~work~~ *calendar* days of notification of removal. Upon submission of a satisfactory explanation, the Board may restore an ~~eligible~~ *applicant* to the list. Any appointment made prior to such action shall not be invalidated and any referral in ~~progress~~ *process* shall be continued to its conclusion.

Section 6. REINSTATEMENT TO ELIGIBLE LIST AFTER RESIGNATION. A former full-time employee in the competitive class with permanent status for a minimum of one (1) year, who has resigned from the classified service in good standing may, within one (1) year following his/her resignation, be reinstated to a special eligible list which shall have a duration of one (1) year, for the classification in which he/she had served at the time of separation, and shall have first priority to appointment after appointment of any persons on an existing promotional eligible list for that classification. Reinstatement requests must be made in writing to the Board, and it may request a recommendation from the head of the department or agency in which the employee last served.

Section 7. DURATION OF ELIGIBLE LISTS. The term of an eligible list is fixed at one (1) year from the date of promulgation, provided that;

- A. The Board may, at its discretion, prior to the date of expiration of eligibility, extend the period of eligibility for any competitive position, provided the total period of eligibility shall not exceed two (2) years.

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- 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.
- C. Safety Forces – As it pertains to competitive examinations for safety forces positions, the Board, at its discretion and prior to the date of expiration of eligibility, may extend the period of eligibility on a year for year basis, provided the total period of eligibility shall not exceed four (4) years.

Section 8. 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 City Manager and received in Civil Service until:

- A. the position is filled, or;
- B. the eligible list is exhausted.

Section 9. WAIVER OF APPOINTMENT. An applicant may request a waiver of a referral due to temporary physical incapacity, active military duty, or other temporary inability. A request for waiver must be submitted in writing to the Board within five (5) work days of referral. The applicant requesting a waiver cannot withdraw such request. Upon receipt of a waiver request, 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. Unless the Board limits the duration of the waiver, a waiver once granted remains in effect until 1) the applicant notifies the Board in writing that the basis for waiver has ended, or 2) except for military waivers, the eligible list has expired.

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