

REQUESTED BY CIV. SERV. COMM.
APPROVED BY PUBLIC IMPROVEMENTS
INTRODUCED BY ADASKA

ORDINANCE NO. 2016-28

AN ORDINANCE AMENDING ORDINANCE NO. 2001-159, AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 2010-60 WHICH WERE ENACTED PURSUANT TO SECTION 12.01, CHARTER, APPROVING THE AMENDMENTS TO THE RULES ADOPTED BY THE STOW CIVIL SERVICE COMMISSION ON FEBRUARY 24, 2016, AND DECLARING AN EMERGENCY.

WHEREAS, the Stow Civil Service Commission has submitted amendments to the Rules pertaining to the government of the Stow Civil Service Commission to this Council for its approval, pursuant to Section 12.01, Charter; and

WHEREAS, this Council has examined the same and finds them to be just and reasonable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

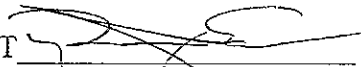
SECTION 1. That the amendments to the Rules prepared and adopted by the Stow Civil Service Commission and enacted by Ordinances No. 2001-159 and 2010-60, which amendments were prepared and adopted by the Stow Civil Service Commission and are attached hereto as Exhibit A and made a part of this enactment as if fully reappearing herein, be, and the same are, hereby adopted.

SECTION 2. That all other terms and provisions of Ordinances No. 2001-159 and 2010-60 not amended herein be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

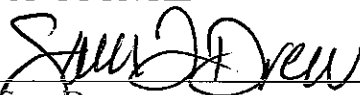
SECTION 4. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it is imperative to approve the Official Rules governing the Stow Civil Service Commission in order to maintain efficient management of the civil service system for the City, and, pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 3/10/16

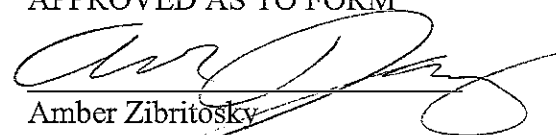
ATTEST 
Bonnie J. Emahiser
CLERK OF COUNCIL


Mike Rasor
PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/11/16

APPROVED 
Sara Drew
MAYOR

FILED WITH CLERK 3/11/16

APPROVED AS TO FORM

Amber Zibritosky
LAW DIRECTOR

EFFECTIVE DATE 3/11/16

Removal and Repeal of Rule VI(1)(f) and Rule VI(2)(f), New Version of Rule VI(2)(e)

Rule VI (2) - e. Disqualification or Removal of Applicants and Eligibles From Eligibility Lists and Replacement of Names

1. Applicants may be rejected from consideration or refused admittance to an examination, and eligibles may be disqualified or removed from an eligible or certified eligibility list and said name(s) shall be replaced, for, but not limited to, the following causes:

- A. Those causes set forth in the Rule IV(10) and Rule IX;
- B. The individual is found to lack, any of the established minimum requirements for the position, any requirements set forth by applicable federal or State of Ohio laws, these Rules or the Charter, any other job-related ability, or has failed to provide a transcript, license, certificate or other required documentation within time limits prescribed by the Commission;
- C. The individual's name appears on a promotional eligible list and the individual is no longer a City employee;
- D. The individual fails to pass the required medical examination for the position;
- E. The individual has a poor traffic record and is applying for a position which requires an operator's license and involves driving;
- F. The individual has been convicted of a felony or a job-related misdemeanor;
- G. The individual has been dismissed or resigned in lieu of termination from public or private employment for cause;
- H. The individual has made a false statement of material fact in the application or testing process (see Rule V);
- I. The individual has practiced or attempted to practice deception or fraud on the application or examination (see Rule IV), or in securing eligibility or appointment;
- J. The individual has used, threatened to use, or attempted to use political influence in securing employment, reemployment, or promotion;
- K. The individual cannot speak, read or write the English language and the work requires speaking, reading or writing the English language;
- L. The individual fails to report for an interview or other step in the selection process as directed by the Commission or appointing authority and/or fails to report for duty as directed by the appointing authority;
- M. The individual cannot be located at the address on file with the Commission;
- N. The individual, during the selection process, failed a drug or alcohol screening test in that the test showed the presence of drugs and/or alcohol in the individual's body fluids. This shall not be grounds for disqualification if the substance is a prescribed medication and has been prescribed for applicant by a licensed physician, and has been taken by the applicant in accordance with the physician's instructions;
- O. The individual, during information revealed in a background investigation, admits to current use of the drugs of abuse as defined in Section 3719.011 of the Ohio Revised Code. This provision is only applicable to applicants for entry-level positions in the Department of Public Safety and who are not subject to Rule VI (2)(e)(1)(P);
- P. The individual, based upon information revealed during the background investigation, violates the provisions of the Background Removal Standards for Police Officer or the provisions

of the Background Removal Standards for Firefighter applicants, whichever is applicable, and both of which are hereby incorporated by reference.

Q. The individual voluntarily signs a waiver that he or she not be considered for appointment pursuant to Rule VII.

2. In the event an individual is rejected, refused, disqualified or removed from the list of eligible pursuant to Rule VI (2)(e)(1) (N) or (O) above, he or she shall be precluded from employment with the City for one (1) year.

3. If an individual is removed from a certified eligibility list pursuant to Rule VI (2)(e)(1)(A) through (P) above, the Commission shall notify the individual via writing that he or she is being removed from the eligibility list and cite the section(s) from Rule VI(2)(e) above warranting removal, unless the applicant is being removed pursuant to Rule VI (2)(e)(1)(C), (M), or (Q) in which case removal shall be automatic and notice shall not be required. The eligible may appeal his or her removal from the list to the Civil Service Commission by contacting the Secretary of the Civil Service Commission within fourteen (14) calendar days from the date said notice is sent by regular US mail or electronic mail to the applicant. Upon receiving a notice of appeal from the applicant, the Secretary shall set the matter on the agenda of the next scheduled Civil Service Commission meeting or special meeting scheduled for the matter and the applicant shall be given an opportunity to be heard. Civil Service Commission members shall confine their review at appeal to determining whether a violation of the Rules occurred and a majority vote shall be required to overturn the removal. If the Secretary does not receive notice of appeal by the applicant within the time period prescribed, the applicant's appellate right shall be considered waived and the removal shall be final.



BACKGROUND REMOVAL STANDARDS FOR POLICE OFFICERS

A. Honesty/Falsification

Applicants will be removed from the eligibility list for any of the following reasons:

1. At any stage of the background investigation process, the applicant fails to disclose or acknowledge the use or purchase of any illegal drug(s), and at a subsequent stage in the process, the applicant admits to the use of an illegal drug, as an adult.
2. At any stage of the background investigation process, the applicant provides substantially inconsistent responses regarding illegal drug(s) or alcohol used or purchased by the applicant, as an adult.
3. At any stage of the background investigation process, the applicant fails to disclose or acknowledge any disqualifying behavior or activity on the part of the applicant, as an adult, relative to, and governed by, any of the Background Removal Standards.
4. Failure or refusal to answer or respond to oral or written questions during any phase of the selection process.
5. Any attempt to distort the polygraph examination results.
6. Use or attempted use of political influence to secure employment.
7. At any stage of the background investigation process, the applicant fails to disclose or acknowledge any prior discipline up to and including termination or resignation in lieu of termination with a prior employer relating to dishonesty in the workplace.
8. Any prior discipline up to and including termination or resignation in lieu of termination for dishonest statements, testimony, or behavior during the course of an active criminal investigation while applicant was employed by a law enforcement agency or serving in a criminal justice occupation.

For purposes of this standard, and Background Removal Standard H., the "use" of drugs occurs when an applicant smokes, puffs, ingests, tastes, injects, inhales, or otherwise tries, any illegal drug, including but not limited to, marijuana, cocaine, anabolic steroids, or chemical inhalants.

B. Family History

Applicants will be removed from the eligibility list for any of the following reasons:

1. A conviction of a misdemeanor crime of domestic violence involving use of force or threatened use of a deadly weapon is a permanent disqualifier under Federal laws.

2. Non-compliance with a court order or legal contract to provide child support, alimony, or other financial responsibility as determined by the appropriate support enforcement bureau or a court of law within the preceding five (5) years.
3. Intentional violation of any protective or temporary restraining order as determined by a court of law within seven (7) years.
4. Verified or admitted sexual abuse as adult of one's spouse, ex-spouse, child, stepchild, parent, or other relative or person with whom one lived or has an intimate relationship.
5. Verified or admitted physical abuse as an adult within the last ten (10) years of one's spouse, ex-spouse, child, stepchild, parent, or other relative or person with whom one lived or has an intimate relationship.

C. Employment

Applicants will be removed from the eligibility list for any of the following reasons:

1. Three (3) or more involuntary terminations and/or discharges from employment within the last five (5) years. This shall not include terminations resulting from a business ceasing operations, or resulting from being laid off from a position of employment.
2. Post-probationary termination or resignation in lieu of discipline from any criminal justice occupation.

D. Military History

Applicants will be removed from the eligibility list for any of the following reasons:

1. Dishonorable discharge from military service.
2. Conviction of any article of the Uniform Code of Military Justice that would be equivalent to a felony under the Ohio Revised Code (ORC).

E. Traffic

Applicants will be removed from the eligibility list for any of the following reasons:

1. Any conviction of vehicular homicide shall permanently eliminate an applicant from consideration.
2. Driving under the influence of alcohol or drugs:
 - a) Conviction within the past five (5) years, or
 - b) More than one (1) OVI conviction as an adult; or
 - c) More than two (2) OVI convictions, if one of the convictions was as a juvenile.
3. Four (4) moving violations in the past three (3) years as an adult.
4. At the time of the interview or polygraph, the applicant does not possess a valid driver's license and auto insurance as required by the residence state and if the applicant owns a car.

F. Gambling

The term "gambling offense" shall include any activity defined as gambling by a federal, state, local statute or ordinance in the jurisdiction where the activity occurred.

Applicants will be removed from the eligibility list for any of the following reasons:

1. Conviction of a gambling offense, within the last five (5) years.
2. Admission to gambling that has resulted in an unstable financial or credit history within the last seven (7) years.
3. Conviction of or admission to engaging in the promotion of illegal gambling activity wherein the applicant gains a financial benefit.

G. Criminal Activity

Applicants will be removed from the eligibility list for any of the following reasons:

1. Any pattern of theft offenses, within the last five (5) years, which cumulatively exceeds \$1,000.00.
2. Any theft offense within the last five (5) years, which singularly is equal to a felony.
 - a) This standard includes theft of cable TV service(s), if the theft occurred in the last two (2) years.
3. Any fraudulent insurance claims or fraudulent applications for welfare, workers' compensation, unemployment compensation, or other public assistance programs in excess of \$1,000.00.
4. Any admission or conviction of an offense, as an adult, defined as a felony by the federal, state, or local law of the jurisdiction where the offense occurred. An admission of a felony offense would be disqualifying unless otherwise addressed by these standards.
5. Any admission or conviction of an offense, as a juvenile of one (1) violent felony as defined by the federal, state, or local law of the jurisdiction where the offense occurred.
6. Any conviction of a M-1 or M-2 misdemeanor as defined by the federal, state, or local law in the jurisdiction where the offense occurred, as an adult in the last five (5) years or more than one M-1 or M-2 conviction as an adult.
7. Any conviction of more than one (1) M-1 or M-2 misdemeanor as a juvenile, as defined by the federal, state or local law in the jurisdiction where the offense occurred. (Does not include traffic or minor misdemeanors.)
8. Any admission of an offense for carrying a concealed weapon within the last five (5) years if it is defined as a felony by the federal, state, or local law where the offense occurred.
9. Any pattern of theft offenses from an employer or during the course of employment as an adult.

H. Illegal Substances

Applicants will be removed from the eligibility list for any of the following reasons:

1. Any use or purchase of drugs of abuse (except marijuana) within three (3) years before application. Drugs of abuse include chemical agents/solvent-based substances and prescription drugs taken for reasons other than intended use, in more than one (1) incident and without a prescription, especially Schedule I, II and III drugs.
2. Any use, purchase, or cultivation of marijuana within one (1) year before application or any time during the selection process.
3. Any illegal manufacture or sale of drugs of abuse, marijuana, or prescriptive drugs. If the substance was sold without profit to the applicant, the amount sold was de minimus, and the sale(s) occurred when the applicant was a juvenile or more than five (5) years ago, then the above Rule shall be negated.

For the purposes of this standard, the "purchase" of marijuana or other illegal drugs include those purchases made by pooling of resources or money by the applicant and others for substances for their own use.

I. Applicant Non-Responsiveness

An applicant shall be removed from the process for any of the following reasons:

1. Failure to appear for pre-interview/interview.
2. Failure to appear for polygraph examination.
3. Failure to appear for medical/stress test.
4. Failure to appear for psychological exam.
5. Failure to return Personal History Questionnaire or Supplemental Questionnaire, or to respond to phone calls or correspondence from Background personnel.
6. Unable to locate at address/phone number on file.
7. Applicant is no longer interested in employment with the Division.
8. Failure to appear for oral board, if required.

All standards are cause for removal for timeframes listed and **any time during the selection process**. Unless otherwise noted, standards that reference a timeframe will be calculated from the date the eligibility list was established.

J. Physical Fitness Standards

Applicants will be removed from the eligibility list for any of the following reasons:

1. Failure to meet or exceed the minimum scores for the applicant's gender and age of the Ohio Peace Officer Basic Training Program physical fitness requirements. This standard shall nonetheless be subject to the City of Stow's ADA Policy regarding reasonable accommodations for applicants with disabilities.

These standards shall only apply to applicants for the position of police officer and shall not apply to applicants for any other clerical, administrative or supervisory position with the Police Department that does not require an OPOTA certification from the State of Ohio.



BACKGROUND REMOVAL STANDARDS FOR FIREFIGHTERS

A. Honesty/Falsification

Applicants will be removed from the eligibility list for any of the following reasons:

1. At any stage of the background investigation process, the applicant fails to disclose or acknowledge the use of any illegal drug(s), and at a subsequent stage in the process, the applicant admits to the use or purchase of an illegal drug.
2. At any stage of the background investigation process, the applicant provides substantially inconsistent responses regarding illegal drug(s) or alcohol used or purchased by the applicant.
3. At any stage of the background investigation process, the applicant fails to disclose or acknowledge any disqualifying behavior or activity on the part of the applicant, as an adult, relative to, and governed by, any of the Background Removal Standards.
4. Failure or refusal to answer or respond to oral or written questions during any phase of the selection process.
5. Failure to pass a polygraph examination or any attempt to distort the polygraph examination results.
6. Use or attempted use of political influence to secure employment.

For purposes of this standard, and Background Removal Standard H., the "use" of drugs occurs when an applicant smokes, puffs, ingests, tastes, injects, inhales, or otherwise tries, any illegal drug, including but not limited to, marijuana, cocaine, anabolic steroids, or chemical inhalants.

B. Family History

Applicants will be removed from the eligibility list for any of the following reasons:

1. Verified or admitted physical or emotional abuse as an adult of one's spouse, ex-spouse, child, stepchild, parent, or any other relative or person with whom one lives or has an intimate relationship within seven (7) years.
2. Non-compliance with a court order or legal contract to provide child support, alimony, or other financial responsibility as determined by a finding of any court of law within five (5) years.
3. Intentional violation of any protective or temporary restraining order as determined by a court of law within seven (7) years.
4. Verified or admitted sexual abuse of one's spouse, ex-spouse, child, stepchild, parent, or other relative or person with whom one lives or has a relationship.

C. Employment

Applicants will be removed from the eligibility list for any of the following reasons:

1. Three (3) or more terminations and/or discharges within the last five (5) years. This shall not include any terminations resulting from a business ceasing operation.
2. Post-probationary termination from any of the following positions:
 - a) Law enforcement or corrections officer;
 - b) Salaried or volunteer employee with a Fire/EMS agency; or
 - c) Health care professional.

D. Military History

Applicants will be removed from the eligibility list for any of the following reasons:

1. Dishonorable discharge from military service.
2. Conviction of any article of the Uniform Code of Military Justice that would be equivalent to a felony under the Ohio Revised Code (ORC).

E. Traffic

Applicants will be removed from the eligibility list for any of the following reasons:

1. Any conviction of vehicular homicide shall permanently eliminate an applicant from consideration.
2. Driving under the influence of alcohol or drugs:
 - a) Conviction within the past five (5) years;
 - b) More than one (1) OVI conviction as an adult; or
 - c) More than two (2) OVI convictions, if one of the convictions was as a juvenile.
3. Four (4) moving violations in the past three (3) years as an adult.
4. At the time of the interview or polygraph, the applicant does not possess a valid driver's license and auto insurance as required by the residence state and if the applicant owns a car.

F. Gambling

The term "gambling offense" shall include any activity defined as gambling by a federal, state, local statute or ordinance in the jurisdiction where the activity occurred.

Applicants will be removed from the eligibility list for any of the following reasons:

1. Conviction of a gambling offense, within the last five (5) years.
2. Admission to gambling that has resulted in an unstable financial or credit history within the last seven (7) years.
3. Conviction of or admission to engaging in the promotion of illegal gambling activity wherein the applicant gains a financial benefit.

G. Criminal Activity

Applicants will be removed from the eligibility list for any of the following reasons:

1. Any theft offense, within the last five (5) years, or a combination of theft offenses which exceeds \$1,000.00.
 - a) This standard includes theft of cable TV service(s), if the theft occurred in the last two (2) years.
2. Any pattern of theft offenses from an employer.
3. Any fraudulent insurance claims or fraudulent applications for welfare, workers' compensation, unemployment compensation, or other public assistance programs in excess of \$1,000.00.
4. Any admission or conviction of an offense as an adult defined as a felony by the federal, state, local statute or ordinance in the jurisdiction where the felony occurred. An admission of a felony offense would be disqualifying unless otherwise addressed by these standards.
5. Any admission or conviction as a juvenile of one (1) violent felony as defined by the relevant federal, state, local statute or ordinance in the jurisdiction where the felony occurred.
6. Any conviction of a M-1 or M-2 misdemeanor, as defined by the relevant federal, state, local statute or ordinance in the jurisdiction where the activity occurred, as an adult in the last five (5) years or more than one M-1 or M-2 conviction as an adult.
7. Any conviction of more than one (1) M-1 or M-2 misdemeanor as defined by the relevant federal, state, local statute or ordinance in the jurisdiction where the activity occurred as a juvenile. (Does not include traffic or minor misdemeanors.)
8. Any admission of an offense for carrying a concealed weapon within the last five (5) years if it is defined as a felony by the federal, state, or local law where the offense occurred.

H. Illegal Substances

Applicants will be removed from the eligibility list for any of the following reasons:

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2. Any use, purchase, or cultivation of marijuana within one (1) year before application or any time during the selection process.
3. Any illegal manufacture or sale of drugs of abuse, marijuana, or prescriptive drugs. If the substance was sold without profit to the applicant, the amount of the substance sold was de minimus, and the sales occurred when the applicant was a juvenile or more than five (5) years ago, then the above Rule shall be negated.

For the purposes of this standard, the "purchase" of marijuana or other illegal drugs include those purchases made by pooling of resources or money by the applicant and others for substances for their own use.

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3. Failure to appear for medical/stress test.
4. Failure to appear for psychological exam.
5. Failure to return Personal History Questionnaire or Supplemental Questionnaire, or to respond to phone calls or correspondence from Background personnel.
6. Unable to locate at address/phone number on file.
7. Applicant is no longer interested in employment with the Division.
8. Failure to appear for oral board, if required.

Unless otherwise noted, standards that reference a timeframe will be calculated from the date the eligibility list was established. All standards apply for timeframes listed and throughout the selection process.

These standards shall only apply to applicants for the position of firefighter or paramedic and shall not apply to applicants for any other clerical, administrative, or supervisory position with the Fire Department that does not require a firefighter or paramedic certification from the State of Ohio.