



S.B. 218
127th General Assembly
(As Introduced)

Sen. Schuring

BILL SUMMARY

- Permits the legislative authority of a city to adopt an ordinance authorizing the mayor to appoint the police or fire chief, providing alternative procedures for appointment of the police or fire chief, allowing qualified persons from outside the police or fire department to take the competitive promotional examination for police or fire chief, and authorizing the mayor to appoint a person as police or fire chief who has not received the highest rating on the examination.

CONTENT AND OPERATION

Mayoral authority and alternative procedures for appointment of police or fire chief

The bill allows the legislative authority of a city, by a three-fourths vote of its membership, to adopt an ordinance (1) granting the mayor of the city authority to appoint the chief of the police or fire department, (2) providing procedures for the appointment of the chief of the police or fire department that differ from the procedures provided elsewhere in the Civil Service Act, so long as the alternative procedures comply with the bill, and (3) allowing qualified persons from outside the city police or fire department to take the competitive promotional examination for chief of the police or fire department. The bill makes a person ineligible to be appointed by the mayor as chief of the police or fire department unless the person has passed a competitive promotional examination for the position, but permits the legislative authority to adopt an ordinance allowing the mayor to appoint an otherwise eligible person who has not received the highest rating on the examination.

Existing law: police promotions

Any position above the rank of patrol officer in a police department is filled by promotion from among persons holding positions in a rank lower than the position that is to be filled. In order to be eligible to fill a vacancy in a police department above the rank of patrol officer, the appointee must have passed a competitive promotional examination, and must have served at least 12 months in the rank immediately below the vacant position. In addition, a municipal civil service commission may require more than 12 months of service prior to promotion to the rank immediately above patrol officer.

If a vacancy occurs in a position above the rank of patrol officer and there is no eligible list of candidates for the position, the municipal civil service commission must hold a competitive promotional examination within 60 days of the vacancy. Once the examination is complete and the eligible list is established, the commission must certify the name of the person that received the highest rating on the examination to the appointing officer who must appoint the certified person to the vacant position within 30 days of the certification. If an eligible list of candidates does exist, the commission must immediately certify the name of the person with the highest rating to the appointing officer, who must appoint that person to the vacant position within 30 days of the certification.

Existing law: fire department promotions

Vacancies in a fire department above the rank of regular fire fighter (called "promoted ranks") are filled by competitive promotional examinations.¹ No

¹ Promotions must be by successive ranks. The names of examinees that have passed the examination are compiled on an eligible list of applicants, with the person who scored highest on the examination listed first. If two or more persons receive the same score, seniority in the fire department determines the order in which names are listed. Once compiled, the eligible list exists for two years and any appointments made from the list must occur within ten days of a vacancy. (R.C. 124.46.) Special positions with special duties and preferential pay may be established by a municipal council or board of township trustees and filled by competitive promotional examination. However, appointment to a special position does not establish eligibility to the next higher rank to the exclusion of those at the same rank that do not hold special positions. (R.C. 124.47.) Whenever there is a vacancy in a promoted position and no eligibility list exists, the appointing officer must certify that fact to the civil service commission, which must hold a competitive promotional examination within 60 days of the certification. When the eligible list is established, the appointing officer must appoint the person that scored highest on the examination. If an eligible list exists at the time of a vacancy, the appointing authority must appoint the person with the highest standing within ten days. (R.C. 124.48.) Promotions within a fire department may be subject to a probationary period not exceeding six months. If service during the probationary period is

person is eligible to take the examination for the promotional rank immediately above the rank of regular fire fighter until the person has served at least 48 months in the rank of regular fire fighter, not including any probationary period. However, when there are fewer than two people who have served 48 months in the rank of regular fire fighter, not including the probationary period, the service requirement does not apply.

When a vacancy occurs in a promoted rank other than the rank immediately above regular fire fighter, a person is ineligible to take the examination for that position unless the person has served at least 12 months in the rank immediately below the rank in which the vacancy exists. However, if fewer than two people willing to compete for the promotion have served 12 months in the rank immediately below the vacancy, the service requirement does not apply. If there are not two or more eligible persons after the non-application of the service requirement in the rank immediately below the vacancy, the same method is to be followed in the lower ranks until two eligible persons are identified. If two eligible persons are not identified or are unwilling to compete for the examination, whoever is willing to compete is to be appointed to the position upon passing a qualification examination.²

HISTORY

ACTION	DATE
Introduced	09-20-07

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satisfactory, the employee continues at the promoted rank. If the employment is unsatisfactory, the employee is reduced to the rank held prior to the appointment. The employee has ten days to appeal the decision to the civil service commission, which must hear the employee's appeal within 30 days. The employee may appeal the decision of the civil service commission to the court of common pleas in the county. (R.C. 124.49.)

² Promotional examinations for positions within a fire department are subject to requirements, including that the tests relate to ability to discharge the duties of the position sought and have a written portion. Seniority credit, based on service in the municipal or township fire department, and credit for efficiency, is also added to the grade if an applicant receives a minimum passing grade on the examination. Applicants have the right to appeal to the civil service commission if they believe that their examinations were graded erroneously.

