



## Ohio Administrative Code

### Rule 3339-20-06 Recruitment, selection, and appointment.

Effective: June 19, 2023

---

#### (A) Civil service appointments

No person shall be appointed, transferred, laid off, reinstated, or promoted, as an employee in the classified civil service at Miami university, in any manner or by any means other than those prescribed in the rules herein. Persons who receive intermittent or student employee appointments are in the unclassified civil service.

#### (B) Requisition to fill a vacancy

Whenever a vacancy in the classified service is to be filled, the head of a department, office, or hiring unit, in which a position in the classified service is to be filled, shall notify the university's authorized appointing authority (herein university) and identify the position to be filled and stating the class title, location, and number of positions to be filled, and also whether the position is to be filled on a full- or part-time basis.

#### (C) Competitive selection and promotion

(1) Vacancies in positions in the classified service shall be filled insofar as practicable by competitive selection. The university may provide that vacancies in positions in the classified civil service shall be filled by promotion in cases when the university determines it is in its best interests to do so.

(2) For classifications where an examination is required, all examinations for promotions shall be competitive and may be conducted in the same manner as examinations described herein. Where an examination is not required, the university's authorized appointing authority shall prepare an eligibility list of the persons who applied by the deadline, meet the minimum qualifications and are eligible.



(3) In all cases where vacancies are to be filled by promotion, the university's authorized appointing authority shall forward to the hiring unit the names and applications of the candidates who applied by the deadline, meet the minimum qualifications and are eligible. Only candidates who meet the minimum qualifications for the position may be considered.

(D) Waiver of competitive selection process

(1) Positions in the classified service may be filled without competitive selection as follows:

(a) Temporary appointments.

Except as otherwise provided herein, the temporary appointment may not continue longer than one year, and in no case shall successive temporary appointments be made. A temporary appointment longer than one year may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence.

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

(b) 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 this special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in those qualities, the university may suspend the provisions of the rules herein that require competition in this special case, but no suspension shall be general in its application.

(c) Reinstatement.

An employee holding a position in the classified service who has been separated from the service



without delinquency or misconduct on the person's part, having served the required probationary period, may be reinstated by the university's authorized appointing authority within one year from the date of that separation to a vacancy in a similar position in the same classification. An employee that is reinstated from resignation following a break in service shall be given an appointment date based on the date of reinstatement.

(d) Transfer.

A person holding a position in the classified service may be transferred to a similar position in the same office or department another or office or department having the same pay and similar duties, but no transfer shall be made as follows:

(i) From a position in one classification to a position in another classification where the individual does not meet the minimum qualifications;

(ii) To an office or position for original entrance to which there is required an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.

(iii) No person in the classified civil service may be transferred without the consent of the university's authorized appointing authority.

(E) Notice of vacancies

Notice of vacancies to be filled by competitive selection shall be posted in conspicuous places such as an employment website, job posting bulletin boards and university personnel offices. The vacancy announcement must include the minimum qualifications for the open position.

(F) Formal application

(1) The university shall require persons applying for an original appointment to file with the university, prior to the application deadline, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning



the applicant's education, training and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics as required by law.

(2) Applications shall be furnished without charge to any person requesting the same. The university may require in connection with such application such certificate of persons having knowledge of the applicant as the good of the service demands. The university may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established minimum qualifications for the examination or position, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from either branch of the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment.

(3) Information showing that an applicant meets all of the minimum qualifications as stated on a vacancy announcement must appear on the application or supporting documentation.

(4) Failure of an applicant to indicate the qualifications as to experience or any other requirements described in the vacancy announcement will be considered sufficient cause to exclude an applicant from consideration for employment. An applicant may correct an incomplete application as long as any necessary corrections are made prior to the filing deadline for the vacancy.

(5) An applicant who has filed an application for a vacancy may be permitted to change the application for another vacancy if he or she possesses the proper qualifications for which applications are being received, provided such change shall be requested prior to the filing deadline for the vacancy.

(6) Fraudulent conduct or false statements by the applicant, or by others with his connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of his name from the eligibility list, or for discharge from the service after appointment from certification, provided that the name of no person shall be removed from an



eligibility list, nor shall any person be dismissed from the service under this section, without having an opportunity to be heard in his own behalf. Where an applicant is excluded from an examination or his name is removed from the eligibility list under this rule, he shall be heard by the university. If he is to be discharged from service following appointment, the procedure established in section 124.34 Revised Code, shall be followed.

(7) Employees with performance improvement plans (pips) may not apply nor be considered for any positions for the duration of the plan and six months after successful completion of the plan.

(8) Unless authorized by the university's appointing authority, employees with performance improvement plans (pips) may not apply nor be considered for any positions for the duration of the plan and six months after successful completion of the plan.

(G) Examinations and requirements

Rules establishing educational requirements as a condition of taking a civil service examination shall only be adopted with respect to positions for which educational requirements are expressly imposed by law or for which the university determines that the educational requirements are job-related.

(H) Examinations

(1) All applicants for positions and places in the classified service may be subject to examination. The university shall determine the classifications for which examinations are appropriate.

(2) Any examination administered under this rule shall be public and be open to all. Any person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, and any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days of active duty service pursuant to an executive order of the president of the United States or an act of the congress of the United States may file with the university a certificate of service or honorable discharge, and, upon this filing, the person shall receive additional credit of twenty per cent of the person's total grade given in the regular examination in which the person receives a passing grade.



As used in this rule, "service in the uniformed services" and "uniformed services" have the same meanings as in the Uniformed Services Employment and Reemployment Rights Act, 108 Stat. 3149 (1994), 38 U.S.C.A. 4303.

(3) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

(4) No questions in any examination shall relate to political or religious opinions or affiliations. No credit for seniority, efficiency, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.

(5) Reasonable notice shall be given of the time, place, and general scope of every competitive examination for appointment to a position in the civil service. Notice shall be posted in conspicuous public place by the university at least five working days prior to any examination being given.

(6) The university shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of publication of the examination announcement. Reasonable accommodations may be made for the testing of physically and mentally-impaired individuals in accordance with the Americans with Disabilities Act.

(7) Any required examinations shall comply with the Americans With Disabilities Act and other applicable laws regarding disability.



(8) The university shall determine a passing point for each examination based on the difficulty of that examination and other relevant data. When a passing point is determined, it shall be made a matter of permanent record. The university shall require a qualifying grade for any or all parts of an examination providing notice of such requirement is given in the general instructions accompanying the examination. The university shall prescribe that all examinations shall be in compliance with federal selection guidelines and professional standards.

(I) Special examinations for individuals with disabilities

Miami university does not discriminate against a qualified individual with a disability because of the disability with regard to job application or hiring, employee compensation, job training or other terms, conditions, and privileges of employment.

A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. A disabled employee or potential employee who requests reasonable accommodation shall identify the specific job requirement that he or she believes should be modified through reasonable accommodation. Miami university will provide necessary reasonable accommodation if it can do so without undue hardship on the operation of Miami university.

(J) Examination guidelines

(1) Notice requirements for examinations. Notice of examinations shall be posted in conspicuous places such as an employment website, job posting bulletin boards and university personnel offices.

(2) Admitting applicants to examinations. No applicant shall be admitted to any written examination more than thirty minutes after the advertised time for beginning such examination. Applicants who are late arriving for skills or interview examinations will be scheduled for the next available session.

(3) Extension of time in examinations. No applicant in any examination shall be given a longer time on any subject than prescribed by the university. The university may establish separate time limits for the individual accommodation of disabled applicants.



(4) Visitors at examinations. No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge. Applicants may not place or accept phone calls or electronic communications during the examination.

(5) Inspection of papers. Any competitor shall have the right at any time within the period of ten days after receiving notice of examination grade to request, in writing, a review of his or her own papers to learn the markings given on each subject or question and to submit in writing for the university's consideration, any objection or protest he or she may wish to make concerning the grades given. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor, or such other circumstances in connection with an examination as would call for an investigation on the part of the university, and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a four-month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the state service, where such inspection would tend to reduce the validity of test results.

(6) Changing of grades. No grades given in any examination shall be changed after the posting of an eligibility list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the university's properly authorized examiners; provided that the university may correct clerical errors of examiners or employees at any time before the cancellation of such lists.

(7) Postponement or cancellation of examinations. Examinations, unless canceled or postponed, must be held upon dates fixed by the university. A scheduled examination may be canceled or postponed by order of the university, for adequate reason. Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.

(8) Credit for military service. When proper proof of military service, as noted herein, is presented to the university and the applicant, being otherwise eligible, has received a passing grade in any examination for original appointment, he or she shall be granted additional credit of twenty per cent of such grade, thereby receiving a final grade of twenty per cent higher in view of the above-





mentioned service. The applicant must submit proof of honorable discharge or honorable separation from active military service prior to the posting of an eligibility list.

(9) Repeating examinations. An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within four months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement, provided that the university's designated appointing authority may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.

(10) Release time for examinations. University employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the university.

(11) Character and fitness of applicant. Satisfactory information produced at any time to the university, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to successful performance of the employment sought, or of the applicant's dismissal for good cause from any branch of public service, or of his or her conviction of a job related felony or has an established pattern of poor work habits and performance with previous employers, shall be sufficient to exclude the applicant from examination, or to remove the applicant's name from any eligibility list, providing such person shall be notified as to the reason and shall be given an opportunity for a review by the university. All documentation submitted by applicants or references as to character and fitness shall be subject to investigation by the university.

(K) Medical or psychological examination as a requirement for appointment to the classified service

(1) Medical examination defined. For purposes of this rule, a "medical examination" is an evaluation by a licensed practitioner of an applicant's physiological or psychological condition as it relates to employment in the classification being considered.

(2) Licensed practitioner defined. For purposes of this rule, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or a licensed independent social worker who is licensed to



perform the appropriate examination.

(3) When a medical or psychological examination is required by the university such requirement shall be published in the examination or vacancy announcement and shall comply with the Americans With Disabilities Act and other applicable laws regarding disability.

(L) Appointments from eligibility lists

(1) The head of a department, office, or hiring unit, in which a position in the classified service is to be filled, shall notify the university of the fact, and the university shall, except as otherwise provided in these rules, forward the names and applications of the candidates who completed the application process by the deadline, who meet the minimum qualifications, and who are eligible.

(2) The office of equity and equal opportunity (OEEO) will provide to the hiring department an applicant flow data report of qualified applicants for the position. The report indicates the composition of the pool of qualified applicants. It is the responsibility of the hiring department to contact oeoo to obtain the report prior to selecting candidates for interview. If oeoo determines the candidate pool is not acceptable, then in consultation with the department of human resources and hiring department a determination will be made whether to conduct additional recruitment or close the search. If additional recruitment is undertaken, the hiring departments must request an updated applicant flow data report prior to interviewing candidates. Once the applicant pool is approved by oeoo, the hiring unit shall review the applications and select for interview the applicants who best meet the qualifications for the position.

(3) When an examination is not required, the university shall prepare an eligibility list of the persons who completed the application process by the deadline, who meet the minimum qualifications, and who are eligible.

(4) From the returns of the examinations, the university shall prepare an eligibility list of the persons whose general average standing upon examinations for the grade or class is not less than the minimum, and who are otherwise eligible. Those persons shall take rank upon the eligibility list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. If two or more applicants receive the same mark in



an open competitive examination, priority in the time of filing the application shall determine the order in which their names shall be placed on the eligibility list, except that applicants eligible for veteran's preference shall receive priority in rank on the eligibility list over nonveterans on the list with a rating equal to that of the veteran. Ties among veterans shall be decided by priority of filing the application. If two or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligibility list. The term of eligibility of each list shall be fixed by the university at not more than one year.

(M) Recommendation to hire

(1) The hiring department shall recommend to the university the name of the candidate to whom an offer of employment should be extended. If there are multiple vacancies, the hiring department may recommend multiple candidates for consideration. Only the university's authorized appointing authority may extend an offer of appointment.

(2) When an applicant whose name has been included on an eligibility list indicates not being interested in the position, or declines an offer of appointment if one is made, the individual's name shall be removed from the eligibility list, subject to the following qualifications:

(a) If the applicant's decision is based on military service his/her name shall be restored to the list when he or she indicates their availability for consideration.

(b) An applicant whose name has been removed from a list under this rule may be restored to the list upon presentation to the University of reasons or evidence which would justify restoration to the list.

(N) Probationary periods

(1) All original appointments, promotional appointments, lateral appointments to a position in a different classification, and demotions to a position in a different job family, shall serve a fixed probationary period, as described below:

(a) Original appointment - one hundred eighty day probationary period



(b) Promotional appointment - one hundred twenty day probationary period

(c) Lateral appointment in a different classification - ninety day probationary period

(d) Demotions to different job family - ninety day probationary period

Original appointments to the police department as a police officer shall serve a probationary period of one year. No appointment or promotion is final until the appointee has satisfactorily served the probationary period.

(2) If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. The university may remove or reduce a probationary employee. Whenever an employee is given a probationary removal or reduction, a written statement of the reasons for such action, signed by the university's authorized appointing authority, showing the respects in which the employee's service was not satisfactory, shall be given to the employee. A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.

(3) Time spent in no-pay status shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.

(4) The university may, with the written consent of the employee and written approval of the employee's supervisor, extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A probationary period extension shall only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period.

(O) Probationary period for part-time workers

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Part-time employees who work who work less than the normal number of



working days per week shall have their probationary period determined on the basis of time actually worked as described:

- (1) Five hundred hours are equivalent to a ninety-day probationary period.
- (2) Six hundred seventy hours are equivalent to a one hundred twenty-day probationary period.
- (3) One thousand hours are equivalent to a one hundred eighty-day probationary period.
- (4) One thousand four hundred hours are equivalent to a two hundred fifty- two day probationary period.
- (5) One thousand five hundred hours are equivalent to a two hundred seventy day probationary period.
- (6) One thousand seven hundred hours are equivalent to a three hundred day probationary period.
- (7) Two thousand hours are equivalent to a three hundred sixty -five day probationary period.

(P) Seasonal positions

All positions, where the nature of the work is such that the service is limited to increments of ninety days or less and is not continuous throughout the year, and recurs in successive calendar years, shall be designated as "seasonal" positions. Any person appointed to such seasonal position who has successfully performed, and who has been temporarily separated from the service during the inactive season, shall be placed first on the hiring list for the succeeding season of employment in the same position, provided the person is not in the meantime disqualified for any cause. Any person appointed to a seasonal position, who is not assigned to work for a period of one year due to lack of work or the person's refusal of available work shall be deemed ineligible for further assignment through placement on the list.