

RULES AND REGULATIONS

OF THE CIVIL SERVICE COMMISSION OF THE VILLAGE OF MAYFIELD, OHIO

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**RULES AND REGULATIONS
OF THE CIVIL SERVICE COMMISSION
of
MAYFIELD VILLAGE, OHIO**

**ARTICLE 1
DEFINITIONS OF TERMS**

The several terms hereinafter specified whenever used in these Rules and Regulations of the Mayfield Village Civil Service Commission or in the administration of the Civil Service Laws shall be construed as follows:

APPLICANT:	An individual who formally applies for a position utilizing Mayfield Village's defined application process.
APPOINTING AUTHORITY:	The Mayor and/or the person having the power of appointment or removal from any position under the classified service.
APPOINTMENT:	The act of placing an officer or employee under the classified service.
CERTIFICATION:	Act of supplying names from an official eligibility list to the Appointing Authority.
CIVIL SERVICE COMMISSION:	As established and governed by the Charter of Mayfield Village, Ohio, Article V, Section 6 and Section 124.40 of the Ohio Revised Code.
CLASS:	Used to designate one or more positions sufficiently distinct from all other positions in duties, responsibilities and qualifications required to warrant a separate title.
CLASSIFICATION:	A term used to designate the process by which the proper title and level for each position is determined.
CLASSIFIED SERVICE:	All offices and positions in the Civil Service.
CONTINUOUS SERVICE:	The duration of employment not interrupted by resignation, retirement, or discharge or other breaks in service.
DAYS:	Unless otherwise specified, calendar days.
DEMOTE or DEMOTION:	The movement of any employee from a position in one class to a position in another class having a lower maximum.

DEPARTMENT HEAD:	The head of a Mayfield Village Department duly appointed by the Mayor.
DISCHARGE:	The removal of any employee from the Classified Service for reasons other than voluntary resignation.
ELIGIBLE:	A person who has made formal application for a position and has been placed on an eligibility list, or has qualified to be placed on an eligibility list.
ELIGIBILITY LIST:	A list of names of persons found qualified either through examination or reemployment procedure for the purpose of filling vacancies in the classified service.
EMPLOYEE:	One who serves Mayfield Village in the Classified Service.
EMPLOYEE STATUS:	A term utilized to describe an employee's situation by title, position, salary, type of appointment, etc.
EXAMINATION:	A test administered by the Civil Service Commission or through multi-city or regional testing process, including virtual or electronic testing approved by the Civil Service Commission, to determine knowledge and/or qualifications of individuals before being appointed to a position under the Classified Service.
FRAUD:	A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed.
LAST CHANCE AGREEMENT:	An agreement signed by both the Appointing Authority and an employee that describes the type of behavior or circumstances that, if it occurs or they occur, will automatically lead to removal of the employee without the right of appeal to the Commission.
MILITARY SERVICE:	Service in any branch of the armed forces of the United States and an honorable discharge therefrom.
ORIGINAL APPOINTMENT:	Initial appointment of a person to a position in the Civil Service, or appointment after service has been interrupted by resignation, retirement or discharge.
PERMANENT EMPLOYEE:	An employee in the classified service who, following certification, has completed the applicable probationary period and occupies a duly authorized position involving a full time year round service.
POSITION:	A group of current duties and responsibilities requiring (normally) the full time services of one person.

PROMOTION:	A vertical movement from one class to a higher class, involving a change and rate of compensation.
RULES:	The Rules and Regulations of the Civil Service Commission of Mayfield Village, Ohio.
SENIORITY:	The length of uninterrupted service.
STRUCTURED INTERVIEW:	An interviewing technique designed in such manner as to provide for a standardization of questions asked, the sequence in which they are asked, and the way in which replies are interpreted to provide for consistency between interviews in the obtaining job related information for the purpose of rating the applicant.
SUSPENSION:	The act of removing an employee from active duty for a specific and limited period of time.
TRANSFER:	The movement of any employee from one class to a like or related class not involving either an increase or decrease in grade or pay.
UNCLASSIFIED SERVICE:	Positions in the Service of Mayfield Village not in the Classified Service.
WEIGHTS:	As used in connection with examinations to indicate the relative importance of the subjects or parts of the examinations.

ARTICLE 2 **ADMINISTRATION**

SECTION 2.1 Jurisdiction

The Civil Service Commission shall have jurisdiction derived from Article V, Section 6 of the Mayfield Village Charter, Section 124.40 of the Ohio Revised Code, and the Rules and Regulations prescribed herein.

SECTION 2.2 Chairperson of the Commission

The Commission shall organize annually in the month of January and shall at that meeting designate by vote one of its members as Chairman. The Chairman shall preside at all meetings and hearings of the Commission.

The Commission shall also elect a Vice-Chairperson who will act in the place of the Chairperson in his/her absence.

SECTION 2.3 Secretary of the Commission

At the organizational annual meeting, the Commission shall appoint or elect a person to act as Secretary who need not be a member of the Commission who shall be responsible for extending administrative direction in the carrying out of all the duties, functions, and activities of the Commission.

Such duties, functions, and activities shall include attendance at meetings of the Commission and keeping the minutes thereof; keeping a record of the official actions of the Commission; manning and maintaining the office of the Commission during the prescribed hours for said office to be open; keeping all the Commission's files in proper order; preparing and delivering or cause to be delivered all notices and other communications that are ordered by the Commission; properly furnishing the proper appointing authority with eligibility lists; maintaining an official roster of Village employees; at the direction of the Commission, arranging for the preparation, administration, and grading of examinations for the establishment of eligibility lists for positions in the classified service; certifying payroll to ascertain that the persons contained therein have been appointed or employed in accordance with Civil Service provisions; handling all correspondence as the Commission shall determine; in conjunction with the Commission, signing all warrants or orders for the payment of money on behalf of the Commission; and performance in a suitable manner of such duties as directed by the Commission.

SECTION 2.4 Other Employees of the Commission

The Commission may appoint or hire other professional and clerical employees as necessary to carry out the responsibilities and duties of the Commission.

SECTION 2.5 Special Examiners

The Commission may designate persons in or out of the Civil Service to serve as examiners or assistant examiners under its direction.

SECTION 2.6 Meetings of the Commission

Meetings of the Commission shall be held when requested by the Mayor, the Chair of the Commission, or the Commission, upon at least three (3) days' notice, at such time and place as may be determined by the Commission. An organizational meeting shall be held in January of each year as required in Section 2.2.

SECTION 2.7 Quorum

Two members of the Commission shall constitute a quorum for the transaction of business.

SECTION 2.8 Official Roster

The Commission shall maintain an official roster showing names, titles, status and other data as required by the Commission of all persons employed by Mayfield Village. No payroll of persons holding positions in the classified service shall be certified or approved for payment unless each name has been placed on the official roster in accordance with these rules. Information as to positions in the unclassified service shall be supplied by the Appointing Authority within forty-eight (48) hours after any appointment in such service.

SECTION 2.9 Official Signatures

The Chairman of the Commission is authorized to sign all papers and other documents for and on behalf of the Commission. In his/her absence, the Vice-Chairperson of the Commission for any meeting or hearing shall have such power.

ARTICLE 3 **CLASSIFICATION**

SECTION 3.1 Classification of Service

The Civil Service of Mayfield Village is divided into the classified and unclassified service. Subject to the provisions of Article V, Section 6(B) of the Mayfield Village Charter, the Civil Service Commission shall determine which employees shall be within the classified or unclassified service and the title so given shall be used in all records.

a. Classified Service

All positions in the classified services shall be so grouped and arranged that each class shall consist of those positions so similar in respect to duties, responsibilities, education, experience, ability, qualifications, fitness and authority that the same descriptive title may be used to designate each position allocated to the class and may be used to choose qualified eligibles, and that the same schedule of compensation may be applied equitably.

b. Unclassified Service

Positions in the unclassified service shall be exempt from all examinations as it pertains to employees.

SECTION 3.2 Classification Plan

A Classification Plan for employees in the classified service shall be prepared and then maintained by the Civil Service Commission, which Plan shall provide for the standardization and classification of all positions and employment in the classified service. Such Plan shall include a position title, statement of the general duties, typical tasks, responsibilities, and qualifications that indicates the kinds of positions that should be allocated to the respective classification. Such statement shall be descriptive and not restrictive and intended to indicate the kinds of positions that shall be allocated to the classification.

SECTION 3.3 Conformance to Class Duties

No person shall be employed or regularly assigned under any title not appropriate to the duties to be performed. In positions encompassing several duties of comparable levels of difficulty and requiring similar qualifications, the appropriate title may reflect the preponderant duties. In positions encompassing related duties of substantially varying levels of difficulty, the appropriate title shall reflect the most difficult duties required if such duties are performed to a substantial degree.

Each Department Head is responsible for maintaining the integrity of the Classification Plan.

SECTION 3.4 Establishment of New or Amended Classified Positions

It shall be the duty of the Commission to study new positions or existing positions in which there is doubt regarding the appropriate titling or classification.

Whenever a new classified position is established or the duties of an existing position are so changed that the old position as described in the Classification Plan no longer exists, but in its place a new position of a different class is created, the Appointing Authority shall report such fact to the Civil Service Commission and transmit a comprehensive statement of the circumstances and a description of the duties. The Commission shall investigate the duties and qualification requirements and classify or reclassify the position by allocating it to its appropriate class in accordance with the Classification Plan.

The Commission reserves the right to amend the statement of duties for any classification, and to abolish, merge, or divide existing classifications.

SECTION 3.5 Investigation of Classifications

The Commission shall review periodically the appropriateness of the class titles assigned to each position in the classified service. The Commission shall determine by investigation whether employees assigned to the unclassified service are filling their positions which are or should be in the classified service, or whether employees in one class are performing duties regularly assigned to positions in other classes.

SECTION 3.6 Incumbents of Changed Classification

Wherever a position has been allocated to a new classification by virtue of merger, abolition, division of classifications, the creation of new classifications, or by error, the incumbent of such position, if a legal appointee, shall without examination receive the title of the new classification. However, it must be shown to the satisfaction of the Commission that the person for whom such promotion or appointment is requested has fully performed the additional duties and assumed the responsibilities for which reclassification was allowed and is fully qualified to fill the position.

ARTICLE 4 **NOTICE OF EXAMINATIONS**

SECTION 4.1 Entrance Examinations

Notice of competitive entrance examinations are open to persons employed by the Village and to those who have not been employed by the Village and may be advertised in newspapers, the Village's website, bulletin boards at Village buildings, and by any other means determined by the Commission to be necessary to obtain qualified applicants not less than two (2) weeks prior to such examination. Entrance examinations include those administered through Mayfield Village, multi-municipality or regional entry level testing procedures or processes.

Such notice shall also contain such other information relating to the score and character of the examination, and to the qualifications of applicants, as the Commission may deem proper.

SECTION 4.2 Promotional Examinations

Notice of competitive promotional examinations to be held shall be given by posting of the announcement of examination in conspicuous places in the departments whose employees may be interested or eligible, and may be by individual communications to the employees eligible for such promotion.

SECTION 4.3 Minimum Qualifications/Requirements

The Commission shall establish and publish minimum entrance qualifications for each examination, which shall be included in the Notice of Examination. Minimum entrance qualifications may include, among other things, the following:

- a. Applicant's Age: Applicants for all appointments provided for in Article 11 may be required to meet minimum or maximum age requirements as established by state law and/or local ordinance.
- b. Experience and Education: The Commission may establish experience and educational requirements where they are necessary to the performance of a specific job or professional position.
- c. License or Certification: Wherever a license or certification is required by law to perform the duties of a classification, the applicant shall present such license or certification or a certified copy at the time of filing application for entrance to an examination for such classification.

ARTICLE 5
APPLICATION FOR EXAMINATION

SECTION 5.1 Applications

Applications must be signed by the applicant and made under oath or affirmation before an officer authorized to administer oaths. All applications shall be returned to Mayfield Village to the person designated by the Civil Service Commission and within the time limit fixed in the official notice of the examination. A non-refundable filing fee may be assessed for examinations. The fee shall be computed on a reasonable basis to compensate for the costs of advertisement, examination materials, special examiners, and other related and incidental expenses incurred.

SECTION 5.2 Rejection of Application and/or Applicant

The Commission may reject an application for just cause, among which the following may be sufficient:

- a. The applicant lacks any of the established preliminary requirements for the examination.
- b. The applicant is found to be physically unfit for the performance of the duties of the position.
- c. The applicant is addicted to the use of intoxicating liquors, or drugs.
- d. The applicant has been found guilty of a crime or of infamous or notoriously disgraceful conduct.
- e. The applicant has been dismissed from any branch of the public service for delinquency or misconduct.
- f. The applicant has made false statements of any material fact, or practiced, or attempted to practice any deception or fraud in their application or in their examination or in establishing their eligibility or in securing their appointment.

Upon rejecting any application, the Commission shall promptly notify the applicant of the reason for the rejection by any form of delivery that provides for proof of delivery, including email. The applicant may, within seven (7) days after issuance of the notice, file with the Secretary of the Commission a written complaint against such rejection, and shall have an opportunity to show cause why his/her application should not have been rejected.

The Commission will not hear complaints that contest the qualifications established by the Commission. If a complaint from a rejection is pending at the time an examination is scheduled to be held, the applicant shall be allowed to take the examination pending decision in such inquiry. If the Commission finds the rejection is justified, the applicant's examination shall not be graded, or if already graded, shall not be counted.

SECTION 5.3 Fingerprinting

The Commission may cause fingerprinting of applicants for certain responsible positions to be taken and processed.

ARTICLE 6 **EXAMINATIONS**

SECTION 6.1 Types of Examinations

Examinations shall be of three kinds:

- a. **Open competitive examination:** An examination open to all persons, whether employed in the classified service of Mayfield Village or not, who meet the qualifications and complies with the prescribed requirements for admission thereto. May also be referred to as an original appointment examination. Open competitive examinations may also be administered through multi-city or regional entry-level testing procedures or processes.
- b. **Non-competitive examinations:** An examination (either open or promotional) given to determine those qualified to fill appointments to positions requiring peculiar and exceptional qualifications of specific nature for certain specific positions which require unique knowledge and ability and through which only an alphabetical eligibility list is established. Requirements for non-competitive examination are more fully described in Article 8.1.
- c. **Promotional examinations:** An examination open only to employees who meet the qualifications set forth and given for the purpose of establishing a promotional eligibility list. Requirements for promotional examinations are more fully described in Article 9.

Examinations may be oral and/or written and in-person or virtual at the discretion of the Commission and of such character and relate to such matters as will fairly test the relative fitness of the persons examined to discharge the duties of the positions to which they seek appointment.

SECTION 6.2 Parts of Examination

The Commission shall determine in the case of each examination the parts or subjects into which it shall be divided and the weight to be assigned to each part. The parts which shall be recognized may include: written tests, oral tests, performance tests, evaluation of education and/or experience, evaluation of attendance, performance and conduct, physical examinations, medical examinations, and other such tests as the Commission deems appropriate.

SECTION 6.3 Physical Examination

Physical examinations, when required, may include tests of bodily condition, muscular strength, agility and physical fitness to perform the work of the position. Failure to reach satisfactory standards in this part of an examination shall cause the rejection of an applicant without regard to the grades attained on other parts of the examination.

SECTION 6.4 Medical and/or Mental Examinations

Medical and/or mental examinations as required by the Commission must be satisfactorily passed by applicants. Failure to reach a satisfactory standard in this part of the examination shall cause the rejection of the applicant without regard to the grades attained on other parts of the examination.

SECTION 6.5 Conduct of Examinations

All examinations shall be conducted under the direction of the Commission, which may from time to time designate special examiners as may be required.

No oral or written examination shall be held except by examiner(s) duly assigned by the Commission, and if the examination is virtual, pursuant to procedures used by the approved testing agency.

Written tests may be either objective or essay type to demonstrate the knowledge required in the position and to indicate the applicant's general educational attainment. A formal paper on one or more subjects may be required.

Oral tests shall consist of an interview between the applicant and the designated examiner(s) to measure the applicant's suitability for the position as to such job-related factors as may be determined necessary.

Performance tests shall include such tests of ability and skill as will determine the competence of the applicant to perform the duties of the position.

Education and experience shall be ascertained by the examiner from the statements contained in the application and from such other sources as may be required.

Whenever definite time limits have been set for the completion of an examination or parts thereof, announcement of the prescribed time limits shall be made at the beginning of the examination or parts thereof.

SECTION 6.6 Admittance to In-Person Examination

No person shall be permitted to enter an examination for a position in the classified service unless he/she shall have:

- a. Filed a written application on the forms prescribed by the Commission,
- b. qualified in accordance with the minimum entrance qualifications for the examination,
and
- c. had his/her application approved in accordance with the Rules and Regulations of the Commission.

Any person who is not an applicant shall not be present in the examination room except by special permission of the Commission.

Admittance to an examination shall be refused to any applicant arriving after the designated starting time for testing.

No applicant competing in any examination who has completed the examination and left the examination room may be readmitted except by special permission of the person in charge, who shall have discretion to admit the applicant conditionally, subject to the Commission's final approval or disapproval of such admission.

SECTION 6.7 Identity of Examinee Concealed

The identity of all persons taking competitive in-person examinations shall be concealed by the use of an identification number, which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers are rated. Any papers bearing the applicant's name or any other identification mark may be rejected and the applicant so notified.

SECTION 6.8 Offenses in Examinations

The applicant failing to appear for and/or complete any part of an examination shall be excluded from further consideration in the establishment of the eligibility list.

Any fraud in examination is prohibited and shall result in automatic disqualification.

Examples of any fraud in examination may include, but are not limited to, the following; and no person shall:

- a. Falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified under the provisions of the civil service law, or aid in so doing;
- b. Make any false representations concerning the results of such examination or concerning any person examined.
- c. Furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.
- d. Impersonate another person, or permit or aid in any manner another person to impersonate an applicant, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.
- e. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.
- f. Make known or assist in making known to any applicant for examination, any question to be asked on such examination.
- g. Personally solicit a favor from any appointing officer, or have any person on his/her behalf solicit a favor.

In addition, during examination, no applicant shall:

- a. Assist any other applicant during the taking of an examination.
- b. Use any means of information, other than that provided in the examination itself, such as memoranda, pamphlets, books, electronic media, or other means to assist in answering the questions. Should such circumstance occur, the examination papers will be taken up and filed with a zero marking when such action is justified.

Any person who is disqualified from an examination pursuant to Section 6.8 shall not be permitted to take part in any examination for a minimum of ten (10) years. If the person is already in the Village service, such conduct shall be grounds for disciplinary action including termination.

Protests regarding the conduct of the examiners, the securing of unlawful assistance by an applicant, or other circumstances in connection with an examination as would call for an investigation by the Civil Service Commission may be submitted to the Commission, the Commission Secretary, or any other person designed by the Commission. All protests must be submitted in writing unless circumstances require that the information submitted be given in confidence; however, the confidentiality of such information cannot be guaranteed. Any such protest shall be filed with the Secretary to the Commission within seven (7) days of the circumstance giving rise to such protest.

SECTION 6.9 Postponement and Cancellation

The Commission may postpone or cancel any examination because of an inadequate number of applicants or for any other just and sufficient cause. The qualifications for admission to a postponed examination may be altered at the discretion of the Commission so as to secure an adequate number of applicants; however, these alterations shall be adequately publicized. Notice shall be given to all applicants when an examination is postponed or canceled, and such additional announcements and publications as needed shall be issued to notify the public.

ARTICLE 7

METHODS OF RATING AND GRADING EXAMINATIONS

CREDITS

REVIEW OF EXAMINATION PAPERS

CALCULATION OF GRADE WITH CREDIT POINTS

SECTION 7.1 Method of Rating and Grading

The Commission shall determine the methods of scoring, including weights for the different parts of the examination. The method determined shall apply uniformly to all applicants for a position.

Whenever two or more persons competing for the same position have identical averages, their names shall be arranged on the eligibility list in the order in which their applications were filed.

The total grade attainable in each examination, except for special credits, shall be one hundred points (100). An applicant who achieves a passing grade of seventy points (70) or above, or the grade determined by the Commission for a particular position, shall be eligible for consideration as a possible applicant for the position tested. In examinations composed of more than one part, the method of weighing each part shall be determined by the Commission.

SECTION 7.2 Additional Credit Points

Applicants who have taken an examination through a non-Village administered testing facility will receive their initial score through the testing company. Adjustments to this score for any of the below allowable credits will be made by the Civil Service Commission.

a. Seniority:

1. Applicants taking both entrance and promotional examinations who achieve at least the minimum passing grade of seventy (70) points, or the grade set as passing for that particular position per Article 7 of these Rules and Regulations, shall receive credit for seniority determined as follows:
2. For each full year of Mayfield Village service in the respective testing Department only, one (1) point for each full year beginning with year six (6), up to a maximum of five (5) points.

A "full year" of Mayfield Village service shall be defined as having worked at least 2080 hours in a twelve (12) month period and, for a firefighter, shall be defined as having worked at least 2600 hours in a twelve (12) month period. The twelve (12) month period shall begin as of the employee's first date of employment.

In the case of part-time employees, other than part-time firefighters, eligible to take an entrance or promotional examination, seniority credit shall be determined by the employee's total hours of service in Mayfield Village divided by 2080 hours, starting on the employee's first date of employment. In the case of part-time firefighters eligible to take an entrance or promotional examination, seniority credit shall be determined by the employee's total hours worked divided by 2600 hours, beginning in year one.

The maximum credit points to be allowed for seniority for either an entrance examination or a promotional examination is five (5), unless otherwise determined by the Commission.

b. Additional Credit Points:

Additional credit points, if provided for by the Commission, shall be for educational, military or work-related experience that the Commission in its sole discretion determines to be related to the position which is the subject of the examination. The criteria for additional credit points and the procedure for applying for those credit points shall be clearly established by motion of the Commission and set forth in the publicized examination notice. The required proof of eligibility to be awarded additional credit points, in the event the applicant achieves a passing grade on the examination, shall be established by a date and time prior to the commencement of the examination.

The maximum additional credit points to be allowed is twenty (20), unless otherwise determined by the Commission.

SECTION 7.3 Review of Examination Results

Any applicant shall have the right to review their own results, subject to the approved testing agency's procedures, and to submit in writing a request that the Commission review a specific answer or the correction of a clerical error. Such requests for review and correction shall be made within seven (7) calendar days after the test results are released to the applicant. No grading in any examination shall be changed after the establishment of an eligibility list.

All examination results, whether physical or electronic, with the examiner's markings thereon, shall be readily available in the office of the Commission. After expiration of the eligibility list, they shall be filed for safekeeping according to the Rules and Regulations of the Civil Service Commission. The papers of the unsuccessful applicants may be destroyed upon expiration of an eligibility list.

ARTICLE 8 **NON-COMPETITIVE EXAMINATIONS**

SECTION 8.1 Non-Competitive Examinations

In the case of a vacancy in a position in the classified service where peculiar and exceptional qualification of a scientific, technical, managerial, professional or education character are required, and upon satisfactory evidence that for specified reasons competition in such special cases 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 Commission may suspend the provisions of a competitive exam. The applicants for such positions shall be presented to the Commission by the Appointing Authority.

Applicants for such positions who have the necessary qualifications as determined by the Commission may be given a non-competitive qualifying examination.

Applicants who pass such examinations satisfactorily shall be placed upon the eligibility list therefor in alphabetical order without a grade or ranking and the entire eligibility list shall be certified to the Appointing Authority upon request. The Appointing Authority may appoint to such position any person on the eligibility list.

An employee placed in a position pursuant to this Section shall serve the same probationary period as is required for the position.

ARTICLE 9 **PROMOTIONAL EXAMINATIONS**

SECTION 9.1 Promotional Examinations (Other than for Patrol Officer and Firefighters)

Whenever there is a vacancy in a position, other than for patrol officer and firefighter as provided in Section 9.2 below, in any department above the lowest grade, the Commission shall ascertain whether

there are at least two employees who have served one year or more in the next lower grade who are eligible and willing to compete to fill the vacancy. If it is found that there are at least two such employees, the vacancy shall be filled from an eligibility list by a competitive examination for promotion of such employees.

Whenever there are less than two employees in the next lower grade who are eligible and willing to compete, the Commission may hold an open competitive examination to fill the vacancy, or if an eligibility list is available from which to certify such vacancy, the Commission may certify therefrom or may permit the Appointing Authority to nominate the employee, whether full time or part time, in the next lower grade for promotion without competition; however, the Appointing Authority shall submit a written statement showing that the duties performed by the employee nominated are a natural preparation for the higher position and that such employee is entitled to the promotion by reason of length of experience and effective performance.

After such promotional examination has been completed, the Commission shall certify to the Appointing Authority the eligible applicants following Section 10.6 a. below for an original appointment and following Section 10.6 b. below for promotional appointment.

SECTION 9.2 Patrol Officer and Firefighter - Promotional Examinations

Pursuant to Article V, Section 6(E) of the Mayfield Village Charter, no positions above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment.

Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department except for the positions of Chief of Police, Chief of Fire, and Assistant Fire Chief/Fire Marshal, as provided below.

Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank. In those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months and are willing to take the examination, the twenty-four (24) months service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

The position of Chief of Police, Chief of Fire, and Assistant Chief of Fire/Fire Marshal, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the supervisory ranks below, providing that there are two (2) or more persons in such next lower rank who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission. In the event there are not two (2) persons willing to compete for such examination from the supervisory ranks below, then the Commission has the authority to permit competition for such appointment from

the next lower rank (patrol officer in the Police Department and firefighters in the Fire Department), as well as to include competition from qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing two (2) qualified and willing candidates.

No positions except the position of Chief of Police, Chief of Fire, and Assistant Chief/Fire Marshal, above the rank of patrol officer in the Police Department or Firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank. In those cases where there are less than two (2) persons in such next lower rank who have served twenty-four (24) months and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

Except as otherwise provided, all promotions of employees within the classified service shall be made in accordance with the general laws.

After such promotional examination has been completed, the Commission shall certify to the Appointing Authority the eligible applicants following Section 10.6 a. below for an original appointment and following Section 10.6 b. below for promotional appointment.

ARTICLE 10

ELIGIBILITY LIST, REMOVAL FROM, RESTORATION TO, CERTIFICATIONS

SECTION 10.1 Eligibility Lists, Duration, Expiration

The Commission shall maintain or will establish a list of eligibles in each class in the classified service for which examinations are given. Each list shall remain in force for one (1) year from the date of its promulgation unless a new examination is held sooner, or unless the list is extended by the Commission. Such extension, if made, shall be entered on the minutes of the Commission with the reason therefor. No such extension shall be longer than six (6) months and no more than two (2) such extensions shall be made on the same list. The Commission may abolish any list that has been in force for more than six (6) months and hold a new examination whenever, in its judgment, it is in the interest of the public service.

When an eligibility list expires, the names remaining thereon shall be placed on succeeding lists only as a result of passing a new examination.

SECTION 10.2 Change of Name and/or Address

It shall be the responsibility of all applicants and eligibles to promptly notify the Commission of any change of name, address and/or email address immediately upon such change.

SECTION 10.3 Removal from Eligibility List

The name of an eligible applicant shall be removed from an eligibility list for one or more of the following reasons:

- a. At the written request of the eligible.
- b. Failure to accept an offer of appointment, made by mail or otherwise, within four (4) business days succeeding the notice of appointment, shall be deemed a decline of appointment and his/her name shall be removed from the eligibility list.
- c. From promotional eligibility lists upon termination of employment.
- d. Decline of an appointment on the grounds of insufficiency of salary.
- e. Failure to appear or arrange an interview or respond to communication from a Village official, unless restored by the Commission pursuant to Section 10.4 below.
- f. A disability that prevents the applicant from satisfactorily carrying out the essential duties of the position with or without a reasonable accommodation.
- g. Violating any of the prohibited actions described in Section 6.8 (Offenses in Examinations) of these Rules and Regulations.
- h. At the request of the Appointing Authority or Department Head for just cause.
- i. As a result of an unfavorable background investigation.
- j. Name certified to the Appointing Authority or a Department Head three (3) times without an appointment to a same or similar position.
- k. Any other just or reasonable cause as determined by the Commission.

Any applicant whose name is removed from the eligibility list shall not be eligible for appointment and the applicant shall be notified to this effect and the Commission shall be so notified.

SECTION 10.4 Restoration of Name to the Eligibility List

An applicant may have his/her name restored to any eligibility list from which his/her name may have been previously removed upon a successful appeal filed with the Commission. Such appeal shall be filed within seven (7) days of such applicant's name being removed from the eligibility list.

SECTION 10.5 Notification

Whenever a vacancy exists in the classified service, or a new position is created, the Appointing Authority shall immediately notify the Commission of the fact. When any such vacancy is to be filled, the Appointing Authority shall request from the Commission the certification of names of eligibles for such position and shall state whether the position is temporary or permanent (if temporary, the duration of the employment). Such notification of vacancies shall state the title of the position, cause of the vacancy, the department in which the vacancy exists, and the compensation to be paid.

SECTION 10.6 Certification

a. Original Appointment:

Upon receipt of notice from the Appointing Authority that a vacancy exists in the classified service, the Commission shall certify to the Appointing Authority a list of ten (10) applicants scoring highest on the qualifying examination who have achieved passing grades and the Appointing Authority shall make the appointment from among those applicants. If there would be less than ten (10) applicants who have achieved a passing grade, the Appointing Authority may appoint from the list provided or may request a new list.

b. Promotional Appointment:

The Appointing Authority, in making any promotions to a position in the classified service shall be provided by the Commission with a list of three (3) applicants scoring highest on the qualifying examination who have achieved passing grades and the Appointing Authority shall make the promotion from among those applicants. If there would be less than three (3) applicants who have achieved a passing grade, the Appointing Authority may appoint from the list provided or may request a new list. Appointments to vacant promoted positions will be made at a time determined by and at the sole discretion of the Appointing Authority.

Should there be more than one office to be filled, additional names shall be certified so that at least twice more eligibles than positions to be filled shall be certified.

SECTION 10.7 Notice of Certification

Each applicant from a competitive list shall be notified in writing by the Appointing Authority or their representative informing him of the title of the position, the department in which the vacancy exists, and the time and place for the interview. If any applicant fails to report for the interview at the time and place designated or fails to accept the appointment to the position, the Appointing Authority shall so notify the Commission who shall thereupon certify an additional name from the appropriate eligibility list. Any applicant who fails to report for the interview or declines appointment shall be removed from the eligibility list. However, such applicant may appeal within ten (10) days to the Commission for reinstatement to the eligibility list.

When an appointment or promotion has been made, the Appointing Authority shall report to the Commission the name of the person appointed or promoted. The names of those certified and not selected shall be restored to their respective positions upon the eligibility list.

SECTION 10.8 Request for Waiver

An applicant desiring to file a request for waiver of certification and appointment or reinstatement, must make such request in writing to the Commission within three (3) days after the eligible individual has been notified of his/her certification to the Appointing Authority. Such request for waiver must specify the reasons for such request.

ARTICLE 11 **APPOINTMENTS**

SECTION 11.1 Types of Appointments

Appointments shall be as defined below.

a. Regular Appointments:

Regular appointments may be either original or promotional. An original appointment shall be any appointment made from an eligibility list created as a result of an open competitive or non-competitive examination. An appointment shall be deemed to be promotional when made from any promotional eligibility list and involving an advancement in rank or an increase in salary, or both.

b. Provisional Appointment:

If, in the opinion of the Appointing Authority, there are urgent reasons for filling a position and there are no eligibles on a list established as a result of an examination for the position, and no appropriate promotional list or other appropriate list exists, the Appointing Authority may appoint provisionally a qualified person to fill the vacancy.

Whenever a provisional appointment is made, such provisional appointment shall continue in force only until a regular appointment can be made from an eligibility list prepared by the Commission and such eligibility list shall be prepared within a six (6) month period from the date of such provisional appointment.

In order for any provisionally appointed employee to retain permanent status in that position, he/she shall participate in said competitive examination and qualify as a result of that examination for a permanent appointment in said position.

Interim or temporary appointments made necessary by reason of illness or disability of regular employees, shall continue only during such period of sickness or disability.

If the service of the provisional appointee is unsatisfactory, he/she may be removed from the position at any time during his/her provisional status.

c. Temporary Appointment:

If there is an urgent and important reason to fill a position due to a permanent employee's illness, injury, leave of absence, temporary assignment to other duties, or when additional work must be performed of a temporary nature, the Appointing Authority may select for such temporary service any qualified person on the eligibility list of those eligible for permanent appointment or, if there is no current eligibility list, the Appointing Authority may solicit applications for the temporary position.

The acceptance or refusal of a temporary appointment by an eligible shall not affect his/her standing for permanent appointment, nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

Successive temporary appointments shall not be made nor shall an employee receive successive temporary appointments to the same position. Temporary appointments may not be made to fill regularly authorized vacant position(s).

Temporarily appointed employees shall be in the unclassified service.

d. Emergency Appointment:

Emergency appointments may be made by the Appointing Authority when the good of the service, the welfare of the public, and the necessities of the municipality's operation make it necessary so to do in the judgment of the Appointing Authority. Written notice, however, must be given forthwith to the Commission together with the reasons for making such emergency appointments and such reasons must be sufficient and satisfactory to the Commission. The emergency appointment shall not be effective for a period longer than ninety (90) days.

ARTICLE 12 **PROBATIONARY PERIOD**

SECTION 12.1 Probationary Period

All original and promotional appointments of employees of the municipality shall be for a probationary period of one year and no appointment or promotion of an employee is final until such employee has satisfactorily served the employee's probationary period. If the service of a probationary employee is unsatisfactory, he/she may be removed or reduced at any time during such probationary period by the Appointing Authority.

SECTION 12.2 Report to Commission

At the conclusion of the eleventh month of the employee's probationary period, the Appointing Authority shall submit a written report to the Commission recommending acceptance or dismissal of the employee. If the Appointing Authority determines dismissal, notice of such dismissal must be provided to the Commission.

**ARTICLE 13
TRANSFERS, LAY-OFFS, LEAVES OF ABSENCE,
AND RESIGNATION**

SECTION 13.1 Transfers

A person holding a position in the classified service may be transferred, with the consent of the Commission, to a similar position in another office, department, or institution having the same pay and similar duties; but no transfer shall be made to a position in another class or to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position held by such person. No transfer shall be made to a position carrying a salary different from that of the position which the transfer is requested.

A temporary detail of an employee for a reasonable period for duties other than those for which he was appointed is not to be construed as a transfer in the meaning of the Civil Service Commission Rules and Regulations.

SECTION 13.2 Lay-Offs

Whenever it becomes necessary to reduce the working force in a classification through lack of work or lack of funds, employees shall be laid off in order as follows: emergency appointment, temporary appointments, provisional appointments, employees who have not completed their probationary period and, finally, regular appointments. However, where two or more persons are employed in a classification, they shall be laid off in the inverse order of their appointment in such classification unless otherwise first approved by the Commission for good cause shown, and provided further that no lay-offs shall be affected or influenced by race, gender, religion, age, disability, veteran's status, sexual orientation, national origin or ancestry, or for political reasons or affiliations. In every case of lay-off, the Appointing Authority is hereby required to notify the Commission immediately, in writing, and to state therein the reasons for such lay-offs.

When any regular appointee is laid off for lack of work or lack of funds, the name of such person shall be placed at the head of the eligibility list for the classification from which he is laid off and if there is no existing eligibility list at the time, the name of such person shall constitute one. When two or more persons have been laid off, whether at the same time or not, their names shall be placed at the head of such eligibility list in the order of their appointment in the classified held by them when laid off. Such person shall be eligible for certification and reappointment for a period of two (2) years thereafter. If an eligibility list is regularly established prior to the expiration of the period of eligibility herein fixed for laid

off employees, the names of such employees shall be carried forward at the head of such new list for such length of time as equals the unexpired portion of their eligibility as herein fixed.

Should such laid off regular appointee be placed by the Commission on an eligibility list as provided in this Section and, during lay-off, accept appointment to another position covered by such eligibility list, their name shall be removed from the eligibility list. When such person is reemployed to their previous position, their name shall be removed from such eligibility list.

SECTION 13.3 Leave of Absence, Authorized

Leaves of absence without pay may be granted by the Appointing Authority for a period not exceeding thirty (30) days without the consent of the Commission. Leaves of absence for a period longer than thirty (30) days, but not exceeding one (1) year, may be granted by the Appointing Authority only with the consent and approval of the Commission. Written notice of all leaves of absence granted, stating the commencement and period thereof, shall be given forthwith to the Commission. An employee returning after a leave of absence shall be reinstated to their former position.

Leave of absence during the probationary period shall extend said probationary period the length of time necessary to equal the leave.

Failure of an employee to report at the expiration of any authorized leave of absence, without consent of the Appointing Authority, shall automatically remove him/her from service.

SECTION 13.4 Leave of Absence, Unauthorized

Absence from duty without leave for any time will be considered neglect of duty and just cause for discipline, including dismissal.

SECTION 13.5 Resignations

All resignations shall be considered final on their effective date and after approval by the Commission and no reinstatement rights or privileges need be considered by the Commission. However, such a resigned person may file application for examination for employment.

ARTICLE 14 **EMPLOYEE TENURE** **DISCIPLINE AND APPEAL THEREFROM**

SECTION 14.1 Tenure

Every employee in the classified service of the Village may be suspended, demoted, removed, reassigned, or disciplined for incompetency, inefficiency, dishonest, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, conviction of a felony, violation of the provisions of the Village Charter and/or Village ordinances, Ohio Revised Code, the Civil Service Rules and Regulations, Village policies, or any other failure of good behavior or any other act of misfeasance, malfeasance, or nonfeasance in office, or any other reasonable and just cause.

Section 14.2 Discipline and Appeal Therefrom

For any member of the Police or Fire Departments covered by a collective bargaining agreement, the corrective action provision of such agreement shall control the disciplinary process for such a member.

For the purpose of discipline of any classified employee other than a member of the Police or Fire Departments covered by a collective bargaining agreement, a Department Head may suspend, without pay, an employee in the classified service for a reasonable period not exceeding fourteen (14) days. The employee shall be provided with a written report of any such suspension, the period thereof, and the reasons therefor. A copy of such report shall be provided at once to the Appointing Authority and the Commission.

Any such classified employee who is suspended by their Department Head may appeal the suspension to the Appointing Authority within ten (10) days of the date of the Department Head's written report of such suspension. The Department Head may suspend an employee pending an appeal hearing. Such appeal shall be made by filing a written statement to the Appointing Authority that the employee appeals such order. A copy of the appeal shall be also be filed with the Department Head and the Commission. The Appointing Authority shall hold a hearing on the appeal within ten (10) days of receipt of the appeal with adequate notice provided to the employee of the date, time, and place of the hearing. Within ten (10) days of the hearing, the Appointing Authority shall render his/her written decision to the appellant specifying the grounds and/or reasons for his/her decision. The Appointing Authority may uphold the suspension imposed by the Department Head, increase the suspension period, offer a "last chance agreement" the term of which shall be determined by the Appointing Authority in its sole discretion and/or demote to a lower related class and pay, or discharge the employee. The Appointing Authority may also dismiss the suspension, impose a written reprimand, or reassign the employee. A copy of such decision shall be provided to the Department Head and the Commission.

Any such classified employee who after a proper hearing is suspended, demoted, or discharged by the Appointing Authority, may file a written appeal to the Commission within ten (10) days from the date of the written decision from the Appointing Authority. Such written appeal shall be submitted to the Secretary to the Commission. In such event, the Commission shall notify the Appointing Authority that an appeal has been filed and shall hear such appeal within thirty (30) days from the date the appeal was received by the Commission. The Commission shall give the appellant and the Appointing Authority not less than five (5) days written notice of the date, time and place set for the hearing. Either party may choose to be represented by counsel at any hearing.

Failure of the appellant to appear at any hearing will cause the appeal to be dismissed.

Resignation of an appellant shall be considered a dismissal of the appeal.

SECTION 14.3 Administering Oaths, Subpoena Powers, Production of Evidence

Any Commission member shall have power to administer oaths and affirmations to witnesses and to take testimony concerning any matter for which the Commission has authority to investigate. The Appointing Authority and the Commission shall have power to subpoena and require the attendance of witness and the production of documents pertinent to an investigation.

The production of evidence on the hearing of such appeals shall be governed by Ohio Administrative Code 124-9-01 et seq. as appended hereto.

SECTION 14.4 Appeal Hearing Procedure

In the hearing of appeals provided for in Section 14.2 above, the order of procedure shall be as follows, however, the Commission may enact additional procedural regulations as necessary to provide for just and efficient disposition of appeals:

- a. All witnesses will be placed under oath.
- b. The Department Head and/or Appointing Authority taking action affecting the employee shall produce evidence in support of the charges and discipline.
- c. The employee affected shall then produce such evidence as he may wish to present to refute such charges.
- d. The Department Head and/or Appointing Authority may offer evidence in rebuttal.
- e. The Commission may, in its discretion, hear arguments.

SECTION 14.5 Commission Findings and Judgments

The Commission shall affirm, disaffirm, or modify the decision on appeal. The Commission may render its decision immediately, or may take the matter under advisement and render its decision within a reasonable time.

The Commission's decision shall be written and signed by all the members and either hand-delivered or sent by certified mail (return receipt requested) by the Secretary to the Commission to the Appointing Authority, the Department Head, and the employee.

The action of the Commission on any such appeal shall be final, except as provided by law.

ARTICLE 15 **WAIVER OF RULES AND AMENDMENTS**

SECTION 15.1 Waiver of Rules

In specific cases where in the judgment of the Commission it is in the interest of the public service, any rule hereby adopted may be waived by a majority vote of the Commission. Such action and the reasons therefor shall be entered in the minutes of the meeting.

SECTION 15.2 Amendments

The Commission shall have power to change, amend, revoke or modify these rules or any rule herein or any part thereof by a majority vote of the Commission as taken at any properly convened meeting.

ARTICLE 16 **PAPERS: PROPERTY OF THE COMMISSION**

All original paper, applications, examination papers, questions, certificates, etc., are the property of the Commission and must be filed in the office of the Commission for safekeeping. Examination papers of those failing to pass may be destroyed after or upon expiration of an eligibility list and pursuant to the Village's Records Retention Policy.

ARTICLE 17 **SAVING CLAUSE**

If any article, section, or part of a section of these rules and regulations is held by any court to be invalid or unconstitutional, the same shall not validate or impair the validity, or force and effect of any other article, section, or part of a section wholly or necessarily dependent for its operation upon the article, section, or part of a section so held invalid or unconstitutional.