PUBLIC NOTICE
– PLEASE BE ADVISED –

Civil Service Commission

Adoption of the Rule Amendment for Civil Service Rule 9.10 will be heard at the Public Meeting on November 20, 2026.

15.10 Authorized:

> 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 provided one week of notice of such proposed change, together with the text of the proposal shall be given by publication in the City Record and by posting on the bulletin board in the office of the Commission.

Submissions for Public Comment can be sent via email to Leeanne Guzman at Lguzman@clevelandohio.gov

Submissions may be given in writing to be read and addressed at the meeting or email the above to request an invitation to the Public Web-Ex Meeting on November 20, 2026 at 8:30am.

Submissions must be submitted by Monday November 16, 2026, at 3pm.

RULE 9.00: DISCHARGES, SUSPENSIONS AND DEMOTIONS

9.10 Tenure
The tenure of every officer or employee in the classified service shall be during good behavior and efficient service. No such officer or employee shall be discharged, suspended, or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service. But any officer or employee in the classified service may be discharged, suspended, or reduced in rank for any one or more of the following causes:

1. Neglect of duty.
2. Absence from duty without leave.
3. Incompetence or inefficiency in performance of duties.

4. Fraudulent conduct or false statements in any application or examination for a position in the Civil Service of the City.

5. Conduct unbecoming an employee in the public service.

6. A. Intoxication in the course of his/her employment.
   B. Misuse or abuse of drugs or narcotics in the course of his/her employment.

7. Disorderly, immoral, or unethical conduct while on duty.

8. Insubordination.

9. Dishonesty, knowingly making false or misleading statements, falsifying or altering records, intentionally concealing or omitting information. This includes knowingly falsifying timesheets, entries into timekeeping systems, attendance, overtime requests, or leave records. (Add)

10. Theft, taking, obtaining, retaining, or diverting money, benefits, property, or services belonging to the City or another person, without authorization, with the intent to deprive the owner of their use or benefit, in connection with City employment, official duties or City business. (Add)

11. Sleeping on the job. (Add)

12. Offensive conduct or language toward fellow employees, superiors or the public in the course of his/her employment.

13. Willful violation of any of the provisions of law governing the Civil Service of the City or of the rules or regulations of the Commission.

14. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.

15. Negligent or willful damage to public property.

16. Wasteful or unauthorized use of City vehicles, equipment, materials or property.

~~17. Incapacity or inability to perform the duties of the officer employee's classification due to mental or physical condition. As a condition precedent to filing this charge, the appointing authority shall request the Civil Service Commission to order a mental or physical examination of any officer or employee for the purpose of determining the mental or physical condition of the officer or employee wherever a reasonable question is raised as to the physical or mental ability of an officer or employee to perform the duties required within his/her classification. The appointing authority shall then determine, based on the duties of the officer or employee's classification and the report of the officer or employee's condition, the capacity or ability of the officer or employee to continue or resume~~ (Remove)

17. Incapacity or inability to perform the essential duties of the officer's or employee's classification due to a mental or physical condition, subject to the requirements of Rule 9.11. (Add)

18. Negligent, improper or inefficient handling or accounting for public funds or accounts, or violation of any departmental rule or regulation respecting the handling or accounting for public funds or accounts.

19. The use or attempted use of political influence or authority upon any person in the Civil Service or engaging in any political activity prohibited by Civil Service laws or by the rules of the Civil Service Commission.

20. Excessive absenteeism or excessive tardiness.

21. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance, or nonfeasance in office.

9.11 Fit-for-Duty Examination (Add - New)

A. Examination Request

Whenever a reasonable question, supported by evidence, arises concerning an officer's or employee's physical or mental ability to perform the essential duties of their classification, the Appointing Authority may request that the Civil Service Commission order a medical and/or psychological examination. The request shall identify the duties in question and the specific facts supporting the need for examination.

B. Review and Approval

Submission of a Fit-for-Duty request does not automatically entitle the Appointing Authority to an examination. The Director of Civil Service shall review each request for sufficient supporting documentation and compliance with this Rule and may return the request for additional information or decline to advance a request that does not meet these requirements. The Civil Service Commission shall have discretion to approve or deny requests presented to it and shall retain authority to order an examination. Any examination ordered shall be job-related and consistent with business necessity and limited to the information necessary to evaluate the employee's ability to perform the essential duties of their classification.

C. Limitations on Use

A Fit-for-Duty examination shall not be used in place of the Department's applicable disciplinary process or as a substitute for the reasonable accommodation and interactive processes required under the Americans with Disabilities Act (ADA), or

applicable leave procedures, including, but not limited to, leave under the Family and Medical Leave Act (FMLA) and hazardous duty leave. An employee's leave status, by itself, shall not establish the need for a Fit-for-Duty examination; any request must independently meet the requirements of this Rule. When current medical documentation from a qualified treating provider sufficiently establishes that an employee cannot perform the essential duties of their classification, an additional examination ordinarily shall not be pursued unless contradictory evidence, or another documented job-related question warrants further evaluation. The Director may decline to advance, and the Commission may deny a request that seeks only to duplicate an adequately supported medical determination without identifying a reasonable need for further examination.

D. Requirement Before Filing Charges

Before filing a charge of incapacity or inability under Rule 9.10, the appointing authority shall request a Commission-ordered examination pursuant to this section. Submission or denial of a request does not, by itself, establish incapacity or authorize disciplinary action.

E. Determination Following Examination

Following the examination, the Director of Civil Service or designee shall provide the examination findings and any recommendations to the Appointing Authority of the requesting department. The Appointing Authority shall determine the employee's ability to continue or resume employment and the appropriate action, including whether to implement the recommendations, based on the essential duties of the classification, the examination report, and applicable reasonable accommodation requirements.