

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0009

Sponsored by: Councilmember Brown, on behalf of the Personnel Review Commission	An Ordinance amending Section 303.03 of the Cuyahoga County Code to update the rules for the maintenance of the eligibility lists for potential employees; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article IX of the Charter of Cuyahoga County creates a Personnel Review Commission that shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness; and

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age, or ancestry; and,

WHEREAS, the County's current Civil Service System, including the process of examination and appointment is codified in Chapter 303 of the Cuyahoga County Code; and,

WHEREAS, the on-going COVID pandemic has illuminated the need for a comprehensive review of the Personnel Review Commission's Administrative Rules to determine if increased flexibility for the updating of the eligibility lists for applicants appropriately addresses an applicant's inability to attend a test due to circumstances arising from the COVID pandemic; and,

WHEREAS, the Personnel Review Commission has requested new language to County Code Section 303.03 to allow flexibility in updating employment eligibility; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 303.03 (k)(3) of the Cuyahoga County Code is hereby amended as follows (additions are underlined and bold). The remaining sections of County Code Section 303.03 remain in full force and effect.

Section 303.03 K. Certification

1. Certification Request

Upon establishing an eligibility list, the Commission, through its staff, shall certify names to the Appointing Authority to fill the next vacancy in the classification. This certification is made to the Appointing Authority via the Department of Human Resources. For each vacancy beyond the first, the Appointing Authority, through HR, shall submit a written request for certification to the Commission's staff unless all remaining names have already been certified.

2. Number of Names to be Certified

When certifying names from an eligibility list established through competitive means, the Commission, through its staff, shall certify the names and rank of the top twenty-five percent (25%) or a minimum of ten (10) names, whichever is greater, of the candidates remaining on the eligibility list for the class to which the position is classified. When certifying names from an eligibility list established through noncompetitive means, the Commission, through its staff, shall certify all of the names remaining on the eligibility list for the class to which the position is classified.

If a name has been certified to an Appointing Authority, and sufficient justification is found to remove that name from the eligibility list per Rule 9.05 before a conditional offer has been extended from that certification, the name will be removed and a replacement name will be certified to the Appointing Authority. The replacement name will be the highest-ranked name remaining on the eligibility list that was not already certified to the Appointing Authority.

When fewer than ten (10) names remain on the eligibility list at the time a certification is made, the Commission may certify fewer than ten (10) names and a new examination may be scheduled. If all names remaining on an eligibility list have been certified to an Appointing Authority and there is sufficient justification to remove any names per Rule 9.05 such that the number of remaining names is fewer than ten (10) before a conditional offer is extended, a new examination may also be scheduled.

3. Merging New Names into an Existing Eligibility List

When a new examination is scheduled due to fewer than ten names remaining on an active eligibility list, **or due to any other reason deemed necessary**

and appropriate by the Commission, and the results of that examination are to be posted prior to the expiration of that list, the names of those persons who pass the new examination shall be merged with those who remain on the original list.

The same examination and passing score used to establish the original eligibility list shall be used for the new examination. All candidates who pass either the original or new examination shall be placed on the eligibility list in rank order according to their examination scores. In the case of noncompetitive examinations, all candidates who met the minimum requirements of the classification during either the original or new announcement period shall appear on the eligibility list in alphabetical order. The Commission will then certify names per Rule 10.02.

Names appearing on the eligibility list are considered for the duration of the original eligibility list on which they first appeared, as described in Rule 9.02. However, those names may be extended at the discretion of the Commission, as described in Rule 9.02.

4. Certification Not More Than Three Times

A person certified from the same eligibility list three (3) times to the same Appointing Authority may be omitted from future certifications. A person is “certified,” for purposes of this section, each time a conditional offer is extended from an established eligibility list containing that person’s name.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, and shall take effect upon the earliest date permitted by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Brown, seconded by Mr. Sweeney, the foregoing Ordinance was duly enacted.

Yeas: Baker, Miller, Sweeney, Tuma, Gallagher, Schron, Conwell, Brown, Stephens, Simon and Jones

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 27, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Committee Report/Second Reading: May 11, 2021

Committee Report/Third Reading: May 25, 2021

Journal CC042

May 25, 2021

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]