

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0005

Sponsored by: Councilmembers Brown and Miller	An Ordinance amending Section 303.05 of the Cuyahoga County Code to establish the process for promotional appointments.
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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 is codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and

WHEREAS, Section 2.10 of the Cuyahoga County Personnel Policies and Procedures Manual (Ordinance Nos. O2011-0015 and O2011-0028) states that the employment of all classified County employees is subject to the provisions of the Ohio Revised Code (Chapter 124), the Ohio Administrative Code (Chapter 123:1), the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and

WHEREAS, Section 301.23 of the Ohio Revised Code authorizes a charter-created county civil service commission to create a new system for employment with the county on the basis of merit and fitness, as ascertained by competitive examination; and

WHEREAS, Section 303.02 of the Cuyahoga County Code defines "promotion" as "the appointment of an employee to a different position assigned a higher pay range than the employee's previous position."

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

SECTION 1. Council hereby amends Section 303.05 of the Cuyahoga County Code as follows (additions are underlined and bolded; deletions are stricken):

Section 303.05 Appointments

A. Original Appointments

A person who has been selected by an Appointing Authority from an eligibility list that is established by the Personnel Review Commission to fill a vacancy in the classified service is said to have received an original appointment. Those persons receiving original appointments do not become permanent employees until they have satisfied the applicable probationary period.

B. Temporary Appointments

Temporary appointments shall not exceed one hundred eighty (180) days in duration and shall be filled in the following manner:

1. Eligibility List

If an applicable eligibility list is available, the temporary appointment shall be offered to the candidates on the eligibility list, provided that the acceptance or declination of appointment to such position shall not affect the right of an eligible person to certification for appointment to a permanent position. At the expiration of the temporary appointment, which in no case shall exceed one hundred eighty (180) days, the services of the temporary employee shall be terminated and the candidate shall be restored to the eligibility list in rank order.

2. No Applicable Eligibility List

In the absence of an applicable eligibility list, the Appointing Authority may appoint a qualified person for a temporary period of service, not to exceed one hundred eighty (180) days in duration, when the need of service is urgent and necessary to prevent the loss of public property, serious inconvenience to the public, or damaging delay to the public service. In the event of a subsequent appointment to a permanent position, the temporary appointment shall not be counted as part of a probationary period. Successive temporary appointments to the same position are prohibited. Temporary appointments made necessary by reason of sickness, disability, or other approved leave of absence shall not continue beyond such period of sickness, disability, or other absence.

C. **Promotional Selection**

Vacancies may be filled by promotion, as practicable. An appointing authority may either request an eligibility list from the PRC or make a promotion on the

basis of merit and conduct and capacity in office via a posting internal to Cuyahoga County.

1. For the purposes of Section 303.05(C):

(a) “Merit” shall be determined by utilizing a structured interview or assessment tool developed by the Human Resources Department and approved by the Personnel Review Commission pursuant to paragraph (C)(2) of this Section.

(b) “Conduct and capacity in office” shall be determined by taking into consideration employee personnel records including, but not limited to, performance evaluations and active disciplinary record.

2. Before making a promotional appointment to a classified position, the Department of Human Resources shall develop and submit a structured interview or assessment tool to the Director of the Personnel Review Commission or his or her designee. The PRC Director or designee shall, within five business days, approve or disapprove the structured interview or assessment tool submitted by the Department of Human Resources. The Human Resources Department may request the PRC to develop a structured interview or assessment tool in lieu of seeking approval.

(a) If the PRC Director or designee approves of the structured interview or assessment tool, the PRC Director or designee shall notify the Director of Human Resources. The Department of Human Resources may use the approved tool for subsequent promotional appointments within the same classification; provided the minimum requirements for the classification have not changed.

(b) If the PRC Director or designee disapproves of the structured interview or assessment tool, the PRC Director or designee shall provide written objections and modifications, where appropriate. The Department and Human Resources and the Personnel Review Commission shall collaborate to develop a mutually agreeable solution.

(c) If the PRC Director or designee fails to respond within five business days, unless an extension of time is agreed to by both parties, the structured interview or assessment tool shall be deemed approved for the purposes of filling the immediate vacancy.

SECTION 2. 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 10, 2017

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

Journal _____
_____, 20__