

Ordinance No. 988-2019

Council Member Kelley

FOR PASSAGE
August 21, 2019

AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 128 of the Charter of the City of Cleveland relating to Civil Service Rules.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on November 5, 2019, and providing for the usual daily operation of a municipal department; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 5, 2019, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 128 to read as follows:

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

(a) ~~For the standardization and classification of all positions and employments standardized classifications in the classified service of the City, including officers and employees of the Civil Service Commission and the determination of regular status. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.~~

(b) For open competitive tests to ascertain the ~~relative~~ merit and fitness of all applicants for appointments in the competitive class.

(c) For public notice in the *City Record* or otherwise of the time and place of all competitive tests.

(d) ~~For the creation of establishing eligible lists from competitive tests. upon which shall be entered~~ The lists will consist of the names of successful candidates in the order of their standing in the competitive tests.

(e) For the rejection of candidates or ~~those eligible~~ eligibles who fail to comply with reasonable requirements as to ~~age, sex, physical condition and moral,~~ psychological, or physical character, or who have attempted deception or fraud in connection with any application or test for a position in the classified service.

(f) For the certification to the appointing authority, from the appropriate eligible list from a competitive test to fill a vacancy in the competitive class, of the ~~three- ten (10)~~ three- ten (10) persons standing highest on ~~such the~~ the list, or of the person or persons on ~~such the~~ the list when it contains ~~three ten (10)~~ three ten (10) names or less, except when the list is a promotional list in which case Charter Section 133 applies.

(g) For ~~temporary~~ employment without test, in the absence of an eligible list. ~~But no such temporary, but the~~ employment shall not continue after the establishment of a ~~suitable~~ an eligible list for the classification.

(h) For temporary employment for periods not to exceed ~~thirty~~ ninety (90) days.

(i) ~~For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. For~~ qualifications required for positions in the noncompetitive class.

(j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.

(k) For the period of probation for each classification, which period shall begin upon appointment and shall not continue beyond six (6) months and for removal or demotion if the service during the probationary period is unsatisfactory.

~~(k) (l)~~ (l) For transfer from a position to a similar position ~~in the same class and grade~~ and for reinstatement on the eligible list within one (1) year of persons who, without fault or delinquency on their part, are separated from the service or reduced in ~~rank~~ position.

~~(l) (m)~~ (m) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty (30) days at any one (1) time.

~~(m) (n)~~ (n) For discharge or ~~reduction~~ demotion in rank or compensation, only after the person ~~to be discharged or reduced~~ has been presented with the reasons ~~for such discharge or reduction~~ specifically stated in writing and has been given an opportunity to be heard in his or her own defense. The reasons for ~~such the~~ discharge or ~~reduction~~ demotion and any reply in writing ~~thereto~~ by ~~such the~~ employee shall be filed with the Commission.

~~(n) (o)~~ (o) For investigating and keeping a record of the efficiency of officers and employees in the classification service, and for requiring markings and reports relative ~~thereto to officers and employees in the classification service~~ from appointing officers.

~~(o) (p)~~ (p) For the publication of the rules and amendments ~~thereto~~ in the *City Record*.

The Commission shall adopt other rules, not inconsistent with the ~~foregoing~~ provisions of this section as may be necessary and proper for the enforcement of the ~~merit~~ civil service system, and to provide for the procedure of the Commission.

Section 2. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the November 5, 2019 special election, shall become effective immediately on their adoption.

Section 3. That the Clerk of this Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 5, 2019, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive

weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the election to be held on November 5, 2019, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Charter Section 128 be amended to make the language consistent with other Charter sections related to civil service, remove obsolete language, delete functions no longer performed by the Civil Service Commission, and clarify the rule making authority of the Commission?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJKrns
8-21-19